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Canada. Laws, Statutes, etc.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

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 340 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by striking out the words "class of" in the fifth line of the said section and by adding the following subsection:— R.S., c. 37, s. 340 amended. Approval of contracts.

"4. Notwithstanding the approval by the Board, or the agreement by the shipper or person to whom the company is liable for the carriage of any traffic, restricting in the event of loss or damage the amount of the said liability, in consideration of a lower rate for carriage, to any sum less than the actual value of the goods so carried, the shipper or the said person shall be entitled to the full value of such goods unless before making such agreement he was informed by the company of the amount of the higher rate for carriage, which shall be allowed by the Board, on payment of which the company would be liable for the full value of the said goods, and had the opportunity of choosing which contract he would select." Liability when goods carried at a lower rate.

2.

2nd Session, 11th Parliament, 9-10 Edw. VII., 190

THE HOUSE OF COMMONS
OF CANADA.

BILL 2.

An Act to amend the Railway Act.

First reading, November 16, 1909.

MR. LANCASTER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Railway Act.

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

R.S., c. 37, s. 56 amended.

1. Subsection 3 of section 56 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by inserting after the word "Board" in the fourth line of the said subsection the words "within one month after the making of the order or decision sought to be appealed from," and by adding at the end of the said subsection the words "but such leave shall not be granted unless, in the opinion of the Board, doubtful questions of law are involved and serious injury or loss will result from immediate compliance with the order sought to be appealed from; and after notice to the opposite party stating the grounds of appeal."

Time for appeal limited.

Grounds of appeal.

Notice of appeal.

S. 56 amended.

2. The said section 56 is further amended by inserting the following subsection immediately after subsection 3 thereof:—

"**3A.** No appeal, after leave therefor has been obtained under subsections 2 or 3 of this section, shall lie unless it is entered in the said court within sixty days from the making of the order or decision of the Board sought to be appealed from."

Entry of appeal.

3.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COMM
OF CANADA.

BILL 3.

An Act to amend the Railw

First reading, November 16

MR. LA

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Railway Act.

(Reprinted as amended by the Sub-Committee of the Railway Committee.)

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

1. Subsection 3 of section 56 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is repealed and the following subsections are substituted therefor :— R.S., c. 37, s. 56 amended.

"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, 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. Appeal to Supreme Court on questions of law. Notice of appeal.

"3A. No appeal, after leave therefor has been obtained under subsections 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." Entry of appeal.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 3.

An Act to amend the Railway

(*Reprinted as amended by the Sub-C*
of the Railway Committee.)

MR. LANCAST

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

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 238A of *The Railway Act*, as enacted by section 6 of chapter 32 of the statutes of 1909, is amended by adding at the end thereof the following:—"and where the railway has been constructed before the passing of this Act, and is permitted by the Board to pass over any highway crossing at rail level, the municipality shall not be ordered to pay any portion of the cost or expense of protecting such crossing unless and except it is otherwise provided by agreement, approved of by the Board, between the company and the municipal corporation."

R. S., c. 37, s. 238A amended.

Highway crossings.

Municipality's proportion of cost.

4.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 4.

An Act to amend the Railway A

First reading, November 16, 19(

MR. LANCAS

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Railway Act.

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

1. *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 26A:— R.S., c. 37. New section.

"**26**B. Where it is complained by or on behalf of the Crown, or of any municipal, railway or other corporation, or of any person aggrieved, that any agreement with the Crown, or between corporations or persons, for or in respect of the providing, constructing, reconstructing, altering, installing, maintaining, operating or using any railway which is under or has become subject to the jurisdiction of the Parliament of Canada, or for or in respect of the structures, appliances, safeguards, equipments, renewals or repairs thereof, or in connection therewith, has not been or is not being complied with, or where it is so complained that any statutory or other duty or obligation with regard to any such matters aforesaid has not been or is not being complied with, then in every such case of failure to comply with, fulfil or observe such agreement, duty or obligation, either by a contracting party or by any person or corporation which has acquired or owns or is in possession or occupation of, or is operating, the railway, the Board shall hear all matters relating to such agreements, duty or obligation, and to such alleged violation or breach or non-compliance, and shall make such order as to the Board, having regard to all the circumstances of the case, seems reasonable, expedient and just, and in such order may, in its discretion, direct the company or person or corporation which made or violated or failed to comply with such agreement or which has acquired or owns or is in possession or occupation of, or is operating, the railway respecting which such agreement was made, or such duty or obligation exists, to do such things as are necessary for the proper fulfilment of such agreement, duty or obligation, or to refrain from doing such acts as constitute a violation or breach thereof or non-compliance therewith." Non-compliance with agreements. Statutory duties and obligations. Powers of Board.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 5.

An Act to amend the Railway A

First reading, November 16, 190

MR. NORTHI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

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, new s. 226.

1. Section 226 of *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

"Common gaming-place" defined.

"**226.** A common gaming-place is—

"(*a*) a place used by any person for gain, to which persons resort for the purpose of playing at any game of chance, or at any mixed game of chance and skill; or,

"(*b*) a place used for playing at any game of chance, or mixed game of chance and skill, in which

(i) a bank is kept by one or more of the players exclusively of the others; or,

(ii) any game is played the chances of which are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the game is managed, or against whom the other players stake, play or bet.

Effect of part of game only being played there and stake elsewhere.

"2. Any such place shall be a common gaming-place although part only of such game is played there, and any other part thereof is played at some other place, either in Canada or elsewhere, and although the stake played for, or any money, valuables or property depending on such game is in some other place, either in Canada or elsewhere."

New s. 227.

2. Section 227 of the said Code is repealed and the following is substituted therefor:—

"Common betting-place" defined.

"**227.** A common betting-place is a place—

"(*a*) used for the purpose of betting between persons resorting thereto and

(i) the owner, occupier or keeper thereof,

(ii) any person using the same,

(iii) any person procured or employed by, or acting for or on behalf of any such person,

(iv) any person having the care or management, or in any manner conducting the business thereof; or,

"(*b*) used for the purpose of any money or valuable thing being received by or on behalf of any such person as aforesaid, as or for the consideration

(i) for any assurance or undertaking, expressed or implied, to pay or give thereafter any money or valuable thing on any event or contingency, of, or relating to any horse race, or other race, fight, game or sport, or,

(ii) for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency; or,

"(*c*) used for the purpose of recording or registering bets upon any contingency or event, horse-race, or other race, fight, game or sport, or for the purpose of receiving money or other things of value to be transmitted for the purpose of being wagered upon any such contingency or event, horse-race or other race, fight, game or sport, whether any such bet is recorded or registered there, or any money or other thing of value is there received to be so transmitted or not; or,

"(*d*) used for the purpose of facilitating or encouraging or assisting in the making of bets upon any contingency or event, horse-race or other race, fight, game or sport, by announcing the betting upon, or announcing or displaying the results of horse-races, or other races, fights, games or sports, or in any other manner, whether such contingency or event, horse-race or other race, fight, game or sport occurs or takes place in Canada or elsewhere.

'Place' defined.

"2. The word 'place,' as used in this section and in the preceding section, includes any place, whether enclosed or not, and whether it is or is not a fixed place, and whether there is or is not exclusive right of user."

New s. 228.

3. Section 228 of the said Code is repealed and the following is substituted therefor:—

Disorderly house or disorderly place.

"**228.** Everyone is guilty of an indictable offence and liable to one year's imprisonment who keeps any disorderly house, or other disorderly place, that is to say, any common bawdy-house, common gaming-place, or common betting-place, or opium joint, as hereinbefore defined.

Who deemed keeper.

"2. Any one who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any disorderly house, or other disorderly place, shall be deemed to be the keeper thereof, and shall be liable to be prosecuted and punished as such, although in fact he or she is not the real owner or keeper thereof."

S. 229 amended. Playing or looking on in gaming-place.

4. Section 229 of the said Code is amended by striking out the word "gaming-house" in the second line thereof, and substituting therefor the word "gaming-place."

S. 230 amended. Penalty for securing door.

5. Section 230 of the said Code is amended by striking out the words "common gaming-house" in the third line of paragraph (*c*) thereof and substituting therefor the words "disorderly house."

S. 232 amended. Place of gaming in stocks or merchandise.

6. Section 232 of the said Code is amended by striking out the word "gaming-house" where it appears in the fifth and in the last lines thereof, and substituting therefor, in each case, the word "gaming-place."

7. Section 235 of the said Code is repealed and the following is substituted therefor:— New s. 235.

"**235.** Everyone is guilty of an indictable offence, and liable to one year's imprisonment, and to a fine not exceeding one thousand dollars, who— Betting, pool-selling and book-making.

"(*a*) uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool; or,

"(*b*) keeps, exhibits, or knowingly allows to be kept, exhibited or employed, in any part of any premises under his control, any device or apparatus for the purpose of recording any bet or wager or selling any pool; or,

"(*c*) records or registers any bet or wager, or sells any pool upon the results,—

(i) of any political or municipal election;

(ii) of any race;

(iii) of any contest or trial of skill or endurance of man or beast;

"(*d*) engages in pool-selling or book-making, or in the business or occupation of betting or wagering, or makes any agreement for the purchase or sale of betting or gaming privileges; or,

"(*e*) advertises, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply, any information relating to pool-selling, book-making, betting or wagering; or,

"(*f*) aids or assists in any manner in any of the said acts which are by this section forbidden."

6.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 6.

An Act to amend the Criminal C

First reading, November 16, 19

MR. MI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Criminal Code.

(Reprinted as proposed to be amended in the Special Committee on the Bill.)

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, new s. 226.

1. Section 226 of *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

"Common gaming-place" defined.

"**226.** A common gaming-place is—

"(*a*) a place used by any person for gain, to which persons resort for the purpose of playing at any game of chance, or at any mixed game of chance and skill; or,

"(*b*) a place used for playing at any game of chance, or mixed game of chance and skill, in which

(i) a bank is kept by one or more of the players exclusively of the others; or,

(ii) any game is played the chances of which are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the game is managed, or against whom the other players stake, play or bet.

Effect of part of game only being played there and stake elsewhere.

"2. Any such place shall be a common gaming-place although part only of such game is played there, and any other part thereof is played at some other place, either in Canada or elsewhere, and although the stake played for, or any money, valuables or property depending on such game is in some other place, either in Canada or elsewhere."

New s. 227.

2. Section 227 of the said Code is repealed and the following is substituted therefor:—

"Common betting-place" defined.

"**227.** A common betting-place is a place—

"(*a*) used for the purpose of betting between persons resorting thereto and

(i) the owner, occupier or keeper thereof,

(ii) any person using the same,

(iii) any person procured or employed by, or acting for or on behalf of any such person,

(iv) any person having the care or management, or in any manner conducting the business thereof; or,

"(*b*) used for the purpose of any money or valuable thing being received by or on behalf of any such person as aforesaid, as or for the consideration

(i) for any assurance or undertaking, expressed or implied, to pay or give thereafter any money or valuable thing on any event or contingency, of, or relating to any horse race, or other race, fight, game or sport; or,

(ii) for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency; or,

"(*c*) used for the purpose of recording or registering bets upon any contingency or event, horse-race, or other race, fight, game or sport, or for the purpose of receiving money or other things of value to be transmitted for the purpose of being wagered upon any such contingency or event, horse-race or other race, fight, game or sport, whether any such bet is recorded or registered there, or any money or other thing of value is there received to be so transmitted or not; or,

"(*d*) used for the purpose of facilitating or encouraging or assisting in the making of bets upon any contingency or event, horse-race or other race, fight, game or sport, by announcing the betting upon, or announcing or displaying the results of horse-races, or other races, fights, games or sports, or in any other manner, whether such contingency or event, horse-race or other race, fight, game or sport occurs or takes place in Canada or elsewhere.

"Place" defined.

"2. The word 'place,' as used in this section and in the preceding section, includes any place, whether enclosed or not, and whether it is used permanently or temporarily, and whether there is or is not exc usive right of user."

New s. 228.

3. Section 228 of the said Code is repealed and the following is substituted therefor:—

Disorderly house or disorderly place.

"**228.** Everyone is guilty of an indictable offence and liable to one year's imprisonment who keeps any disorderly house, or other disorderly place, that is to say, any common bawdy-house, common gaming-place, or common betting-place, or opium joint, as hereinbefore defined.

Who deemed keeper.

"2. Any one who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any disorderly house, or other disorderly place, shall be deemed to be the keeper thereof, and shall be liable to be prosecuted and punished as such, although in fact he or she is not the real owner or keeper thereof."

S. 229 amended. Playing or looking on in gaming-place.

4. Section 229 of the said Code is amended by striking out the word "gaming-house" in the second line thereof, and substituting therefor the word "gaming-place."

S. 230 amended.

Penalty for securing door.

5. Section 230 of the said Code is amended by striking out the words "common gaming-house" in the third line of paragraph (*c*) thereof and substituting therefor the words "disorderly house," and by adding to the said section the following paragraph:—

"(*e*) being the owner or other person in control of premises occupied or used as a disorderly house, knowingly allows any contrivance whatsoever upon the said premises for the purpose of preventing, obstructing or delaying the entry of any constable or officer authorized as aforesaid into any such disorderly house, or any part thereof." Use of contrivance to prevent entry.

6. Section 232 of the said Code is amended by striking out the word "gaming-house" where it appears in the fifth and in the last lines thereof, and substituting therefor, in each case, the word "gaming-place." S. 232 amended. Place of gaming in stocks or merchandise.

7. Section 235 of the said Code is repealed and the following is substituted therefor:— New s. 235.

"**235.** Everyone is guilty of an indictable offence, and liable to one year's imprisonment, and to a fine not exceeding one thousand dollars, who— Betting, pool-selling and book-making.

"(*a*) uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool; or,

"(*b*) keeps, exhibits, employs or knowingly allows to be kept, exhibited or employed, in any part of any premises under his control any device or apparatus for the purpose of recording any bet or wager or selling any pool; or,

"(*c*) becomes the custodian or depository of any money, property or valuable thing staked, wagered or pledged in any case or transaction in which such staking, wagering or pledging is itself contrary to the provisions of this Act; or,

"(*d*) records or registers any bet or wager, or sells any pool upon the results,—

(i) of any political or municipal election;

(ii) of any race;

(iii) of any contest or trial of skill or endurance of man or beast;

"(*e*) engages in pool-selling or book-making, or in the business or occupation of betting or wagering, or makes any agreement for the purchase or sale of betting or gaming privileges, or for the purchase or sale of information intended to assist in book-making, pool-selling, betting or wagering; or,

"(*f*) advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply, any information intended to assist in book-making, pool-selling, betting or wagering upon any horse race or other race, fight, game or sport, or any news relating to pool-selling, book-making, betting or wagering upon any horse race or other race, fight, game or sport, whether at the time of advertising, publishing, exhibiting, posting up or supplying such news or information, such horse race or other race, fight, game or sport has or has not taken place; or,

"(*g*) advertises, prints, publishes, exhibits or posts up any offer, invitation or inducement to bet; or,

"(*h*) wilfully and knowingly sends, transmits, delivers or receives any message by telegraph, telephone, mail or express conveying any information relating to book-making, pool-

selling, betting or wagering, or intended to assist in book-making, pool-selling, betting or wagering; or,

"(*i*) aids or assists in any manner in any of the said acts which are by this section forbidden."

6.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 6.

An Act to amend the Criminal C

(*Reprinted as proposed to be amende*
Special Committee on the Bill.

MR. MI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

2nd Session, 11th Parliament, 9-10 Edward VII:, 1910.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act respecting the Units of Electrical Measure.

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 Electrical Units Act, 1910.* Short title.

2. The units of electrical measure for Canada shall be the following:— Units established.

(*a*) As a unit of resistance, the international ohm, which is based upon the fundamental ohm equal to 1,000,000,000, in terms of the centimetre—gramme—second system of electro-magnetic units, and is represented sufficiently well for electrical measurements by the resistance offered to an unvarying electric current by a column of mercury at the temperature of melting ice, 144,521 grammes in mass, of a constant cross-sectional area and of a length of 106·3 centimetres. Ohm.

(*b*) As a unit of current, the international ampere, which is based upon the fundamental ampere equal to one-tenth in terms of the centimetre—gramme—second system of electro-magnetic units, and is represented sufficiently well for electrical measurements by the unvarying electric current, which, when passed through a solution of nitrate of silver in water, deposits silver at the rate of 0·001118 of a gramme per second. Ampere.

(*c*) As a unit of electro-motive force, the international volt, which has the value of 100,000,000, in terms of the centimetre—gramme—second system of electro-magnetic units, and is represented sufficiently well for electrical measurements by the pressure, which, when steadily applied to a conductor whose resistance is one international ohm, will produce a current of one international ampere. Volt.

(*d*) As a unit of power, the international watt, which has the value of 10,000,000, in terms of the centimetre—gramme—second system of electro-magnetic units and is represented sufficiently well for electrical measurements by the energy expended per second by an unvarying electric current of one international ampere under an electric pressure of one international volt. Watt.

Deposit of units and apparatus in Department of Inland Revenue.

3. The units of electrical measure described in this Act, or such standard apparatus as is necessary to produce them, shall be deposited in the Standards Branch of the Department of Inland Revenue and shall form part of the system of standards of measure and weight established by *The Weights and Measures Act.*

Specifications may be established in certain cases.

4. The Governor in Council may from time to time establish specifications in relation to:—

(*a*) the determination of the resistance of a column of mercury in terms of the international ohm;

(*b*) the deposition of silver in terms of the international ampere; and

(*c*) the method of preparing the Weston Normal or other voltaic cell as a convenient standard of electro-motive force.

R.S., c. 53 repealed.

5. *The Electrical Units Act,* chapter 53 of the Revised Statutes, 1906, is repealed.

7.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act respecting the Units of Elect Measure.

First reading, November 16, 1909.

MR. TEMPLEMA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

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:—

1. *The Interest Act*, chapter 120 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 10 thereof:— R.S., c. 120 amended. New section.

"**10A.** Whenever any principal money, interest or other money secured by mortgage of real estate, made either before or after the passing of this Act, is not paid at the time when, in the mortgage or in any agreement for the extension or renewal of the mortgage, the same is stipulated to be due and payable, the same may, notwithstanding any covenant, agreement or provision to the contrary, be paid at any time after due, by any person liable to pay or entitled to redeem the mortgage, upon one month's notice in writing to the holder of the mortgage of an intention so to pay, or upon payment in lieu of such notice, of interest for one month beyond the date of payment: Provided that nothing herein shall in any way affect or limit the rights of the mortgagee to collect principal or other money in arrear." Payment of mortgage at any time after due on certain conditions. Proviso.

8.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 8.

An Act to amend the Interest A

First reading, November 17, 19

MR. MIL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1910.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Inland Revenue Act.

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

1. Section 76 of *The Inland Revenue Act*, chapter 51 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 51, new s. 76.

"**76.** The person in whose favour a license is granted for an excise bonding warehouse, not included in the description of the premises in respect of which a license has been issued to him under this Act, shall, upon receiving such license, pay to the collector the sum of fifty dollars." Fee for bonding warehouse license.

2. Paragraphs (*d*) and (*e*) of subsection 1 of section 282 of the said Act are repealed and the following are substituted therefor:— Section 282 amended.

"(*d*) All snuff, in packages containing one-sixteenth, one-twelfth, one-eighth, one-sixth, one-fourth or one-half of one pound or one pound each, or in wooden packages, containing five or ten pounds each; except that snuff, when containing more than forty per centum of moisture, may also be put up in packages containing twenty pounds each, actual weight; Snuff.

"(*e*) All cigarettes, in packages, containing six, seven, ten, twenty, twenty-five, fifty or one hundred cigarettes each;" Cigarettes.

3. Paragraph (*h*) of section 311 of the said Act is repealed and the following is substituted therefor:— Section 311 amended.

"(*h*) for determining the time and manner of payment of the duties on foreign raw leaf tobacco and other materials taken for use in any tobacco or cigar manufactory." Determining payment of duties.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 9.

An Act to amend the Inland R
Act.

First reading, November 17, 19

MR. TEMPLEMA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act respecting Load Lines on Ships.

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

Ships to be marked with discs, and with lines indicating decks.

1. The owner of every Canadian ship of fifty tons gross and over used in the navigation of the inland waters of Canada shall, within sixty days after the passing of this Act, mark upon each side of the said ship, amid-ship, or as near thereto as is possible, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter having a horizontal line eighteen inches in length drawn through its centre: and the said ship shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side, amid-ship, or as near thereto as is practicable, and indicating the position of each deck which is above water.

Position of lines.

2. The upper edge of each of such lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

Colour.

3. The said lines shall be white or yellow on a dark ground, or black on a light ground.

Distance between decks to be stated in customs entry.

2. The owner of every ship of fifty tons gross and over used in the navigation of the said waters shall, upon entering his ship outwards from any port in Canada, insert in the form of entry delivered to the customs officer in charge a statement of the distance in feet and inches between the centre of the load line disc and the upper edge of the line indicating the position of the ship's deck which is above that centre.

Log book.

2. The master of the ship shall also enter a copy of the said statement in the official log book.

Alterations.

3. When a ship has been so marked she shall be kept so marked until notice is given of an alteration.

Barges to be marked with disc.

3. The owner of every Canadian barge of one hundred tons and over, proceeding to sea from a port on the Atlantic or Pacific coasts, or used in the navigation of the Great Lakes or Gulf of St. Lawrence, shall, within sixty days after the passing of this Act, mark upon each side of the said barge, amid-ship, or as near thereto as is possible, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter having a horizontal line eighteen inches in length drawn through its centre.

Centre of disc to indicate maximum load line.

4. The centre of the said disc shall be placed at such a level as is approved by the inspector of hulls and equipment for the district, and shall indicate the maximum load line to which the said barge may be loaded.

Load line not to be submerged.

5. If the barge is so loaded as to submerge the centre of the disc indicating the load line, the barge shall be deemed to be unseaworthy, and such submersion shall be reasonable cause for detaining the vessel.

Penalty for failure to keep load line marked.

6. Any owner or master of a barge which is required by this Act to be so marked, who fails to cause his barge to be so marked or to keep it so marked, or allows such barge to be so loaded as to submerge the centre of the disc indicating the load line, or any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any of the said marks, shall, for each such offence, be liable to a fine not exceeding one thousand dollars.

Names and address of passengers and crew to be left at port of departure.

7. The master of every ship which leaves a port in Canada between the fifteenth day of September and the fifteenth day of April in the following year, shall give to the customs officer, lighthouse keeper, warehouseman or pilot at the port of departure a list of the names and places of residence of the crew or of the passengers, if any, who embark on the said ship for the voyage in question, and who leave the said port in such ship.

List to be open to inspection.

2. The officer or other person receiving the said list shall preserve it, and leave it open for public inspection at all reasonable times.

Certain ships excepted.

3. This section shall not apply to river, ferry or excursion steamers.

Two-thirds of cargo or fuel to be stowed in hold.

8. At least two-thirds of the weight of cargo or fuel carried by any ship which leaves a port in Canada between the fifteenth day of September and the fifteenth day of April in the following year shall be properly stowed in the lower hold of such ship.

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1909-10

MR. LEW

First reading, November 18, 190

An Act respecting Load Lines on S

BILL 10.

THE HOUSE OF COMMON
OF CANADA.

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

10.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act respecting Wireless Telegraphy on Ships.

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

Certain vessels to be equipped with wireless telegraph apparatus.

1. Every sea-going and coasting passenger ship over four hundred tons gross tonnage, registered in Canada, and every sea-going and coasting freight ship over twelve hundred tons gross tonnage, registered in Canada, shall be equipped with an apparatus for wireless telegraphy.

Penalty for non-compliance.

2. Every owner of any such ship who neglects to equip it with the said apparatus shall be guilty of an offence, punishable on summary conviction or on indictment, and be liable to a penalty of not less than one hundred dollars and not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 11.

An Act respecting Wireless Telegraphy
Ships.

First reading, November 18, 1909.

MR. LEWIS.

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act respecting a certain supplementary convention between His Majesty and the President of the French Republic.

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 Supplementary French Convention Act, 1909.*

Convention in Schedule approved.

2. The convention of the twenty-third day of January, one thousand nine hundred and nine, entered into at Paris by plenipotentiaries appointed by His Majesty and by the President of the French Republic, a copy of which is set forth in the Schedule to this Act, is hereby approved.

SCHEDULE.

Supplementary Convention respecting the Commercial Relations between Canada and France.

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 President of the French Republic, being desirous of further improving and extending the commercial relations between Canada and France, have resolved to conclude with that object a Convention supplementary to the Convention of September 19th, 1907, and have named as their representative Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency the Right Honourable Francis Leveson Bertie, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of Saint-Michael and Saint-George, Knight Grand Cross of the Royal Victorian Order, His Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic;

The Honourable William Stevens Fielding, a Member of His Majesty's Honourable Privy Council of Canada, a Member of the Parliament of Canada, Minister of Finance and Receiver General of Canada;

And the President of the French Republic:
Mr. Stephen Pichon, Senator, Minister of Foreign Affairs;
Mr. Joseph Caillaux, Deputy, Minister of Finance;
Mr. Jean Cruppi, Deputy, Minister of Commerce and Industry;
Mr. Joseph Ruau, Deputy, Minister of Agriculture.

Who, after communicating to each other their respective full powers found in good and due form, have agreed upon the following articles:—

ARTICLE 1.

The schedule A annexed to the Commercial Convention of September 19th, 1907, between Canada and France is modified as follows:—

Canadian products enjoying the minimum tariff—

Number of French Tariff.	Products.	Observations.
4	Oxen	To the exclusion of animals in fat condition for butchering.
5	Cows	
6	Bulls	
7	Bullocks, steers and heifers	

ARTICLE 2.

The state of the animals included in Article 1 shall, under the conditions of the declarations contained in the notes attached to this Convention, be determined by sworn special agents of the Ministry of Agriculture, whose findings shall be final.

ARTICLE 3.

This Convention, after being approved by the Parliament of Canada and by the French Chambers, shall be ratified and the ratifications shall be exchanged at Paris as soon as practicable.

It shall come into force immediately after the completion of that formality and shall remain in force for a period of ten years, unless, however, one of the Contracting Parties shall within such period signify to the other Party its intention to terminate this Convention, in which case this Convention shall cease to have effect twelve months after the reception by the other Party of the notification as above.

In case neither of the Contracting Parties shall have signified before the expiry of such term the intention of terminating this supplementary Convention, it shall remain binding until expiry of twelve months from the day on which either of the two Parties shall have denounced it.

In witness whereof the respective Plenipotentiaries have signed this Convention supplementary and have affixed thereto their seals.

Done in duplicate at Paris, on the 23rd January, 1909.

(*L.S.*) *Signed* FRANCIS BERTIE.
(*L.S.*) *Signed* W. S. FIELDING.
(*L.S.*) *Signed* S. PICHON.
(*L.S.*) *Signed* J. CAILLAUX.
(*L.S.*) *Signed* JEAN CRUPPI.
(*L.S.*) *Signed* J. RUAU.

NOTES ATTACHED TO THE CONVENTION AND REFERRED TO IN ARTICLE 2 THEREOF.

PARIS, le 8 janvier 1909.

Monsieur Fielding, ministre des Finances du Gouvernement canadien, à monsieur Ruau, ministre de l'Agriculture de la République Française.

MONSIEUR LE MINISTRE,—A la suite des négociations poursuivies depuis quelques jours entre le Gouvernement français et moi-même tendant à la modification du tableau A de la Convention commerciale franco-canadienne du 19 septembre 1907 par l'exclusion, de la liste des produits canadiens jouissant du bénéfice du tarif minimum, des animaux en état d'engraissement pour la boucherie, j'ai examiné votre suggestion d'adopter un pourcentage de viande nette comme ligne de démarcation entre les animaux bénéficiant du tarif minimum et ceux qui en sont exclus. Je suis d'opinion qu'il ne serait pas opportun d'inclure ce modus operandi dans la Convention elle-même, car cette suggestion ne touche qu'au mode d'exécution.

Je préférerais que la rédaction projetée fût inscrite dans notre accord en termes généraux qui indiqueraient bien notre pensée commune, et je laisserais au Gouvernement français le soin de donner à cette clause complémentaire une interprétation juste et équitable au moyen de règlements de douane. Si les autorités françaises croient devoir adopter cette méthode de pourcentage, nous n'y objectons aucunement car elle pourrait être changée ou modifiée au cas où l'expérience démontrerait que cette méthode ne donne pas satisfaction, et le Gouvernement canadien se réserverait alors le droit de faire les représentations voulues à votre Gouvernement.

Veuillez accepter, Monsieur le Ministre, l'assurance de ma haute considération.

(Signé) W. S. FIELDING.

PARIS, le 8 janvier 1909.

Monsieur Ruau, Ministre de l'Agriculture de la République Française, à Monsieur Fielding, Ministre des Finances du Gouvernement canadien.

EXCELLENCE,—Les négociations qui se sont poursuivies ces jours derniers entre vous et le Gouvernement français avaient pour effet, en ce qui concerne mon Département de modifier le tableau A de la Convention franco-canadienne du 19 septembre 1907, par l'exclusion, aux articles 4, 5, 6, 7 de la liste des produits canadiens devant jouir du tarif minimum, des animaux en état d'engraissement pour la boucherie. Vous avez bien voulu me faire savoir, par votre lettre en date du 8 janvier 1909 que, sans repousser le système de la fixation d'un pourcentage de viande nette comme moyen d'établir une ligne de démarcation entre les animaux qui ne devront acquitter que

les droits du tarif minimum et ceux soumis aux droits du tarif général, vous préfériez que la rédaction projetée fût inscrite dans notre accord en termes généraux. Vous avez ajouté que vous laissiez au Gouvernement français le soin de donner à cette clause une interprétation juste et équitable, au moyen de règlements de douane. Dans le cas où les autorités françaises adopteraient la méthode de pourcentage dont il est parlé plus haut, le Gouvernement canadien n'y ferait aucune objection, étant entendu que si l'expérience démontrait qu'elle ne donne pas satisfaction, votre Gouvernement se réservait alors le droit de faire les représentations voulues au gouvernement français.

J'ai l'honneur, en réponse à votre communication, de vous informer que nous sommes pleinement d'accord sur la rédaction suivante à inscrire au Tableau A de la Convention du 19 septembre 1907 intéressant les produits canadiens jouissant du tarif minimum.

N° du tariff français.	Produits.
4	Bœufs (1)
5	Vaches (1)
6	Taureaux (1)
7	Bouvillons, taurillons et génisses (1)

(1) A l'exclusion des animaux en état d'engraissement pour la boucherie.

En ce qui concerne le système à appliquer pour apprécier quels seront les animaux à soumettre soit au régime du tarif minimum, soit au régime du tarif général, le Gouvernement français se réserve la faculté de suivre la méthode du pourcentage de viande nette ou tout autre juste et équitable. Etant bien entendu d'ailleurs, et pour éviter toute contestation entre les importateurs et le Gouvernement français, que l'état des animaux au point de vue qui nous occupe sera déterminé par des agents spéciaux assermentés, du ministère de l'Agriculture, dont les constatations seront définitives.

J'ajouterai que, dans le cas improbable où l'expérience démontrerait à nos deux Gouvernements, et en se basant sur une série de faits bien constatés, que la méthode appliquée par l'Administration française est défectueuse, le Gouvernement canadien et le Gouvernement français rechercheraient d'un commun accord, un autre *modus operandi*.

Veuillez agréer, Excellence, l'assurance de ma haute considération.

Le Ministre de l'Agriculture,
(Signé) J. RUAU.

TRANSLATION OF NOTES ATTACHED TO THE CONVENTION.

PARIS, January 8, 1909.

Mr. Fielding, Minister of Finance of the Canadian Government, to Mr. Ruau, Minister of Agriculture of the French Republic.

SIR,—As a result of the recent negotiations between members of the French Government and myself with a view to the recasting of Schedule 'A' of the Franco-Canadian Commercial

Convention of the 19th September, 1907, by the exclusion, from the list of the Canadian products enjoying the benefit of the minimum tariff, of animals in fat condition for butchering, I have considered your suggestion to adopt a percentage of neat meat as a line of demarcation between animals to be admitted under the minimum tariff and those excluded therefrom. I am of opinion that it would not be expedient to exclude this *modus operandi* in the Convention itself as it touches only the methods of carrying out what is proposed.

I would prefer that the proposed formula be inscribed in our agreement in general terms indicating our mutual understanding, and I would leave with the French Government the duty of giving to this complementary clause a fair and reasonable interpretation by means of Customs regulations. We would have no objection whatever to the adoption by the French authorities of the percentage method, should they prefer that method, as it could be changed or modified in case the working out of said method would demonstrate that it does not give satisfaction, and the Canadian Government would reserve then to itself the right of making necessary representations to your Government.

I am, sir, with the highest regard,
Yours very truly,
(Signed.) W. S. FIELDING.

PARIS, January 8, 1909.

Mr. Ruau, Minister of Agriculture of the French Republic, to Mr. Fielding, Minister of Finance of the Canadian Government.

EXCELLENCY,—The object of the negotiations which have been proceeded with for these last few days between yourself and the French Government, was, as far as my own Department is concerned, to modify Schedule 'A' of the Franco-Canadian Convention of September 19, 1907, by the exclusion from items 4, 5, 6, 7 of the list of the Canadian products admitted to the benefits of the minimum tariff, of animals in fat condition for butchering. By your letter dated January 8, 1909, you were good enough to let me know that, without rejecting the suggested system of a fixed percentage of neat meat as a fair line of demarcation between animals enjoying the minimum tariff and those submitted to the general tariff, you would prefer that the proposed change should be inscribed in our agreement in general terms; and you add to this that you would leave to the French Government the duty of interpreting this clause as fairly and reasonably as possible by means of Customs regulations. In case of the adoption by the French authorities of the percentage system above mentioned, the Canadian Government would make no objection to said adoption, it being understood that should the experiment be found unsatisfactory, your Government would reserve to itself the right of making the necessary representations to the French Government.

In answer to your communication, I have the honour to inform you that we are fully in accord as to the following formula

to be used in Schedule 'A' of the Convention of September 19th, 1907, as to the Canadian products enjoying the minimum tariff:—

No. of the French tariff.	Products.
4	Oxen (I)
5	Cows (I)
6	Bulls (I)
7	Bullocks, steers and heifers (I)

(I) To the exclusion of animals in fat condition for butchering.

With regard to the system to be applied in order to ascertain what animals are to be subject to the minimum tariff and what to the general tariff, the French Government reserves to itself the right to follow the method of the percentage of neat meat or any other fair and equitable method, it being well understood, that, in order to avoid any dispute between the importers and the French Government, the condition of the animals, as to the matter in hand, shall be determined by duly sworn special agents of the Ministry of Agriculture, whose findings shall be final.

I beg to add that in the unlikely event of experience founded on a series of well authenticated instances demonstrating to our two governments that the method adopted by the French Government is defective the Governments of Canada and France would jointly seek another *modus operandi*.

May I beg you will kindly accept, Excellency, the assurance of my high esteem.

THE MINISTER OF AGRICULTURE,
(Signed) J. RUAU.

12.

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

BILL 12.

An Act respecting a certain supplem
convention between His Majesty
President of the French Republic

First reading, November 18, 19

MR. FIELD

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

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend the Criminal Code respecting injuries to persons due to Motor Vehicles.

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

1. Section 285 of *The Criminal Code* is amended by inserting the words "motor vehicle, automobile, or other" before the word "vehicle" in the third line. R.S., c. 146, s. 285 amended.

2. The said Code is amended by inserting the following section immediately after section 285:— Section added.

"**285A.** The owner and driver and person in charge, or owner or driver or person in charge, of any motor vehicle commonly called and known as an automobile, which causes a horse to run away or shy or bolt and thereby occasion bodily injury to any person, is guilty of an indictable offence and liable to two years' imprisonment." Injuries to persons due to horse frightened by motor vehicle.

13.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 13.

An Act to amend the Criminal
respecting injuries to persons d
Motor Vehicles.

First reading, November 19, 1909

MR. LEW

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to amend the Criminal Code respecting offensive weapons and capital offences.

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

1. Section 119 of *The Criminal Code* is amended by adding thereto the following subsection:— R.S., c. 146, s. 119 amended.

"3. No revolver or pistol shall be sold to any person unless he produces to and leaves with the vendor a permit, in writing, from the chief of police or a police magistrate or justice of the peace allowing him to purchase a revolver or pistol." Permit for sale of pistol.

2. Section 120 of the said Code is amended by inserting after the word "air-gun," in the third line thereof, the words "or any sheath knife, bowie knife, dagger, metal knuckles, skull cracker, revolver, razor or other offensive weapon." S. 120 amended.

3. Section 121 of the said Code is amended by adding at the end thereof the following words:—"or if convicted on indictment, to a like fine or to imprisonment for any term not less than one year or more than five years, with or without hard labour." S. 121 amended.

4. Section 123 of the said Code is amended by inserting the words "revolver or pistol" after the word "shot" in the third line thereof. S. 123 amended.

5. Section 274 of the said Code is amended by adding thereto the following subsection:— S. 274 amended.

"2. Every one is guilty of an indictable offence, and liable to imprisonment for not less than two years and not more than five years, who unlawfully wounds or attempts to wound, or inflicts or attempts to inflict grievous bodily harm upon any other person with any revolver, knife, stiletto, razor, or other offensive weapon." Wounding with weapons.

6. Section 1064 of the said Code is amended by adding, after the word "judgment" in the second line thereof, the words "be taken to the nearest penitentiary prison and." S. 1064 amended.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 14.

An Act to amend the Crimina
respecting offensive weapons and
offences.

First reading, November 19, 19

MR. LEW

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canada Shipping Act.

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

1. Section 588 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 113. New section 588.

"**588.** The master or owner of every steamboat liable to inspection under this Part shall cause the boiler and machinery and the hull and equipment thereof, or the boiler and machinery alone, as the case may be, to be inspected at least once every year, and shall deliver one of the certificates thereof to the chief officer of Customs at the port where such inspection is made, or at which such steamboat arrives next after such inspection, when it has not been made in such port: Provided that any steamboat holding a certificate from the British Board of Trade, or the committee of Lloyd's Register of British and Foreign Shipping, shall, during the currency of such certificate, be exempt from the ordinary annual inspection under this Act on sailing from any port in Canada." Inspection of steamboats at least once yearly. Proviso as to steamboats holding British Board of Trade and Lloyd's certificates.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 15.

An Act to amend the Canada Shi
Act.

First reading, November 19, 1909

MR. SINCLA

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

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canada Shipping Act.

(Reprinted as amended and reported by the Marine and Fisheries Committee.)

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

R.S., c. 113. New section 588.

1. Section 588 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

Inspection of steamboats at least once yearly.

"**588.** The master or owner of every steamboat liable to inspection under this Part shall cause the boiler and machinery and the hull and equipment thereof, or the boiler and machinery alone, as the case may be, to be inspected at least once every year, and shall deliver one of the certificates thereof to the chief officer of Customs at the port where such inspection is made, or at which such steamboat arrives next after such inspection, when it has not been made in such port: Provided that—

Proviso as to steamboats holding British Board of Trade and Lloyd's certificates.

(*a*) any steamboat holding a certificate of inspection from the British Board of Trade; or,

(*b*) any steamboat engaged in the carriage of freight only, holding a certificate of inspection from the Committee of Lloyds register of British and foreign shipping, or the British corporation for the survey and registry of shipping, or *Bureau Veritas*,

shall, if inspected annually in Great Britain, be exempt during the currency of such certificate from the ordinary annual inspection under this Part, save and except the inspection of life saving equipment on sailing between ports in Canada or from any port or place in Canada to any port or place out of Canada."

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

THE HOUSE OF COMMC
OF CANADA.

BILL 15.

An Act to amend the Canada
Act.

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Marine and Fisheries Committ

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend the Seed Control Act.

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

1. Subsection 1 of section 2 of *The Seed Control Act*, chapter 128 of the Revised Statutes, 1906, is amended by adding the following paragraph immediately after paragraph (*a*) thereof:— R.S., c. 128, s. 2 amended.

"(*aa*) regulations determining the percentage standards of vitality for good seed of the various kinds of cereals, grasses, clovers, forage plants, field root and garden vegetable crops; and," Regulations by Governor in Council.

2. Section 6 of the said Act is amended by adding after the words "Wild Mustard or Charlock (*Brassica Sinapistrum*, Boiss)," in the fourth and fifth lines thereof, the words "Wild Radish (*Raphanus Raphanistrum*, L.)." S. 6 amended. Seeds to be free from weeds.

3. Section 7 of the said Act is amended by adding after the word "alsike" in the second line thereof the word "alfalfa"; after the words "Night-Flowering Catchfly, (*Silene noctiflora*, L.)" in the eighth and ninth lines thereof the words "Bladder Campion, (*Silene latifolia*, Mill)"; after the words "False Flax" (*Camelina sativa*, Crantz.) in the ninth and tenth lines thereof the words "*microcarpa*, Andrz"; after the word "Chicory, (*Chicorium Intybus*, L.)" in the thirteenth and fourteenth lines thereof the words "Alfalfa Dodder, (*Cuscuta* species)." S. 7 amended. Grades of seeds.

4. Section 8 of the said Act is amended by striking out the words "or red clover" in the third line thereof and substituting therefor the words "red clover or alfalfa." S. 8 amended. Prohibited seeds.

5. The following section is inserted in the said Act immediately after section 8:— Section added.

"**8A.** No person shall sell, or offer, expose or have in his possession for sale, for seeding, any seeds of cereals, grasses, clovers, forage plants, field roots or garden vegetable crops which are not capable of germinating in the proportion of two-thirds of the percentage standard of vitality for good seed of the kind, unless every receptacle, package, sack or bag containing such seed, or a label securely attached thereto, is marked in a plain and indelible manner with the name of the kind of seed and the percentage of the seeds that are capable of germination." Labels on packages, etc., of seeds must state percentage capable of germination.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 16.

An Act to amend the Seed Control A

First reading, November 20, 1909.

MR. FISHE

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to authorize the Government of Canada to acquire, by lease, lines of railway connecting with the Government Railways.

Preamble.

WHEREAS it is expedient that the traffic of the Government Railways be developed and increased to the fullest capacity of the system's operation; and whereas it is deemed that such traffic, development and increase can be facilitated and advanced by the acquisition, by the Government of Canada, of lines of railway connecting with the Government Railways, as feeders thereto and in connection therewith: 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 Government Railways Branch Lines Act.*

Managing Board defined.

2. "The Government Railways Managing Board" means the person or persons appointed to the management of the Government Railways.

Authority to lease and operate lines of railway connecting with Government railways.

3. The Minister of Railways and Canals is authorized and empowered, upon the recommendation of the Government Railways Managing Board, and subject to the authority of the Governor in Council, to lease, in whole or in part, any line or lines of railway connecting with the Government Railways, if such lines are reported by the chief engineer of the Department of Railways and Canals to be in a good and safe condition for operation, and to operate any such line or lines of railway as a part of the Government Railways; and any such line or lines of railway so leased and operated shall become and form part of the Government Railways: Provided that no such lease shall be binding upon the Government of Canada until the Parliament of Canada has first ratified such lease.

Ratification by Parliament.

17.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 17.

An Act to authorize the Governm
Canada to acquire, by lease, li
railway connecting with the G
ment Railways.

First reading, November 19, 19

MR. GRA

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

(Reprinted as amended in Committee of the Whole House, December 7th, 1909.)

An Act to authorize the Government of Canada to acquire, by lease, lines of railway connecting with the Government Railways.

Preamble.

WHEREAS it is expedient that the traffic of the Government railways be developed and increased to the fullest capacity of the system's operation; and whereas it is deemed that such traffic, development and increase can be facilitated and advanced by the acquisition, by the Government of Canada, of lines of railway connecting with the Government railways, as feeders thereto and in connection therewith: 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 Government Railways Branch Lines Act.*

Managing Board defined.

2. "The Government Railways Managing Board" means the person or persons appointed to the management of the Government railways.

Authority to lease and operate lines of railway connecting with Government railways.

3. The Minister of Railways and Canals is authorized and empowered, upon the recommendation of the Government Railways Managing Board, and subject to the authority of the Governor in Council, to lease, in whole or in part, any line or lines of railway connecting with the Government railways, if such line [or lines] are reported by the chief engineer of the Department of Railways and Canals to be in a good and safe condition for operation, and to operate any such line or lines of railway as a part of the Government railways; and any such line or lines of railway so leased and operated shall become and form part of the Government railways: Provided that no such lease shall [have any force or effect, nor shall any such connecting railway be entered upon or operated on behalf of the Government of Canada, until the said managing board and the said chief engineer have approved the terms and conditions of such lease, having regard to beneficial results therefrom to the Government railways, and] until the Parliament of Canada has first ratified such lease.

Ratification by Parliament.

NOTE.—The words within brackets in clause 3 are amendments made in Committee, as subsequently revised by the Law Clerk of the House.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 17.

An Act to authorize the Governme
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(Reprinted as amended in Committee
Whole House, December 7th, 1909.

MR. GRAHA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to amend the Bank Act.

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

1. *The Bank Act*, chapter 29 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 114 thereof:— R.S., c. 29 amended. Section added.

"**114A.** The bank shall transfer and pay over to the Minister, notwithstanding any statute of limitation or other Act relating to prescription,— Transfer and payments to Minister of unclaimed—

"(*a*) all stock, no dividend whereon is claimed for six years before the last day on which a dividend thereon becomes payable (except where payment of dividend has been restrained by order of a court); Stock.

"(*b*) all dividends which have remained unpaid for more than six years after they became payable; Dividends.

"(*c*) all sums of money, deposits or balances in respect of which no transactions have taken place, or upon which no interest has been paid, or no acknowledgement has been made by the bank, or to which no claim has been made by any person entitled thereto, during the six years prior to the date of the last annual return of the bank. Moneys, deposits and balances.

"2. If a claim to any stock so transferred or money so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct the retransfer or payment thereof to be made to the person entitled thereto, together with interest on the principal sum thereof, at the rate of three per cent per annum, for a period not exceeding six years from the date of transfer or payment thereof to the Minister as aforesaid: Provided that no such interest shall be paid or payable on such principal sum unless interest thereon was payable by the bank transferring or paying the same to the Minister. Governor in Council may order transfer or payment to person entitled. Interest.

"3. Upon transfer or payment to the Minister as herein provided, the bank and its assets shall be held to be discharged from further liability for the stock so transferred and the amounts so paid." Bank discharged.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 18.

An Act to amend the Bank

First reading, November 19, 1

MR. SHARP
(N. On

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.

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

1907, c. 22, s. 12 amended.

1. Section 12 of *The Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act*, chapter 22 of the statutes of 1907, is amended by adding at the end thereof the following paragraph:—

Persons entitled to retiring allowances.

"Class F.—Those who are in the service at the time of the coming into force of this Act and whose retirement is recommended by The Government Railways Managing Board to promote efficiency and economy in the service; provided that such persons have been at least ten years in the service prior to such retirement."

Application of Act.

2. The paragraph added to section 12 of the said Act by section 1 of this Act shall not apply to any person retired prior to the first day of April, one thousand nine hundred and nine.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 19.

An Act to amend the Interc
and Prince Edward Island Ra
Employees' Provident Fund Act.

First reading, November 19, 19(

MR. GRAH

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.

(Reprinted as amended in Committee of the Whole House, December 7th, 1909.)

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

1907, c. 22, s. 12 amended.

1. Section 12 of *The Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act*, chapter 22 of the statutes of 1907, is amended by adding at the end thereof the following paragraph:—

Persons entitled to retiring allowances.

"Class F.—Those who are in the service at the time of the coming into force of this Act and whose retirement is recommended by The Government Railways Managing Board to promote efficiency and economy in the service; provided that such persons have been at least ten years in the service prior to such retirement, and have, at the time of such retirement, reached the age of fifty-five years."

Application of Act.

2. The paragraph added to section 12 of the said Act by section 1 of this Act shall not apply to any person retired prior to the first day of April, one thousand nine hundred and nine.

19.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 19.

An Act to amend the Interco
and Prince Edward Island Rai
Employees' Provident Fund Act.

(Reprinted as amended in Committee
Whole House, December 7th, 1909.

MR. GRAHA

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to prevent the introduction or spreading of Insects, Pests and Diseases destructive to vegetation.

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 Destructive Insect and Pest Act.*

"Minister" defined.

2. In this Act, unless the context otherwise requires, "the Minister" means "the Minister of Agriculture."

Regulations.

3. The Governor in Council may make such regulations as are deemed expedient to prevent the introduction or admission into Canada, or the spreading therein, of any insect, pest or disease destructive to vegetation.

Scope of regulations.

4. Such regulations may provide—

(*a*) for the prohibition generally, or from any particular country or place, of the introduction or admission into Canada of any vegetable or other matter likely to introduce any such insect, pest or disease;

(*b*) the terms or conditions upon, and the places at which any such vegetable or other matter may be introduced or admitted into Canada;

(*c*) for the treatment and manner of treatment to be given to any vegetation, vegetable matter or premises in order to prevent the spreading of any such insect, pest or disease, and may prescribe whether such treatment shall be given by the owner or by a person appointed for such purpose;

(*d*) for the destruction of any crop, tree, bush or other vegetation or vegetable matter or containers thereof infested or suspected to be infested with any such insect, pest or disease;

(*e*) for the granting of compensation for any such crop, tree, bush or other vegetation or containers thereof so destroyed, such compensation not to exceed two-thirds of the value of the matter destroyed and to be granted only by the Governor in Council upon the recommendation of the Minister;

(*f*) for the prohibition of the sale of any vegetable matter infected with any such insect, pest or disease;

(*g*) that the occupier of the premises on which is discovered any such insect, pest or disease shall forthwith notify the Minister and shall also send specimens of such insect, pest or disease;

(*h*) for the confiscation of any vegetable matter and the container thereof, if any, in respect of which a breach of this Act, or any regulation made thereunder, is committed, and generally for any other purpose which may be deemed expedient for carrying out this Act, whether such other regulations are of the kind enumerated in this section or not.

Inspectors and officers.

5. The Minister may appoint inspectors and other officers for carrying out this Act and the regulations made thereunder.

Confirmation of appointment.

2. Such appointments, if not confirmed by the Governor in Council within thirty days of the date thereof, shall lapse and cease to be valid.

Powers of inspectors.

6. Any inspector or other officer so appointed may enter any place or premises in which he has reason to believe there exists any such insect, pest or disease, and may take specimens thereof and also of any vegetable matter infested or suspected of being infested therewith.

Powers of Minister.

7. The Minister, upon the report of any inspector setting forth a reasonable belief of the existence of any such insect, pest or disease in any area defined in such report, may prohibit the removal from such area or the movement therein of any vegetation, vegetable or other matter which, in his opinion, is likely to result in the spread of such insect, pest or disease.

Penalty for contravention of Act and regulations.

8. Every person, who contravenes any provision of this Act, or any regulation made thereunder, shall be liable, upon summary conviction, to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. Any vegetable or other matter imported or brought into Canada contrary to this Act, or to any regulation made thereunder, shall be forfeited to the Crown.

Orders and regulations to be published and laid before Parliament.

9. Every order in council and regulation made under this Act shall be published in *The Canada Gazette*, and shall be laid, by the Minister, before Parliament within fifteen days after the commencement of the then next session.

R.S., c. 127 repealed.

10. *The San José Scale Act* is repealed.

2nd Session, 11th Parliament, 9-10 Edw. VI

20.

THE HOUSE OF COMMO
OF CANADA.

BILL 20.

An Act to prevent the introdu
spreading of Insects, Pests and
destructive to vegetation.

First reading, November 19,

MR. FIS

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act respecting the Hours of Labour on Public Works.

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

Eight-hour day.

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

Stipulation in contracts.

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

Day labour.

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

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

THE HOUSE OF COMMON
OF CANADA.

BILL 21.

An Act respecting the Hours of Lab
Public Works.

First reading, November 22, 19

MR. VERV

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to amend the Dominion Elections Act.

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

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

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

Polling day.

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

Section added.

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

Polling day a public holiday.

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

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COMM
OF CANADA.

BILL 22.

An Act to amend the Dominion
Act.

First reading, November 22,

MR. MACDO

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Industrial Disputes Investigation Act, 1907.

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

1907, c. 20, s. 15 amended. Manner of application for Board of conciliation.

1. Paragraph (*b*) of subsection 2 of section 15 of *The Industrial Disputes Investigation Act, 1907*, is amended by striking out the words "and that the necessary authority to declare such lock-out or strike has been obtained" in the fifth, sixth and seventh lines of the said paragraph.

S. 16 amended. Signatures to application.

2. Paragraph (3) of section 16 of the said Act is amended by striking out all the words after the word "officers" in the second line of the said paragraph.

New s. 51.

3. Section 51 of the said Act is repealed, and the following is substituted therefor:—

Allowance to members of Board.

"**51.** The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

"(*a*) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(*b*) an allowance of dollars for each days' sittings of the Board."

New s. 57.

4. Section 57 of the said Act is repealed, and the following is substituted therefor:—

Relation of parties to remain unchanged pending proceedings before a Board.

"**57.** Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment or with respect to wages or hours. In the event of such change not being accepted by the employer or the employees affected, the party who has given such notice shall, upon being notified of such non-acceptance, apply for the appointment of a Board under this Act to investigate the proposed change; and in every such case, until the dispute has been finally dealt with by the Board, neither the employer nor the employees affected shall alter the conditions of employment or the wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lock-out or strike, or a suspension or discontinuance of

employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute. Any violation hereof shall constitute an offence, and the guilty party shall be subject, if an employer, to the penalty imposed by section 58 of this Act, and if an employee, to that imposed by section 59 of this Act.

Penalty for causing delay.

"2. If, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties imposed for a violation of the next preceding section."

23.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 23.

An Act to amend the Industrial Di
Investigation Act, 1907.

First reading, November 22, 190

MR. MACDONELL

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend the Railway Act.

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

R.S., c. 37, s. 341 amended.

Commutation passenger rates and tickets.

Uniform rates within same radius.

1. Section 341 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by adding thereto the following:— "Provided further that where a railway issues mileage or commutation passenger rates or tickets between a central point within a district and any outside point or points on its railway, such mileage or commutation rates or tickets shall not be withdrawn or discontinued without the consent of the Board; and where such mileage or commutation rates exist similar rates or tickets shall be immediately established and issued by all railways operating between such central point and any other point on its railway within an equal or less radius from the farthest point to which such mileage or commutation tickets were issued by such first named railway as aforesaid."

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 24.

An Act to amend the Railway A

First reading, November 22, 190

MR. MACDONELL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act respecting the Water-Carriage of Goods.

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

Short title.

1. This Act may be cited as *The Water-Carriage of Goods Act.*

Interpretation.

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

"Goods."

(*a*) "goods," includes goods, wares, merchandise, and articles of any kind whatsoever, but does not include live animals;

"Ship."

(*b*) "ship" includes every description of vessel used in navigation not propelled by oars;

"Port."

(*c*) "port" means a place where ships may discharge or load cargo.

Application of Act.

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside of Canada, and to such goods carried by such ship, or received to be carried by such ships.

Certain clauses prohibited in bill of lading.

4. Where any bill of lading or similar document of title to goods contains any clause, covenant or agreement whereby—

(*a*) the owner, charterer, master or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from negligence, fault, or failure in the proper loading, storage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or

(*b*) any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, and make and keep the ship seaworthy, and make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided.

that clause, covenant or agreement shall be illegal, null and void, and of no effect.

Express reference to be made to this Act.

5. Every bill of lading, or similar document of title to goods, relating to the carriage of goods from any place in Canada to any place outside of Canada shall contain a clause to the effect that the shipment is subject to all the terms and provisions of, and all the exemptions from liability contained in, this Act; and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Jurisdiction.

Responsibility for navigation and management.

6. If the owner of any ship transporting merchandise or property from any port in Canada exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied, neither the ship nor the owner, agent or charterer shall become or be held responsible for loss or damage resulting from faults or errors in navigation or in the management of the ship.

Loss for which the ship, the owner, etc. is not liable.

7. The ship, the owner, charterer, agent or master shall not be held liable for loss arising from fire, dangers of the sea or other navigable waters, acts of God or public enemies, or inherent defect, quality or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service, or other reasonable deviation, or from strikes, or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees.

Limit of liability as to value of goods.

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other shipping document, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement has been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent.

Effect of declaration.

Bill of lading to be issued to shipper.

9. Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the shipper, the number of packages, the quantity or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer, master or agent; and such bill of lading shall be *prima facie* evidence of the receipt of the goods as therein described.

Contents.

Effect as evidence.

Notice of arrival of ship.

10. When a ship arrives at a port where goods carried by the ship are to be delivered, the owner, charterer, master or agent of the ship shall forthwith give such notice as is customary

at the port, to the consignees of goods to be delivered there, that the ship has arrived there.

Penalties.

11. Everyone who, being the owner, charterer, master or agent of a ship—

(*a*) inserts in any bill of lading or similar document of title to goods any clause, covenant or agreement declared by this Act to be illegal; or makes, signs, or executes any bill of lading or document containing any clause, covenant or agreement declared by this Act to be illegal;

without incorporating *verbatim*, in conspicuous type, in the same bill of lading or document, section 4 of this Act; or

(*b*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or

(*c*) refuses or neglects to give the notice of arrival of the ship required by this Act;

is liable to a fine not exceeding , with cost of prosecution; and the ship may be libeled therefor in any Admiralty District in Canada within which the ship is found.

Disposal of penalty.

2. Such proportion of any penalty imposed under this section as the court deems proper, together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada.

Shipping inflammable explosives or dangerous goods.

Penalty.

12. Every one who knowingly ships goods of an inflammable or explosive nature, or of a dangerous nature, without before shipping the goods making full disclosure in writing of their nature to, and obtaining the permission in writing of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars.

Master may destroy such goods, if shipped without disclosure.

13. Goods of an inflammable or explosive nature, or of a dangerous nature, shipped without permission from the agent, master or person in charge of the ship, may, at any time before delivery, be destroyed or rendered innocuous, by the master or person in charge of the ship, without compensation to the owner, shipper or consignee of the goods; and the person so shipping the goods shall be liable to the owner or charterer of the ship for all damages directly or indirectly arising out of such shipping.

Shipper liable for damages.

Act not retroactive.

14. This Act shall not apply to any bill of lading or similar document of title to goods made pursuant to a contract entered into before this Act comes into force.

Commencement of Act.

15. This Act shall come into force on the first day of September, one thousand nine hundred and ten.

25.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 25.

An Act respecting the Water-C
Goods.

First reading, November 11,

MR. BR

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act respecting the Water-Carriage of Goods.

(*Reprinted as amended and reported by the Marine and Fisheries Committee.*)

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 Water-Carriage of Goods Act.*

Interpretation.

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

"Goods."

(*a*) "goods," includes goods, wares, merchandise, and articles of any kind whatsoever, but does not include live animals;

"Ship."

(*b*) "ship" includes every description of vessel used in navigation not propelled by oars;

"Port."

(*c*) "port" means a place where ships may discharge or load cargo.

Application of Act.

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside of Canada, and to goods carried by such ships, or received to be carried by such ships.

Certain clauses prohibited in bill of lading.

4. Where any bill of lading or similar document of title to goods contains any clause, covenant or agreement whereby—

(*a*) the owner, charterer, master or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or,

(*b*) any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, and make and keep the ship seaworthy, and make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or,

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided;

such clause, covenant or agreement shall be illegal, null and void, and of no effect, unless such clause, covenant or agreement is in accordance with the other provisions of this Act.

Express reference to be made to this Act.

5. Every bill of lading, or similar document of title to goods, relating to the carriage of goods from any place in Canada to any place outside of Canada shall contain a clause to the effect that the shipment is subject to all the terms and provisions of, and all the exemptions from liability contained in, this Act; and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Jurisdiction.

Responsibility for navigation and management.

6. If the owner of any ship transporting merchandise or property from any port in Canada exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied, neither the ship nor the owner, agent or charterer shall become or be held responsible for loss or damage resulting from faults or errors in navigation or in the management of the ship, or from latent defect.

Loss for which the ship, the owner, etc. is not liable.

7. The ship, the owner, charterer, agent or master shall not be held liable for loss arising from fire, dangers of the sea or other navigable waters, acts of God or public enemies, or inherent defect, quality or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service, or other reasonable deviation, or from strikes, or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees.

Limit of liability as to value of goods.

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other shipping document, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement has been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent.

Effect of declaration.

Bill of lading to be issued to shipper.

9. Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the shipper, the number of packages or pieces, or the quantity or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer, master or agent; and such bill of lading shall be *prima facie* evidence of the receipt of the goods as therein described.

Contents.

Effect as evidence.

10. In case of wood goods, notwithstanding anything in the charter party, bill of lading, or other shipping document, the owner, charterer, master, or agent of the ship, or the ship itself, shall only be bound to deliver to the consignee, the pieces received from the shipper, and shall not be held responsible for deficiency in measurement; and any words inserted in any charter party, bill of lading or other shipping document for the purpose of making the owner, charterer, master or agent of the ship, or the ship itself, liable for deficiency in measurement in such case shall be illegal, null and void and of no effect. Delivery in case of wood goods.

11. When a ship arrives at a port where goods carried by the ship are to be delivered, the owner, charterer, master or agent of the ship shall forthwith give such notice as is customary at the port, to the consignees of goods to be delivered there, that the ship has arrived. Notice of arrival of ship.

12. Everyone who, being the owner, charterer, master or agent of a ship,— Penalties.

(*a*) inserts in any bill of lading or similar document of title to goods any clause, covenant or agreement declared by this Act to be illegal; or makes, signs, or executes any bill of lading or similar document of title to goods containing any clause, covenant or agreement declared by this Act to be illegal;

without incorporating *verbatim*, in conspicuous type, in the same bill of lading or similar document of title to goods, section 4 of this Act; or,

(*b*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or,

(*c*) refuses or neglects to give the notice of arrival of the ship required by this Act;

is liable to a fine not exceeding one thousand dollars, with cost of prosecution; and the ship may be libelled therefor in any Admiralty District in Canada within which the ship is found.

2. Such proportion of any penalty imposed under this section as the court deems proper, together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada. Disposal of penalty.

13. Every one who knowingly ships goods of an inflammable or explosive nature, or of a dangerous nature, without before shipping the goods making full disclosure in writing of their nature to, and obtaining the permission in writing of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars. Shipping inflammable explosives or dangerous goods. Penalty.

14. Goods of an inflammable or explosive nature, or of a dangerous nature, shipped without such permission from the agent, master or person in charge of the ship, may, at any time before delivery, be destroyed or rendered innocuous, by the master or person in charge of the ship, without compensation to the owner, shipper or consignee of the goods; and the person so shipping the goods shall be liable for all damages directly or indirectly arising out of such shipment. Master may destroy such goods, if shipped without disclosure. Shipper liable for damages.

Act not retroactive.

15. This Act shall not apply to any bill of lading or similar document of title to goods made pursuant to a contract entered into before this Act comes into force.

Commencement of Act.

16. This Act shall come into force on the first day of September, one thousand nine hundred and ten.

25.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 25.

An Act respecting the Water-Ca
Goods.

*(Reprinted as amended and repor
Marine and Fisheries Comm*

MR. BR

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellen
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act respecting Co-Operative Credit Societies.

Preamble.

WHEREAS it is in the public interest to create and spread a spirit of thrift among the agricultural and labouring classes of Canada, to assist the said classes by loans, and to effectively remove the evil of usury by authorizing the formation of co-operative loan and saving societies: 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 Co-operative Credit Societies Act.*

Interpretation—

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

"Minister;"

(*a*) "Minister" means the Minister of Labour for Canada;

"department;"

(*b*) "department" means the department of Labour;

"society;"

(*c*) "society" means a society incorporated under this Act;

"member."

(*d*) "member" means a member of such a society.

Credit and savings societies.

3. Credit and savings societies may be organized under this Act.

Number and qualification of organizers.

4. Any number of persons, not less than seven, capable of contracting, and domiciled in Canada, may form a credit and savings society.

Declaration of formation.

2. Such persons shall sign in duplicate, and before two witnesses, a declaration in the form of Schedule A to this Act.

Duplicates sent to Minister and recorded.

3. One of such duplicates, together with a certified copy of the rules and regulations adopted, shall be immediately sent by registered letter to the Minister; the other duplicate, with a copy of the rules and regulations, shall remain of record in the archives of the society.

Name of society.

5. The society shall be designated by the name proposed, provided that such name, in the opinion of the Minister, is not liable to be confounded with that of any other existing society or company.

"Limited."

2. The word "limited" shall be the last word in the name of any such society.

When business may be commenced.

6. No society may commence business before the Minister has approved of its rules and regulations, after having ascertained that they conform to this Act and before he has authorized the said commencement in writing.

Notice of incorporation.

2. The Minister shall publish a notice in *The Canada Gazette* declaring that the society has been incorporated and is authorized to commence business, and such notice, so published, shall be evidence that the society is regularly organized.

Capital stock.

7. The capital stock of the society shall be formed by shares, the par value of which shall be determined by the rules and regulations of the society.

Increase and decrease of capital.

8. The capital stock of the society may be increased by the subscription of new shares or the admission of new members, or it may be diminished by the total or partial withdrawal of shares paid in.

Limited liability.

9. The responsibility of members of the society shall be limited to the value of the shares subscribed by them.

Votes and proxies.

10. A member shall have only one vote. Proxies shall be prohibited for individuals, but corporations that have become members of the society may vote by duly constituted attorney.

Business with members only.

11. The society shall transact its business of credit, loan and savings with its members only.

Guarantee fund.

12. The society shall create a guarantee fund by means of an annual assessment amounting to twenty per cent of the net profits of the year and levied on such profits.

Assessment for, and amount of guarantee fund.

2. This assessment shall continue to be levied annually as long as the guarantee fund has not attained an amount equal to the maximum capital paid in at any time in shares to the society. In any event, the total guarantee fund shall equal one half of the society's assets represented by its paid up capital and deposits. Such guarantee fund assessment shall continue in case the fund has attained the required amount, but becomes impaired by losses or in any other way. The said guarantee fund shall be increased whenever the maximum capital paid up, or the total amount of paid up capital and of deposits, has increased, and it cannot be diminished when the said capital has been reduced by withdrawals.

Increase and decrease of guarantee fund.

Investment of funds.

13. The society may invest its available funds or its guarantee fund in securities of the Government of Canada, or of any province of Canada, or of municipalities of cities, towns or villages, or in loans made to the said municipalities.

Rules of society.

14. The rules or regulations of a society shall make provisions respecting the subjects mentioned in Schedule B to this Act.

Administration of society by—

15. The affairs of the society shall be administered by—

board of administration;

(*a*) a board of administration, composed of at least five members;

credit commission;

(*b*) a credit commision; and,

advisory council.

(*c*) an advisory council.

Number of members.

2. Each of such bodies shall be composed of at least three members.

3. No member may be elected to more than one of the bodies mentioned in subsection 1 hereof. Members on one only.

16. All loans, giving of credit, or investment of funds, shall be approved by the credit commission. Loans to be approved by credit commission.

17. No member of the credit commission or of the advisory council may borrow, directly or indirectly, from the society, nor become an endorser or guarantor of any loan or advance made by the society. Borrowing or endorsing by officers prohibited.

18. Every change in a rule or regulation of the society shall, in order to be valid, have the written approval of the Minister; and the production of such written approval shall be evidence of the validity of such change. Changes in rules to be approved.

2. A copy of the rules and regulations in force shall be given to every person demanding it, on payment of the fee determined by such rules. Copies of rules.

19. Every society shall, in each year, before the — day of— transmit to the Minister a statement of its operations and of its financial situation, certified and signed by the members of the advisory board. Annual statement to Minister.

2. A complete report shall be prepared annually upon the year's operations. This report shall be laid before the members of the society at its annual meeting. Annual report.

20. The society shall have an office or domicile, the address of which shall be transmitted to the Minister, and the society shall have but one place of business. Office of society.

21. The Minister may, at any time, by written notice to the society, annul or cancel such society's charter for any one of the following reasons:— Cancellation of charter by Minister.

(*a*) If he is satisfied that the society has not seven members;

(*b*) If it has obtained its incorporation by fraudulent means;

(*c*) If it has ceased to do business;

(*d*) If requested to do so by the society itself;

(*e*) If it is established, to the Minister's satisfaction, that the society exists for an illegal purpose;

(*f*) If, in the opinion of the Minister, it has wilfully violated this Act.

2. The Minister shall give at least thirty days notice to the society of such cancellation, which notice shall set forth the reason therefor. Notice of cancellation to society.

3. A notice of such cancellation shall be published in *The Canada Gazette* and in a newspaper published in or near the place where the society's business is carried on. Public notice of cancellation.

4. The society shall be deprived of all the rights conferred upon it by this Act from the day of the publication of such notice in *The Canada Gazette*, but without prejudice to the rights of its creditors, who may exercise their recourse against the society as if the said cancellation had not taken place. Effect of notice. Creditors, rights preserved.

22. The members of the society shall be bound by its laws and regulations. Members bound by rules.

Recovery of debts.

Shares liable for debts.

23. Any sum due to the society by one of its members may be recovered by the society in any court of competent jurisdiction. The payment of any debt to the society shall be secured by special guarantee upon the shares of the member indebted, and the shares so owned by such member may be disposed of by the society in order to satisfy what may be due by its member for loans or advances.

"Auxiliary members."

24. The society may, by by-law, create a special class of members to be known as "auxiliary members;" such members may not vote or fill any office in the society. Any person, irrespective of age, civil status, or condition or capacity to contract, may be admitted as such auxiliary member.

Amalgamation of societies.

25. Two or more societies may, by a resolution adopted by three-fourths of the members present at a meeting specially called for the purpose, amalgamate into one society under the terms and conditions set forth in the agreement for amalgamation; and the assets and properties of each such society shall thereafter be the property of the amalgamated society.

Transfer of business to another society.

2. A society may also, by a resolution similarly adopted, transfer its business and assets to another society which undertakes to fulfil the undertakings and obligations of the society so transferring.

Amalgamation effective on deposit of certified resolution.

3. Such amalgamation shall take effect from the day of the deposit in the department of a copy of the resolution authorizing it. Such resolution shall be certified by the president and secretary of the meeting at which it was adopted.

Creditors, rights preserved.

26. No such amalgamation shall prejudice the rights of any creditor of either society.

Dissolution of society.

27. Any society organized under this Act may be dissolved—

(*a*) by a resolution adopted at a meeting specially called for such purpose, at which at least three-fourths of the members of the society are present, provided ten members at least do not oppose such dissolution;

(*b*) when the society has become insolvent and subject to the provisions of *The Winding-up Act*.

Liability of members on dissolution.

28. In case of dissolution or of liquidation resulting from insufficiency of assets to meet the liabilities of the society, every member of the society shall be liable for an amount equal to the shares he has subscribed, and shall not be liable for any amount beyond the unpaid portion of such shares.

Withdrawal and transfer of shares by officers and members.

29. Officers, members of administrative boards and other members entrusted with or participating in the direct management of the society's affairs shall not withdraw or transfer their shares during the exercise of their functions, and in case of the society's insolvency any such withdrawal or transfer made by them, within four months preceding such insolvency, shall be null and void, and such member shall remain liable to the creditors of the society to the extent of such shares so withdrawn or transferred.

30. The Governor in Council may determine or prescribe by regulation all necessary measures to ensure the proper carrying out of this Act. Such regulations may impose a fine, not exceeding twenty-five dollars, for any violation of any provision of this Act or of any regulation made thereunder. Such regulations shall take effect upon their publication in *The Canada Gazette*.

Regulations by Governor in Council. Penalties for violation of Act.

2. Regulations made under this Act shall be laid before Parliament within ten days from such publication, if Parliament is then in session, and if not, then within the first ten days of the next ensuing session.

Laid before Parliament.

SCHEDULE A.

The Co-operative Credit Societies Act.

Name of society "————————————(limited)"

Be it known that the seven persons who have signed these presents declare that they have formed a society in virtue of this Act under the name of "————"

1. The object, name and domicile of the society are indicated in Article No. ———— (*Indicate No.*)

2. Qualifications of members including incorporated bodies are prescribed by Article No. ————.

3. The mode of transacting business at meetings, the right to vote and procedure to be followed for modification or abrogation of rules or constitution are set forth in Article No. ————.

4. The mode of electing and removing members of administrative boards, managers and other officers and their powers are indicated in Article No. ————.

5. The determination of the amount and mode of payment of shares, their withdrawal and transfer are indicated in Article No. ————.

6. The method of audit and control of the society's accounts as well as its operations is contained in Article No. ————.

7. The mode of division of annual profits is prescribed in Article No. ————.

8. The rules governing the use of the society's seal, if there be one, and the preservation of the society's records are settled by Article No. ————.

9. The rules applicable to all operations of credit or loan, advances or investments of the society's funds are contained in Article No. ————.

10. The publication of the society's operation is regulated by Article No. ————.

11. The rules concerning the guarantee of fidelity required from officers handling or controlling the society's funds are contained in Article No. ————.

SCHEDULE B.

The following subjects must be precisely defined in the rules and by-laws of societies operating under the Co-operative Credit Societies Act:—

1. Object, name and domicile.

2. Qualifications required of members, including incorporated bodies.

3. Manner of holding meetings, right to vote, procedure on altering rules and by-laws.

4. The election and removal of members of administrative boards, managers and other officers, and their powers.

5. Determining the amount and mode of payment of shares and the withdrawal and transfer of shares.

6. Prescribing the audit and control of accounts and operations of the society.

7. Establishing the division of profits.

8. Providing for the conservation of the society's capital and of its archives.

9. Providing for credit, loans, advances and investment of the society's funds.

10. Determining as to the publicity to be given to the society's operations and affairs.

11. Providing as to the security to be furnished by the officers, and their duties as administrators of the society's funds.

12. Establishing a method of settling all contestations or disputes which may arise between members of the society.

SCHEDULE C.

Form of statement to be furnished by the society to the Minister of Labour:—

1. Paid up capital of the society:
   - (*a*) Nominal amount of each share;
   - (*b*) Number of shares subscribed;
   - (*c*) Amount still unpaid on shares subscribed.
2. Liabilities of the society—
   - (*a*) Under judgments;
   - (*b*) Under covenants or contracts;
   - (*c*) By bills or notes payable;
   - (*d*) Other debts.
3. Assets of the society:
   - (*a*) Government or other public securities.
   - (*b*) Bills and notes receivable.
   - (*c*) Deposits in banks.
   - (*d*) Other securities.

26.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act respecting Co-Operative Cred Societies.

First reading, November 26, 1909.

MR. MON

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act respecting Co-operative Credit Societies.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

WHEREAS it is desirable to promote economy and thrift by means of co-operative savings and credit societies, and that legislation respecting the incorporation and management of such societies should be uniform throughout Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

SHORT TITLE.

1. This Act may be cited as *The Co-operative Credit Societies Act*. Short title.

INTERPRETATION.

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

"Minister" means the Secretary of State of Canada; "Minister."

"department" means the Department of the Secretary of State of Canada; "Department."

"society" means a society incorporated under this Act; "Society."

"land" includes hereditaments and chattels real, and any interest therein; "Land."

"property" includes all real and personal estate, including books and papers; "Property."

"amendment of rule" includes a new rule, and a resolution rescinding a rule; "Amendment of rule."

"rules" mean the rules approved of by the Minister, and include any amendment of a rule approved of by the Minister; "Rules."

"the committee" means the committee of management or other directing body of a society; "Committee."

"persons claiming through a member" includes the heirs, executors, administrators, or assigns of a member; "Persons claiming."

"officer" includes any treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society; "Officer."

"meeting" includes (where the rules of a society so allow) a meeting of delegates appointed by members; "Meeting."

"office" means the registered office for the time being of a society; "Office."

"Court." "court," in its application to the province of Quebec, means the Superior Court, and in all other provinces the County Court, and in the Yukon Territory the Territorial Court.

INCORPORATION.

What societies may be incorporated.

3. Under this Act, societies may be incorporated having for their object or purpose the receiving of moneys on deposit from members and the making of loans to members with or without security, defined by the declaration made on application for incorporation.

Number of incorporators.

4. Any number of persons not less than seven, capable of contracting, may be incorporated as a society.

Declaration to be signed by incorporators.

2. Such person shall, with the secretary, sign in duplicate, before two witnesses, a declaration in the form of Schedule A to this Act. One of such declarations, with a copy of the rules, shall be forwarded by registered letter or otherwise delivered

Copy sent to Minister, and recorded.

to the Minister, and the other, with a copy of the rules shall, remain of record in the archives of the society.

Rules of society.

5. The rules of every society shall contain provisions regarding the several matters contained in Schedule B to this Act, together with such other provisions as are deemed necessary for the management of the affairs of the society. The rules shall not be contrary to law or to this Act, and may set forth the form of any instrument necessary for carrying the purposes of the society into effect.

Certificate of incorporation and notice thereof.

6. The Minister, on being satisfied that the foregoing provisions of this Act have been complied with, and on approving of the rules, shall issue to the society a certificate of incorporation and give notice thereof in *The Canada Gazette*, and thereupon such society shall be a corporation under the name described in the acknowledgement and notice, and all property, for the time being, vested in any person in trust for the society shall be vested in the society, and the said certificate of incorporation

Charter of society.

and the rules of the society, together with this Act, shall constitute the charter of the society.

Proof of incorporation.

7. The production of *The Canada Gazette* containing the said notice shall be conclusive evidence that the society therein mentioned is duly incorporated.

Minors may be members, subject to rules of society.

8. A person under the age of twenty-one, subject to the limitations of the rules, may be a member of a society, and such persons may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules; but shall not be a member of the committee, trustee, manager or treasurer of the society.

REGISTERED OFFICE.

Registered office.

9. Every society shall have a registered office, to which all communications and notices shall be addressed, and the society

shall send to the postmaster of the post office nearest to its registered office, and to the Minister, written notice of the situation of such registered office and of every change of such situation. Notice.

LAND.

10. A society may (if its rules do not otherwise direct) hold, purchase or take on lease in its own name any land, and may sell, exchange, lease or build thereon. Power to acquire land.

NAME.

11. The corporate name of the society shall not be that of any other known society or company incorporated or unincorporated, or so nearly resembling such name as to be likely, in the opinion of the Minister, to be confounded therewith, or otherwise on public grounds objectionable, and no society shall change its name except as hereinafter provided: Provided, however, that the Minister may, at any time, change the name of a society if it appears to him that such name is that of any other society or company incorporated or unincorporated or nearly resembles the same, or is on any grounds objectionable, and such change shall be made in the like manner and with the like consequences as if it were changed on the application of the society. Corporate name. Change of name by Minister.

12. The word "co-operative" shall be included in, and the word "limited" shall be the last word of the name of every society. "Co-operative" and "limited."

13. Every society shall paint or affix and keep painted or affixed its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, and in letters easily legible, and shall have its name engraven in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements and other publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money purporting to be signed by or on behalf of such society, and in all bills and receipts of the society. Name of society to be kept conspicuous.

14. A society may, by resolution approved of by two-thirds of its members and adopted at a general meeting called for that purpose, and with the approval of the Minister, change its name, and from the date of a notice of such change, to be published by the Minister in *The Canada Gazette*, the society shall be known and designated under the new name, but no such change of name shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name. Change of name by society. Notice. Pending proceedings not affected.

RULES.

Copies of rules.

15. A copy of the rules of the society shall be delivered by the society to every member on demand, on payment of a sum fixed by the rules.

Amendments.

16. An amendment of a rule of a society shall not be valid until it has been approved of by the Minister, for which purpose two copies thereof, signed by three members and the secretary, or by the president and the secretary, shall be sent to the Minister.

Approval of Minister.

2. The Minister, on being satisfied that an amendment of a rule is not contrary to the law or to this Act, and that it has been duly sanctioned by the society, may approve of it, and may issue to the society an acknowledgement of the deposit of such amendment, which shall be conclusive evidence that it is in force.

Application and force of rules.

17. The rules of the society shall bind the society and all members thereof and all persons claiming through them, respectively, to the same extent as if such member had subscribed his name and affixed his seal thereto, and as if there were contained in such rules a covenant on the part of such member, his heirs, executors, administrators and assigns, to conform thereto subject to the provisions of this Act.

Security by officers in receipt or charge of money.

18. Every officer of a society who receives or has charge of money, if the rules of the society require, shall, before taking upon himself the duties of his office, become bound, either with or without a surety, as the committee may require, in a bond according to one of the forms set forth in Schedule C to this Act, or such other form as the committee approves, or shall give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society, at such times as its rules appoint, or as the society or the committee thereof requires him to do, and for the payment by him of all sums due from him to the society.

Bonds.

Guarantee society.

Distribution of profits.

19. The rules of every society shall provide for the profits being appropriated to any purposes stated therein.

Number of shares which may be held.

20. A society may make regulations respecting the maximum number of shares which may be held by a member of the society and the maximum amount which may be loaned to a member: Provided, however, that no such regulation shall be valid or acted upon until it has been approved of at the annual meeting or at a general meeting of the society called to consider it.

Approval.

CAPITAL, SHARES AND BUSINESS.

Shares.

Calls.

21. A society may create a capital divided into shares, and the amount thereof, the number of shares and the calls or other payments thereon, shall be determined by its rules, but the amount of each share shall not be less than one dollar.

22. The capital of the society may, subject to the rules, be increased by subscriptions for new shares or the admission of new members, and it may be diminished by withdrawals. Increase and decrease of capital.

23. Any other corporation may, if its constating instruments permit, hold shares in a society. Shares held by other corporations.

24. No member shall have more than one vote, and voting by proxy shall be allowed only when shares are held by an agricultural association, a municipal body, a school board, *fabrique d'eglise* or other corporation existing under the law of Canada or of some province thereof. Votes and proxies.

25. Every society shall keep a register or list of members or shares which shall be *prima facie* evidence of any of the following particulars entered therein:— Register of members or shares.

(*a*) The names, addresses and occupation of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares;

(*b*) The date at which the name of any such person, corporation, or society was entered in such register or list as a member;

(*c*) The date at which any such person, corporation, or society ceased to be a member.

26. All moneys payable by a member to a society shall be a debt due from such member to the society and shall be recoverable as such in any court of competent jurisdiction. Dues of members.

2. A society shall have a lien on the shares of any member for any debt due to it by him, and may set off any sum credited to the member therein in or towards the payment of such debt. Lien on shares for debt.

27. The Minister, by the certificate of incorporation and notice thereof in *The Canada Gazette*, may limit the district within which a society may carry on its business by means of offices or other places for carrying it on, or by means of agents, canvassers or otherwise. District may be limited.

28. The Minister may, from time to time, vary the district of a society on application for that purpose by the committee, on a resolution approved of by two-thirds of the members of the society at a general meeting duly called for considering such resolution. District may be varied.

2. The Minister, upon approving of such application, shall give a certificate thereof in writing to the society and shall publish a notice thereof in *The Canada Gazette*. Certificate and notice.

29. No society which has a withdrawable share capital shall carry on the business of credit and savings unless such society lays aside at least ten per cent of its yearly net profits in order to establish a guarantee fund to meet losses, and until the said guarantee fund is equal to the maximum amount at any time of the paid-up share capital and deposits; and if the said maximum amount of paid-up capital and deposits is reduced by withdrawals the said fund shall be maintained at the said maximum Credit and savings business.

amount notwithstanding such subsequent reduction, and the said yearly addition to net profits shall continue to be laid aside until the said guarantee fund has reached the aforesaid maximum amount of paid-up share capital and deposits, or in case the said fund is impaired by losses, after it has reached the said maximum, the said yearly addition shall be again laid aside until the said fund is completed.

Investment of guarantee fund.

30. A society shall invest its guarantee fund in public securities of the Government of Canada, or of any province thereof, or of a municipal corporation, school board or *fabrique d'eglise*, or may loan to such municipal or incorporated bodies upon the security of their general credit.

Loans to members only.

31. No society shall advance money by discount, loan or otherwise to, nor accept deposits from, any person other than members thereof.

Rate of interest.

2. The rate of interest to be paid on deposits and on loans shall be fixed by the committee.

Statement of business to be posted up.

32. Every society shall, on the first Mondays in March and September in each year, make out and keep conspicuously hung up in its registered office, and in every other office or place of business belonging to it, a statement in the form of Schedule D to this Act, or as near thereto as the circumstances admit.

BOARD OF CREDIT.

Board of Credit.

33. Every society shall, at each annual general meeting, elect from its members a board of credit of at least three members, who shall not be members of the committee or board of supervision or officers of the society, and the president of the society shall be an ex officio member of such board.

Term of office.

2. The members of the board shall hold office for three years and until their successors are appointed. One-third of the members of the board, who, in the first two years and until the order of seniority begins, shall be chosen by lot, shall retire annually, but shall be eligible for re-election.

Borrowing prohibited.

3. No member of the board shall borrow from or be in any way liable to the society.

Duties.

4. It shall be the duty of the board to consider and approve of all loans and investments of funds of the society.

BOARD OF SUPERVISION.

Board of Supervision.

34. Every society shall, at each annual general meeting, elect from its members a board of supervision of at least two members, who shall not be members of the committee, or board of credit, or officers of the society.

Term of office.

2. The members of the board shall hold office for one year and until their successors are appointed.

Duties.

3. The board shall, from time to time, examine and audit the books of the society and deposit books of the members; shall supervise the operations of the committee and board of credit; and shall check the cash investments and securities of the society.

4. In the event of any of the funds, securities or other property of the society being misappropriated or otherwise misdirected from their proper use, or in the event of any of the rules of the society being contravened by the committee or board of credit, or any member thereof, or by any officer, the board shall forthwith call a general meeting of the society. Misappropriation of funds or contravention of rules. General meeting called.

5. Pending the holding of such meeting the board may suspend any member of the committee or board of credit, or any officer, and may appoint members of the society to perform the duties of any person so suspended, until the said meeting of the society. Suspensions by Board.

6. The board shall report to the meeting all circumstances relating to any misappropriation of funds, securities or other property, or any improper diversion thereof, and the causes of suspension of any member of the committee, board of credit or officer, and the society, at the meeting so called or at any adjournment thereof, may dismiss from office or reinstate any member of the committee or board of credit or officer suspended by the board. Report of Board, and powers of general meeting.

7. No member of the board shall borrow from or be in any way liable to the society. Borrowing prohibited.

8. The board shall submit a written report to each annual general meeting. Annual report.

35. No officer shall be paid any sum of money, and shall not be recompensed in any other way, by the society for services rendered to the society. No salary to officers.

INVESTMENT AND RESERVE.

36. A society may invest any part of its capital in or upon any security authorized by its rules. Investment of capital.

2. A society which has invested any part of its capital in the shares or on the security of any other corporation may appoint as proxy any one of its members, though such member is not personally a shareholder of such other corporation. When capital invested in other corporations.

3. The proxy shall, during the continuance of his appointment, be taken by virtue thereof as holding the number of shares held by the society by whom he is appointed, for all purposes except the transfer of such shares, or the giving receipts for any dividend thereon. Powers of proxy.

BORROWING POWERS.

37. The committee of a society may pass resolutions for borrowing money: Provided, however, that nothing in this or the three following sections hereof shall apply to promissory notes, bills of exchange, or other securities of a commercial nature issued in the ordinary course of business. Resolutions for borrowing money. Proviso as to commercial securities.

38. No resolution referred to in section 37 of this Act, shall take effect until it has been confirmed by a vote of not less than two-thirds of the members present or represented by proxy at a general meeting of the society, duly called for considering such resolution, by notice specifying the terms of the resolution to be Confirmation of resolutions.

confirmed, or until unanimouly sanctioned in writing by the members of the society.

Mortgage or pledge of real or personal property of society.

39. The committee may charge, hypothecate, mortgage, or pledge the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the society, or any liability of the society authorized by resolution and confirmed as hereinbefore provided, and a duplicate original of such charge, mortgage or other instrument of hypothecation or pledge shall be forthwith forwarded to the Minister, as well as registered under the provisions of any other law in that behalf.

Copy for Minister.

Registration.

Receipt of society a sufficient discharge.

40. No assignee, mortgagee, pledgee, charge or hypothec holder shall be bound to inquire as to the authority for any such assignment, mortgage, pledge, charge or hypothecation by a society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge, charge, hypothec or other security.

CONTRACTS.

Contracts how made, varied or discharged.

41. Contracts on behalf of a society may be made, varied, or discharged as follows:—

Under seal.

(*a*) Any contract, which if made between private persons would be by law required to be in writing and to be under seal, may be made, on behalf of the society, in writing under the common seal of the society, and may in the same manner be varied or discharged;

In writing.

(*b*) Any contract, which, if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;

Under seal, but subject to be varied or discharged by unsealed writing.

(*c*) Any contract under seal which, if made between private persons, might be varied or discharged by a writing not under seal, signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal, signed by any person acting under the express or implied authority of the society;

Parol contracts.

(*d*) Any contract, which, if made between private persons, would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;

Signature of officer of society *prima facie* genuine.

(*e*) A signature, purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied or discharged by or on behalf of the society, shall *prima facie* be taken to be the signature of a person holding, at the time when the signature was made, the office so stated.

Contracts duly executed obligatory on society.

2. All contracts which may be or have been made, varied or discharged according to the provisions of this section, shall, so far as concerns the form thereof, be effectual in law and binding

on the society and all other parties thereto, their heirs, executors or administrators, as the case may be.

12. A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of the society if made, accepted, or endorsed in the name of the society, or by or on behalf or on account of the society, by any person acting under the authority of the society. Promissory notes and bills of exchange.

ACCOUNTS, AUDITS AND INSPECTIONS.

13. The annual meeting of the society shall be held at such time and place in each year as the rules of the society provide, and in default of such provisions in that behalf the annual meeting shall be held at the registered office of the society on the fourth Wednesday in January in each year. Annual meeting.

2. At such meeting the committee shall lay before the society,— Duty of committee to present:

(*a*) A balance sheet made up to date not more than three months before such annual meeting; Balance sheet.

(*b*) A statement of income and expenditure for the financial period ending upon the date of such balance sheet; Income and expenditure.

(*c*) The report of the board of supervision; Report.

(*d*) Such further information respecting the society's financial position as the rules require. Financial position.

3. Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:— Balance sheet, what to contain.

(*a*) Cash;

(*b*) Debts owing to the society from members;

(*c*) Land and buildings;

(*d*) Debts owing by the society secured by mortgage or other lien upon the property of the company;

(*e*) Debts owing by the society but not secured;

(*f*) Amount received on shares;

(*g*) Amount owing on shares;

(*h*) Amount paid on withdrawal of shares;

(*i*) Indirect and contingent liabilities.

14. Every society shall supply gratuitously to every member or other person interested in the funds of the society, on his application, a copy of the last annual balance sheet and return of the society. Balance sheet to be furnished gratuitously.

15. Save as provided in this Act, no member or person shall have any right to inspect the books of the society, notwithstanding anything in the existing rules relating to such inspection. Inspection of books.

2. Any member or other person having an interest in the funds of the society may inspect his own account and the books containing the names of the members at all reasonable hours at the registered office of the society, or at such other place where they are kept, subject to such regulations as to time and manner of such inspection as are made by the rules. When accounts and lists may be inspected.

3. The society may, by its rules, authorize the inspection of any of its books therein metioned, in addition to the said books Rules for inspection under

conditions imposed therein.

containing the names of members, under such conditions as are thereby imposed, so that no person, unless he is an officer of the society or is specially authorized by a resolution thereof, shall have the right to inspect the loan or deposit account of any other member without his written consent.

Disputes between members decided according to rules.

46. Every dispute between a member of a society and any person aggrieved who has for not more than six months ceased to be a member of the society, or any person claiming through such member or person aggrieved, or claiming under the rules of the society, and the society or an officer thereof, shall be decided in the manner directed by the rules of the society, if they contain any such directions, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made before any court of competent jurisdiction.

No appeal.

Minister may order inspection of books.

47. The Minister may, if he thinks fit, on the application of ten members of a society each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant to inspect the books of the society and to report thereon: provided that—

Security for costs.

(*a*) the applicants shall deposit with the Minister such sum as security for the costs of the proposed inspection as the Minister may require;

Payment of expenses.

(*b*) all expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers of the society in such proportion as the Minister may direct.

Powers of inspector.

2. A person appointed under this section shall have power to make copies of all books of the society; and to take extracts therefrom at all reasonable hours.

Result of inspection.

3. The Minister shall communicate the results of any such inspection to the applicants and to the society.

Inspection of affairs by Minister on application.

48. Upon the application of one tenth of the whole number of members of a society, or of one hundred members in the case of a society exceeding one thousand members, the Minister may—

(*a*) appoint an inspector or inspectors to examine into and report upon the affairs of such society;

(*b*) call a special meeting of the society.

Evidence and notice required.

2. Such application shall be supported by such evidence as the Minister requires before taking action, and the Minister may require that such notice as he deems necessary be given to the society.

Security for costs.

3. The Minister may require the applicants to furnish security for the costs of such inspection or meeting.

Payment of expenses.

4. All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same, or out of the funds of the society, or by the members or officers or former members or officers of the society, in such proportion as the Minister shall direct.

5. An inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the society, and may examine on oath its officers, members, agents and servants in relation to its business, and may administer an oath accordingly. Powers of inspector.

6. The Minister may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rules of the society to the contrary notwithstanding. Special meeting to be held. Powers thereof.

RETURNS.

49. The society shall, on or before the first day of February in each year, make out a summary, verified as hereinafter required, containing as of the thirty-first day of December preceding, correctly stated, the following particulars:— Annual summary of the affairs of the society.

(*a*) The corporate name of the society and the date of incorporation; Contents of summary.

(*b*) The name, residence and post office address of the officers;

(*c*) The date upon which the last annual meeting of the society was held;

(*d*) The place of the registered office, giving street and number when possible;

(*e*) The amount of subscribed capital of the society and the number of shares into which it is divided;

(*f*) The number of shares, if any, issued as fully paid up, as consideration for any transfer of assets, or otherwise; if none are so issued, this fact to be stated;

(*g*) The amount of calls made on each share;

(*h*) The total amount of calls received;

(*i*) The total amount of shares forfeited;

(*j*) The number of shares subscribed for and allotted during the preceding year;

(*k*) The number of shares withdrawn during the preceding year;

(*l*) The amount on deposit;

(*m*) The amount on loan;

(*n*) The total amount loaned during the year;

(*o*) The amount of the guarantee fund;

(*p*) A statement of the receipts and expenditure of the society during the year in respect of the several objects of the society;

(*q*) The number of members of the society.

2. A duplicate of such summary with an affidavit of verification and the last balance sheet signed by the members of the board of supervision shall be posted up in a conspicuous position in the registered office of the society on or before the first day of March in each year, and shall be available for inspection by any member or creditor of the society, and the society shall keep the same so posted until another summary and balance sheet is posted under the provisions of this Act. Posting thereof.

3. The said summary shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time out of Canada or Verification thereof.

otherwise unable to make the said affidavit, then by the affidavit of the president or secretary and one of the officers 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.

Transmission to Minister.

4. The summary, verified as aforesaid, together with the last balance sheet signed by the members of the board of supervision shall, on or before the first day of March next after the time hereinbefore fixed for making the summary, be transmitted to the Minister.

Returns on special subjects.

50. The Minister may, whenever he sees fit, require a society to make a return upon any special subject connected with the affairs of the society, and the society shall make such return within the time mentioned in the notice requiring such return.

AMALGAMATION.

Amalgamation of several societies.

51. Any two or more societies may, by resolution of each of the societies interested passed by a vote of two-thirds of the members of the said societies respectively at meetings thereof duly called for considering such resolution, become amalgamated as one society, with or without any dissolution or division of the funds of such societies, or either of them, and upon such conditions as are set forth in the said resolutions, and the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than that contained in the resolution amalgamating the societies.

Transfer of contracts and liabilities.

52. Any society may, by resolution passed by a vote of two-thirds of the members of the society at a meeting duly called for considering such resolution, transfer its assets, undertakings and liabilities to any other society which undertakes to fulfil the contracts and liabilities of the society.

Creditors' rights saved.

53. Such amalgamation or transfer shall not prejudice the rights of any creditor of any society party thereto.

Resolutions to be sent to Minister.

54. Copies of all resolutions relating to an amalgamation or transfer, certified by the chairman of the meeting at which the resolution was passed and by the secretary of the society shall be deposited with the Minister.

Acknowledgement and effect.

55. The Minister, on being satisfied that the foregoing provisions of this Act respecting such amalgamation or transfer have been complied with, and that the said resolutions were duly passed by the said societies, may issue to the said societies an acknowledgement of amalgamation or transfer, and give

Notice.

notice thereof in *The Canada Gazette*, and thereupon such amalgamation or transfer shall be deemed to take effect.

CANCELLATION AND SUSPENSION OF CHARTER.

Cancellation of charter.

56. The Minister may, at any time, upon notice in writing cancel the charter of a society,—

(*a*) if it is shown that the number of the members of the society has been reduced to less than seven, or that the charter of a society has been obtained by fraud, or that the society has ceased to carry on business;

(*b*) if he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct;

(*c*) on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully, and after notice from the Minister, violated any of the provisions of this Act.

Suspension of charter.

2. The Minister, in any case in which he might cancel the charter of the society, may suspend the charter, by writing under his hand or seal, for any term not exceeding three months, and may renew such suspension from time to time for a like period.

Notice to society of intended cancellation.

3. Before such cancellation or suspension the Minister shall give the society a notice of not less than two months specifying, the ground of any proposed cancellation or suspension (except in the case of a request by the society itself), and notice of such cancellation or suspension shall be published in *The Canada Gazette* and in a newspaper published at or near the place where such society last had its head office.

Public notice.

Absolute cessation of society from date of publication.

4. Such society shall, from the date of publication in *The Canada Gazette* of the said notice of cancellation or suspension, absolutely cease to enjoy the privileges of a society, but without prejudice to any liability actually incurred by such society, which liability may be enforced as if such cancellation or suspension had not taken place.

Liability of society unaffected.

Dissolution.

57. A society organized under this Act may be dissolved,—

(*a*) by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution;

(*b*) under the provisions of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906.

R.S., c. 144.

Liability of members on winding up, subject to qualifications.

58. Where a society is wound up under the provisions of *The Winding-up Act* the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributors amongst themselves, shall be qualified as follows:—

(*a*) no individual, society or company who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute;

(*b*) no individual, society or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceases to be a member;

(*c*) no individual, society or company, not a member, shall be liable to contribute, unless it appears that the contribution of the existing members are insufficient to satisfy the just demands on the society;

(*d*) no contribution shall be required from any individual, society or company exceeding the amount, if any, unpaid of the shares in respect of which he or it is liable as a past or present member;

(*e*) an individual, society or company shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal.

Withdrawal and transfer of shares by officers and members.

59. Officers, members of administrative boards and other members entrusted with or participating in the direct management of the society's affairs shall not withdraw or transfer their shares during the exercise of their functions, and in case of the society's insolvency any such withdrawal or transfer made by them, within four months preceding such insolvency, shall be null and void, and such member shall remain liable to the creditors of the society to the extent of such shares so withdrawn or transferred.

Dissolution by instrument.

60. Where a society is terminated by an instrument of dissolution:—

Contents of instrument.

(*a*) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of the creditors, if any, and the provisions to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the Minister;

Alterations in instrument.

(*b*) Alterations in the instrument of dissolution may be made with the like consents, as hereinbefore provided, and testified in the same manner;

Statutory declaration to accompany instrument.

(*c*) A statutory declaration shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the Minister with the instrument of dissolution and any alterations thereof;

Members bound.

(*d*) The instrument of dissolution and all alterations therein shall be binding upon all the members of the society;

Notice of dissolution.

(*e*) The Minister shall cause a notice of dissolution to be advertised at the expense of the society in *The Canada Gazette* and in some newspaper at or near the place of registered office of the society and unless, within three months from the date of *The Canada Gazette* in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the county where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto;

Society dissolved, unless proceedings are taken, within three months, in county court, and dissolution set aside.

Notice to Minister of proceedings or of order of court.

(*f*) Notice shall be sent to the Minister of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside, within seven days after it is made by the society.

OFFENCES AND PENALTIES.

Offences

61. It shall be an offence under this Act, if a society—

Contravention of Act.

(*a*) fails to give any notice, send any return or document, or to do or allow to be done any act or thing which the society is, by this Act, required to give, send, do or allow to be done; or,

Wilful neglect or refusal to furnish information.

(*b*) wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Minister or any other person authorized under this Act, or does any act or thing forbidden by this Act; or,

False return.

(*c*) makes a return or wilfully furnishes information in any respect false or insufficient; or,

Failure to post up papers.

(*d*) fails to make out and keep continuously hung up the annual return and balance sheet required by this Act.

Offences by societies to be also offences by officers.

62. Every offence by a society under this Act shall be deemed to have been also committed by every officer of the society who is bound by the rules thereof to fulfil the duty whereof such offence is a breach, or, if there be no such officer, then by every member of the committee unless such member is found to have been ignorant of, or to have attempted to prevent the commission of, such offence; and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which it continues.

Exception.

Penalty for obtaining property by fraud, or withholding or misapplying property.

63. If any person obtains possession by false representation or imposition of any property of a society, or having it in his possession, withholds or mis-applies it or wilfully applies any part thereof to purposes other than those expressed or directed by the rules of the society, and authorized by this Act, he shall, on the complaint of the society, or any member authorized by the society, or by the committee thereof or by the Minister, be liable, on summary conviction, to a fine not exceeding fifty dollars and costs, and to be ordered to deliver up such property or to repay all moneys applied improperly and, in default of such delivery or repayment, or of the payment of such fine, to be imprisoned, with or without hard labour, for a term not exceeding three months; but nothing herein shall prevent any such person from being proceeded against if not previously convicted under this Act of the same offence or of an offence which includes the offence with respect to which he is so proceeded against.

Penalty for making false entries.

64. If any person wilfully makes, orders or allows to be made any entry or erasure in, or omission from, any balance sheet of a society, or any contribution or collection book, or any return or document required to be sent, produced or delivered under this Act, with intent to falsify the same, or to evade any provision of this Act, he shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

Penalty respecting copies of society's rules.

65. It shall be an offence under this Act, punishable on summary conviction by a fine not exceeding twenty-five dollars, if any person, with intent to mislead or defraud, gives to any other person a copy of any rules other than the rules for the time being approved of by the Minister under this Act, on the pre-

tence that they are the existing rules of a society, or that there are no rules of such society, or gives to any person any rules on the pretence that such rules are the rules of an existing society, when such society is not really a society incorporated under this Act.

REGULATIONS.

Regulations by Governor in Council.

66. The Governor in Council may make regulations respecting the procedure and forms to be adopted in carrying out the provisions of this Act, and generally for carrying this Act into effect, and by such regulations may impose fines not exceeding twenty-five dollars for an infraction of the provisions thereof, and such fines shall be recoverable on summary conviction; and such regulations shall apply as soon as they have been published in *The Canada Gazette*.

Publication in *Canada Gazette*.

Regulations to be laid before Parliament.

67. Such regulations shall be laid before Parliament within ten days after the making thereof, if Parliament is then sitting, or, if not then sitting, then during the first ten days of the next session thereof.

SCHEDULE A.

CO-OPERATIVE CREDIT SOCIETIES ACT.

To the Secretary of State of Canada.

The application of ————————.

Sheweth.

1. That the undersigned desire to be incorporated as a society under the provisions of The Co-operative Credit Societies Act, under the name "————————, Limited."

2. That the objects of incorporation are as follows: [*Set out objects, in detail.*]

3. That the undersigned have prepared rules in accordance with the said Act for the management of the said society, a copy of which are herewith attached.

Dated at————this————day of————19—.

Witness.

SCHEDULE B.

Matters to be provided for by the rules of societies incorporated under The Co-operative Credit Societies Act:—

1. Object, name and head office or chief place of business of the society.

2. Terms of admission of the members, including societies or companies taking shares in the society under the provisions of this Act.

3. Mode of holding meetings, right of voting and of making, altering and rescinding rules.

4. Appointment and removal of the committee or officers, and their respective powers.

5. Determination whether the shares or any of them shall be transferable, and regulations of the form of transfer and registration of the shares and the consent of the committee thereto; determination whether the shares of any of them shall be withdrawable and the payment of the balance due thereon withdrawing from the society.

6. Determination whether or how members may withdraw from the society.

7. Mode of application of profits.

8. Provision for custody of seal and certifying of documents issued by the society.

9. Determination whether and by what authority and in what manner any part of the capital may be invested.

SCHEDULE C.

FORM OF BOND.

(*a*) Know all men by these presents, that we, A. B., of———, ———, one of the officers of the "————, Limited," hereinafter referred to as "the society," whose registered office is at ————, in the county of————, and C. D., of————, (as surety on behalf of the said A. B.), are jointly and severally held and firmly bound to the society in the sum of———— dollars to be paid to the society, or its certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals.

Dated the———— day of————19—.

Whereas the above-bounden A. B. has been duly appointed to the office of———— of the———— society, and he, together with the above-bounden C. D. as his surety, have entered into the above-written bond, subject to the condition hereinafter contained:

Now therefore the condition of the above-written bond is such, that if the said A. B. do render a just and true account of all moneys received and paid by him on account of the society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the society in his hands or custody to such person or persons as the society or committee thereof appoint, according to the rules of the society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, but otherwise shall remain in full force.

Sealed and delivered in the presence of————.

(*b*) Know all men by these presents that ———— of ——— in the county of——— am firmly bound to "———,

Limited," hereinafter referred to as "the society," whose registered office is at————, in the county of————, in the sum of———— dollars to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorney or assigns I bind myself, my heirs, executors, and administrators, by these presents.

Sealed with my seal.

And know further that I (*or*, we)———— as surety (*or*, sureties) for the above named principal obligor and such obligor are jointly and severally bound to the society in the sum aforesaid to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorney or assigns we firmly bind ourselves and each of us, our and each of our heirs, executors and administrators, by these presents.

Sealed with our seal.

Dated the———— day of————19—.

The condition of the above-contained bond is that if the said———— faithfully execute the office of———— to the society during such time as he continues to hold the same in virtue either of his present appointment, or of any renewal thereof if such office is of a renewable character (without wasting embezzling, losing, misspending, misapplying or unlawfully making away with any of the moneys, goods, chattels, wares, merchandise or effects whatsoever of the society at any time committed to his charge, custody, or keeping by reason or means of the said office), and render a true and full account of all moneys received or paid by him on its behalf as and when he is required by the committee of management of the society for the time being, and pay over all the moneys remaining in his hands from time to time, and assign, transfer and deliver up all securities, books, papers, property and effects whatsoever of or belonging to the society in his charge, custody or keeping, to such person or persons as the said committee may appoint, according to the rules or regulations of the society for the time being, together with the proper or legal receipts or vouchers for such payments; and in all other respects well and faithfully perform and fulfil the said office of———— to the society, according to the rules thereof, then the above written bond shall be void and of no effect; but otherwise shall remain in full force.

Sealed and delivered by the above-named————.

(The words between brackets against which we have set our initials being struck out) in the presence of———— and————.

SCHEDULE D.

FORM OF STATEMENT.

(To be made by a society carrying on the business of Savings and Credit.)

1. Capital of the society:—
   (*a*) Nominal amount of each share;
   (*b*) Number of shares issued;
   (*c*) Amount paid up on shares.

2. Liabilities of the society on the first day of January (*or*, July) last previous:—

(*a*) On judgments;
(*b*) On specialty;
(*c*) On notes or bills;
(*d*) On simple contract;
(*e*) On estimated liabilities.

3. Assets of the society on the same date:—

(*a*) Government or other securities (*stating them*);
(*b*) Bills of exchange and promissory notes;
(*c*) Cash at the bankers;
(*d*) Other securities.

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

THE HOUSE OF COMM
OF CANADA.

BILL 26.

An Act respecting Co-operative
Societies.

(*Reprinted as proposed to be amend*
Banking and Commerce Commi

MR. Mo

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

[SECOND REPRINT.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act respecting Co-operative Credit Societies.

(*Again reprinted as proposed to be amended in the Banking and Commerce Committee.*)

Preamble.

WHEREAS it is desirable to promote economy and thrift by means of co-operative savings and credit societies, and that legislation respecting the incorporation and management of such societies should be uniform throughout 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.

Short title.

1. This Act may be cited as *The Co-operative Credit Societies Act.*

INTERPRETATION.

Interpretation.

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

"Minister" means the Secretary of State of Canada; "Minister."

"department" means the Department of the Secretary of State of Canada; "Department."

"society" means a society incorporated under this Act; "Society."

"land" includes hereditaments and chattels real, and any interest therein; "Land."

"property" includes all real and personal estate, including books and papers; "Property."

"amendment of rule" includes a new rule, and a resolution rescinding a rule; "Amendment of rule."

"rules" mean the rules approved of by the Minister, and include any amendment of a rule approved of by the Minister; "Rules."

"the committee" means the committee of management or other directing body of a society; "Committee."

"persons claiming through a member" includes the heirs, executors, administrators, or assigns of a member; "Persons claiming."

"officer" includes any treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society; "Officer."

"meeting" includes (where the rules of a society so allow) a meeting of delegates appointed by members; "Meeting."

"office" means the registered office for the time being of a society; "Office."

"Court." "court," in its application to the province of Quebec, means the Superior Court, and in all other provinces the County Court, and in the Yukon Territory the Territorial Court.

APPLICATIONS.

Applications to be approved by Minister.

3. All applications under this Act shall be subject to the approval of the Minister after consideration of the compliance of such application with the provisions of this Act and of all circumstances connected therewith, and the Minister or any officer of the Department to whom an application is referred may, for the purpose of any enquiry into such circumstances and the sufficiency and regularity of the application, take evidence in writing under oath or affirmation.

Applications to be by petition.

4. All applications to the Minister under this Act for incorporation, or for his approval of any act which requires his approval, shall be by petition, verified by affidavit or declaration.

INCORPORATION.

What societies may be incorporated.

5. Under this Act, societies may be incorporated having for their object or purpose the receiving of moneys on deposit from members and the making of loans to members with or without security, defined by the petition signed on application for incorporation.

Number of incorporators.

6. Any number of persons not less than seven, capable of contracting, may be incorporated as a society.

Petition for incorporation.

2. Such persons shall sign in duplicate, before two witnesses, a petition in the form of Schedule A to this Act. One of such petitions, with a copy of the rules, shall be forwarded by registered letter or otherwise delivered to the Minister, and the other, with a copy of the rules shall, remain of record in the archives of the society.

Copy for Minister, and for record.

Rules of society.

7. The rules of every society shall contain provisions regarding the several matters mentioned in Schedule B to this Act, together with such other provisions as are deemed necessary for the management of the affairs of the society. The rules shall not be contrary to law, and may set forth the form of any instrument necessary for carrying the purposes of the society into effect.

Certificate of incorporation and notice thereof.

8. The Minister, on approving of the rules, may issue to the society a certificate of incorporation and give notice thereof in *The Canada Gazette*, and thereupon such society shall be a corporation under the name described in the certificate and notice, and all property, for the time being, vested in any person in trust for the society shall be vested in the society, and the said certificate of incorporation and the rules of the society, together with this Act, shall constitute the charter of the society.

Charter of society.

9. The production of *The Canada Gazette* containing the said notice shall be conclusive evidence that the society therein mentioned is duly incorporated. Proof of incorporation.

10. A person under the age of twenty-one, subject to the limitations of the rules, may be a member of a society, and such persons may enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules; but shall not be a member of the committee, trustee, manager or treasurer of the society. Minors may be members, subject to rules of society.

REGISTERED OFFICE.

11. Every society shall have a registered office, to which all communications and notices shall be addressed, and the society shall send to the postmaster of the post office nearest to its registered office, and to the Minister, written notice of the situation of such registered office and of every change of such situation. Registered office. Notice.

LAND.

12. A society may, for the purposes of its undertaking (if its rules do not otherwise direct), hold, purchase or take on lease in its own name any land, and may sell, exchange, lease or build thereon. Power to acquire land.

2. The annual value of the land so acquired or held, shall not exceed five thousand dollars. Annual value of land.

NAME.

13. The corporate name of the society shall not be that of any other known society or company incorporated or unincorporated, or so nearly resembling such name as to be likely, in the opinion of the Minister, to be confounded therewith, or otherwise on public grounds objectionable, and no society shall change its name except as hereinafter provided: Provided, however, that the Minister may, at any time, change the name of a society if it appears to him that such name is that of any other society or company incorporated or unincorporated or nearly resembles the same, or is on any grounds objectionable, and such change shall be made in the like manner and with the like consequences as if it were changed on the application of the society. Corporate name. Change of name by Minister.

14. The word "co-operative" shall be included in, and the word "limited" shall be the last word of the name of every society. "Co-operative" and "limited."

15. Every society shall paint or affix and keep painted or affixed its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, and in letters easily legible, and shall have its name engraven in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements and Name of society to be kept conspicuous.

other publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money purporting to be signed by or on behalf of such society, and in all bills and receipts of the society.

Change of name by society.

16. A society may, by resolution approved of by two-thirds of its members and adopted at a general meeting called for that purpose, and with the approval of the Minister, change its name, and from the date of a notice of such change, to be published by the Minister in *The Canada Gazette*, the society shall be known and designated under the new name, but no such change of name shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name.

Notice.

Pending proceedings not affected.

RULES.

Copies of rules.

17. A copy of the rules of the society shall be delivered by the society to every member on demand, on payment of a sum fixed by the rules.

Amendments.

18. An amendment of a rule of a society shall not be valid until it has been approved of by the Minister, for which purpose two copies thereof, signed by three members and the secretary, or by the president and the secretary, shall be sent to the Minister.

Approval of Minister.

2. The Minister, on being satisfied that an amendment of a rule has been duly sanctioned by the society, may approve of it, and may issue to the society an acknowledgement of the deposit of such amendment, which shall be conclusive evidence that it is in force.

Application and force of rules.

19. The rules of the society shall bind the society and all members thereof and all persons claiming through them, respectively, to the same extent as if such member had subscribed his name and affixed his seal thereto, and as if there were contained in such rules a covenant on the part of such member, his heirs, executors, administrators and assigns, to conform thereto subject to the provisions of this Act.

Security by officers in receipt or charge of money.

20. Every officer of a society who receives or has charge of money, shall, before taking upon himself the duties of his office, become bound, either with or without a surety, as the committee may require, in a bond according to one of the forms set forth in Schedule C to this Act, or such other form as the committee approves, or shall give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society, at such times as its rules appoint, or as the society or the committee thereof requires him to do, and for the payment by him of all sums due from him to the society.

Bonds.

Guarantee society.

21. The rules of every society shall provide for the profits being appropriated to any purposes stated therein. Distribution of profits.

22. A society may make rules respecting the maximum number of shares which may be held by a member of the society and the maximum amount which may be deposited by or loaned to a member, and the maximum amount which the society may receive on deposit. Rules respecting shares, deposits and loans.

CAPITAL, SHARES AND BUSINESS.

23. A society may create a capital divided into shares, and the amount thereof, the number of shares and the calls or other payments thereon, shall be determined by its rules, but the amount of each share shall not be less than one dollar. Shares.

24. The capital of the society may, subject to the rules, be increased by subscriptions for new shares or the admission of new members, and it may be diminished by withdrawals. Increase and decrease of capital.

25. Any other corporation may, if its constating instruments permit, hold shares in a society; but the society shall not lend any part of its funds to such other corporation until the Minister has given his consent to such loan. Shares held by other corporations.

26. No member shall have more than one vote, and voting by proxy shall be allowed only when shares are held by an agricultural association, a municipal body, a school board, *fabrique d'eglise* or other corporation existing under the law of Canada or of some province thereof. Votes and proxies.

27. Every society shall keep a register or list of members or shares which shall be *prima facie* evidence of any of the following particulars entered therein:— Register of members or shares.

(*a*) The names, addresses and occupation of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares;

(*b*) The date at which the name of any such person or corporation was entered in such register or list as a member;

(*c*) The date at which any such person or corporation, ceased to be a member.

28. All moneys payable by a member to a society shall be a debt due from such member to the society and shall be recoverable as such in any court of competent jurisdiction. Dues of members.

2. A society shall have a lien on the shares of any member for any debt due to it by him, and may set off any sum credited to the member therein in or towards the payment of such debt. Lien on shares for debt.

29. The Minister, by the certificate of incorporation and notice thereof in *The Canada Gazette*, may limit the district within which a society may carry on its business by means of offices or other places for carrying it on, or by means of agents, canvassers or otherwise. District may be limited.

District may be varied.

30. The Minister may, from time to time, vary the district of a society on application for that purpose by the committee, on a resolution approved of by two-thirds of the members of the society at a general meeting duly called for considering such resolution.

Certificate and notice.

2. The Minister, upon approving of such application, shall give a certificate thereof in writing to the society and shall publish a notice thereof in *The Canada Gazette*.

Percentage of net profits to be set aside to meet losses.

31. Every society shall lay aside at least ten per cent of its yearly net profits in order to establish a guarantee fund to meet losses, and until the said guarantee fund is equal to the maximum amount at any time of the paid-up share capital and deposits; and if the said maximum amount of paid-up capital and deposits is reduced by withdrawals the said fund shall be maintained at the said maximum amount notwithstanding such subsequent reduction, and the said yearly addition to net profits shall continue to be laid aside until the said guarantee fund has reached the aforesaid maximum amount of paid-up share capital and deposits, or in case the said funds is impaired by losses, after it has reached the said maximum, the said yearly addition shall be again laid aside until the said fund is completed.

Investment of guarantee fund.

32. A society shall invest its guarantee fund in public securities of the Government of Canada, or of a province thereof, or of a municipal corporation, school board or *fabrique d'eglise*, or may loan from such fund to such municipal or incorporated bodies upon the security of their general credit.

Loans to members only.

33. No society shall advance money by discount, loan or otherwise to, nor accept deposits from, any person other than members thereof.

Rate of interest.

2. The rate of interest to be paid on deposits and on loans shall be fixed by the committee.

Statement of business to be posted up.

34. Every society shall, on the first Mondays in March and September in each year, make out and keep conspicuously and continuously hung up in its registered office, and in every other office or place of business belonging to it, a statement in the form of Schedule D to this Act, or as near thereto as the circumstances admit.

BOARD OF CREDIT.

Board of Credit.

35. Every society shall, at its first general meeting, elect from its members a board of credit of at least three members, who shall not be members of the committee or board of supervision or officers of the society, and the president of the society shall be an ex officio member of such board.

Term of office.

2. The members of the board shall hold office for three years and until their successors are appointed. One-third of the members of the board, who, in the first two years and until the order of seniority begins, shall be chosen by lot, shall retire annually, but shall be eligible for re-election.

3. No member of the board shall borrow from or be in any way liable to the society. Borrowing prohibited.

4. It shall be the duty of the board to consider and approve of all loans and investments of funds of the society. Duties.

BOARD OF SUPERVISION.

36. Every society shall, at each annual general meeting, elect from its members a board of supervision of at least two members, who shall not be members of the committee, or board of credit, or officers of the society. Board of Supervision.

2. The members of the board shall hold office for one year and until their successors are appointed. Term of office.

3. The board shall, from time to time, examine and audit the books of the society and deposit books of the members; shall supervise the operations of the committee and board of credit; and shall check the cash investments and securities of the society. Duties.

4. In the event of any of the funds, securities or other property of the society being misappropriated or otherwise misdirected from their proper use, or in the event of any of the rules of the society being contravened by the committee or board of credit, or any member thereof, or by any officer, the board shall forthwith call a general meeting of the society. Misappropriation of funds or contravention of rules. General meeting called.

5. Pending the holding of such meeting the board may suspend any member of the committee or board of credit, or any officer, and may appoint members of the society to perform the duties of any person so suspended, until the said meeting of the society. Suspensions by Board.

6. The board shall report to the meeting all circumstances relating to any misappropriation of funds, securities or other property, or any improper diversion thereof, and the causes of suspension of any member of the committee, board of credit or officer, and the society, at the meeting so called or at any adjournment thereof, may dismiss from office or reinstate any member of the committee or board of credit or officer suspended by the board. Report of Board, and powers of general meeting.

7. No member of the board shall borrow from or be in any way liable to the society. Borrowing prohibited.

8. The board shall submit a written report to each annual general meeting. Annual report.

37. No officer shall be paid any sum of money, and shall not be recompensed in any other way, by the society for services rendered to the society. No salary to officers.

INVESTMENT.

38. A society may invest any part of its capital in or upon any security authorized by its rules. Investment of capital.

2. A society which has invested any part of its capital in the shares or on the security of any other corporation may appoint as proxy any one of its members, though such member is not personally a shareholder of such other corporation. When capital invested in other corporations.

Powers of proxy.

3. The proxy shall, during the continuance of his appointment, be taken by virtue thereof as holding the number of shares held by the society by whom he is appointed, for all purposes except the transfer of such shares, or the giving receipts for any dividend thereon.

BORROWING POWERS.

Resolutions for borrowing money.

39. The committee of a society may pass resolutions for borrowing money: Provided, however, that nothing in this or the three following sections hereof shall apply to promissory notes, bills of exchange, or other securities of a commercial nature issued in the ordinary course of business.

Proviso as to commercial securities.

Confirmation of resolutions.

40. No resolution referred to in section 39 of this Act, shall take effect until it has been confirmed by a vote of not less than two-thirds of the members present or represented by proxy at a general meeting of the society, duly called for considering such resolution, by notice specifying the terms of the resolution to be confirmed, or until unanimously sanctioned in writing by the members of the society.

Mortgage or pledge of real or personal property of society.

41. The committee may charge, hypothecate, mortgage, or pledge the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the society, to secure any liability of the society authorized by resolution and confirmed as hereinbefore provided, and a duplicate original of such charge, mortgage or other instrument of hypothecation or pledge shall be forthwith forwarded to the Minister, as well as registered under the provisions of any other law in that behalf.

Copy for Minister.

Registration.

Receipt of society a sufficient discharge.

42. No assignee, mortgagee, pledgee, charge or hypothec holder shall be bound to inquire as to the authority for any such assignment, mortgage, pledge, charge or hypothecation by a society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge, charge, hypothec or other security.

CONTRACTS.

Contracts how made, varied or discharged.

43. Contracts on behalf of a society may be made, varied, or discharged as follows:—

Under seal.

(*a*) Any contract, which if made between private persons would be by law required to be in writing and to be under seal, may be made, on behalf of the society, in writing under the common seal of the society, and may in the same manner be varied or discharged;

In writing.

(*b*) Any contract, which, if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;

Under seal, but subject to be varied

(*c*) Any contract under seal which, if made between private persons, might be varied or discharged by a writing not under

seal, signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal, signed by any person acting under the express or implied authority of the society; or discharged by unsealed writing.

(*d*) Any contract, which, if made between private persons, would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged; Parol contracts.

(*e*) A signature, purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied or discharged by or on behalf of the society, shall *prima facie* be taken to be the signature of a person holding, at the time when the signature was made, the office so stated. Signature of officer of society *prima facie* genuine.

2. All contracts which may be or have been made, varied or discharged according to the provisions of this section, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors or administrators, as the case may be. Contracts duly executed obligatory on society.

44. A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of the society if made, accepted, or endorsed in the name of the society, or by or on behalf or on account of the society, by any person acting under the authority of the society. Promissory notes and bills of exchange.

ACCOUNTS AND INSPECTIONS.

45. The annual meeting of the society shall be held at such time and place in each year as the rules of the society provide, and in default of such provisions in that behalf the annual meeting shall be held at the registered office of the society on the fourth Wednesday in January in each year. Annual meeting.

2. At such meeting the committee shall lay before the society:— Duty of committee to present:

(*a*) A balance sheet made up to date not more than three months before such annual meeting; Balance sheet.

(*b*) A statement of income and expenditure for the financial period ending upon the date of such balance sheet; Income and expenditure.

(*c*) The report of the board of supervision; Report.

(*d*) Such further information respecting the society's financial position as the rules require. Financial position.

3. Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:— Balance sheet, what to contain.

(*a*) Cash;

(*b*) Debts owing to the society from members;

(*c*) Land and buildings;

(*d*) Debts owing by the society secured by mortgage or other lien upon the property of the society;

(*e*) Debts owing by the society but not secured;

(*f*) Amount received on shares;

(*g*) Amount owing on shares;

(*h*) Amount paid on withdrawal of shares;

(*i*) Indirect and contingent liabilities.

Balance sheet to be furnished gratuitously.

46. Every society shall supply gratuitously to every member or other person interested in the funds of the society on his application, or as provided by the rules of the society, a copy of the last annual balance sheet and return of the society.

Inspection of books.

47. Save as provided in this Act, no member or person shall have any right to inspect the books of the society, notwithstanding anything in the existing rules relating to such inspection.

When accounts and lists may be inspected.

2. Any member or other person having an interest in the funds of the society may inspect his own account and the books containing the names of the members at all reasonable hours at the registered office of the society, or at such other place where they are kept, subject to such regulations as to time and manner of such inspection as are made by the rules.

Rules for inspection under conditions imposed therein.

3. The society may, by its rules, authorize the inspection of any of its books therein metioned, in addition to the said books containing the names of members, under such conditions as are thereby imposed, so that no person, unless he is an officer of the society or is specially authorized by a resolution thereof, shall have the right to inspect the loan or deposit account of any other member without his written consent.

Disputes between members decided according to rules.

48. Every dispute not of a pecuniary character, and every dispute of a pecuniary character in which the amount involved or in dispute does not exceed one hundred dollars, between a member of a society or any person aggrieved who has for not more than six months ceased to be a member of the society, or any person claiming through such member or person aggrieved, or claiming under the rules of the society, and the society or an officer thereof, shall be decided in the manner directed by the rules of the society, if they contain any such directions, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made before any court of competent jurisdiction.

No appeal.

Minister may order inspection of books.

49. The Minister may, if he thinks fit, on the application of ten members of a society each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant to inspect the books of the society and to report thereon: provided that—

Security for costs.

(*a*) the applicants shall deposit with the Minister such sum as security for the costs of the proposed inspection as the Minister may require;

Payment of expenses.

(*b*) all expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers of the society in such proportion as the Minister may direct.

Powers of inspector.

2. A person appointed under this section shall have power to make copies of all books of the society; and to take extracts therefrom at all reasonable hours.

3. The Minister shall communicate the results of any such inspection to the applicants and to the society. Result of inspection.

50. Upon the application of one tenth of the whole number of members of a society, or of one hundred members in the case of a society exceeding one thousand members, the Minister may— Inspection of affairs by Minister on application.

(*a*) appoint an inspector or inspectors to examine into and report upon the affairs of such society;

(*b*) call a special meeting of the society.

2. Such application shall be supported by such evidence as the Minister requires before taking action, and the Minister may require that such notice as he deems necessary be given to the society. Evidence and notice required.

3. The Minister may require the applicants to furnish security for the costs of such inspection or meeting. Security for costs.

4. All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same, or out of the funds of the society, or by the members or officers or former members or officers of the society, in such proportion as the Minister shall direct. Payment of expenses.

5. An inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the society, and may examine on oath its officers, members, agents and servants in relation to its business, and may administer an oath accordingly. Powers of inspector.

6. The Minister may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rules of the society to the contrary notwithstanding. Special meeting to be held. Powers thereof.

RETURNS.

51. The society shall, on or before the first day of February in each year, make out a summary, verified as hereinafter required, containing as of the thirty-first day of December preceding, correctly stated, the following particulars:— Annual summary of the affairs of the society.

(*a*) The corporate name of the society and the date of incorporation; Contents of summary.

(*b*) The name, residence and post office address of the officers and of the members of the Boards of Credit and Supervision;

(*c*) The date upon which the last annual meeting of the society was held;

(*d*) The place of the registered office, giving street and number when possible;

(*e*) The amount of subscribed capital of the society and the number of shares into which it is divided;

(*f*) The number of shares, if any, issued as fully paid up, as consideration for any transfer of assets, or otherwise; if none are so issued, this fact to be stated;

(*g*) The amount of calls made on each share;

(*h*) The total amount of calls received;

(*i*) The number of shares subscribed for and allotted during the preceding year;

(*j*) The number of shares withdrawn during the preceding year;

(*k*) The amount on deposit;

(*l*) The amount on loan;

(*m*) The total amount loaned during the year;

(*n*) The amount of the guarantee fund;

(*o*) A statement of the receipts and expenditure of the society during the year in respect of the several objects of the society;

(*p*) The number of members of the society.

Posting thereof.

2. A duplicate of such summary with an affidavit of verification and the last balance sheet signed by the members of the board of supervision shall be posted up in a conspicuous position in the registered office of the society on or before the first day of March in each year, and shall be available for inspection by any member or creditor of the society, and the society shall keep the same so posted until another summary and balance sheet is posted under the provisions of this Act.

Verification thereof.

3. The said summary shall be verified by the affidavit of the president and secretary, and if there are 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 said affidavit, then by the affidavit of the president or secretary and one of the officers 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.

Transmission to Minister.

4. The summary, verified as aforesaid, together with the last balance sheet signed by the members of the board of supervision shall, on or before the first day of March next after the time hereinbefore fixed for making the summary, be transmitted to the Minister.

Returns on special subjects.

52. The Minister may, whenever he sees fit, require a society to make a return upon any special subject connected with the affairs of the society, and the society shall make such return within the time mentioned in the notice requiring such return.

AMALGAMATION.

Amalgamation of several societies.

53. Any two or more societies having their respective registered offices in the same municapility may, by resolution of each of the societies interested passed by a vote of two-thirds of the members of the said societies respectively at meetings thereof duly called for considering such resolution, become amalgamated as one society, with or without any dissolution or division of the funds of such societies, or either of them, and upon such conditions as are set forth in the said resolutions, and the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than that contained in the resolution amalgamating the societies.

Transfer of contracts and liabilities.

54. Any society may, by resolution passed by a vote of two-thirds of the members of the society at a meeting duly called for considering such resolution, transfer its assets, under-

takings and liabilities to any other society which undertakes to fulfil the contracts and liabilities of the society.

Creditors' rights saved.

55. Such amalgamation or transfer shall not prejudice the rights of any creditor of any society party thereto.

Resolutions to be sent to Minister.

56. Copies of all resolutions relating to an amalgamation or transfer, certified by the chairman of the meeting at which the resolution was passed and by the secretary of the society shall be deposited with the Minister.

Acknowledgement and effect.

Notice.

57. The Minister, on an application therefor and on being satisfied that the foregoing provisions of this Act respecting such amalgamation or transfer have been complied with, and that the said resolutions were duly passed by the said societies, may issue to the said societies a certificate of amalgamation or transfer, and give notice thereof in *The Canada Gazette*, and thereupon such amalgamation or transfer shall be deemed to take effect.

CANCELLATION AND SUSPENSION OF CHARTER.

Cancellation of charter.

58. The Minister may, at any time, upon notice in writing cancel the charter of a society,—

(*a*) if it is shown that the number of the members of the society has been reduced to less than seven, or that the charter of a society has been obtained by fraud, or mistake, or that the society has ceased to carry on business;

(*b*) if he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct;

(*c*) on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully, and after notice from the Minister, violated any of the provisions of this Act.

Suspension of charter.

2. The Minister, in any case in which he might cancel the charter of the society, may suspend the charter, by writing under his hand or seal, for any term not exceeding three months, and may renew such suspension from time to time for a like period.

Notice to society of intended cancellation.

Public notice.

3. Before such cancellation or suspension the Minister shall give the society a notice of not less than two months specifying, the ground of any proposed cancellation or suspension (except in the case of a request by the society itself), and notice of such cancellation or suspension shall be published in *The Canada Gazette* and in a newspaper published at or near the place where such society last had its head office.

Absolute cessation of society from date of publication.

Liability of society unaffected.

4. Such society shall, from the date of publication in *The Canada Gazette* of the said notice of cancellation or suspension, absolutely cease to enjoy the privileges of a society, but without prejudice to any liability actually incurred by such society, which liability may be enforced as if such cancellation or suspension had not taken place.

Dissolution.

59. A society organized under this Act may be dissolved,—

(*a*) by the consent of three-fourths of the members, testified

by their signatures to an instrument of dissolution and with the approval of the Minister;

R.S., c. 144.

(*b*) under the provisions of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906.

Liability of members on winding up, subject to qualifications.

60. Where a society is wound up under the provisions of *The Winding-up Act* the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributors amongst themselves, shall be qualified as follows:—

(*a*) No individual, or corporation who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute;

(*b*) No individual, or corporation shall be liable to contribute in respect of any debt or liability contracted after he or it ceases to be a member;

(*c*) No individual, or corporation who or which has within a year ceased to be a member, shall be liable to contribute, unless it appears that the contribution of the existing members are insufficient to satisfy the just demands on the society;

(*d*) No contribution shall be required from any individual, or corporation exceeding the amount, if any, unpaid of the shares in respect of which he or it is liable as a past or present member;

(*e*) An individual, or corporation shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of receipt by the society of the notice or application for withdrawal; and upon being given such notice or application for withdrawal the society shall give a receipt therefor or acknowledgement thereof, in which shall be stated the date when such notice or application was so received.

Withdrawal and transfer of shares by officers and members.

61. Officers, members of administrative boards and other members entrusted with or participating in the direct management of the society's affairs shall not withdraw or transfer their shares during the exercise of their functions, and in case of the society's insolvency any such withdrawal or transfer made by them, within four months preceding such insolvency, shall be null and void, and such member shall remain liable to the creditors of the society to the extent of such shares so withdrawn or transferred.

Dissolution by nstrument.

Contents of i nstrument.

62. Where a society is terminated by an instrument of dissolution:—

(*a*) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of the creditors, if any, and the provisions to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the Minister;

(*b*) Alterations in the instrument of dissolution may be made with the like consents, as hereinbefore provided, and testified in the same manner; Alterations in instrument.

(*c*) A statutory declaration shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the Minister with the instrument of dissolution and any alterations thereof; Statutory declaration to accompany instrument.

(*d*) The instrument of dissolution and all alterations therein shall be binding upon all the members of the society; Members bound.

(*e*) The Minister shall cause a notice of dissolution to be advertised at the expense of the society in *The Canada Gazette* and in some newspaper at or near the place of registered office of the society and unless, within three months from the date of *The Canada Gazette* in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the county where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto; Notice of dissolution. Society dissolved, unless proceedings are taken, within three months, in county court, and dissolution set aside.

(*f*) Notice shall be sent to the Minister of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside, within seven days after it is made by the society; Notice to Minister of proceedings or of order of court.

(*g*) The instrument of dissolution shall fix a time within which such dissolution shall be completed, and on the expiration thereof the person or persons named therein to conduct the completion of such dissolution shall forward to the Minister all books, papers, letters, memoranda and other documents in any way relating to such dissolution, together with all sums of money in his or their hands undistributed, and the said person or persons having conduct of the dissolution as aforesaid shall be deemed to be an officer or officers of the society for the purposes of this Act. Completion of dissolution.

OFFENCES AND PENALTIES.

63. It shall be an offence under this Act if a society,— Offences.

(*a*) fails to give any notice, send any return or document, or to do or allow to be done any act or thing which the society is, by this Act, required to give, send, do or allow to be done; or, Contravention of Act.

(*b*) wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Minister or any other person authorized under this Act, or does any act or thing forbidden by this Act; or, Wilful neglect or refusal to furnish information.

(*c*) makes a return or wilfully furnishes information in any respect false or insufficient; or, False return.

(*d*) fails to make out and keep continuously hung up the annual return and balance sheet required by this Act. Failure to post up papers.

64. Every offence by a society under this Act shall be deemed to have been also committed by every officer of the society who is bound by the rules thereof to fulfil the duty whereof such Offences by societies to be also offences by officers.

Exception.

offence is a breach, or, if there be no such officer, then by every member of the committee unless such member is found to have been ignorant of, or to have attempted to prevent the commission of, such offence; and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which it continues.

Penalty for obtaining property by fraud, or withholding or mis-applying property.

65. If any person obtains possession by false representation or imposition of any property of a society, or having it in his possession, withholds or mis-applies it or wilfully applies any part thereof to purposes other than those expressed or directed by the rules of the society, and authorized by this Act, he shall, on the complaint of the society, or any member authorized by the society, or by the committee thereof or by the Minister, be liable, on summary conviction, to a fine not exceeding fifty dollars and costs, and to be ordered to deliver up such property or to repay all moneys applied improperly and, in default of such delivery or repayment, or of the payment of such fine, to be imprisoned, with or without hard labour, for a term not exceeding three months; but nothing herein shall prevent any such person from being proceeded against if not previously convicted under this Act of the same offence or of an offence which includes the offence with respect to which he is so proceeded against.

Penalty for making false entries.

66. If any person wilfully makes, orders or allows to be made any entry or erasure in, or omission from, any balance sheet of a society, or any contribution or collection book, or any return or document required to be sent, produced or delivered under this Act, with intent to falsify the same, or to evade any provision of this Act, he shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

Penalty respecting copies of society's rules.

67. It shall be an offence under this Act, punishable on summary conviction by a fine not exceeding two hundred dollars and not less than fifty dollars, if any person, with intent to mislead or defraud, gives to any other person a copy of any rules other than the rules for the time being approved of by the Minister under this Act, on the pretence that they are the existing rules of a society, or that there are no rules of such society, or gives to any person any rules on the pretence that such rules are the rules of an existing society, when such society is not really a society incorporated under this Act.

REGULATIONS.

Regulations by Governor in Council.

68. The Governor in Council may make regulations respecting the procedure and forms to be adopted in carrying out the provisions of this Act, and generally for carrying this Act into effect, and by such regulations may impose fines not exceeding twenty-five dollars for an infraction of the provisions thereof, and such fines shall be recoverable on summary conviction; and such regulations shall apply as soon as they have been published in *The Canada Gazette*.

Publication in *Canada Gazette*.

69. Such regulations shall be laid before Parliament within ten days after the making thereof, if Parliament is then sitting, or, if not then sitting, then during the first ten days of the next session thereof. Regulations to be laid before Parliament.

SCHEDULE A.

PETITION FOR INCORPORATION.

CO-OPERATIVE CREDIT SOCIETIES ACT.

To the Secretary of State of Canada.

The petition of ————————.

Sheweth.

1. That the undersigned desire to be incorporated as a society under the provisions of The Co-operative Credit Societies Act, under the name "————————, Limited."

2. That the objects of incorporation are as follows: [*Set out objects, in detail.*]

3. That the undersigned have prepared rules in accordance with the said Act for the management of the said society, a copy of which are herewith attached.

Your petitioners therefore pray that they may be incorporated as a society under the said Act.

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

Witness.

SCHEDULE B.

MATTERS TO BE CONTAINED IN RULES.

Matters to be provided for by the rules of societies incorporated under The Co-operative Credit Societies Act:—

1. Object, name and head office or chief place of business of the society.

2. Terms of admission of the members, including societies or companies taking shares in the society under the provisions of this Act.

3. Mode of holding meetings, right of voting and of making, altering and rescinding rules.

4. Appointment and removal of the committee or officers, and their respective powers.

5. Determination whether the shares or any of them shall be transferable, and regulations of the form of transfer and registration of the shares and the consent of the committee thereto; determination whether the shares of any of them shall be withdrawable and the payment of the balance due thereon withdrawing from the society.

6. Determination whether or how members may withdraw from the society.

7. Mode of application of profits.

8. Provision for custody of seal and certifying of documents issued by the society.

9. Determination whether and by what authority and in what manner any part of the capital may be invested.

10. The maximum number of shares that may be held by a member.

11. The maximum amount which may be received by the society on deposit.

12. The maximum amount which may be received from, or loaned to a member.

SCHEDULE C.

FORM OF BOND.

(*a*) Know all men by these presents, that we, A. B., of ——, ———, one of the officers of the "————, Limited," hereinafter referred to as "the society," whose registered office is at ————, in the county of ————, and C. D., of ————, (as surety on behalf of the said A. B.), are jointly and severally held and firmly bound to the society in the sum of ———— dollars to be paid to the society, or its certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals.

Dated the ———— day of ———— 19—.

Whereas the above-bounden A. B. has been duly appointed to the office of ———— of the ———— society, and he, together with the above-bounden C. D. as his surety, have entered into the above-written bond, subject to the condition hereinafter contained:

Now therefore the condition of the above-written bond is such, that if the said A. B. do render a just and true account of all moneys received and paid by him on account of the society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the society in his hands or custody to such person or persons as the society or committee thereof appoint, according to the rules of the society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, but otherwise shall remain in full force.

Sealed and delivered in the presence of ————.

(*b*) Know all men by these presents that I ———— of ——— in the county of ——— am firmly bound to "———, Limited," hereinafter referred to as "the society," whose registered office is at ————, in the county of ————, in the sum of ———— dollars to be paid to the society or its assigns, for which payment to be truly made to the society or its certain

attorney or assigns I bind myself, my heirs, executors, and administrators, by these presents.

Sealed with my seal.

And know further that I (*or*, we) ———— as surety (*or*, sureties) for the above named principal obligor and such obligor are jointly and severally bound to the society in the sum aforesaid to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorney or assigns we firmly bind ourselves and each of us, our and each of our heirs, executors and administrators, by these presents.

Sealed with our seal.

Dated the ———— day of ————19—.

The condition of the above-contained bond is that if the said ———— faithfully execute the office of ———— to the society during such time as he continues to hold the same in virtue either of his present appointment, or of any renewal thereof if such office is of a renewable character (without wasting embezzling, losing, misspending, misapplying or unlawfully making away with any of the moneys, goods, chattels, wares, merchandise or effects whatsoever of the society at any time committed to his charge, custody, or keeping by reason or means of the said office), and render a true and full account of all moneys received or paid by him on its behalf as and when he is required by the committee of management of the society for the time being, and pay over all the moneys remaining in his hands from time to time, and assign, transfer and deliver up all securities, books, papers, property and effects whatsoever of or belonging to the society in his charge, custody or keeping, to such person or persons as the said committee may appoint, according to the rules or regulations of the society for the time being, together with the proper or legal receipts or vouchers for such payments; and in all other respects well and faithfully perform and fulfil the said office of ———— to the society, according to the rules thereof, then the above written bond shall be void and of no effect; but otherwise shall remain in full force.

Sealed and delivered by the above-named ————.

(The words between brackets against which we have set our initials being struck out) in the presence of ———— and ————.

SCHEDULE D.

FORM OF STATEMENT.

(To be made by a society carrying on the business of Savings and Credit.)

1. Capital of the society:—
   (*a*) Nominal amount of each share;
   (*b*) Number of shares issued;
   (*c*) Amount paid up on shares.
2. Liabilities of the society on the first day of March (*or*, September) last previous:—
   (*a*) On judgments;
   (*b*) On specialty;

(*c*) On notes or bills;
(*d*) On simple contract;
(*e*) On estimated liabilities.

3. Assets of the society on the same date:—
(*a*) Government or other securities (*stating them*);
(*b*) Bills of exchange and promissory notes;
(*c*) Cash at the bankers;
(*d*) Other securities.

[SECOND REPRINT.]

26.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 26.

An Act respecting Co-operative
Societies.

(*Again reprinted as proposed to be a*
in the Banking and Commerce Comm

MR. MC

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 27.

An Act respecting the British North American Mining Company.

Preamble.

WHEREAS the British North American Mining Company has by its petition represented that it is incorporated by chapter 70 of the statutes of the late province of Canada of 1847, 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:—

1847, c. 70.

Declaratory.

1. The British North American Mining Company, hereinafter called "the Company," as now organized and constituted under chapter 70 of the statutes of the late province of Canada of 1847, is declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act and Part II of *The Companies Act*, chapter 79 of the Revised Statutes, 1906, in so far as they are not inconsistent with this Act, shall apply to the Company, and shall over-ride and replace the provisions of the said chapter 70 of the statutes of 1847 in so far as they are inconsistent therewith; but nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred by the Company under the said chapter 70 up to and at the time of the passing of this Act; and the Company shall continue to be entitled and subject to all such rights, privileges and liabilities.

R.S., c. 79.

Rights saved.

Capital stock.

2. The capital stock of the Company is increased to one million two hundred thousand dollars, and the par value of each share is changed to five dollars.

Shares allotted.

3. All shareholders of the Company whose shares have not been cancelled and who are still in good standing, are hereby declared to be holders of twenty-four shares of the stock of the Company as provided herein, in the place and stead of each share now held by them, and such shares so issued hereunder shall be issued as fully paid up and non-assessable shares without it being necessary for the present shareholders to pay anything upon their present stock beyond the calls already made thereon.

Issue of non-assessable stock.

4. The balance of the capital stock, apart from the shares required to replace those now held by the shareholders as above provided for, may be issued and sold by the Company or its

directors at less than par value, as fully paid up and non-assessable stock, for the benefit and in the interests of the Company.

Officers and directors continued.

5. The officers and directors of the Company heretofore appointed shall continue to be its officers and directors until their successors are appointed under this Act.

Issue of paid-up stock.

6. The directors may issue shares in the Company fully paid up and non-assessable in payment for services rendered to the Company or for property, privileges, contracts or rights assigned or transferred to the Company.

Powers.

7. The Company may, in Canada or elsewhere,—

(*a*) acquire and operate mines and mineral and mining rights;

(*b*) smelt, reduce, refine, amalgamate or otherwise manufacture and treat metals, minerals and ores, and dispose thereof, and generally carry on the business of manufacture therefrom;

(*c*) acquire patent rights, letters patent of invention, processes, options, powers, water and other rights and privileges;

(*d*) acquire real and personal property as may be necessary, and again dispose thereof;

(*e*) so far as may be necessary or useful for its purposes, construct and operate tramways and telegraph and telephone lines, water powers, smelting works, refineries and other factories, and again dispose thereof;

(*f*) construct, acquire, lease and operate wharfs, piers and steam and other vessels for the purposes of transporting the produce of its mines, mills or works to any place in Canada or elsewhere.

1847, c. 70, not affected.

8. The powers hereby granted are so granted without derogating from or limiting the powers of the Company under the said chapter 70 of the statutes of 1847.

Head office.

9. The head office of the Company shall be at the city of Montreal, or at such other place in Canada as the directors may from time to time determine by by-law.

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909-10

(PRIVATE BILL.)

Mr. Geoffrio

First reading, November 24, 19

An Act respecting the British American Mining Company.

BILL 27.

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

27.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

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

Preamble. 1904, c. 54; 1906, c. 72; 1908, c. 90.

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

Time for construction of railway extended.

1. The Campbellford, Lake Ontario and Western Railway Company may commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1908, c. 90, s. 1 repealed.

2. Section 1 of chapter 90 of the statutes of 1908 is repealed.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COM
OF CANADA.

BILL 28.

An Act respecting the Campbell
Ontario and Western Railway C

First reading, November 24

(PRIVATE BILL.)

MR.

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 29.

An Act respecting the Columbia and Western Railway Company.

Preamble. B.C., 1896, c. 54; Can., 1898, c. 61; 1899, c. 63; 1901, c. 56; 1905, c. 82.

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

Time for construction of railways extended.

1. The Columbia and Western Railway Company may, within five years after the passing of this Act, construct and complete the railways which it was authorized to construct by section 16 of chapter 54 of the statutes of British Columbia of 1896; provided that as to so much thereof as is not completed within that period the powers of the said company shall cease and determine.

1905, c. 82 repealed.

2. Chapter 82 of the statutes of 1905 is repealed.

29.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 29.

An Act respecting the Columbi
Western Railway Company

First reading, November 24, 1

(PRIVATE BILL.)

MR. GOO

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 30.

An Act respecting the Eastern Townships Railway Company.

Preamble. 1907, c. 84.

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

Time for construction of railway extended.

1. The Eastern Townships Railway Company may commence the construction of its railway authorized by section 8 of chapter 84 of the statutes of 1907 within two years after the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced, or is not completed and put in operation within the said periods respectively, the powers conferred upon the said company shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

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

BILL 30.

An Act respecting the Eastern Tow
Railway Company.

First reading, November 24, 190

(PRIVATE BILL.)

MR. LAVERC

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

THE HOUSE OF COMMONS OF CANADA.

BILL 31.

An Act respecting the Kamloops and Yellow Head Pass Railway Company.

Preamble. 1906, c. 115; 1908, c. 120.

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

Time for construction of railway extended.

1. The Kamloops and Yellow Head Pass Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1908, c. 120 repealed.

2. Chapter 120 of the statutes of 1908 is repealed.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 31.

An Act respecting the Kamloo
Yellow Head Pass Railway Com

First reading, November 24, 1

(PRIVATE BILL.)

MR. BU

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.

Preamble. B.C., 1891, c. 47; 1903, c. 38. Can., 1903, c. 164; 1905, c. 134.

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

Time for construction of railway extended.

1. The Nicola, Kamloops and Similkameen Coal and Railway Company may, within two years after the passing of this Act, commence the construction of the railways which it was authorized to construct by section 3 of chapter 47 of the statutes of British Columbia of 1891, and by section 1 of chapter 134 of the statutes of Canada of 1905, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or are not completed and put in operation within the said periods, respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

1905, c. 134, s. 4 repealed.

2. Section 4 of chapter 134 of the statutes of 1905 is repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 32.

An Act respecting the Nicola, Kam
and Similkameen Coal and Ra
Company.

First reading, November 24, 1909

(PRIVATE BILL.)

MR. BURRE

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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act respecting the Northern Mortgage Company of Canada.

Preamble.

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

Incorporation.

1. George Frederick Galt, George Victor Hastings, Jeffrey Hall Brock, Alexander Macdonald, George William Allan, Robert Thomas Riley, George Reading Crowe, Dawson Kerr Elliott, James Albert Manning Aikins, Jerry Robinson, James Henry Ashdown and William Robinson, all of the city of Winnipeg, together with such persons as become shareholders in the company, are incorporated under the name of "Northern Mortgage Company of Canada," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the first or provisional directors of the Company.

Capital stock.

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

Head office.

4. The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba, or at such other place in Canada as the directors may from time to time determine by by-law, but the Company may establish other offices and places of business elsewhere.

Branch offices.

Election of directors.

5. The first or provisional directors may receive subscriptions for stock in the capital of the Company and may call a meeting of the subscribers to the said stock to be held at the city of Winnipeg to elect a board of directors and organize the Company; and upon the election of such board the functions of the provisional directors shall cease. Two weeks' notice of the said meeting shall be given by a circular to each subscriber of stock posted in a registered letter to his last known address.

Notice of meeting.

Commencement of business.

6. The Company shall not proceed to exercise the powers hereinafter set out or carry on business until at least one million dollars of the capital stock is subscribed and one hundred thousand dollars on account thereof has been paid into the funds of the Company.

Business of Company.

7. The Company may carry on the business of lending money on the security of, or purchasing or investing in,—

Mortgages on real estate.

(*a*) mortgages or hypothecs upon freehold or leasehold real estate or other immovables;

Stock and securities.

(*b*) the debentures, bonds, fully paid up stocks and other securities of any government or of any municipal corporation or school corporation, or of any chartered bank or incorporated company, but not including bills of exchange or promissory notes.

Personal security.

2. The Company may take personal security as collateral for any advance made or to be made, or contracted to be made by, or for any debt to the Company.

Agency association.

8. The Company may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose, and may, either in the name of the Company or of such others, lend and advance money to any person or municipal or other authority, or any board or body or trustees or commissioners, upon such securities as are mentioned in the next preceding section, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same.

Enforcement of agreements.

2. The conditions and terms of such loans and advances, and of such purchases and re-sales, may be enforced by the Company for its benefit, and for the benefit of the person for whom such money has been lent or advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

Guarantee of moneys.

3. The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment.

Employment of capital.

4. The Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to and exercise all acts whatsoever which, in the opinion of the directors are requisite or expedient to be done in regard thereto.

Money guaranteed to be deemed borrowed.

5. All moneys of which the repayment of the principal or payment of interest is guaranteed by the Company shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

Liquidation of other companies.

9. The Company may liquidate, and carry on for the purposes of such liquidation, the business of any other company carrying on any business which the Company is authorized to carry on, upon such terms as may be agreed upon.

Loans upon Company's stock.

10. The Company may, subject to any limitation or prohibition imposed by its by-laws, lend upon its own paid-up stock to an amount not exceeding in the aggregate of all such loans ten per cent of the Company's paid-up stock, but no such loan

shall exceed eighty per cent of the then current market value of such stock.

Moneys on deposit.

11. The Company may borrow money and receive money on deposit upon such terms as to interest, security, time for payment and otherwise as may be agreed, and may issue its bonds, debentures and other securities for moneys borrowed: Provided that the total of the Company's liability to the public outstanding from time to time shall not exceed four times the amount paid up upon its capital stock; but the amount of cash on hand, or deposited in chartered banks, belonging to the Company, shall be deducted from such total liability for the purpose of this section: Provided also that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid up and unimpaired capital, and of its cash actually in hand or deposited in any chartered bank in Canada, or elsewhere, and belonging to the Company.

Proviso.

Proviso.

Loans to shareholders.

12. The loans or advances by the Company to its shareholders upon the security of their stock shall be deducted from the amount of the paid up capital upon which the Company is authorized to borrow.

Liabilities of other companies.

13. The liabilities of any company assumed by the Company shall form part of the total liabilities of the Company to the public for the purposes of section 11 of this Act.

Decrease of capital.

14. The directors may, from time to time, by by-law, provide for the decrease of the capital stock of the Company to any amount which they consider sufficient.

Rules respecting.

2. Such by-law shall declare the number of the shares of the stock so decreased and the allotment thereof or the rules by which the same is to be made.

Liability of creditors.

3. The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the Company shall remain as though the stock had not been decreased.

By-laws affecting capital to be sanctioned.

15. No by-law for decreasing the capital stock of the Company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering such by-law, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the Company represented at such meeting, and provided that such by-law has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.

Certificate of Minister of Finance.

16. Upon the application to the Minister of Finance for a certificate confirming such a by-law, the Company shall satisfy him of the *bona fide* character of the decrease of capital thereby provided for, and, unless it appears that the granting of such certificate would not be in the public interest the said Minister, with the approval of the Treasury Board, may grant the same: Provided that, with the consent of the

Proviso.

directors, the amount of such decrease of capital may, by the said certificate, be changed, and the decrease made subject to such conditions as the Treasury Board thinks proper.

Debenture stock.

17. The directors may, with the consent of the shareholders at the first general meeting, or thereafter at any general meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms as to redemption or payment thereof, and otherwise, and bearing such rate of interest as the directors, from time to time, think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the Company, and shall be included in estimating the Company's liabilities to the public under section 11 of this Act, and such debenture stock shall rank equally with the ordinary debenture and deposit debt of the Company. and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the Company.

Entry in register.

18. The debenture stock aforesaid shall be entered by the Company in a register to be kept for that purpose in the head or other registered office of the Company in Canada or elsewhere, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture-stockholder and shareholder of the Company without the payment of any fee or charge. Such stock shall be transferable in such amounts and in such manner as the directors determine.

Exchange of debenture stock.

19. The holders of the ordinary debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation of debenture stock.

20. The directors, having issued debenture stock, may, from time to time, as they think fit and for the interest of the Company, buy up and cancel the debenture stock or any portion thereof: and the directors may, at any time, with the consent of those holding not less than two-thirds in value of the debenture stock of any company whose assets and business may at any time be acquired by the Company, cancel the debenture stock of such company, and give in lieu thereof to the respective holders thereof debenture stock of the Company.

Debenture stock of other companies.

By-laws affecting preference stock to be sanctioned.

21. No by-law to create and issue preference stock shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering it, such shareholders present at the meeting or represented thereat by proxy holding not less than two-thirds of the stock of the Company.

22. The directors may set aside out of the profits of the Company such sum as they think proper as a reserve fund to meet contingencies or for equalizing dividends, or for repairing, improving and maintaining any of the property of the Company, and for such other purposes as the directors shall in their absolute discretion think conducive to the interests of the Company, and may invest the several sums so set aside upon such investments (other than shares of the Company) as they may think fit, and may from time to time deal with and vary such investment and dispose of all or any part thereof for the benefit of the Company, and may divide the reserve fund into such special funds as they think fit, with all power to employ the assets constituting the reserve fund in the business of the Company, and that without being bound to keep the same separate from the other assets: Provided always that the investment of the reserve fund shall be subject to the limitations in section 7 of this Act. Reserve fund. Proviso.

23. The Company may, in general meeting of its shareholders duly called for the purpose, pass a by-law authorizing its directors to extend the business of the Company outside of Canada, and the directors may give effect to such by-law without being liable or responsible as for any breach of trust in so doing. Business outside of Canada.

2. If, as provided in the next preceding subsection, the Company carries on business outside of Canada the Company may in general meeting of the shareholders duly called for the purpose, pass a by-law authorizing the directors to invest the money of the Company in the acquisition of property and the erection or purchase of buildings required for the occupation or use of the Company in any place where the Company is so carrying on business. Buildings for foreign agencies.

24. The Company may have agencies in any places in Great Britain, or elsewhere, for the registration and transfer of debenture or other stock and for the transaction of any other business of the Company. Business of foreign agencies.

25. The Company may purchase the entire assets and acquire and undertake the whole or any part of the business, assets, rights, credits, effects and property, real, personal and mixed of whatsoever kind and wheresoever situated belonging to any other company which it is or may be or become entitled to, and the liabilities and the name and good-will of such company, provided such company carries on any business which the Company is authorized to carry on (or is or are possessed of property suitable for the purposes of the Company) and pay therefor in cash or in stock either fully paid up or partly paid up, or partly in cash and partly in stock, either fully paid up or partly paid up, or in any other manner; and any such company whose assets the Company desires to purchase is hereby authorized to sell and transfer its respective assets, business, property, name and good-will, and the Company and any such company may enter into all agreements of purchase and sale and do all other acts necessary or convenient for the purpose of such purchase and sale: Provided always that specified assets may be Power to acquire other companies. Proviso.

excepted from any such purchase and sale. The execution of such an agreement shall *ipso facto* vest in the Company the interest and title in and to the property the subject-matter of the agreement, and all and singular the business, assets, rights, credits, effects and property, real, personal and mixed of whatsoever kind and wheresoever situated, and all rights and incidents appurtenant thereto, also all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and all other things belonging to such other company as may be party to the agreement, or which it is or may be or become entitled to, shall be taken and deemed to be transferred to and vested in the Company without further act or deed. If partly paid up stock is issued, the amount remaining unpaid thereon shall be payable at such time or times as may be agreed upon, otherwise at such time or times as the directors name.

Debenture stock may be issued in lieu of existing debenture stock.

26. In case any company whose assets are acquired by the Company has issued debenture stock, and such debenture stock is outstanding at the date of the acquisition aforesaid, the directors of the Company may, if and when they think fit, and either with or without the sanction of the shareholders, issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and may with the consent of any holder of debenture stock in such other company give to him, in lieu of the debenture stock held by him, debenture stock of the Company on such terms as may be agreed upon.

Directors.

27. The Company's affairs shall be managed by a board of not less than ten nor more than twenty directors.

Powers of directors.

28. The directors may, by resolution, do all things which, under section 132 of *The Companies Act* they may do by by-law, and may from time to time repeal, rescind, amend or re-enact any such resolution or any by-law passed pursuant to the said section 132.

R.S., c. 79.

Company not bound to see to execution of trusts.

29. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive to which any share of its stock, or debentures, or debenture stock, or any deposit or any other moneys payable by or in the hands of the Company may be subject, and the receipt of the party in whose name such share, debentures, debenture stock, deposit, or moneys, stand in the books of the Company shall from time to time be sufficient discharge to the Company for any payment made in respect of such share, debentures, debenture stock, deposit or moneys, notwithstanding any trust to which it may then be subject, and whether or not the Company has had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Transmission of interest in shares otherwise than by transfer.

30. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of the Company (such bond, debenture or obligation not being payable to bearer) is transmitted in consequence of the death, or bankruptcy, or insolvency of such holder, or by any

lawful means other than a transfer upon the books of the Company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Company, or to recognize such transmission in any manner until a declaration in writing showing the nature of such transmission, and signed and executed by the person claiming by virtue of such transmission, and also executed by the former shareholder, if living, and having power to execute the same, shall have been filed with the manager or secretary of the Company and approved by the directors and, if the declaration, purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or a British consul, or vice-consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the Company.

Liability of directors in certain cases.

31. Whenever entry is made in the Company's books of any transfer of stock not fully paid up, to a person who is to the knowledge of any director or directors not of sufficient means, such director shall be liable or such directors shall be jointly and severally liable to the creditors of the Company, in the same manner and to the same extent as the transferring shareholder, except for such entry, would have been liable: Provided that if any director present when such entry is allowed does forthwith, or if any director, then absent, does, within twenty-four hours after he becomes aware of such entry, and is able so to do, enter, or notify the secretary or other officer to enter, on the minute book of the board of directors, his protest against such transfer, such director may thereby, and not otherwise, exonerate himself from such liability.

Proviso.

Requirement in case of transmission by will or intestacy.

32. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title (whether beneficial or as trustee) or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in Canada, or in Great Britain or Ireland, or any other of His Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom shall, together with the declaration mentioned in section 30 of this Act, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring, or consenting to the transfer of any bond, debenture, obligation or share, in pursuance of, and in

conformity to such probate, letters of administration or other such documents aforesaid.

Directors may apply to court in cases of doubt.

33. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon any shares, bonds, debentures, obligations, dividends or coupons, or the proceeds thereof, or any deposit or any other moneys payable by or in the hands of the Company, then and in such case the directors may file in the Court of King's Bench for, or any other superior court of competent jurisdiction in the province of Manitoba, a petition stating such doubts and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties legally entitled thereto, and such courts shall have authority to restrain any action, suit or proceedings against the Company, the directors and officers thereof, for the same subject matter, pending the determination of the petition; and the Company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which shall have been in question in such petition and the proceedings thereupon: Provided always, that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the Company in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds and shall be paid to the Company before the directors shall be obliged to transfer, or assent to the transfer of, or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties found entitled thereto.

Term for which land may be held.

Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

34. No parcel of land or interest therein at any time acquired by the Company and not required for its actual use and occupation or not held by way of security, shall be held by the Company or by any trustee on its behalf for a longer period than ten years after the acquisition thereof, but such land or interest therein shall be absolutely sold and disposed of so that the Company shall no longer retain any interest therein unless by way of security. Provided that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which has been held by the Company for a longer period than ten years without being disposed of, shall be forfeited to His Majesty. Provided that the Governor in Council may extend the said period from time to time not exceeding in the whole twelve years. Provided further that no such forfeiture shall take effect or be in force until the expiration of at least six months after notice in writing to the Company of the intention of the Crown to claim such forfeiture; and the Company shall, when required, give the Minister of Finance a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company and subject to these provisos.

Annual statement for Minister of Finance.

35. The Company shall, on or before the first day of March in each year, transmit to the Minister of Finance, a statement in duplicate to and including the thirty-first day of December of

the previous year, verified by the oath of the president or vice-president and the manager or secretary, setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on its own behalf and on behalf of others and the average rate of interest derived therefrom, distinguishing the classes of securities and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister of Finance requires, and in such forms and with such details as he from time to time requires and prescribes, but the Company shall in no case be bound to disclose the names or private affairs of any person who has dealings with it.

36. Sections 125, 133, 135, 149, 161, 163, 164, 165 and 167 of *The Companies Act* shall not apply to the Company. R.S., c. 79.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 33.

An Act respecting the Northern M
Company of Canada.

First reading, November 24, 1

(PRIVATE BILL.)

MR. HAGGA
(Winn

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act to incorporate the Northern Mortgage Company of Canada.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

Preamble.

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

Incorporation.

1. George Frederick Galt, George Victor Hastings, Jeffrey Hall Brock, Alexander Macdonald, George William Allan, Robert Thomas Riley, George Reading Crowe, Dawson Kerr Elliott, James Albert Manning Aikins, Jerry Robinson, James Henry Ashdown and William Robinson, all of the city of Winnipeg, together with such persons as become shareholders in the company, are incorporated under the name of "Northern Mortgage Company of Canada," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Powers.

Capital stock.

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

Election of directors.

2. So soon as not less than one hundred thousand dollars of the capital stock have been subscribed, and not less than fifty thousand dollars of that amount paid into some chartered bank in Canada, the provisional directors may call a general meeting of the shareholders at some place to be named in the city of Winnipeg, at which meeting shall be elected the board of directors of the Company, who shall hold office until their successors are appointed; and upon the election of such board the functions of the provisional directors shall cease.

Qualfication.

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

Head office.

4. The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba, or at such other place in Canada as the directors may from time to time determine by by-law, but the Company may establish other offices and places of business elsewhere.

Branch offices.

When business may be commenced.

5. The Company shall not commence business until at least five hundred thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act:

Proviso.

Provided that the Company shall not borrow or lend money or otherwise carry on business until it has obtained from the Minister of Finance a certificate permitting it to do so, and no application for such certificate shall be made and no certificate shall be given until it has been shown to the satisfaction of the Minister of Finance that the foregoing provisions of this section have been complied with, and no such certificate shall be given unless application therefor is made within two years after the passing of this Act, or within such extended period as the Governor in Council, before the expiration of such two years, allows: Provided also that should such certificate not be duly made within the time limited, or should such certificate be refused, this Act shall thereupon cease to be in force except for the purpose of winding up the affairs of the Company and returning to the subscribers the amounts paid upon the subscribed stock, or so much thereof as they are entitled to.

Proviso.

Business of Company.

6. The Company may carry on the business of lending money on the security of, or purchasing or investing in,—

Mortgages on real estate.

(*a*) mortgages or hypothecs upon freehold or leasehold real estate or other immovables;

Stock and securities.

(*b*) the debentures, bonds, fully paid up stocks and other securities of any government or of any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by Canada, or any province of Canada, or any former province now forming part of Canada, but not including bills of exchange or promissory notes.

Personal security.

2. The Company may take personal security as collateral for any advance made or to be made, or contracted to be made by, or for any debt due to the Company.

Agency association.

7. The Company may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose, and may, either in the name of the Company or of such others, lend and advance money to any person or municipal or other authority, or any board or body or trustees or commissioners, upon such securities as are mentioned in the next preceding section, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same.

2. The conditions and terms of such loans and advances, and of such purchases and re-sales, may be enforced by the Company for its benefit, and for the benefit of the person for whom such money has been lent or advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital. Enforcement of agreements.

3. The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment. Guarantee of moneys.

4. The Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to and exercise all acts whatsoever which, in the opinion of the directors are requisite or expedient to be done in regard thereto. Employment of capital.

5. All moneys of which the repayment of the principal or payment of interest is guaranteed by the Company shall, for the purposes of this Act, be deemed to be money borrowed by the Company. Money guaranteed to be deemed borrowed.

8. The Company may liquidate, and carry on for the purposes of such liquidation, the business of any other company carrying on any business which the Company is authorized to carry on, upon such terms as may be agreed upon. Liquidation of other companies.

9. The Company may, subject to any limitation or prohibition imposed by its by-laws, lend upon its own paid-up stock to an amount not exceeding in the aggregate of all such loans ten per cent of the Company's paid-up stock, but no such loan shall exceed eighty per cent of the market price then actually offered for the stock. Loans upon Company's stock.

2. The Company shall not, except as in this section provided, make any loan or advance upon the security of any share or stock of the Company, whether with or without collateral security. Upon securities.

3. The Company shall not invest in or lend money on the stock of any other loan company. On stock of other companies.

10. The Company may borrow money and receive money on deposit upon such terms as to interest, security, time for payment and otherwise as may be agreed, and may issue its bonds, debentures and other securities for moneys borrowed: Provided that the total of the Company's liability to the public outstanding from time to time shall not exceed four times the amount paid up upon its capital stock; but the amount of cash on hand, or deposited in chartered banks, belonging to the Company, shall be deducted from such total liability for the purpose of this section: Provided also that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid up and unimpaired capital, and of its cash actually in hand or deposited in any chartered bank in Canada, and belonging to the Company. Moneys on deposit. Proviso. Proviso.

Loans to shareholders.

11. The loans or advances by the Company to its shareholders upon the security of their stock shall be deducted from the amount of the paid up capital upon which the Company is authorized to borrow.

Liabilities of other companies.

12. The liabilities of any company assumed by the Company shall form part of the total liabilities of the Company to the public for the purposes of section 10 of this Act.

Decrease of capital.

13. The directors may, from time to time, by by-law, provide for the decrease of the capital stock of the Company to any amount not less than one hundred thousand dollars which they consider sufficient.

Rules respecting.

2. Such by-law shall declare the number of the shares of the stock so decreased and the allotment thereof or the rules by which the same is to be made.

Liability of creditors.

3. The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the Company shall remain as though the stock had not been decreased.

By-laws affecting capital to be sanctioned.

14. No by-law for decreasing the capital stock of the Company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering such by-law, such shareholders holding not less than two-thirds of the issued capital stock of the Company represented at such meeting, and provided that such by-law has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.

Certificate of Minister of Finance.

15. Upon the application to the Minister of Finance for a certificate confirming such a by-law, the Company shall satisfy him of the *bona fide* character of the decrease of capital thereby provided for, and, unless it appears that the granting of such certificate would not be in the public interest the said Minister, with the approval of the Treasury Board, may grant the same: Provided that, with the consent of the Company, the amount of such decrease of capital may, by the said certificate, be changed, and the decrease made subject to such conditions as the Treasury Board thinks proper.

Proviso.

Debenture stock.

16. The directors may, with the consent of the shareholders at the first general meeting, or thereafter at any special general meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms as to redemption or payment thereof, and otherwise, and bearing such rate of interest as the directors, from time to time, think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the Company, and shall be included in estimating the Company's liabilities to the public under section 10 of this Act, and such debenture stock shall rank equally with the ordinary debenture and deposit debt of the Company, and no greater rights or privileges shall be conferred upon holders of debenture stock

in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the Company.

Entry in register.

17. The debenture stock aforesaid shall be entered by the Company in a register to be kept for that purpose in the head or other registered office of the Company in Canada or elsewhere, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture-stockholder and shareholder of the Company without the payment of any fee or charge. Such stock shall be transferable in such amounts and in such manner as the directors determine.

Exchange of debenture stock.

18. The holders of the ordinary debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation of debenture stock.

19. The Company, having issued debenture stock, may from time to time, as it thinks fit and in the interests of the Company, but only with the consent of the holders thereof, buy up and cancel the debenture stock or any portion thereof.

By-laws affecting preference stock to be sanctioned.

20. No by-law to create and issue preference stock shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering it, such shareholders present at the meeting or represented thereat by proxy holding not less than two-thirds of the amount paid upon the capital stock of the Company.

Reserve fund.

21. The directors may set aside out of the profits of the Company such sum as they think proper as a reserve fund to meet contingencies or for equalizing dividends, or for repairing, improving and maintaining any of the property of the Company, and for such other purposes as the directors shall in their discretion think conducive to the interests of the Company, and may invest the several sums so set aside upon such investments (other than shares of the Company) as they may think fit, and may from time to time deal with and vary such investment and dispose of all or any part thereof for the benefit of the Company, and may divide the reserve fund into such special funds as they think fit, with all power to employ the assets constituting the reserve fund in the business of the Company, and that without being bound to keep the same separate from the other assets: Provided always that the investment of the reserve fund shall be subject to the limitations in section 6 of this Act.

Proviso.

Business outside of Canada.

22. The Company may, in general meeting of its shareholders duly called for the purpose, pass a by-law authorizing its directors to extend the business of the Company outside of Canada, and the directors may give effect to such by-law with-

out being liable or responsible as for any breach of trust in so doing.

Buildings for foreign agencies.

2. If, as provided in the next preceding subsection, the Company carries on business outside of Canada the Company may in general meeting of the shareholders duly called for the purpose, pass a by-law authorizing the directors to invest the money of the Company in the acquisition of property and the erection or purchase of buildings required for the occupation or use of the Company in any place where the Company is so carrying on business.

Business of foreign agencies.

23. The Company may have agencies in any places in Great Britain, or elsewhere, for the registration and transfer of debenture or other stock and for the transaction of any other business of the Company.

Power to acquire other companies.

24. The Company may purchase the entire assets and acquire and undertake the whole or any part of the business, assets, rights, credits, effects and property, real, personal and mixed of whatsoever kind and wheresoever situated belonging to any other company within the legislative power of the Parliament of Canada, and the liabilities and the name and good-will of such company, provided such company carries on any business which the Company is authorized to carry on (or is or are possessed of property suitable for the purposes of the Company) and pay therefor in cash or in stock either fully paid up or partly paid up, or partly in cash and partly in stock, either fully paid up or partly paid up, or in any other manner; and any such company whose assets the Company desires to purchase is hereby authorized to sell and transfer its respective assets, business, property, name and good-will, and the Company and any such company may enter into all agreements of purchase and sale and do all other acts necessary or convenient for the purpose of such purchase and sale: Provided always that specified assets may be excepted from any such purchase and sale: Provided further that no such agreement shall become operative and effective until it has been submitted to and approved by the Treasury Board.

Proviso.

Proviso.

Debenture stock may be issued in lieu of existing debenture stock.

25. In case any company whose assets are acquired by the Company has issued debenture stock, and such debenture stock is outstanding at the date of the acquisition aforesaid, the directors of the Company may, if and when they think fit, and either with or without the sanction of the shareholders, issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and may with the consent of any holder of debenture stock in such other company give to him, in lieu of the debenture stock held by him, debenture stock of the Company on such terms as may be agreed upon.

Directors.

Quorum.

26. At the first general meeting of the Company, and at each annual meeting, the holders of the capital stock present or represented by proxy shall choose not less than ten nor more than twenty persons to be directors of the Company, a majority of whom shall be a quorum.

Company not bound to see to execution of trusts.

27. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive to which any share of its stock, or debentures, or debenture stock, or any deposit or any other moneys payable by or in the hands of the Company may be subject, and the receipt of the party in whose name such share, debentures, debenture stock, deposit, or moneys, stand in the books of the Company shall from time to time be sufficient discharge to the Company for any payment made in respect of such share, debentures, debenture stock, deposit or moneys, notwithstanding any trust to which it may then be subject, and whether or not the Company has had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Transmission of interest in shares otherwise than by transfer.

28. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of the Company (such bond, debenture or obligation not being payable to bearer) or any deposit or any other moneys payable by or in the hands of the Company is transmitted in consequence of the death, or bankruptcy, or insolvency of such holder, or by any lawful means other than a transfer upon the books of the Company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Company, or to recognize such transmission in any manner until a declaration in writing showing the nature of such transmission, and signed and executed by the person claiming by virtue of such transmission, and also executed by the former shareholder, if living, and having power to execute the same, shall have been filed with the manager or secretary of the Company and approved by the directors and, if the declaration, purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or a British consul, or vice-consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the Company.

Requirement in case of transmission by will or intestacy.

29. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title (whether beneficial or as trustee) or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in Canada, or in Great Britain or Ireland, or any other of His Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom shall, together with the declaration mentioned in section 28 of this Act, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient

justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or any deposit or any other moneys payable by or in the hands of the Company, or transferring, or consenting to the transfer of any bond, debenture, obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such documents aforesaid.

Directors may apply to court in cases of doubt.

30. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon any shares, bonds, debentures, obligations, dividends or coupons, or the proceeds thereof, or any deposit or any other moneys payable by or in the hands of the Company, then and in such case the directors may file in the Court of King's Bench for, or any other superior court of competent jurisdiction in the province of Manitoba, a petition stating such doubts and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties legally entitled thereto, and such courts shall have authority to restrain any action, suit or proceedings against the Company, the directors and officers thereof, for the same subject matter, pending the determination of the petition; and the Company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which shall have been in question in such petition and the proceedings thereupon: Provided always, that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the Company in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds and shall be paid to the Company before the directors shall be obliged to transfer, or assent to the transfer of, or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties found entitled thereto.

Proviso.

Term for which land may be held.

31. No parcel of land or interest therein at any time acquired by the Company and not required for its actual use and occupation or not held by way of security, shall be held by the Company or by any trustee on its behalf for a longer period than ten years after the acquisition thereof, but such land or interest therein shall be absolutely sold and disposed of so that the Company shall no longer retain any interest therein unless by way of security and any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which has been held by the Company for a longer period than ten years without being disposed of, shall be forfeited to His Majesty: Provided that the Governor in Council may extend the said period from time to time not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be in force until the expiration of at least six months after notice in writing to the Company of the intention of the Crown to claim such forfeiture; and the Company shall, when required, give to the Minister of Finance a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company and subject to these provisos.

Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

32. The Company shall, on or before the first day of March in each year, transmit to the Minister of Finance, a statement in duplicate to and including the thirty-first day of December of the previous year, verified by the oath of the president or vice-president and the manager or secretary, setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on its own behalf and on behalf of others and the average rate of interest derived therefrom, distinguishing the classes of securities and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister of Finance requires, and in such forms and with such details as he from time to time requires and prescribes, but the Company shall in no case be bound to disclose the names or private affairs of any person who has dealings with it. Annual statement for Minister of Finance.

2. If the Company for the space of one month neglects or refuses to comply with the written request of the Minister of Finance to make the statement to him required by this section, the Company shall incur a penalty not exceeding twenty dollars for every day during which such default continues and every director and officer of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty. Penalty for non-compliance.

33. Sections 125, 134, 135, 161, 165 and 167 of *The Companies Act* shall not apply to the Company. R.S., c. 79.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19(

THE HOUSE OF COMMONS
OF CANADA.

BILL 33.

An Act to incorporate the North
Mortgage Company of Canada.

(Reprinted as proposed to be amended in
Banking and Commerce Committee.)

(PRIVATE BILL.)

MR. HAGGART,
(Winnipeg

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 34.

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

Preamble.

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

1901, c. 80; 1902, c. 89; 1903, c. 173; 1904, c. 111; 1905, c. 142; 1909, c. 118.

Time for construction of railway extended.

1. The Ottawa, Northern and Western Railway Company may, within five years after the passing of this Act, construct and complete the railway extensions and branches authorized to be constructed by section 1 of chapter 84 of the statutes of 1899, and by section 1 of chapter 72 of the statutes of 1900; provided that as to so much thereof as is not completed within the said period the powers of the said company shall cease and determine.

1899, c. 84; 1900, c. 72.

1905, c. 142, s. 1 repealed.

2. Section 1 of chapter 142 of the statutes of 1905 is repealed.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 34.

An Act respecting the Ottawa, N
and Western Railway Compa

First reading, November 24, 1

(PRIVATE BILL.)

MR. McGr

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act respecting the South Ontario Pacific Railway Company.

Preamble. 1887, c. 85; 1889, c. 70; 1891, c. 92; 1896 (1st Sess.), c. 35; 1901, c. 85; 1906, c. 161; 1908, c. 157.

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

Time for construction of railway and bridge extended.

1. The South Ontario Pacific Railway Company may commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act, and may complete its bridge within seven years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway and bridge are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway and bridge as then remains uncompleted.

1906, c. 161, s. 2, and 1908, c. 157 repealed.

2. Section 2 of chapter 161 of the statutes of 1906 and chapter 157 of the statutes of 1908 are repealed.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 35.

An Act respecting the South O
Pacific Railway Company.

First reading, November 24, 190

(PRIVATE BILL.)

MR. NESI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act respecting the Union Life Assurance Company.

Preamble. 1902, c. 109.

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

New s. 10.

1. Section 10 of chapter 109 of the statutes of 1902 is repealed, and the following is substituted therefor:—

Real property.

"**10.** The Company may acquire, hold, lease, mortgage, sell, exchange or otherwise dispose of any real property required in part or wholly for the use and accommodation of the Company, or acquired in the course of its business. The annual net value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario where it shall not exceed thirty thousand dollars."

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMMO
OF CANADA.

BILL 36.

An Act respecting the Unio
Assurance Company.

First reading, November 24,

(PRIVATE BILL.)

MR. McG

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act respecting the Union Life Assurance Company.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

Preamble. 1902, c. 109.

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

Section 3 amended. Capital stock.

1. Section 3 of chapter 109 of the statutes of 1902 is amended by striking out the words "one million" in the first line thereof and substituting therefor the words "three millions."

S. 5 amended. First instalment on shares.

2. Section 5 of the said Act is amended by striking out the words "twenty-five" in the third and fourth lines thereof and substituting therefor the word "fifty."

S. 6 repealed.

3. Section 6 of the said Act is repealed.

S. 7 amended. Advisory boards.

4. Subsection 2 of section 7 of the said Act is amended by inserting the words "advisory boards" immediately after the word "sub-boards" in the second line thereof.

S. 10 amended. Real property acquired by re-insurance.

5. Section 10 of the said Act is amended by adding thereto the following: "Provided, however, that the Company may hold and dispose of any real property which it has acquired, or may acquire, under any contract of re-insurance."

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 36.

An Act respecting the Union Life Assurance Company.

(Reprinted as proposed to be amended in Banking and Commerce Committee.)

(PRIVATE BILL.)

MR. MCGIVERIN

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act respecting the Union Life Assurance Company.

(*Again reprinted as proposed to be amended in the Banking and Commerce Committee.*)

Preamble. 1902, c. 109.

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

S. 5 amended. First instalment on shares.

1. Section 5 of chapter 109 of the statutes of 1902 is amended by striking out the words "twenty-five" in the third and fourth lines thereof and substituting therefor the word "fifty."

S. 6 amended. Increase of capital.

2. Section 6 of the said Act is amended by striking out the words "the whole has" in the second line thereof and substituting therefor the words "one hundred thousand dollars have."

S. 7 amended. Advisory boards.

3. Subsection 2 of section 7 of the said Act is amended by striking out the word "sub-boards" in the second line thereof and substituting therefor the words "advisory boards."

S. 10 amended.

4. Section 10 of the said Act is amended by adding thereto the following subsection:—

Real property acquired by re-insurance.

"2. The Company may also hold and dispose of any real estate which it has acquired or may acquire under any contract of re-insurance made in the ordinary course of insurance business: Provided that any real estate acquired as in this subsection mentioned, which is not required for the use and occupation of the Company or is unsuitable therefor, shall be subject to the provisions of *The Insurance Act* applicable to real estate conveyed to the Company in satisfaction of debts or judgments recovered."

2nd Session, 11th Parliament, 9-10 Edw. VII., 190

THE HOUSE OF COMMONS
OF CANADA.

BILL 36.

An Act respecting the Union Life Assurance Company.

(Again reprinted as proposed to be amer in the Banking and Commerce Committ

(PRIVATE BILL.)

MR. MCGIVERIN

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act respecting the Walkerton and Lucknow Railway Company.

Preamble.

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

1904, c. 138; 1905, c. 175; 1909, c. 149.

Time for construction of railways extended.

1. The Walkerton and Lucknow Railway Company may, within five years after the passing of this Act, construct and complete the railways authorized to be constructed by section 1 of chapter 175 of the statutes of 1905; provided that as to so much thereof as is not completed within that period the powers of the said company shall cease and determine.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 37.

An Act respecting the Walkerto
Lucknow Railway Company.

First reading, November 24, 190

(PRIVATE BILL.)

MR. DONNE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

An Act respecting the West Ontario Pacific Railway Company.

Preamble.

1885, c. 87; 1886, c. 70; 1887, c. 62; 1888, c. 53; 1906, c. 178; 1908, c. 169.

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

Time for construction of branch line extended.

1. The West Ontario Pacific Railway Company may commence the construction of its branch line of railway authorized by section 1 of chapter 178 of the statutes of 1906 within two years after the passing of this Act, and may complete the said branch and put it in operation within five years after the passing of this Act; and if the said branch is not so commenced 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 branch as then remains uncompleted.

1908, c. 169 repealed.

2. Chapter 169 of the statutes of 1908 is repealed.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 38.

An Act respecting the West Ontar
Railway Company.

First reading, November 24, 1

(PRIVATE BILL.)

MR. NE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 39.

An Act to amend the Railway Act.

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

R.S., c. 37, s. 259 amended. Payment of wages.

1. Section 259 of *The Railway Act* is amended by inserting after the words "such construction," in the fourth line, the words "and all workmen, day labourers, or other persons employed by the company in the operation of its railway."

S-s. added.

2. The said section is further amended by adding thereto the following subsection:—

Wages not to be withheld.

"3. No company shall, at any time during the period of the engagement of any workman, day labourer or employee by the company, when paying his wages, withhold the whole or any part thereof for any reason; and such wages shall be paid at intervals of not more than two weeks."

Arrears of wages.

3. This Act shall apply to all arrears due at the time of the coming into force of this Act.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 39.

An Act to amend the Railway Act.

First reading, November 24, 1909.

MR. MARTIN,
(St. Mary's

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

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:—

R.S., c. 85, ss. 98, 99 amended.

1. Sections 98 and 99 of *The Inspection and Sale Act*, chapter 85 of the Revised Statutes, 1906, are amended by striking out the words "or cargo" wherever they appear in the said sections; but this amendment shall not take effect until the first day of September, one thousand nine hundred and ten.

Certificate and record of grain weighed.

Date of taking effect.

Section 132 amended.

2. Subsection 1 of section 132 of the said Act is repealed and the following is substituted therefor:—

Composition of Grain Survey Board.

"**132.** The Grain Survey Board for the division shall consist of twelve persons, of whom six shall be nominated by the Board of Trade of the city of Winnipeg, two by the Minister of Agriculture for the province of Manitoba, two by the Minister of Agriculture for the province of Alberta, and two by the Commissioner of Agriculture for the province of Saskatchewan. The competency of the persons so nominated must be approved by the Minister."

Section 177 amended.

Weekly statement as to inspection.

3. Subsection 2 of section 177 of the said Act is amended by striking out the words "Department of Inland Revenue" and substituting therefor the words "Department of Trade and Commerce."

Section added.

4. The said Act is further amended by inserting the following heading and section immediately after section 337:—

"*Potatoes by the Barrel.*

Standard barrel of potatoes.

"**337A.** When potatoes are sold or offered for sale by the barrel, the barrel shall contain one hundred and sixty pounds."

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

THE HOUSE OF COMMO
OF CANADA.

BILL 40.

An Act to amend the Inspection a
Act.

First reading, November 25, 19

MR. FISHE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

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 146 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 508:— R.S., c. 146. Section added.

"**508A.** Every person who, after the registration of any dramatic work, publicly performs, exhibits or represents, or who in any manner causes, or aids, or abets the public performance or representation, in whole or in part, of such dramatic work without the consent of the proprietor (unless he proves that he acted innocently), is guilty of an offence, and liable, on summary conviction, to a fine of not less than one hundred dollars and not exceeding five hundred dollars, or to thirty days imprisonment, or to both, in the discretion of the court, and on the second or subsequent conviction to imprisonment with or without hard labour for six months." Unlawful performance of dramatic work.

41.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COMM
OF CANADA.

BILL 41.

An Act to amend the Crimina

First reading, November 25,

MR. LENI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act respecting the Edmonton and Slave Lake Railway Company.

Preamble.

1899, c. 66; 1902, c. 61; 1903, c. 18; 1904, c. 74; 1909, c. 80.

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:—

Agreements with other companies.

1. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Edmonton and Slave Lake Railway Company may enter into an agreement with the Canadian Northern Railway Company for amalgamation.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

BILL 42.

An Act respecting the Edmonton and Lake Railway Company.

First reading, November 26, 190

(PRIVATE BILL.)

MR. C

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 43.

An Act respecting the Hudson Bay Insurance Company.

WHEREAS the Hudson Bay Insurance Company has by its petition represented that it was incorporated by chapter 50 of the statutes of 1908 of Saskatchewan, and that the said company has since the date of its incorporation carried on the business of fire insurance in the said province; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Sask., 1908, c. 50.

1. The shareholders of the company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act, are incorporated under the name of "The Hudson Bay Insurance Company," hereinafter called "the new Company." Incorporation. Corporate name.

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

3. The shareholders of the old Company are hereby declared to be holders respectively of as many shares in the new Company as they are holders respectively of shares in the old Company, but only the sums which have been, or may hereafter be, paid by such shareholders respectively on the issued shares of the old Company shall be credited as paid on the shares of the new Company. Shares in old company converted.

2. The liability of the shareholders of the new Company upon the said shares in the new Company so held by them respectively shall amount per share only to the difference between the sum so paid upon each share and one hundred dollars. Liability of shareholders of new company.

3. Nothing in this Act shall affect the liability of the shareholders of the old Company, who have not paid the calls already made upon the shares of the old Company, to pay the said calls. Liability of shareholders of old company.

4. Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policy-holders of the old Company: Provided, however, that any payment made upon the shares of the new Company shall reduce the said liability of the shareholders of the old Company by the amount of such payment. As to present creditors. Proviso.

New company liable for old company's obligations.

5. The new Company shall be liable for and subject to and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company, and any person having any claim, demand, right, cause of action or complaint against the old Company or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers in respect thereto, and to the collection and enforcement thereof, from and against the new Company and its shareholders as such person has against the old Company and its shareholders: Provided, however, that any person who recovers under section 150 of *The Companies Act* in respect of any shares in the new Company shall be held to have abandoned *pro tanto* his right to recover in respect of the corresponding shares in the old Company.

Proviso.

R.S., c. 79.

Property of old company vested in new company.

6. All the assets, rights, effects and properties, real, personal and mixed, of whatsoever kind and wheresoever situate, belonging to the old Company, or to which it is, or may be, or may become, entitled, shall be vested in the new Company upon due execution of the indenture in the schedule to this Act, but shall remain subject to existing mortgages or liens, if any.

Calls on shares.

7. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares in the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent, and that not less than thirty days' notice of any call shall be given.

Amount and notice.

Existing officers and by-laws continued.

8. The president, vice-president and directors of the old Company shall continue to be such in the new Company until their successors are appointed, and all by-laws, rules and regulations of the old Company, not contrary to law or inconsistent with this Act, shall be the by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of this Act.

Directors.

9. The affairs of the new Company shall be managed by a board of not less than seven nor more than twenty-five directors as the by-laws prescribe, a majority of whom shall be a quorum.

Qualification.

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

Head office.

10. The head office of the new Company shall be in the city of Vancouver, in the province of British Columbia, but local advisory boards or agencies may be established and maintained either within Canada or elsewhere, in such manner as the directors from time to time direct.

Local agencies.

General meetings.

11. A general meeting of the new Company shall be called once in each year at its head office, and at such meeting a statement of the affairs of the new Company shall be submitted by the

directors. Special general meetings may be called by any five of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting; and notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Powers.

12. The new Company may make contracts of insurance throughout Canada and elsewhere with any person, against loss or damage by fire, wind storm, or lightning in or to any house, dwelling, store, factory, mill or other building and to any goods, chattels, bridges, railway plant or personal estate, for such time and for such premiums or considerations and upon such modifications and restrictions and upon such conditions, as are agreed upon between the new Company and the insured, and generally carry on the business of fire insurance and the business of inland transportation insurance, as defined in *The Insurance Act*, in all their branches and forms.

Re-insurance.

2. The new Company may also cause itself to be insured against any risk it may have taken in the course of its business.

Risks of other companies.

3. The new Company may also undertake the re-insurance of the risks of other companies.

Foreign securities.

13. The new Company may invest or deposit such proportion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Real estate.

14. The new Company may acquire, hold, convey, mortgage lease or otherwise dispose of any real property in part or wholly for the purposes, use or occupation of the new Company, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of British Columbia where it shall not exceed ten thousand dollars.

Application of R.S., c. 34.

15. This Act, and the new Company and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which any provision of this Act is inconsistent with those Acts, the provisions made by those Acts shall prevail.

Application of R.S., c. 79.

16. Part II of *The Companies Act*, except sections 125, 126, 134, 141, 158 and 165 thereof, shall apply to the new Company, and shall be incorporated with and form part of this Act, in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

R.S., c. 34.

When Act comes into force.

17. This Act shall not take effect unless and until accepted and approved of by a vote of not less than three-fourths in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so ac-

cepted and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said vote.

Notice.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the Company in *The Canada Gazette*.

SCHEDULE.

This indenture made the————————day of————————19—, between the Hudson Bay Insurance Company, incorporated by chapter 50 of the statutes of 1908 of Saskatchewan, of the first part, hereinafter called "the old Company," and the Hudson Bay Insurance Company, incorporated by chapter of the statutes of 1910 of Canada, of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old Company have accepted and approved of the new Company's said Act of incorporation, intituled "An Act respecting the Hudson Bay Insurance Company," and, by the resolutions of the shareholders duly passed in that behalf, the————————day of————————19— was fixed as the date from which the said Act should take effect;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company; and whereas the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth, that in consideration of the said Act and of the shares in the capital stock of the new Company, which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company hereby grants, assigns, transfers and sets over unto the new Company, its successors and assigns, forever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may become entitled: To have and to hold unto the new Company, its successors and assigns, to and for its sole and only use forever; and the old Company covenants with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property.

And in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old Company is now liable, or which it should pay, discharge, carry out or perform, and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 43.

An Act respecting the Hud
Insurance Company.

First reading, November 26,

(PRIVATE BILL.)

MR. KN

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 43.

An Act respecting the Hudson Bay Insurance Company.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

Preamble.

WHEREAS the Hudson Bay Insurance Company has by its petition represented that it was incorporated by chapter 50 of the statutes of 1908 of Saskatchewan, and that the said company has since the first day of September one thousand nine hundred and eight carried on the business of fire insurance in the said province; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sask., 1908, c. 50.

Incorporation.

Corporate name.

1. The shareholders of the company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act, are incorporated under the name of "The Hudson Bay Insurance Company," hereinafter called "the new Company."

Capital stock.

2. The capital stock of the new Company shall be two million dollars, divided into shares of one hundred dollars each.

Shares in old company converted.

3. The shareholders of the old Company are hereby declared to be holders respectively of as many shares in the new Company as they are holders respectively of shares in the old Company, but only the sums which have been, or may hereafter be, paid by such shareholders respectively on the issued shares of the old Company shall be credited as paid on the shares of the new Company.

Liability of shareholders of new company.

2. The liability of a shareholder of the new Company upon the said shares in the new Company so held by him shall amount per share only to the difference between the sum so paid upon each share and one hundred dollars.

Liability of shareholders of old company.

3. Nothing in this Act shall affect the liability of the shareholders of the old Company, who have not paid the calls already made upon the shares of the old Company, to pay the said calls.

As to present creditors.

4. Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policy-holders of the old Company:

Proviso.

Provided, however, that any payment made upon the shares of the new Company shall reduce the said liability of the shareholders of the old Company by the amount of such payment.

New company liable for old company's obligations.

5. The new Company shall be liable for and subject to and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company, and any person having any claim, demand, right, cause of action or complaint against the old Company or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers in respect thereto, and to the collection and enforcement thereof, from and against the new Company and its shareholders as such person has against the old Company and its shareholders: Provided, however, that any person who recovers under section 150 of *The Companies Act* in respect of any shares in the new Company shall be held to have abandoned *pro tanto* his right to recover in respect of the corresponding shares in the old Company.

Proviso.

R.S., c. 79.

Confirmation of acts done outside of Saskatchewan.

2. The provisions of subsection 1 of this section shall apply to the assets, contracts, debts and obligations of the old Company acquired, made, accrued or accruing, whether in the province of Saskatchewan or elsewhere, and whether in respect of risks or properties situate within the said province or elsewhere; and the powers professed to be conferred upon the old Company in respect of business outside the province of Saskatchewan by the Act of the legislature of the province of Saskatchewan incorporating the old Company are hereby, for the purposes of this section, confirmed and declared to have been legally authorized from the beginning.

Property of old company vested in new company.

6. All the assets, rights, credits, effects and properties, real, personal and mixed, of whatsoever kind and wheresoever situate, belonging to the old Company, or to which it is, or may be, or may become, entitled, shall be vested in the new Company upon due execution of the indenture in the schedule to this Act, but shall remain subject to existing mortgages or liens, if any.

Calls on shares.

7. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares in the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent, and that not less than thirty days' notice of any call shall be given.

Amount and notice.

Existing officers and by-laws continued.

8. The president, vice-president and directors of the old Company shall continue to be such in the new Company until their successors are elected, and all by-laws, rules and regulations of the old Company, not contrary to law or inconsistent with this Act, shall be the by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of this Act.

Directors.

9. The affairs of the new Company shall be managed by a board of not less than eight nor more than twenty-four directors as the by-laws prescribe, a majority of whom shall be a quorum.

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

10. The head office of the new Company shall be in the city of Vancouver, in the province of British Columbia, but local advisory boards or agencies may be established and maintained either within Canada or elsewhere, in such manner as the directors from time to time direct. Head office. Local agencies.

11. A general meeting of the new Company shall be called once in each year at its head office, and at such meeting a statement of the affairs of the new Company shall be submitted by the directors. Special general meetings may be called by any five of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting; and notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company. General meetings.

12. The new Company may make contracts of insurance throughout Canada and elsewhere with any person, against loss or damage by fire, wind storm, or lightning in or to any house, dwelling, store, factory, mill or other building and to any goods, chattels, bridges, railway plant or personal estate, for such time and for such premiums or considerations and upon such modifications, restrictions and conditions, not contrary to law, as are agreed upon between the new Company and the insured, and generally carry on the business of fire insurance, tornado insurance and inland transportation insurance, as defined in *The Insurance Act*, in all their branches and forms. Powers.

2. The new Company may also cause itself to be insured against any risk it may have taken in the course of its business. Re-insurance.

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

13. The new Company may invest or deposit such proportion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Foreign securities.

14. The new Company may acquire, hold, convey, mortgage lease or otherwise dispose of any real property required in part or wholly for the purposes, use or occupation of the new Company, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of British Columbia where it shall not exceed ten thousand dollars. Real estate.

15. Before obtaining the license required by *The Insurance Act*, the paid-up capital of the new Company shall be increased from fifty thousand dollars, being the amount paid upon the capital stock of the old Company, to at least one hundred thousand dollars. Increase of capital before obtaining license.

Payments annually on capital stock.

2. In each year, for five years after the issue of a license to the new Company under *The Insurance Act*, a sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the new Company.

Application of R.S., c. 34.

16. This Act, and the new Company and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

Application of R.S., c. 79.

17. Part II of *The Companies Act*, except sections 125, 126, 134, 141, 158 and 165 thereof, shall apply to the new Company, and shall be incorporated with and form part of this Act, in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

R.S., c. 34.

When Act comes into force.

18. This Act shall not take effect unless and until accepted and approved by a resolution passed by a vote of not less than three-fourths in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution.

Notice.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the new Company in *The Canada Gazette*.

SCHEDULE.

This indenture made the————————day of————————19—, between the Hudson Bay Insurance Company, incorporated by chapter 50 of the statutes of 1908 of Saskatchewan, of the first part, hereinafter called "the old Company," and the Hudson Bay Insurance Company, incorporated by chapter of the statutes of 1910 of Canada, of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old Company have accepted and approved of the new Company's said Act of incorporation, intituled "An Act respecting the Hudson Bay Insurance Company," and, by the resolutions of the shareholders duly passed in that behalf, the————————day of————————19— was fixed as the date from which the said Act should take effect;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company; and whereas the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth, that in consideration of the said Act and of the shares in the capital stock of the new Company, which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new

Company hereinafter contained, the old Company hereby grants, assigns, transfers and sets over unto the new Company, its successors and assigns, forever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be or may become entitled: To have and to hold unto the new Company, its succcessors and assigns, to and for its sole and only use forever; and the old Company covenants with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property.

And in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will be liable for and subject to and shall and will pay, discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old Company is now liable, or to which it is subject or which it should pay, discharge, carry out or perform, and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 43.

An Act respecting the Huds
Insurance Company.

(*Reprinted as proposed to be amen*
Banking and Commerce Comm

(PRIVATE BILL.)

MR. KN

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 44.

An Act respecting the Montreal Central Terminal Company.

Preamble. 1890, c. 93; 1891, c. 106. 1897, c. 67; 1905, c. 127; 1909, c. 109.

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

Power to amalgamate with certain railway companies.

1. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Montreal Central Terminal Company, hereinafter called "the Company," may, for any of the purposes specified in the said section 361, enter into agreements with all or any of the following companies, namely: the Canadian Northern Ontario Railway Company, the Ottawa Valley Railway Company, the Carillon and Grenville Railway Company, the Boston and Maine Railroad Company, the Chateauguay and Northern Railway Company, the Montreal Terminal Railway Company, the Montreal Suburban Railway Company and the Intercolonial Railway.

Agreements with certain power companies.

Authorization of shareholders.

2. The Company may acquire the franchises, rights and property of, or may amalgamate with the Montreal Light Heat and Power Company, the Central Heat Light and Power Company, the Saraguay Electric Light and Power Company and the Canadian Light and Power Company, provided every such agreement is authorized by a majority of the shareholders of the Company present or represented by proxy at a meeting specially called to consider the said agreement.

Issue of paid-up shares.

3. The directors may issue fully paid shares in payment or part payment of any franchises, rights or property real or personal or for work done or services rendered.

Agreements with telegraph and telephone companies.

4. The Company may enter into agreements to connect its telegraph or telephone lines with those of other companies, and may exchange business with such companies, and the Company may also enter into agreements with the corporation of the city of Montreal, and any other corporation or individual, to use the telegraph or telephone lines of the Company.

Time for construction of works extended.

5. The Company may commence the construction of the works which it is authorized to construct and shall expend five hundred thousand dollars thereon within two years after the

passing of this Act; and if such commencement and expenditure are not so made, or if the said works are not completed within seven years after the passing of this Act, the powers of construction for such works granted to the Company by this Act and by any other Acts relating to the Company, shall cease and be null and void as respects so much of the Company's works as then remains uncompleted.

44.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 44.

An Act respecting the Montreal C
Terminal Company.

First reading, November 26, 190

(PRIVATE BILL.)

MR. ETHIE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 45.

An Act respecting the Phœnix Assurance Company, Limited.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1908, c. 145.

1. Section 1 of chapter 145 of the statutes of 1908, respecting the Phœnix Assurance Company, Limited, is amended by striking out of lines three and four thereof the words "the aforesaid existing business of the Life Office," and substituting therefor the words "the business of life insurance in Canada." S. 1 amended. Business of life insurance.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 45.

An Act respecting the Phœnix Assur
Company, Limited.

First reading, November 26, 1909.

(PRIVATE BILL.)

MR. MACDONAL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 46.

An Act to incorporate the Pine Pass 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. Maurice Kimpe, James Smith, Angus Roderick Chisholm, Thomas William Lines and Bryce Johnstone Saunders, all of the city of Edmonton, in the province of Alberta, together with such persons as become shareholders in the company, are incorporated under the name of "The Pine Pass Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock,

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

Head office.

4. The head office of the Company shall be at the city of Edmonton.

Annual meeting.

5. The annual meeting of shareholders shall be held on the first Tuesday in November.

Directors.

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

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Edmonton, in the province of Alberta, thence running in a north-westerly direction to a point at or near the confluence of the Macleod River with the Athabasca River, thence continuing in a north-westerly direction to Grande Prairie, thence westerly to Pouce Coupe Prairie and continuing westerly through the Pine River Pass, thence south-westerly to a point at or near Fort George on the Fraser River, in the province of British Columbia.

Issue of 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.

Vessels, buildings, etc.

9. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used in facilitating the carrying on of business in connection therewith.

Use of bridges for foot-passengers and carriages.

Tolls.

10. The Company may, subject to the provisions of *The Railway Act* and subject also to the order of the Board of Railway Commissioners for Canada, construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such cases the tolls to be used for the purpose of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised by, the said Board, but the Company may at any time reduce the tolls, and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge.

Agreements with other companies.

11. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Saskatchewan Valley and Hudson Bay Railway Company and the Prince Albert and Hudson Bay Railway Company.

Issue of bonds for property other than railway.

12. The Company, having been first authorized by a resolution passed at any annual meeting, or at a special general meeting of the shareholders duly called for that purpose, may from time to time issue bonds, debentures or other securities for the purchase of lands, the construction or acquisition of any vessels, or other properties, or works of any kind, other than the railways which the Company is authorized to acquire or operate; but such bonds, debentures or other securities shall not exceed in amount the value of such vessels, properties and works.

46.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 46.

An Act to incorporate the Pine
Railway Company.

First reading, November 26, 19

(PRIVATE BILL.)

Mr. WHITE,
(Victoria, A

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 47.

An Act to provide for the Government Inspection of Vessels.

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

Application of Act.

1. This Act shall apply only to barges and other vessels navigating the inland lakes and the coasting waters of Canada.

Government inspector to make yearly inspection.

2. The owner of any vessel of fifty gross tons or over and not now liable to inspection shall, at least once in every year, apply for the inspection of the hull and equipment of such vessel by the Government inspector of hulls and equipments, or such other person as may be appointed for that purpose; and it is hereby declared to be the duty of the said inspector or other person to inspect such vessel. If the said inspector or other person is satisfied that the hull and equipment of such vessel are suitable for the service in which the said vessel is to be employed, has suitable accommodation for the crew, is seaworthy and is in a condition to warrant the belief that it may be used in navigation with safety to life, and has on board adequate towing gear and a life boat or raft, he shall issue a certificate of inspection in a form to be prescribed by the Minister of Marine and Fisheries.

Certificate of inspection.

Registration or license not to issue without certificate.

Penalty for navigating without certificate.

3. No register, enrolment, license, clearance, or other paper shall be issued by any collector or other officer of customs to any vessel described in section 1 hereof unless the said vessel has then in force a certificate of inspection, as provided in the said section. If any such vessel is navigated without such certificate of inspection, the owner shall be liable to a penalty not exceeding five hundred dollars for each offence.

"Hull" and "equipment" defined. R.S., c. 113.

4. The expression "hull and equipment" shall have the meaning given thereto by paragraph (*e*) of section 565 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906.

Rules and regulations.

5. The Governor in Council may make rules and regulations respecting the hulls and equipment of the vessels in this Act referred to with respect to the subjects, matters and things mentioned in section 578 of *The Canada Shipping Act*.

Steam yachts to carry boats, life preservers, etc., in conspicuous place.

6. Every steam yacht over five tons gross tonnage shall carry, for use in case of accident, a suitable and sufficient boat or boats, or, when boats cannot be utilized, a raft, and also one axe, one saw and one round life-buoy, and one life-preserver for each person on such steam yacht; and the said axe, saw, life-buoy and life-preservers shall be hung in a conspicuous and convenient place, and easy to detach when required.

Fishing steamers to carry boats, life preservers, etc., in conspicuous place.

7. Every steamboat over five tons gross tonnage used exclusively for fishing purposes shall carry for use in case of accident, a suitable and sufficient boat or boats, or, when boats cannot be utilized, a raft, and also one axe, one saw and one round life-buoy, and one life-preserver for each person on such steamboat; and the said axe, saw, life-buoy and life-preservers shall be hung in a conspicuous and convenient place, and easy to detach when required.

Steamers towing to carry rocket gun.

8. Every steamship or steam-tug, while occupied in towing, shall carry a rocket gun fitted to carry or throw a light or heaving line a distance of at least two hundred feet, and shall have some person on board of such steamship or steam-tug skilled in the proper handling of such rocket gun.

47.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 47.

An Act to provide for the Governm Inspection of Vessels.

First reading, November 26, 1909.

MR. LEWI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 48.

An Act to amend the Railway Act.

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

1. Subsection 1 of section 298 of *The Railway Act*, as amended by section 9 of chapter 32 of the statutes of 1909, is repealed and the following is substituted therefor:— Liability for fire caused by a locomotive.

"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, 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 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." Proviso.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 48.

An Act to amend the Railway A

First reading, November 29, 19

MR. PAPINEA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 48.

An Act to amend the Railway Act.

(*Reprinted as amended and reported by the Railway Committee.*)

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

1. Subsection 1 of section 298 of *The Railway Act*, as amended by section 9 of chapter 32 of the statutes of 1909, is repealed and the following is substituted therefor:— R.S., c. 32, s. 298 amended

"**298.** 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, 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: Liability for fire caused by a locomotive.

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 further that where there is any insurance existing on the property damaged the company shall only be liable under this subsection for the amount of such damage over and above the amount accepted or recovered by the assured by way of insurance upon the property, but where the company has used modern and efficient appliances and has not otherwise been guilty of any negligence such liability shall not exceed the said sum of five thousand dollars. No action shall lie against the company by reason of anything in any policy of insurance or by reason of payment of any moneys thereunder. The limitation of one year prescribed by section 306 of this Act shall 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 moneys by the assured, as the case may be." Proviso. Proviso. Limitation of action.

2. This Act shall not affect pending litigation.

48.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 48.

An Act to amend the Railway A

(Reprinted as amended and reported
Railway Committee.)

MR. PAPINE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 49.

An Act to amend the Manitoba Grain Act.

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

R.S., c. 83. "Inspection District" changed to "Inspection Division."

1. The title of *The Manitoba Grain Act*, chapter 83 of the Revised Statutes, 1906, sections 2, 4, 53, 58, 72, 101, 106, 114 and 115, and schedues B and C, are hereby amended by substituting the word "division" for the word "district" wherever it appears in the said title, sections and schedules.

Ss. 17, 47, 104, 109 amended. License fees.

2. Subsection 5 of section 17, subsection 5 of section 47 and subsection 2 of section 109 of the said Act are hereby repealed, and section 104 of the said Act is hereby amended by substituting for the words "license fee of two dollars," in the second and third lines thereof, the words "required license fee."

Section 49 amended. Security by licensee.

3. Section 49 of the said Act is hereby amended by inserting the words "or warehouse" immediately after the word "elevator" in the sixth and eleventh lines thereof.

Section 70 amended.

4. Subsection 7 of section 70 of the said Act, as the said section is enacted by section 33 of chapter 45 of the statutes of 1908, is repealed and the following is substituted therefor:—

Penalty for failure to make statement.

"7. Any person required by this section to furnish such statement or declaration, and failing to do so within three days after receipt of a written demand to him therefor from the Commissioner, shall be liable upon summary conviction to a fine of twenty-five dollars for each day thereafter during which he shall fail to furnish such statement or declaration, and the Minister shall have power to cancel his license."

Section 17 amended.

5. Subsection 4 of section 17 of the said Act is repealed.

Section added.

6. The following section is inserted immediately after section 124:—

Licenses to be revocable.

"**124A.** Licenses issued under this Act shall be revocable by the Commissioner upon a summary proceeding before the Commissioner upon complaint of any person, in writing, under oath, setting forth the particular violation of the law, and upon satisfactory proof in that behalf to be taken in such manner as is directed by the Commissioner: Provided that such revocation shall not take effect until the Minister has given his sanction thereto."

Sections added.

7. The following sections are hereby added immediately after section 114 of the said Act:—

Licenses and bonds for special bins, etc.

"**114**A. The holder of a special bin, or of bin, storage or working space, in any elevator, warehouse or flat warehouse, shall be subject to the same requirements of this Act respecting licenses and bonds as he would have been subject to if he were the operator or lessee of the elevator, warehouse or flat warehouse, as the case may be, in which such bin or space is situate.

License fees.

"**114**B. The Governor in Council shall have power to fix, from time to time, the respective fees that are to be paid for the several kinds of licenses issued under this Act."

Ss. 126 and 133 amended.

Disposal of penalties.

8. Section 126 of the said Act, and subsection 2 of section 133 of the said Act as enacted by section 47 of chapter 45 of the statutes of 1908, are hereby amended by striking out the words "Manitoba Grain Inspection Fund" at the end of the said section and subsection respectively and by substituting therefor the words "Consolidated Revenue Fund of Canada."

Ss. 125 and 127 amended.

Unlicensed warehouseman.

9. Sections 125 and 127 of the said Act are amended by striking out the words "on conviction upon indictment," in the fifth and sixth lines of section 125 and in the eighth line of section 127 and substituting therefor in each case the words "upon summary conviction."

S. 128 amended.

Using unauthorized forms.

10. Section 128 of the said Act is amended by inserting the words "upon summary conviction" immediately after the word "liable" in the fourth line thereof, and also by inserting the words "of one hundred dollars" immediately after the word "fine" in the said line.

S. 129 amended.

Falsification of weight.

11. Section 129 of the said Act is amended by striking out the words "guilty of an offence punishable with fine," in the fourth and fifth lines thereof, and substituting therefor the words "liable upon summary conviction to a fine of not less than fifty dollars and not more than two hundred dollars."

S. 130 amended.

Manipulation of grain.

12. Section 130 of the said Act is amended by striking out from the end thereof the words "guilty of an offence," and substituting therefor the words "liable on summary conviction to a fine of not less than fifty dollars and not more than two hundred dollars, or, in default of payment, to imprisonment for not less than one month and not more than one year.

S. 131 amended.

Violation of Act.

13. Section 131 of the said Act is amended by inserting the words "upon summary conviction" immediately after the word "liable" in the fifth line thereof.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

49.

THE HOUSE OF COMMONS OF CANADA.

BILL 49.

An Act to amend the Manitoba Grain

First reading, November 29, 1909

MR. FISHE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 50.

An Act respecting Co-operation.

Preamble.

WHEREAS it is desirable to promote economy and thrift by means of co-operative societies, and that legislation respecting the incorporation and management of such societies should be uniform throughout 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 Co-operation Act.*

Interpretation.

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

"Minister." "Minister" means the Secretary of State of Canada;

"Department." "department" means the Department of the Secretary of State of Canada;

"Society." "society" means a society incorporated under this Act;

"Land." "land" includes hereditaments and chattels real, and any interest therein;

"Property." "property" includes all real and personal estate, including books and papers;

"Amendment of rule." "amendment of rule" includes a new rule, and a resolution rescinding a rule;

"Rules." "rules" mean the rules approved of by the Minister, and include any amendment of a rule approved of by the Minister;

"Committee." "the committee" means the committee of management or other directing body of a society;

"Persons claiming." "persons claiming through a member" includes the heirs, executors, administrators, or assigns of a member;

"Officer." "officer" includes any treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society;

"Meeting." "meeting" includes (where the rules of a society so allow) a meeting of delegates appointed by members;

"Office." "office" means the registered office for the time being of a society;

"Court." "court," in its application to the province of Quebec, means the Superior Court, and in all other provinces the County Court, and in the Yukon territory the Territorial Court.

What societies may be incorporated.

3. Under this Act, societies may be incorporated having for their object or purpose the conduct of industries, businesses or trades, whether wholesale or retail, defined by the declaration made on application for incorporation, except banking as defined by *The Bank Act,* and insurance as defined by *The*

Insurance Act, and the construction and operation of railways and telegraph and telephone lines: Provided however that a society incorporated to carry on the business of savings and credit shall not carry on any other business.

Number of incorporators.

4. Any number of persons, not less than seven capable of contracting, may be incorporated as a society.

Declaration to be signed by incorporators.

2. Such person shall, with the secretary, sign in duplicate, before two witnesses, a declaration in the form of Schedule A to this Act. One of such declarations, with a copy of the rules, shall be forwarded by registered letter or otherwise delivered to the Minister, and the other, with a copy of the rules shall, remain of record in the archives of the society.

Copy sent to Minister, and recorded.

Rules of society.

5. The rules of every society shall contain provisions regarding the several matters contained in Schedule B to this Act, together with such other provisions as are deemed necessary for the management of the affairs of the society. The rules shall not be contrary to law or to this Act, and may set forth the form of any instrument necessary for carrying the purposes of the society into effect.

Certificate of incorporation and notice thereof.

6. The Minister, on being satisfied that the foregoing provisions of this Act have been complied with, and on approving of the rules, shall issue to the society a certificate of incorporation and give notice thereof in *The Canada Gazette*, and thereupon such society shall be a corporation under the name described in the acknowledgement and notice, and all property, for the time being, vested in any person in trust for the society shall be vested in the society, and the said certificate of incorporation and the rules of the society, together with this Act, shall constitute the charter of the society.

Charter of society.

Proof of incorporation.

7. The production of *The Canada Gazette* containing the said notice shall be conclusive evidence that the society therein mentioned is duly incorporated.

Minors may be members, subject to rules of society.

8. A person under the age of twenty-one, but above the age of twelve, may be a member of a society, unless provision to the contrary is made in the rules thereof, and such persons may, subject to the rules of the society, enjoy all the rights of a member, (except as herein provided,) and execute all instruments and give all acquittances necessary to be executed or given under the rules; but shall not be a member of the committee, trustee, manager or treasurer of the society.

Registered office.

9. Every society shall have a registered office, to which all communications and notices shall be addressed, and the society shall send to the postmaster of the post office nearest to its registered office, and to the Minister, written notice of the situation of such registered office and of every change of such situation.

Notice.

Power to acquire land.

10. A society may (if its rules do not otherwise direct) hold, purchase or take on lease in its own name any land, and may sell, exchange, lease or build thereon.

NAME.

Corporate name.

11. The corporate name of the society shall not be that of any other known society or company incorporated or unincorporated, or so nearly resembling such name as to be likely, in the opinion of the Minister to be confounded therewith, or otherwise on public grounds objectionable, and no society shall change its name except as hereinafter provided: Provided, however, that the Minister may, at any time, change the name of a society if it appears to him that such name is that of any other society or company incorporated or unincorporated or nearly resembles the same, or is on any grounds objectionable, and such change shall be made in the like manner and with the like consequences as if it were changed on the application of the society.

Change of name by Minister.

"Co-operative" and "limited."

12. The word "co-operative" shall be included in, and the word "limited" shall be the last word of the name of every society.

Name of society to be kept conspicuous.

13. Every society shall paint or affix and keep painted or affixed its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, and in letters easily legible, and shall have its name engraven in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements and other publications of the society, 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 society, and in all bills of parcels, invoices and receipts of the society.

Change of name by society.

Notice.

Pending proceedings not affected.

14. A society may, by resolution approved of by two-thirds of its members and adopted at a general meeting called for that purpose, and with the approval of the Minister, change its name, and from the date of a notice of such change, to be published by the Minister in *The Canada Gazette*, the society shall be known and designated under the new name, but no such change of name shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name.

RULES.

Copies of rules.

15. A copy of the rules of the society shall be delivered by the society to every member on demand, on payment of a sum fixed by the rules.

Amendments.

16. An amendment of a rule of a society shall not be valid until it has been approved of by the Minister, for which purpose two copies thereof, signed by three members and the secretary, shall be sent to the Minister.

Approval of Minister.

2. The Minister, on being satisfied that an amendment of a rule is not contrary to law or to this Act, and that it has been duly sanctioned by the society, may approve of it, and may

issue to the society an acknowledgement of the deposit of such amendment, which shall be conclusive evidence that it is in force.

Application and force of rules.

17. The rules of the society shall bind the society and all members thereof and all persons claiming through them, respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and as if there were contained in such rules a covenant on the part of such member, his heirs, executors, administrators and assigns, to conform thereto subject to the provisions of this Act.

Security by officers in receipt or charge of money.

Bonds.

Guarantee society.

18. Every officer of a society who receives or has charge of money, if the rules of the society require, shall, before taking upon himself the duties of his office, become bound, either with or without a surety, as the committee may require, in a bond according to one of the forms set forth in schedule C to this Act, or such other form as the committee approves, or shall give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society, at such times as its rules appoint, or as the society or the committee thereof requires him to do, and for the payment by him of all sums due from him to the society.

Distribution of profits.

19. The rules of every society shall provide for the profits being appropriated to any purposes stated therein.

CAPITAL AND SHARES.

Shares.

Calls.

20. A society may create a capital divided into shares, and the amount thereof, the number of shares and the calls or other payments thereon, shall be determined by its rules, but the amount of each share shall not be less than one dollar.

Increase and decrease of capital.

21. The capital of the society may, subject to the rules, be increased by subscriptions for new shares or the admission of new members, and it may be diminished by withdrawals.

Shares held by other corporations.

22. Any other corporation may, if its constating instruments permit, hold shares in a society.

Votes and proxies.

23. No member shall have more than one vote, and voting by proxy shall be allowed only when shares are held by an agricultural association, a municipal body, a school board, *fabrique d'eglise* or other corporation existing under the law of Canada or of some province thereof.

Register of members or shares.

24. Every society shall keep a register or list of members or shares which shall be *prima facie* evidence of any of the following particulars entered therein:—

(*a*) The names, addresses and occupation of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the

amount paid or agreed to be considered as paid on any such shares:

(*b*) The date at which the name of any such person, corporation, or society was entered in such register or list as a member:

(*c*) The date at which any such person, corporation, or society ceased to be a member.

Dues of members.

25. All moneys payable by a member to a society shall be a debt due from such member to the society and shall be recoverable as such in any court of competent jurisdiction.

Lien on shares for debt.

2. A society shall have a lien on the shares of any member for any debt due to it by him, and may set off any sum credited to the member therein in or towards the payment of such debt.

SAVINGS AND CREDIT SOCIETIES.

District may be limited.

26. The Minister, by the certificate of incorporation and notice thereof in *The Canada Gazette*, may limit the district within which a savings and credit society may carry on its business by means of offices or other places for carrying it on, or by means of agents, canvassers or otherwise.

District may be varied.

27. The Minister may, from time to time, vary the district of a savings and credit society on application for that purpose by the committee, on a resolution approved of by two-thirds of the members of the society at a general meeting duly called for considering such resolution.

Certificate and notice.

2. The Minister, upon approving of such application, shall give a certificate thereof in writing to the society and shall publish a notice thereof in *The Canada Gazette*.

Society with withdrawable capital.

28. No society which has any withdrawable share capital shall carry on the business of savings and credit.

Loans to members only.

29. No society carrying on the business of savings and credit shall advance money by discount, loan or otherwise to, nor accept deposits from, any person other than members thereof.

Statement of business to be posted up.

30. Every society which carries on the business of savings and credit shall, on the first Mondays in March and September in each year, make out and keep conspicuously hung up in its registered office, and in every other office or place of business belonging to it where the business of savings and credit is carried on, a statement in the form of Schedule D to this Act, or as near thereto as the circumstances admit.

Board of Credit.

31. A society carrying on the business of savings and credit shall elect at each annual general meeting a board of credit of not less than three members.

Term of office.

2. The members of the board of credit shall hold office for one year and until their successors are appointed.

Borrowing prohibited.

3. No member of a board of credit shall borrow from or be in any way indebted to the society.

Duties.

4. It shall be the duty of the board of credit to consider and approve of all loans and investments of funds of the society.

Maximum loan.

32. A society shall fix, by rule, the maximum amount which may be loaned to a member.

BOARD OF SUPERVISION OF SAVINGS AND CREDIT SOCIETIES.

Board of Supervision.

33. Every savings and credit society shall, at each annual general meeting, elect from its members a Board of Supervision of at least two members, who shall not be members of the committee, or board of credit or officers of the society. The members of the board of supervision shall hold office for one year and until their successors are appointed.

Term of office.

Duties.

2. The board shall, from time to time, examine and audit the books of the society and deposit books of the members; shall supervise the operations of the committee and board of credit; and shall check the cash investments and securities of the society.

Misappropriation of funds or contravention of rules.

3. In the event of any of the funds, securities or other property of the society being misappropriated or otherwise misdirected from their proper use, or in the event of any of the rules of the society being contravened by the committee or board of credit, or any member thereof, or by any officer, the board shall forthwith call a general meeting of the society.

General meeting called.

Suspensions by Board.

4. Pending the holding of such meeting the board may suspend any member of the committee or board of credit, or any officer, and may appoint members of the society to perform the duties of any person so suspended, until the said meeting of the society.

Report of Board, and powers of general meeting.

5. The board shall report to the meeting all circumstances relating to any misappropriation of funds, securities or other property, or any improper diversion thereof, and the causes of suspension of any member of the committee, board of credit or officer, and the society, at the meeting so called or at any adjournment thereof, may dismiss from office or reinstate any member of the committee or board of credit or officer suspended by the board.

Borrowing prohibited.

6. The members of the board shall not borrow from or be in any way indebted to the society.

Annual report.

7. The board shall submit a written report to each annual general meeting.

INVESTMENT AND RESERVE.

Investment of capital.

34. A society may invest any part of its capital in or upon any security authorized by its rules.

When capital invested in other corporations.

2. A society which has invested any part of its capital in the shares or on the security of any other corporation may appoint as proxy any one of its members, though such member is not personally a shareholder of such other corporation.

Powers of proxy.

3. The proxy shall, during the continuance of his appointment, be taken by virtue thereof as holding the number of shares held by the society by whom he is appointed, for all

purposes except the transfer of such shares, or the giving receipts for any dividend thereon.

Reserve fund.

35. The society may establish a reserve fund under the terms and conditions determined by its rules.

Investment of surplus or reserve.

2. A society may invest its surplus funds or reserve fund in public securities of the Government of Canada, or of any province thereof, or of a municipal or other incorporated body, or may loan to such municipal or incorporated bodies upon the security of their general credit.

Deposits from members.

36. The society may receive from its members deposits bearing interest, in conformity with its rules.

BORROWING POWERS.

Resolutions for—
Borrowing,

37. The committee of a society may pass resolutions:

(*a*) for borrowing money;

Issue of securities,

(*b*) for issuing bonds, debentures; or other securities: Provided however that a savings and credit society shall not issue bonds, debentures or other securities;

Pledging or selling securities.

(*c*) for pledging or selling such bonds, debentures, or other securities for such sum and at such prices as are deemed expedient or are necessary:

Proviso as to commercial securities.

Provided, however, that nothing in this or the three following sections hereof 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.

Confirmation of resolutions.

38. No resolution referred to in section 37 of this Act, shall take effect until it has been confirmed by a vote of not less than two-thirds of the members present or represented by proxy at a general meeting of the society, duly called for considering such resolution, by notice specifying the terms of the resolution to be confirmed, or until unanimously sanctioned in writing by the members of the society.

Mortgage or pledge of real or personal property of society.

39. The committee may charge, hypothecate, mortgage, or pledge the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the society, to secure any bonds, debentures or other securities, or any liability of the society authorized by resolution and confirmed as hereinbefore provided, and a duplicate original of such charge, mortgage or other instrument of hypothecation or pledge shall be forthwith forwarded to the Minister, as well as registered under the provisions of any other law in that behalf.

Copy for Minister.

Registration.

Receipt of society a sufficient discharge without further enquiry.

40. No assignee, mortgagee, pledgee, bond or debenture charge or hypothec holder shall be bound to inquire as to the authority for any such assignment, mortgage, pledge, charge or hypothecation by a society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge, charge, hypothec or other security.

CONTRACTS.

Contracts how made, varied or discharged.

41. Contracts on behalf of a society may be made, varied, or discharged as follows:—

Under seal.

(*a*) Any contract, which if made between private persons would be by law required to be in writing and to be under seal, may be made, on behalf of the society, in writing under the common seal of the society, and may in the same manner be varied or discharged;

In writing.

(*b*) Any contract, which, if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;

Under seal, but subject to be varied or discharged by unsealed writing.

(*c*) Any contract under seal which, if made between private persons, might be varied or discharged by a writing not under seal, signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal, signed by any person acting under the express or implied authority of the society;

Parol contracts.

(*d*) Any contract, which, if made between private persons, would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;

Signature of officer of society *prima facie* genuine.

(*e*) A signature, purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied or discharged by or on behalf of the society, shall *prima facie* be taken to be the signature of a person holding, at the time when the signature was made, the office so stated.

Contracts duly executed obligatory on society.

2. All contracts which may be or have been made, varied or discharged according to the provisions of this section, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors or administrators, as the case may be.

Promissory notes and bills of exchange.

42. A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of the society if made, accepted or endorsed in the name of the society, or by or on behalf or account of the society, by any person acting under the authority of the society.

ACCOUNTS, AUDITS AND INSPECTIONS.

Annual meeting.

43. The annual meeting of the society shall be held at such time and place in each year as the rules of the society provide, and in default of such provisions in that behalf the annual meeting shall be held at the registered office of the society on the fourth Wednesday in January in each year.

Duty of committee to present:

2. At such meeting the committee shall lay before the society,—

(*a*) A balance sheet made up to date not more than three months before such annual meeting; Balance sheet.

(*b*) A statement of income and expenditure for the financial period ending upon the date of such balance sheet; Income and expenditure.

(*c*) The report of the auditor; Auditor's report.

(*d*) Such further information respecting the society's financial position as the rules require. Financial position.

3. Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:— Balance sheet, what to contain.

(*a*) Cash;

(*b*) Debts owing to the society from customers;

(*c*) Debts owing to the society from its officers and members;

(*d*) Stock in trade;

(*e*) Expenditures made on account of future business;

(*f*) Land, buildings and plant;

(*g*) Good will, franchises, patents, copyrights, trade marks, leases, contracts and licenses;

(*h*) Debts owing by the society secured by mortgage or other lien upon the property of the company;

(*i*) Debts owing by the society but not secured;

(*j*) Amount received on shares;

(*k*) Amount owing on shares;

(*l*) Amount paid on withdrawal of shares;

(*m*) Indirect and contingent liabilities.

14. Every society shall supply gratuitously to every member or other person interested in the funds of the society, on his application, a copy of the last annual balance sheet and return of the society. Balance sheet to be furnished gratuitously.

15. Save as provided in this Act, no member or person shall have any right to inspect the books of the society, notwithstanding anything in the existing rules relating to such inspection. Inspection of books.

2. Any member or other person having an interest in the funds of the society may inspect his own account and the books containing the names of the members at all reasonable hours at the registered office of the society, or at such other place where they are kept, subject to such regulations as to time and manner of such inspection as are made by the rules. When accounts and lists may be inspected.

3. The society may, by its rules, authorize the inspection of any of its books therein mentioned, in addition to the said books containing the names of members, under such conditions as are thereby imposed, so that no person, unless he is an officer of the society or is specially authorized by a resolution thereof, shall have the right to inspect the loan or deposit account of any other member without his written consent. Rules for inspection under conditions imposed therein.

16. Every dispute between a member of a society and any person aggrieved who has for not more than six months ceased to be a member of the society, or any person claiming through such member or person aggrieved, or claiming under the rules of the society, and the society or an officer thereof, shall be decided Disputes between members decided according to rules.

in the manner directed by the rules of the society, if they contain any such directions, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made before any court of competent jurisdiction.

No appeal.

ACCOUNTS, AUDITS AND INSPECTIONS.

Accounts shall be audited.

47. The accounts of the society shall be examined once at least in every year, and the correctness of the balance sheet shall be ascertained by an auditor or auditors.

First auditors.

48. The first auditor of the society may be appointed by the committee before the first meeting of the members, and the auditor so appointed shall hold office until the first general meeting.

Appointment and term of auditors.

49. Thereafter the auditor shall be appointed by resolution at a general meeting of the society, and shall hold office until the next annual meeting unless previously removed by a resolution of the members in general meeting.

Qualification of auditors.

50. The auditor may be a member of the society, but no person shall be eligible as an auditor who is interested, otherwise than as a member, in any transaction of the society, and no officer of the society shall be eligible during his continuance in office.

Minister may appoint auditors.

51. If an appointment of auditor is not made at any annual meeting the Minister may, on the application of any member of the society, appoint an auditor of the society for the current year, and fix the remuneration, if any, to be paid to him by the society for his services.

Committee may fill vacancy.

52. The committee may fill any causal 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.

Remuneration of auditors.

53. The remuneration of the auditors of a society shall be fixed by the society 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 committee.

Rights and duties of auditors.

54. Every auditor of a society shall have the right of access at all time to the books, accounts and vouchers of the society, and shall be entitled to require from the committee and officers of the society such information and explanation as may be necessary for the performance of his duties, and 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 make a report to the members of the accounts examined by them, and on every balance sheet laid before the society 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 society's affairs as shown by the books of the society; and such report shall be read before the society in general meeting.

Minister may order inspection of books.

55. The Minister may, if he thinks fit, on the application of ten members of a society each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant to inspect the books of the society and to report thereon: provided that—

Security for costs.

(*a*) the applicants shall deposit with the Minister such sum as security for the costs of the proposed inspection as the Minister may require;

Payment of expenses.

(*b*) all expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers of the society in such proportion as the Minister may direct.

Powers of inspector.

2. A person appointed under this section shall have power to make copies of all books of the society; and to take extracts therefrom at all reasonable hours.

Result of inspection.

3. The Minister shall communicate the results of any such inspection to the applicants and to the society.

Inspection of affairs by Minister on application.

56. Upon the application of one tenth of the whole number of members of a society, or of one hundred members in the case of a society exceeding one thousand members, the Minister may—

(*a*) appoint an inspector or inspectors to examine into and report upon the affairs of such society;

(*b*) call a special meeting of the society.

Evidence and notice required.

2. Such application shall be supported by such evidence as the Minister requires before taking action, and the Minister may require that such notice as he deems necessary be given to the society.

Security for costs.

3. The Minister may require the applicants to furnish security for the costs of such inspection or meeting.

Payment of expenses.

4. All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same, or out of the funds of the society, or by the members or officers or former members or officers of the society, in such proportion as the Minister shall direct.

Powers of inspector.

5. An inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the society, and may examine on oath its officers, members, agents and servants in relation to its business, and may administer an oath accordingly.

Special meeting to be held.

6. The Minister may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rules of the society to the contrary notwithstanding.

Powers thereof.

RETURNS.

Annual summary of the affairs of the society.

57. The society shall, on or before the first day of February in each year, make out a summary, verified as hereinafter required, containing as of the thirty-first day of December preceding, correctly stated, the following particulars:—

Contents of summary.

(*a*) The corporate name of the society and the date of incorporation;

(*b*) The name, residence and post office address of the officers;

(*c*) The date upon which the last annual meeting of the society was held;

(*d*) The place of the registered office, giving street and number when possible;

(*e*) The amount of subscribed capital of the society and the number of shares into which it is divided;

(*f*) The number of shares, if any, issued as fully paid up, as consideration for any transfer of assets, good will or otherwise; if none are so issued, this fact to be stated;

(*g*) The amount of calls made on each share;

(*h*) The total amount of calls received;

(*i*) The total amount of shares forfeited;

(*j*) The number of shares subscribed for and allotted during the preceding year;

(*k*) The number of shares withdrawn during the preceding year;

(*l*) The amount of bonds, debentures or other securities authorized;

(*m*) The amount of bonds, debentures or other securities issued, and the amount realized thereon;

(*n*) A statement of the receipts and expenditure of the society during the year in respect of the several objects of the society;

(*o*) The number of members of the society.

Posting thereof.

2. A duplicate of such summary with an affidavit of verification and the last balance sheet signed by the auditors shall be posted up in a conspicuous position in the registered office of the society on or before the first day of March in each year, and shall be available for inspection by any member or creditor of the society, and the society shall keep the same so posted until another summary and balance sheet is posted under the provi sions of this Act.

Verification thereof.

3. The said summary shall be verified by the affidavit of the president and secretary, and if there are 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 said affidavit, then by the affidavit of the president or secretary and one of the officers 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.

Transmission to Minister.

4. The summary, verified as aforesaid, together with the last balance sheet signed by the auditor shall, on or before the first day of March next after the time hereinbefore fixed for making the summary, be transmitted to the Minister.

Returns on special subjects.

58. The Minister may, whenever he sees fit, require a society to make a return upon any special subject connected with the

affairs of the society, and the society shall make such return within the time mentioned in the notice requiring such return.

AMALGAMATION.

Amalgamation of several societies.

59. Any two or more societies may, by resolution of each of the societies interested passed by a vote of two-thirds of the members of the said societies respectively at meetings thereof duly called for considering such resolution, become amalgamated as one society, with or without any dissolution or division of the funds of such societies, or either of them, and upon such conditions as are set forth in the said resolutions, and the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than that contained in the resolution amalgamating the societies.

Transfer of contracts and liabilities.

60. Any society may, by resolution passed by a vote of two-thirds of the members of the society at a meeting duly called for considering such resolution, transfer its assets, undertakings and liabilities to any other society which undertakes to fulfil the contracts and liabilities of the society.

Creditor's rights saved.

61. Such amalgamation or transfer shall not prejudice the rights of any creditor of any society party thereto.

Resolutions to be sent to Minister.

62. Copies of all resolutions relating to an amalgamation or transfer, certified by the chairman of the meeting at which the resolution was passed and by the secretary of the society shall be deposited with the Minister.

Acknowledgement and effect.

63. The Minister, on being satisfied that the foregoing provisions of this Act respecting such amalgamation or transfer have been complied with, and that the said resolutions were duly passed by the said societies, may issue to the said societies an acknowledgement of amalgamation or transfer, and give notice thereof in *The Canada Gazette*, and thereupon such amalgamation or transfer shall be deemed to take effect.

Notice.

CANCELLATION AND SUSPENSION OF CHARTER.

Cancellation of charter.

64. The Minister may, at any time, upon notice in writing cancel the charter of a society,—

(*a*) if it is shown that the number of the members of the society has been reduced to less than seven, or that the charter of a society has been obtained by fraud, or that the society has ceased to carry on business;

(*b*) if he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct;

(*c*) on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully, and after notice from the Minister, violated any of the provisions of this Act.

Suspension of charter.

2. The Minister, in any case in which he might cancel the charter of the society, may suspend the charter, by writing under his hand or seal, for any term not exceeding three months, and may renew such suspension from time to time for a like period.

Notice to society of intended cancellation.

3. Before such cancellation or suspension the Minister shall give the society a notice of not less than two months specifying the ground of any proposed cancellation or suspension (except in the case of a request by the society itself), and notice of such cancellation or suspension shall be published in *The Canada Gazette* and in a newspaper published at or near the place where such society last had its head office.

Public notice.

Absolute cessation of society from date of publication.

4. Such society shall, from the date of publication in *The Canada Gazette* of the said notice of cancellation or suspension, absolutely cease to enjoy the privileges of a society, but without prejudice to any liability actually incurred by such society, which liability may be enforced as if such cancellation or suspension had not taken place.

Liability of society unaffected.

Dissolution.

65. A society organized under this Act may be dissolved,—

(*a*) by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution;

R.S., c. 144.

(*b*) under the provisions of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906.

Liability of members on winding up, subject to qualifications.

66. Where a society is wound up under the provisions of *The Winding-up Act* the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributors amongst themselves, shall be qualified as follows:—

(*a*) no individual, society or company who or which has ceased to be members for one year or upwards prior to the commencement of the winding up shall be liable to contribute;

(*b*) no individual, society or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceases to be a member;

(*c*) no individual, society or company, not a member, shall be liable to contribute, unless it appears that the contribution of the existing members are insufficient to satisfy the just demands on the society.

(*d*) no contribution shall be required from any individual, society or company exceeding the amount, if any, unpaid of the shares in respect of which he or it is liable as a past or present member;

(*e*) an individual, society or company shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal.

Dissolution by instrument.

67. Where a society is terminated by an instrument of dissolution:—

Contents of instrument.

(*a*) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of the creditors, if any, and the provisions to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the Minister;

(*b*) Alterations in the instrument of dissolution may be made with the like consents, as hereinbefore provided, and testified in the same manner; Alterations in instrument.

(*c*) A statutory declaration shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the Minister with the instrument of dissolution and any alterations thereof; Statutory declaration to accompany instrument.

(*d*) The instrument of dissolution and all alterations therein shall be binding upon all the members of the society; Members bound.

(*e*) The Minister shall cause a notice of dissolution to be advertised at the expense of the society in *The Canada Gazette* and in some newspaper at or near the place of registered office of the society and unless, within three months from the date of *The Canada Gazette* in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the county where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto; Notice of dissolution. Society dissolved, unless proceedings are taken, within three months, in county court, and dissolution set aside.

(*f*) Notice shall be sent to the Minister of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside, within seven days after it is made by the society. Notice to Minister of proceedings or of order of court.

OFFENCES AND PENALTIES.

68. It shall be an offence under this Act, if a society— Offences.

(*a*) fails to give any notice, send any return or document, or to do or allow to be done any act or thing which the society is, by this Act, required to give, send, do or allow to be done; or, Contravention of Act.

(*b*) wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Minister or any other person authorized under this Act, or does any act or thing forbidden by this Act; or, Wilful neglect or refusal to furnish information.

(*c*) makes a return or wilfully furnishes information in any respect false or insufficient; or, False return.

(*d*) fails to make out and keep continuously hung up the annual return and balance sheet required by this Act. Failure to post up papers.

69. Every offence by a society under this Act shall be deemed to have been also committed by every officer of the society who is bound by the rules thereof to fulfil the duty whereof such offence is a breach, or, if there be no such officer, then by every member of the committee unless such member is found to have been ignorant of, or to have attempted to prevent the commission of, such offence; and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which it continues. Offences by societies to be also offences by officers. Exception.

70. If any person obtains possession by false representation or imposition of any property of a society, or having it in his Penalty for obtaining property by

fraud, or withholding or mis-applying property.

possession, withholds or mis-applies it or wilfully applies any part thereof to purposes other than those expressed or directed by the rules of the society, and authorized by this Act, he shall, on the complaint of the society, or any member authorized by the society, or by the committee thereof or by the Minister, be liable, on summary conviction, to a fine not exceeding fifty dollars and costs, and to be ordered to deliver up such property or to repay all moneys applied improperly and, in default of such delivery or repayment, or of the payment of such fine, to be imprisoned, with or without hard labour, for a term not exceeding three months; but nothing herein shall prevent any such person from being proceeded against if not previously convicted under this Act of the same offence or of an offence which includes the offence with respect to which he is so proceeded against.

Penalty for making false entries.

71. If any person wilfully makes, orders or allows to be made any entry or erasure in, or omission from, any balance sheet of a society, or any contribution or collection book, or any return or document required to be sent, produced or delivered under this Act, with intent to falsify the same, or to evade any provision of this Act, he shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

Penalty respecting copies of society's rules.

72. It shall be an offence under this Act punishable, on summary conviction, by a fine not exceeding twenty-five dollars, if any person, with intent to mislead or defraud, gives to any other person a copy of any rules other than the rules for the time being approved of by the Minister under this Act on the pretence that they are the existing rules of a society, or that there are no other rules of such society, or gives to any person any rules on the pretence that such rules are the rules of an existing society when such society is not really a society incorporated under this Act.

REGULATIONS.

Regulations by Governor in Council.

73. The Governor in Council may make regulations respecting the procedure and forms to be adopted in carrying out the provisions of this Act, and generally for carrying this Act into effect, and by such regulations may impose fines not exceeding twenty-five dollars for an infraction of the provisions thereof, and such fines shall be recoverable on summary conviction; and such regulations shall apply as soon as they have been published in *The Canada Gazette*.

Publication in *Canada Gazette*.

Regulations to be laid before Parliament.

74. Such regulations shall be laid before Parliament within ten days after the making thereof, if Parliament is then sitting, or, if not then sitting, then during the first ten days of the next session thereof.

SCHEDULE A.

CO-OPERATION ACT.

To the Secretary of State of Canada.

The application of————————.

Sheweth.

1. That the undersigned desire to be incorporated as a society under the provisions of The Co-operation Act, under the name "————————, Limited."

2. That the objects of incorporation are as follows: [*Set out objects, in detail.*]

3. That the undersigned have prepared rules in accordance with the said Act for the management of the said society, a copy of which are herewith attached.

Dated at————this————day of————19—.

Witness.

SCHEDULE B.

Matters to be provided for by the rules of societies incorporated under The Co-operation Act:—

1. Object, name and head office or chief place of business of the society.

2. Terms of admission of the members, including societies or companies taking shares in the society under the provisions of this Act.

3. Mode of holding meetings, right of voting and of making, altering and rescinding rules.

4. Appointment and removal of the committee or officers, and their respective powers and remuneration.

5. Determination whether the society may contract loans or receive deposits, subject to the Act, from members, and if so, under what conditions, on what security, and what limits of amount.

6. Determination whether the shares or any of them shall be transferable, and regulations of the form of transfer and registration of the shares and the consent of the committee thereto; determination whether the shares of any of them shall be withdrawable and the payment of the balance due thereon withdrawing from the society.

7. Provision for audit of accounts and appointment of auditors.

8. Determination whether or how members may withdraw from the society.

9. Mode of application of profits.

10. Provision for custody of seal and certifying of documents issued by the society.

11. Determination whether and by what authority and in what manner any part of the capital may be invested.

SCHEDULE C.

FORM OF BOND.

(*a*) Know all men by these presents, that we, A. B., of———, one of the officers of the "————Limited," hereinafter referred to as "the society," whose registered office is at ————in the county of————, and C. D., of———— (as surety on behalf of the said A. B.), are jointly and severally held and firmly bound to the society in the sum of dollars to be paid to the society, or its certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals.

Dated the————day of————19—.

Whereas the above-bounden A. B. has been duly appointed to the office of————of the———— society, and he, together with the above-bounden C. D. as his surety, have entered into the above-written bond, subject to the condition hereinafter contained:

Now therefore the condition of the above-written bond is such, that if the said A. B. do render a just and true account of all moneys received and paid by him on account of the society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the society in his hands or custody to such person or persons as the society or the committee thereof appoint, according to the rules of the society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, but otherwise shall remain in full force.

Sealed and delivered in the presence of————.

(*b*) Know all men by these presents that I————of———in the county of———am firmly bound to "———— Limited," hereinafter referred to as "the society," whose registered office is at————in the county of————in the sum of————dollars to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorney or assigns I bind myself, my heirs, executors, and administrators, by these presents.

Sealed with my seal.

And know further that I (*or* we)————as surety (*or*, sureties) for the above named principal obligor and such obligor are jointly and severally bound to the society in the sum aforesaid to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorney or assigns we firmly bind ourselves and each of us, our and each of our heirs, executors and administrators, by these presents.

Sealed with our seal.

Dated the————day of————19—.

The condition of the above-contained bond is that if the said ————faithfully execute the office of————to the society during such time as he continues to hold the same in virtue either of his present appointment, or of any renewal

thereof if such office is of a renewable character (without wasting embezzling, losing, misspending, misapplying or unlawfully making away with any of the moneys, goods, chattels, wares, merchandise or effects whatsoever of the society at any time committed to his charge, custody, or keeping by reason or means said office), and render a true and full account of all moneys received or paid by him on its behalf as and when he is required by the committee of management of the society for the time being, and pay over all the moneys remaining in his hands from time to time, and assign, transfer and deliver up all securities, books, papers, property and effects whasoever of or belonging to the society in his charge, custody or keeping, to such person or persons as the said committee may appoint, according to the rules or regulations of the society for the time being, together with the proper or legal receipts or vouchers for such payments; and in all other respects well and faithfully perform and fulfil the said office of ————————to the society, according to the rules thereof, then the above written bond shall be void and of no effect; but otherwise shall remain in full force

Sealed and delivered by the above-named ————————

(The words between brackets against which we have set our initials being struck out) in the presence of————————and ————————.

SCHEDULE D.

FORM OF STATEMENT

to be made by a society carrying on the business of Savings and Credit.

1. Capital of the society:—
   (*a*) Nominal amount of each share;
   (*b*) Number of shares issued;
   (*c*) Amount paid up on shares.
2. Liabilities of the society on the first day of January (*or* July) last previous:—
   (*a*) On judgments;
   (*b*) On specialty;
   (*c*) On notes or bills;
   (*d*) On simple contract;
   (*e*) On estimated liabilities.
3. Assets of the society on the same date:—
   (*a*) Government or other securities (*stating them*);
   (*b*) Bills of exchange and promisory notes;
   (*c*) Cash at the bankers;
   (*d*) Other securities.

50.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 50.

An Act respecting Co-operation

First reading, December 2, 190

MR. HAI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 51.

An Act respecting the Montmagny Mutual Fire Insurance Company and to change its name to "Manufacturers Fire Insurance Company."

Preamble.

WHEREAS the Montmagny Mutual Fire Insurance Company has by its petition represented that it is incorporated under the authority of chapter 68 of the Consolidated Statutes for Lower Canada; and that by chapter 70 of the statutes of Quebec of 1905 certain additional powers were conferred upon the said company; and whereas by "The Quebec Insurance Act," chapter 69 of the statutes of Quebec of 1908, the said company is enabled to exercise certain additional powers; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

C.S. L.C., c. 68; Que., 1905, c. 70; 1908, c. 69.

Declaratory.

1. The Montmagny Mutual Fire Insurance Company, hereinafter called "the Company," as now organized and constituted under the Acts mentioned in the preamble is declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Insurance Act* shall, upon the Company obtaining a license under *The Insurance Act*, apply to the Company and its business instead of the Acts mentioned in the preamble: Provided that nothing in this section shall affect anything done, any right or privilege acquired; or any liability incurred under any of the above mentioned Acts up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled and to all of which liabilities the Company shall continue to be subject.

R.S., c. 34.

Existing rights and liabilities continued.

Name changed.

2. The name of the Company is hereby changed to "Manufacturers Fire Insurance Company," 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.

Saving of rights.

Shares in old and new companies.

3. The shareholders of the Montmagny Mutual Fire Insurance Company, as now organized and constituted under the Acts mentioned in the preamble, are hereby declared to be holders

respectively or as many shares of the par value of one hundred dollars each upon which forty dollars has been paid in the Manufacturers Fire Insurance Company as they are holders respectively of one hundred dollar shares with the same amount paid in the Montmagny Mutual Fire Insurance Company.

Officers and directors continued.

4. The officers and directors of the Company elected or appointed under the authority of any of the Acts mentioned in the preamble shall continue to be the officers and directors of the Company until their successors are lawfully elected under this Act.

Existing contracts confirmed.

5. All acts lawfully done, and all contracts, agreements and instruments in writing heretofore lawfully made, entered into or executed by or on behalf of the Company, or in relation thereto, with respect to the undertaking of the Company, under the authority of any of the Acts mentioned in the preamble, are confirmed and declared to be valid and binding upon the Company and upon all other parties thereto.

"Mutual insurance members."

Voting powers.

6. Every policy holder, other than those on the non-mutual or wholly cash premium plan, shall be a member of the Company (all such members being hereinafter referred to as "mutual insurance members") and shall be entitled, at all meetings of the Company, to the number of votes proportioned to the amount of his deposit or premium notes held by the Company, that is to say, one vote for the whole amount of such deposit or premium notes up to one hundred dollars, and one additional vote for any amount between one hundred dollars and two hundred dollars, and one additional vote for every additional one hundred dollars.

Business of Company.

Re-insurance.

Proviso.

7. The Company may carry on the business of fire insurance upon the mutual as well as upon the non-mutual or wholly cash system, and may cause itself to be insured against any risk it may have undertaken, and may reinsure any other person against any risks that such person may have undertaken: Provided that no insurance undertaken by the Company upon the non-mutual or wholly cash system shall render the assured liable to contribute in any way to the funds or expenses of the Company beyond the amount of the premium agreed upon.

Annual profits, application of.

8. The net annual profits and gains of the Company (not including the premium or deposits note) shall be applied, first, to setting aside a dividend upon the paid-up capital, and the balance of the said profits, if any, shall be carried to a reserve fund or to profit and loss account, or to both of them in order to provide for future contingencies.

Directors.

9. The board of directors shall consist of not less than six or more than nine members, a majority of whom shall be a quorum.

Qualification.

10. At least two-thirds of the directors shall be holders of shares of the capital stock to the amount of at least one thousand dollars each, upon which all calls have been paid.

11. The said two-thirds of the directors shall be elected by the votes of the shareholders, and the other one-third shall be composed of mutual insurance members of the Company, and be elected by such members. Election of directors.

2. Every such mutual insurance member, while he holds the office of director, shall hold insurance in the Company to at least the sum of one thousand dollars. Qualification of certain directors.

12. The directors shall have the management of the Company, its property and funds, and may make such by-laws, subject to the provisions of this Act and not inconsistent with or contrary to law, as are necessary to accomplish the purpose and intention of this Act and to give effect to its provisions. Powers of directors.

13. Part II of *The Companies Act*, except sections 125, 141 and 165 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act* or of this Act. R.S., c. 79.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 51.

An Act respecting the Montmagny
Fire Insurance Company, and t
its name to "Manufacture
Insurance Company."

First reading, December 1, 19

(PRIVATE BILL.)

MR. ROY
(Montm

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 51.

An Act respecting the Montmagny Mutual Fire Insurance Company and to change its name to "Factories Insurance Company."

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

Preamble. C.S. L.C., c. 68; Que., 1905, c. 70; 1908, c. 69.

WHEREAS the Montmagny Mutual Fire Insurance Company has by its petition represented that it is incorporated under the authority of chapter 68 of the Consolidated Statutes for Lower Canada; and that by chapter 70 of the statutes of Quebec of 1905, as amended by chapter 119 of the statutes of Quebec of 1909, certain additional powers were conferred upon the said company; and whereas by "The Quebec Insurance Act," chapter 69 of the statutes of Quebec of 1908, the said company is enabled to exercise certain additional powers; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory. R.S., c. 34. Existing rights and liabilities continued.

1. The Montmagny Mutual Fire Insurance Company, hereinafter called "the Company," as now organized and constituted under the Acts mentioned in the preamble is declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Insurance Act* shall, upon the Company obtaining a license under *The Insurance Act*, apply to the Company and its business instead of the Acts mentioned in the preamble: Provided that nothing in this section shall affect anything done, any right or privilege acquired; or any liability incurred under any of the above mentioned Acts up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled (subject however to the provisions of *The Insurance Act*) and to all of which liabilities the Company shall continue to be subject.

Name changed. Saving of rights.

2. The name of the Company is hereby changed to "Factories Insurance Company," 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.

Shares in old and new companies.

3. The shareholders of the Montmagny Mutual Fire Insurance Company, as now organized and constituted under the Acts mentioned in the preamble, are hereby declared to be holders respectively ot as many shares of the par value of one hundred and sixty dollars each upon which one hundred dollars has been paid in the Factories Insurance Company as they are holders respectively of one hundred dollar shares with forty dollars paid in, in the Montmagny Mutual Fire Insurance Company, and for this purpose sixty dollars for each such share shall be deemed to be transferred from the present surplus of the Company to the capital of the Company and the amount so transferred shall not be subject to withdrawal from the capital of the Company.

Officers and directors continued.

4. The officers and directors of the Company elected or appointed under the authority of any of the Acts mentioned in the preamble shall continue to be the officers and directors of the Company until their successors are lawfully elected under this Act.

Existing contracts confirmed.

5. All acts lawfully done, and all contracts, agreements and instruments in writing heretofore lawfully made, entered into or executed by or on behalf of the Company, or in relation thereto, with respect to the undertaking of the Company, under the authority of any of the Acts mentioned in the preamble, are confirmed and declared to be valid and binding upon the Company and upon all other parties thereto.

"Mutual insurance members."

6. Every policy holder, other than those on the non-mutual or wholly cash premium plan, shall be a member of the Company (all such members being hereinafter referred to as "mutual insurance members") and shall be entitled, at all meetings of the Company, to the number of votes proportioned to the amount of his deposit or premium notes held by the Company, that is to say, one vote for the whole amount of such deposit or premium notes up to one hundred dollars, and one additional vote for any amount between one hundred dollars and two hundred dollars, and one additional vote for every additional one hundred dollars.

Voting powers.

Business of Company.

7. The Company may carry on the business of fire insurance upon the mutual as well as upon the non-mutual or wholly cash system, and may cause itself to be insured against any risk it may have undertaken, and may reinsure any other person against any risks that such person may have undertaken: Provided that no insurance undertaken by the Company upon the non-mutual or wholly cash system shall render the assured liable to contribute in any way to the funds or expenses of the Company beyond the amount of the premium agreed upon.

Re-insurance.

Proviso.

Annual profits, application of.

8. Before any dividend is declared the Company shall, at the end of each year beginning with the end of the calendar year during which the license under *The Insurance Act* has been issued, and until the surplus equals the reserve of unearned premiums computed as provided in the said Act on all outstanding unmatured policies in Canada not reinsured, ap-

propriate towards the surplus of the Company at least twenty-five per cent of the profits of the Company for the past year and subject as aforesaid, the net annual profits and gains of the Company shall be applied, first, to setting aside a dividend upon the paid-up capital, and the balance of the said profits, if any, shall be carried to a reserve fund or to profit and loss account, or to both of them in order to provide for future contingencies.

2. In this section the word "surplus" means the excess of assets over paid up capital of the Company and all liabilities of the Company including the reserve for unearned premiums. "Surplus" defined.

9. The board of directors shall consist of not less than six or more than nine members, a majority of whom shall be a quorum. Directors.

10. At least two-thirds of the directors shall be holders of shares of the capital stock to the amount of at least one thousand dollars each, upon which all calls have been paid. Qualification.

11. The said two-thirds of the directors shall be elected by the votes of the shareholders, and the other one-third shall be composed of mutual insurance members of the Company, and be elected by such members. Election of directors.

2. Every such mutual insurance member, while he holds the office of director, shall hold insurance in the Company to at least the sum of one thousand dollars. Qualification of certain directors.

12. The directors shall have the management of the Company, its property and funds, and may make such by-laws, subject to the provisions of this Act and not inconsistent with or contrary to law, as are necessary to accomplish the purpose and intention of this Act and to give effect to its provisions. Powers of directors.

13. So soon as the members of the Company have given their consent, by a resolution carried by two-thirds of the votes of those present at a special meeting called for the purpose, of which fifteen days notice is given by advertisement in a French and in an English newspaper published in the district in which the head office of the Company is situate, and so soon as the Company has obtained the necessary license under *The Insurance Act*, this Act shall come into force, and the Company may insure against loss or damage by fire or lightning upon the mutual as well as upon the non-mutual or wholly cash system throughout Canada; but no insurance made under the non-mutual or wholly cash system shall render the assured liable to contribute in any way to the funds or expenses of the Company beyond the amount of premium agreed upon. When business may be commenced.

14. Part II of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159 and 165 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act, or of any general Act relating to insurance passed during the present session of Parliament. R.S., c. 79.

Application of R.S., c. 34.

15. This Act, and the Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament, and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.

51.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMC
OF CANADA.

BILL 51.

An Act respecting the Montmagny
Fire Insurance Company, and t
its name to "Factories I
Company."

(*Reprinted as proposed to be amend*
Banking and Commerce Comm

(PRIVATE BILL.)

MR. ROY
(Dorch

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 52.

An Act to incorporate the Nelson 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. Thomas Malcolm, of the town of Campbellton, in the province of New Brunswick; Charles Riordan, of the town of Hawkesbury, in the province of Ontario; Robert Cooper Smith, of the city of Montreal, in the province of Quebec; Walter H. Truman, of the city of Winnipeg, in the province of Manitoba; Joseph J. Westgate, of the city of Montreal, and William Rigby of London, England, together with such persons as become shareholders in the company, are incorporated under the name of "The Nelson River Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

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

Number of directors.

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

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on Lake Winnipeg, at or near its outlet into the Nelson river, or at or near the discharge of the Saskatchewan river into Lake Winnipeg, or from a place between the said points, to a point of junction with any railway to Hudson Bay which may be located by the Government of Canada.

Issue of securities.

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

Telegraph and telephone lines.

R.S., c. 37.

9. The Company may, subject to the provision of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the line of, or may lease its own lines to, any such companies.

Contracts with other companies.

Tolls or charges.

2. No toll or charge shall be demanded or taken for the transmission of any messages or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

Special powers.

Vessels.

10. The Company may, for the purposes of its business, build, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers and cargo on all navigable waters in the vicinity of its railway, and may enter into agreements with the owners of such vessels for any of such purposes, and may generally carry on the business of ship owners and carriers by water in connection with its undertaking.

Docks, buildings, etc.

11. The Company may purchase, lease, or otherwise acquire, hold, enjoy and manage such lands, water-lots, wharfs, docks, dock-yards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for its purposes, and may construct any of such works or buildings, and sell or otherwise dispose thereof for the purposes of the Company, and may carry on the business of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property and may enter into any agreements with any such company respecting the use of any of the property of such company.

Hotels.

12. The Company may construct, acquire or rent buildings along its railway, and build, own and operate or otherwise utilize hotels, restaurants and all businesses in connection with them necessary for the comfort and accommodation of travellers.

Lands and privileges on Saskatchewan and Nelson rivers.

13. The Company may acquire, utilize and develop lands, water-powers, rights, easements and privileges on the Saskatchewan and Nelson rivers or in the vicinity of its railway, and construct, maintain and operate dams, reservoirs, buildings

and works for the general transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway, vessels and other properties and works, and may supply, sell or otherwise dispose of any surplus water, electricity, electric or other power not required for the purposes of the Company, and may enter into agreements with any company or person for any of the purposes aforesaid. Electric and other power.

14. The Company may construct, and operate tramways at points on the Nelson river and the Saskatchewan river where necessary to transport freight and passengers around any rapids upon the said rivers, and shall have all such powers for the expropriation of land requisite for the convenient construction and operation of such works as are given by *The Railway Act* to railway companies for railway purposes. Tramways along Saskatchewan and Nelson rivers. R.S., c. 37.

15. The Company, having been first authorized by a resolution passed at any annual meeting or at a special general meeting of the shareholders duly called for that purpose, may from time to time issue bonds or debentures for the construction or acquisition of any vessels or other properties or works of any kind, other than the railway, which the Company is authorized to acquire and operate, but such bonds and debentures shall not exceed in amount the value of such vessels, properties and works. Issue of securities other than for railway.

16. The Company may, subject to the provisions of *The Railway Act*, and subject also to the order of the Board of Railway Commissioners for Canada, construct and arrange any of its railway bridges for the use of foot passengers and carriages, and in such cases the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised by the said Board, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on every such bridge. Bridges for foot passengers and carriages. Tolls.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 52.

An Act to incorporate the Nelson
Railway Company.

First reading, December 1, 190

(PRIVATE BILL.)

MR. RU

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 52.

An Act to incorporate the Nelson River Railway Company.

(*Reprinted as proposed to be amended in the Railway Committee.*)

Preamble

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

Incorporation.

1. Thomas Malcolm, of the town of Campbellton, in the province of New Brunswick; Charles Riordan, of the town of Hawkesbury, in the province of Ontario; Robert Cooper Smith, of the city of Montreal, in the province of Quebec; Walter H. Truman, of the city of Winnipeg, in the province of Manitoba; Joseph J. Westgate, of the city of Montreal, and William Rigby of London, England, together with such persons as become shareholders in the company, are incorporated under the name of "The Nelson River Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

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

Number of directors.

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

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on Lake Winnipeg, at or near its outlet into the Nelson river, or at or near the discharge of the Saskatchewan river into Lake Winnipeg, or from a place between the said points, to a point of junction with any railway connecting existing railways with Hudson Bay.

Issue of securities.

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

Telegraph and telephone lines.

R.S., c. 37.

Contracts with other companies.

9. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the line of, or may lease its own lines to, any such companies.

Tolls or charges.

2. No toll or charge shall be demanded or taken for the transmission of any messages or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

Special powers.

Vessels.

10. The Company may, for the purposes of its undertaking, build, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers and cargo on all navigable waters in the vicinity of its railway, and may enter into agreements with the owners of such vessels for any of such purposes, and may generally carry on the business of ship owners and carriers by water in connection with its undertaking.

Docks, buildings, etc.

11. The Company may, for the purposes of its undertaking, purchase, lease or otherwise acquire, hold, enjoy and manage such lands, water-lots, wharfs, docks, dock-yards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for such purposes, and may construct any of such works or buildings, and sell or otherwise dispose thereof for the purposes of the Company, and may carry on the business of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property and may enter into any agreements with any such company respecting the use of any of the property of such company.

Hotels.

12. The Company may, for the purposes of its undertaking, construct, acquire or rent buildings along its railway, and build, own and operate or otherwise utilize hotels, restaurants and all businesses in connection with them necessary for the comfort and accommodation of travellers.

Privileges on Saskatchewan and Nelson rivers.

13. In connection with its business and for the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire (but not by expropriation), and develop water-powers, rights, easements and privileges on the Saskatchewan and Nelson rivers, or in the

vicinity of its railway, and construct, maintain and operate dams, reservoirs, buildings and works for the general transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway, vessels and other properties and works, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may supply, sell or otherwise dispose of any surplus water, electricity, electric or other power not required for the purposes of the Company, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Transmission of electric and other power.

Rates to be approved by Board of Railway Commissioners.

2. No such dam shall be construtced until the site and plans thereof have been submitted to and approved of by the Minister of Public Works.

Site of dam to be approved by Minister.

14. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or other public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Consent of municipalities required for telegraph and telephone lines upon highways, etc.

15. The Company may, for the purposes of its undertaking, construct, and operate tramways at points on the Nelson river and the Saskatchewan river where necessary to transport freight and passengers around any rapids upon the said rivers, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Tramways along Saskatchewan and Nelson rivers.

Rates to be approved.

2. *The Railway Act*, except such provisions thereof as relate to expropriation, shall apply to the Company in the exercise of the powers conferred by this section as fully and in the same manner as *The Railway Act* applies to the Company and its undertaking.

R.S., c. 37.

16. The Company, having been first authorized by a resolution passed at any annual meeting or at a special general meeting of the shareholders duly called for that purpose at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy may from time to time issue bonds or debentures for the construction or acquisition of any vessel or other properties or works of any kind, other than the railway, which the Company is authorized to acquire and operate, but such bonds and debentures shall not exceed in amount the value of such vessels, properties and works.

Issue of securities other than for railway.

17. The Company may, subject to the provisions of *The Railway Act*, and subject also to the order of the Board of Railway Commissioners for Canada, construct and arrange any of its

Bridges for foot passengers and carriages.

railway bridges for the use of foot passengers and carriages, and in such cases the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised by the said Board, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on every such bridge.

Tolls.

52.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 52.

An Act to incorporate the Nelson
Railway Company.

(*Reprinted as proposed to be amended*
Railway Committee.)

(PRIVATE BILL.)

MR. RU

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to amend the Railway Act.

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

R.S., c. 37, s. 254 amended.

1. Section 254 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by adding to subsection 3 thereof the words "right of way."

Fences, gates and cattle-guards. S. 294 amended.

2. Subsection 4 of section 294 of the said Act is amended by striking out of the third and fourth lines thereof the words "and are killed or injured by a train, the owner of any such animal so killed or injured," and substituting therefor the words "and by reason thereof damage is caused to or by such animal or otherwise, the party suffering such damage;" and by striking out the words "loss or injury" in the sixth line of the said subsection and substituting therefor the word "damage."

Damages caused to or by cattle on railway.

S. 295 amended.

3. Section 295 of the said Act is amended by striking out the first five lines thereof and substituting therefor the following:—

Right of action qualified.

"**295.** No person who suffers damage proveable under subsection 4 of section 294 of this Act, or by reason of the company failing to comply with section 254 of this Act, shall have any right of action against such company for such damage if it was caused by reason of any person."

S. 427 amended.

4. Subsection 2 of section 427 of the said Act is amended by adding thereto the following: "and such damages shall not be limited to loss or injury sustained by reason of cattle being killed or injured by trains or engines or to the owners of such cattle, or be subject to any other special limitation."

No special limitation of damages.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 53.

An Act to amend the Railway Ac

First reading, December 1, 1909.

MR. MEIGH

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to amend the Railway Act.

(Reprinted as amended by the Sub-Committee of the Railway Committee.)

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

R.S., c. 37, s. 254 amended. Fences, gates, cattle-guards.

1. Section 254 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by adding at the end of subsection 3 thereof the word "lands."

S. 294 amended.

2. Subsection 4 of section 294 of the said Act is repealed and the following is substituted therefor:—

Damages caused to or by cattle on railway.

"4. When any horses, sheep, swine or other cattle at large, whether upon the highway or not, get upon the property of the company, and by reason thereof damage is caused to or by such animal, the party suffering such damage shall, except in the cases otherwise provided for by the next following section, 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 animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent."

S. 295 amended.

3. Section 295 of the said Act is amended by striking out the first five lines thereof and substituting therefor the following:—

Right of action qualified.

"**295.** No person who suffers damage proveable under subsection 4 of section 294 of this Act, or by reason of the company failing to comply with section 254 of this Act, shall have any right of action against such company for such damage if it was caused by reason of any person."

S. 427 amended.

4. Subsection 2 of section 427 of the said Act is amended by adding thereto the following: "and such damages shall not be subject to any special limitation, except as expressly provided for by this or any other Act."

No special limitation of damages.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 53.

An Act to amend the Railway

(Reprinted as amended by the Sub-C
of the Railway Committee.)

MR. MEIGHE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

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:—

R.S., c. 85, ss. 98, 99 amended. Certificate and record of grain weighed. Date of taking effect.

1. Sections 98 and 99 of *The Inspection and Sale Act*, chapter 85 of the Revised Statutes, 1906, are amended by striking out the words "or cargo" wherever they appear in the said sections; but this amendment shall not take effect until the first day of September, one thousand nine hundred and ten.

Section 132 amended. Composition of Grain Survey Board.

2. Subsection 1 of section 132 of the said Act is repealed and the following is substituted therefor:—

"**132.** The Grain Survey Board for the division shall consist of twelve persons, of whom six shall be nominated by the Board of Trade of the city of Winnipeg, two by the Minister of Agriculture for the province of Manitoba, two by the Minister of Agriculture for the province of Alberta, and two by the Commissioner of Agriculture for the province of Saskatchewan. The competency of the persons so nominated must be approved by the Minister."

Section 177 amended. Weekly statement as to inspection.

3. Subsection 2 of section 177 of the said Act is amended by striking out the words "Department of Inland Revenue" and substituting therefor the words "Department of Trade and Commerce."

Section added.

4. The said Act is further amended by inserting the following heading and section immediately after section 337:—

"*Potatoes by the Barrel.*

Standard barrel of potatoes.

"**337A.** When potatoes are sold or offered for sale by the barrel, the barrel shall contain one hundred and sixty pounds."

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 54.

An Act to amend the Inspection and
Act.

First reading, December 1, 1909.

MR. FISHE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to amend the Seed Control 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. 128, s. 2 amended.

1. Subsection 1 of section 2 of *The Seed Control Act*, chapter 128 of the Revised Statutes, 1906, is amended by adding the following paragraph immediately after paragraph (*a*) thereof:—

Regulations by Governor in Council.

"(*aa*) regulations determining the percentage standards of vitality for good seed of the various kinds of cereals, grasses, clovers, forage plants, field root and garden vegetable crops; and,"

S. 6 amended.

Seeds to be free from weeds.

2. Section 6 of the said Act is amended by adding after the words "Wild Mustard or Charlock (*Brassica Sinapistrum*, Boiss)," in the fourth and fifth lines thereof, the words "Wild Radish (*Raphanus Raphanistrum*, L.)."

S. 7 amended.

Grades of seeds.

3. Section 7 of the said Act is amended by adding after the word "alsike" in the second line thereof the word "alfalfa"; after the words "Night-Flowering Catchfly, (*Silene noctiflora*, L.)" in the eighth and ninth lines thereof the words "Bladder Campion, (*Silene latifolia*, Mill)"; after the words "False Flax" (*Camelina sativa*, Crantz.) in the ninth and tenth lines thereof the words "*microcarpa*, Andrz"; after the word "Chicory, (*Chicorium Intybus*, L.)" in the thirteenth and fourteenth lines thereof the words "Alfalfa Dodder, (*Cuscuta* species)."

S. 8 amended.

Prohibited seeds.

4. Section 8 of the said Act is amended by striking out the words "or red clover" in the third line thereof and substituting therefor the words "red clover or alfalfa."

Section added.

5. The following section is inserted in the said Act immediately after section 8:—

Labels on packages, etc., of seeds must state percentage capable of germination.

"**8A.** No person shall sell, or offer, expose or have in his possession for sale, for seeding, any seeds of cereals, grasses, clovers, forage plants, field roots or garden vegetable crops which are not capable of germinating in the proportion of two-thirds of the percentage standard of vitality for good seed of the kind, unless every receptacle, package, sack or bag containing such seed, or a label securely attached thereto, is marked in a plain and indelible manner with the name of the kind of seed and the percentage of the seeds that are capable of germination."

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMMO
OF CANADA.

BILL 55.

An Act to amend the Seed Cont

First reading, December 1, 1

MR. F

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

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:—

R.S., c. 29. Section added.

1. *The Bank Act*, chapter 29 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 28 thereof:—

Annual report to shareholders of operations and guarantees.

"**28A.** At the annual meeting for the election of directors, and before such election takes place, the president, or the person acting as such, shall render a detailed account to the shareholders, present at such meeting, of the operations of the bank, and of the loans or advances made by the bank to any person, company or association, exceeding the sum of ten thousand dollars, and give, if required all information regarding the guarantees of the bank for all such loans or advances."

S. 31 amended.

2. Paragraph (*b*) of subsection 1 of section 31 of the said Act is amended by striking out the words "twenty-five" in the first line thereof and substituting therefor the word "fifteen"; and by striking out the words "one-tenth" in the third line thereof and substituting therefor the words "one-twentieth."

Shareholders calling meeting.

S. 37 amended.

3. Subsection 2 of section 37 of the said Act is amended by striking out the word "may" in the first line thereof and by substituting therefor the word "shall."

Cancelling subscriptions.

Sections added.

4. The said Act is amended by inserting the following sections immediately after section 114 thereof:—

"EXAMINATION AND INSPECTION.

Inspection by Minister.

"**114A.** The Minister may, at least once in every two years, have an inspection made of any bank, by an auditor or inspector appointed by him for that purpose, and such officer shall have power to examine all books, papers, documents and notes in the possession of the bank, for the purpose of securing exactness in the annual and monthly returns required by sections 112 and 114 of this Act, with regard to the financial condition of the bank.

Powers of inspector.

Oath of Inspector.

"**114B.** Such auditor or inspector, before entering upon his duties, shall take an oath not to divulge anything that comes to his knowledge in the course of such examination or inspection, except in the case provided for in section 114D of this Act.

Information to be furnished by president and directors.

"**114**C. The president and directors of every bank shall, in writing over their signatures, furnish the auditor or inspector with all information that he may require from them, jointly or individually, concerning the bank, and in default of so doing within two days, each of them shall be liable to a fine of fifty dollars for each day thereafter that he neglects or refuses to give such information.

Penalty.

Return to Minister.

"**114**D. As soon as possible after the close of the examination or inspection of the bank, the auditor or inspector shall make a return of his proceedings and observations to the Minister, who shall keep the contents of such return secret, except in the case provided for in section 114E of this Act.

Secrecy.

Information to Canadian Bankers' Association.

"**114**E. The Minister may, if he thinks proper, after having examined the return mentioned in the preceding section, make its contents known to the Canadian Bankers' Association."

56.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 56.

An Act to amend the Bank Ac

First reading, December 3, 190

MR. DEM

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 57.

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:—

R.S., c. 29 amended. Section added.

1. *The Bank Act*, chapter 29 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 114 thereof:—

Transfer and payments to Minister of unclaimed—

"**114A.** The bank shall transfer and pay over to the Minister, notwithstanding any statute of limitation or other Act relating to prescription,—

Stock,

"(*a*) all stock, no dividend whereon is claimed for six years before the last day on which a dividend thereon becomes payable (except where payment of dividend has been restrained by order of a court);

Dividends,

"(*b*) all dividends which have remained unpaid for more than six years after they became payable;

Moneys, deposits and balances.

"(*c*) all sums of money, deposits or balances in respect of which no transactions have taken place, or upon which no interest has been paid, or no acknowledgement has been made by the bank, or to which no claim has been made by any person entitled thereto, during the six years prior to the date of the last annual return of the bank.

Governor in Council may order transfer or payment to person entitled.

"2. If a claim to any stock so transferred or money so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct the retransfer or payment thereof to be made to the person entitled thereto.

Bank discharged.

"3. Upon transfer or payment to the Minister as herein provided, the bank and its assets shall be held to be discharged from further liability for the stock so transferred and the amounts so paid."

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

THE HOUSE OF COMMO
OF CANADA.

BILL 57.

An Act to amend the Bank A

First reading, December 3, 190

MR. SHARPE.
(N. Ont

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 58.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal 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:—

1896 (2nd Sess.), c. 11, 1898, c. 109, and 1894, c. 103, amended.

1. Section 4 of chapter 11 of the statutes of 1896 (Second Session) and section 2 of chapter 109 of the statutes of 1898 are repealed, and the following is enacted as paragraph (*a*) of section 8 of chapter 103 of the statues of 1894:—

Route of canal described.

"(*a*) lay out, construct, maintain and operate a canal or canals from a point on the River St. Lawrence at or near the city of Montreal by way of the Ottawa river, Mattawa river, Lake Talon, Turtle lake, Trout lake, Lake Nipissing and the French river, or any of the branches or tributaries of the said rivers, with such deflections from the general course of the said rivers, their branches or tributaries, as may be necessary to overcome obstacles to navigation, to the navigable waters of the Georgian Bay."

1900, c. 106, s. 1 amended.

2. Subsection 1 of section 20 of chapter 103 of the statutes of 1894, as the said subsection is enacted by section 1 of chapter 106 of the statutes of 1900, is amended by substituting the word "nine" for the word "eight" and the words "twenty-five" for the word "fifteen" in the fourth line of the said subsection.

Election of directors.

1908, c. 130, s. 2 repealed.

3. Section 2 of chapter 130 of the statutes of 1908 is repealed.

Time for construction of canal extended.

4. The Montreal, Ottawa and Georgian Bay Canal Company may commence the construction of its canals, or some of them, and expend fifty thousand dollars thereon on or before the first day of May, one thousand nine hundred and twelve, and may finish the said canals and put them in operation by the first day of May, one thousand nine hundred and eighteen, and, subject to the provisions of this Act, may, in connection with such construction and operation, exercise all the powers granted to the said company by its Act of incorporation, chapter 103 of the statutes of 1894, and amendments thereto; and if such construction is not so commenced and such expenditure is not so made, or if the said canals are not finished and put in operation on or before the said respective dates, the powers

granted to the said company by Parliament shall cease and be null and void as respects so much of the canals and works of the said company as then remains uncompleted.

Rights of Government to take over works.

5. Nothing in this Act shall affect or impair the rights of the Government of Canada under or by virtue of the provisions of the section substituted by section 5 of chapter 128 of the statutes of 1906 for section 43 of chapter 103 of the statutes of 1894.

58.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 58.

An Act respecting the Montreal
and Georgian Bay Canal Comp

First reading, December 7, 1

(PRIVATE BILL.)

MR. McGi

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act respecting the Saint Maurice Valley Railway Company.

Preamble.

1904, c. 123; 1905, c. 156; 1907, c. 131.

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

Time for construction of railway extended.

1. The Saint Maurice Valley Railway Company may, within five years after the passing of this Act, complete and put in operation the line of railway which it was authorized to construct by section 8 of chapter 123 of the statutes of 1904, as the said section is enacted by section 1 of chapter 156 of the statutes of 1905, and if the said railway is not so completed and put in operation within the said period the powers of construction conferred 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.

59.

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

THE HOUSE OF COMMOI
OF CANADA.

BILL 59.

An Act respecting the Saint Maurice
Railway Company.

First reading, December 7, 190

(PRIVATE BILL.)

MR. MAYRA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 60.

An Act to amend the House of Commons Act.

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

1. *The House of Commons Act*, chapter 11 of the Revised Statutes, 1906, is amended by adding the following section immediately after section 3:— R.S., c. 11 amended. Section added.

"**3A.** If any member of the House of Commons is elected to represent more than one constituency he shall, in case no petition against his return for any such constituency is filed, within seven days after the time within which a petition against his return for any one of such constituencies may be filed has passed, or in case one or more of such petitions has been filed then within seven days after such petition or petitions is finally disposed of, elect to sit for one of such constituencies and resign as to the other or others: Provided that if the House of Commons is not in session when the said seven days commence to run, such days shall not commence to run until the first day of the then next session." Member elected in more than one constituency must elect for which he will sit.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 60.

An Act to amend the House of Co
Act.

First reading, December 7, 190

MR. CAMPB

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 61.

An Act respecting the Canadian Northern 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:—

Short title.

1. This Act may be cited as *The Canadian Northern Railway Act, 1910.*

Lines of railway authorized.

2. The Canadian Northern Railway Company, hereinafter called "the Company," may construct the following lines of railway:—

(*a*) From a point at or near Dundee, thence in a generally northerly and easterly direction to a point on the Winnipeg River in or near township 18, range 10, east of the principal meridian;

(*b*) From a point on the Company's line of railway at or near Portage la Prairie, thence in a generally southerly and easterly direction to a point on the Ridgeville section of its line of railway in or near township 2, range 7, east of the principal meridian;

(*c*) From a point on its line of railway at or near Hartney, thence in a generally westerly direction to a point on its authorized line in or near township 5, range 7, west of the second meridian;

(*d*) From a point at or near Moosejaw, thence in a generally southerly and easterly direction, keeping west of Moosejaw Creek and the Souris river, to a point in or near township 2, thence easterly to a point at or near Bienfait, with a branch from a point on such line or location at or near Estevan to a point at or near Roche Percée in township 1, range 6, west of the second meridian;

(*e*) From a point on the Qu'Appelle, Long Lake and Saskatchewan Railway between Davidson and Disley, thence in a generally westerly and northwesterly direction to a point on the Saskatoon-Calgary line in or near township 30, range 14, west of the third meridian.

(*f*) From a point on its main line at or near Lashburn in township 48, range 25, west of the third meridian, thence in a generally westerly and northwesterly direction to a point on its

authorized line between Edmonton and Camrose in or near township 50, range 22, west of the fourth meridian;

(*g*) From a point on its Saskatoon-Calgary line in or near township 28, range 6, west of the fourth meridian, thence in a generally northwesterly and westerly direction to a point at or near Rocky Mountain House on the North Saskatchewan river.

(*h*) From a point on its Saskatoon-Calgary line at or near the crossing of the Red Deer river in or near township 28, range 19, west of the fourth meridian, thence in a generally northwesterly and westerly direction, passing through or near Innisfail and Rocky Mountain House, to the head waters of the Brazeau and McLeod rivers, and thence to a point on its authorized line at or near the Yellow Head Pass;

(*i*) From a point on its constructed line near Winnipegosis, thence in a generally southerly and easterly direction to a point on its constructed line near the south end of Lake Manitoba;

(*j*) From a point on its authorized line between Prince Albert and Battleford in or near township 49, range 3, west of the third meridian, thence in a generally northwesterly and northerly direction to a point on or near the Great Slave lake;

(*k*) From a point on its authorized line east of Lake Manitoba, thence westerly, via the narrows, to a point on its constructed line between Grand View and Roblin.

Time for construction of railways limited.

3. Unless the Company commences within two years and completes and puts in operation within five years after the passing of this Act the lines of railway which the Company is hereby authorized to construct, the powers granted for construction shall cease with respect to so much of the said lines as then remains uncompleted.

Issue of securities limited.

4. The limit to the amount of securities which the Company may issue and secure under sections 136 to 146, both inclusive, of *The Railway Act*, with respect to the lines of railway authorized by section 2 of this Act, shall be the limit fixed by section 11 of chapter 97 of the statutes of 1903, as amended by section 2 of chapter 71 of the statutes of 1907, namely, twenty-five thousand dollars per mile of railway, in addition to five thousand dollars per mile for the specific purposes mentioned in section 4 of chapter 50 of the statutes of 1902, and such securities may be issued only in proportion to the length of such lines of railway constructed or under contract to be constructed: Provided that in respect of so much of the lines specified in paragraphs (*g*) and (*h*) of section 2 of this Act as shall be constructed west of the easterly limit of the foot hills of the Rocky Mountains, the limit to the amount of such securities shall be thirty-five thousand dollars per mile of line constructed or under contract to be constructed as aforesaid.

Proviso.

Establishment of easterly limit of foot hills of Rocky Mountains.

5. For the purposes of the next preceding section, the easterly limit of the foot hills of the Rocky Mountains shall be established after the location of the lines and after actual surveys have determined the profile thereof upon such location, and shall be fixed and agreed upon by an engineer of the Company and the chief engineer of the Department of Railways and Canals as a result of such surveys, having regard to the physical features of

the country and to the cost of construction, and endeavouring as fairly as possible to determine where the more easy and less expensive work characteristic of prairie construction comes to an end and the more difficult and expensive work characteristic of mountain construction begins; and in case the said engineers differ as to the location of the said easterly limit, the question shall be determined by the Minister of Railways and Canals, whose decision shall be final.

Minister's decision final.

6. Unless the Company commences within two years and completes and puts in operation within five years after the passing of this Act the following lines of railway the powers granted for the construction thereof shall cease and determine with respect to so much of the said lines as then remains uncompleted:—

Time for construction of railways heretofore authorized.

The lines of railway authorized by paragraphs (*d*), (*e*), (*g*), (*i*), (*k*) and (*l*) respectively of section 2 of chapter 92 of the statutes of 1908, namely:—

(i) From its line at Strathcona southerly to Calgary;

(ii) From Regina southwesterly to a point on the international boundary between ranges 1 and 4 west of the third meridian;

(iii) From a point on its Rossburn branch near Russell westerly via Yorkton to a point on its authorized line near Goose lake, Saskatchewan;

(iv) From a point ten miles north of the Company's line between Winnipeg and Ste. Anne, thence in a generally southerly direction to the Manitoba boundary;

(v) From a point on the Company's authorized line at or near or west of Battleford, thence in a generally westerly direction to a point on the Brazeau river;

(vi) From a point in or near Regina northerly to or near to Humboldt, thence northeasterly down or near the valley of the Carrot river to a point at or near the Pas Mission on the Saskatchewan river, and from a point on the Company's line between Humboldt and the South Saskatchewan river northeasterly to a point at or near the crossing of the South Saskatchewan river by the Company's Prince Albert branch.

7. Unless the Company completes and puts in operation within five years after the passing of this Act the following lines of railway, the powers granted for the construction thereof shall cease and determine with respect to so much of the said lines as then remains uncompleted:—

Time for construction of railways heretofore authorized.

(*a*) The line of railway authorized by section 4 of chapter 57 of the statutes of 1899, the time for the commencement and completion of which line was extended by section 4 of chapter 72 of the statutes of 1905 and partly constructed, namely, from a point within the town of Prince Albert to Edmonton in the district of Alberta;

(*b*) The line of railway authorized by paragraph (*c*) of section 1 of chapter 97 of the statutes of 1903, the time for the commencement and completion of which line was extended by section 4 of chapter 72 of the statutes of 1905, and partly constructed, namely, from a point on the Company's line at or

near Swan river in Manitoba, thence along the Swan river Valley and in a generally westerly direction to a point on the Company's authorized line at or near the crossing by that line of the Saskatchewan river;

(*c*) The line of railway authorized by paragraph (*f*) of section 1 of chapter 97 of the statutes of 1903, the time for the commencement and completion of which line was extended by section 4 of chapter 72 of the statutes of 1905, and partly constructed, namely, from a point on the authorized line of the Morden and North Western Railway between Neepawa and the westerly boundary of Manitoba, thence in a generally northwesterly direction to a point on the Company's authorized line between Grandview and Battleford;

(*d*) The line of railway authorized by paragraph (*a*) of section 2 of chapter 72 of the statutes of 1905, and partly constructed, namely, from a point in or near Regina northwesterly and westerly to a point on the Red Deer river in the province of Alberta, with a branch line therefrom beginning at a point west of the Saskatchewan river and running northerly to a point in or near township 45, range 4, west of the third meridian;

(*e*) The line of railway authorized by section 3 of chapter 81 of the statutes of 1887 relating to the Winnipeg and Hudson Bay Railway and Steamship Company, one of the predecessors of the Company, the time for the commencement and completion of which line was finally extended by section 4 of chapter 72 of the statutes of 1905, and partly constructed, namely, a double or single track iron or steel railway of a gauge of four feet eight and one-half inches in width, from the city of Winnipeg northerly to Fort Nelson or Fort Churchill, or some other point on the shore of Hudson Bay;

(*f*) The line of railway authorized by paragraph (*f*) of section 5 of chapter 52 of the statutes of 1901, the time for the commencement and completion of which line was finally extended by section 4 of chapter 72 of the statutes of 1905, and partly constructed, namely, commencing at a point on the Company's line at or near the end of the forty miles constructed by the Winnipeg Great Northern Railway Company, thence to or near the village of St. Laurent or to Oak Point on Lake Manitoba, thence in a generally northerly direction to a point at or near Grand Rapids on the Saskatchewan river;

(*g*) The line of railway authorized by paragraph (*c*) of section 1 of chapter 50 of the statutes of 1902, the time for the commencement and completion of which line was finally extended by section 4 of chapter 72 of the statutes of 1905, and partly constructed, namely, from a point on the Company's authorized line near the Narrows of Lake Manitoba to a point at or near Battleford, thence by the Company's present authorized line through Edmonton, and thence to the Pacific coast at or near Skeena river by way of the Pine River Pass;

(*h*) The line of railway authorized by paragraph (*b*) of section 1 of chapter 50 of the statutes of 1902, the time for the commencement and completion of which line was finally extended by section 4 of chapter 72 of the statutes of 1905, and partly constructed, namely, from a point on the Company's line at or near McCreary station, Manitoba, passing through or near Cartwright to the southerly boundary of Manitoba.

Provided that the line referred to in paragraph (*g*) of this section instead of being constructed to the Pacific Coast at or near Skeena river by way of the Pine River Pass may be constructed to a point on the Pacific coast by way of the Pine River or other feasible pass.

Amount of securities that may be issued.

8. Notwithstanding anything in section 5 of chapter 57 of the statutes of 1899, the amount of securities issued or to be issued by the Company, in respect of the lands at any time granted to the Company or its predecessors in aid of the construction of its railway, shall not be taken to reduce or otherwise affect the amount of securities which the Company may issue in respect of the mileage of any of its lines of railway under the statutes relating thereto.

1899, c. 57, s. 5.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 61.

An Act respecting the Canadian N
Railway Company.

First reading, December 9, 190

(PRIVATE BILL.)

MR. C

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 62.

An Act respecting the Esquimalt and Nanaimo Railway Company.

Preamble.

1884, c. 6; 1886, c. 15; 1888, c. 89; 1905, c. 90; 1906, c. 92; 1908, c. 107.

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

Time for construction of railways extended.

1. The Esquimalt and Nanaimo Railway Company may commence the construction of the extension of its main line to Comox and branches which it was authorized to construct by chapter 14 of the statutes of British Columbia of 1884, and the railway and branches which it was authorized to construct by section 2 of chapter 92 of the statutes of Canada of 1906, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and put in operation within the said periods, respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

1906, c. 92, 1908, c. 107, ss. repealed.

2. Section 1 of chapter 92 of the statutes of 1906 and section 1 of chapter 107 of the statutes of 1908 are repealed.

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

BILL 62.

An Act respecting the Esquimal
Nanimo Railway Company.

First reading, December 9, 190

(PRIVATE BILL.)

MR. SMITH,
(Nanai

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 63.

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

Preamble.

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

1893, c. 52; 1902, c. 71; 1904, c. 94; 1907, c. 104; 1908, c. 126; 1909, c. 102.

Branch lines authorized.

1. The Manitoba and North-Western Railway Company of Canada may lay out, construct and operate the following branch lines of railway:—

(*a*) From a point at or near Birtle to a point at or near Hamiota, in the province of Manitoba;

(*b*) From a point at or near Russel in the province of Manitoba in a northerly or northeasterly direction a distance of about one hundred and fifty miles.

Issue of securities.

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

Time for construction of railways extended.

3. The said company may commence the construction of the branch authorized by section 1 of chapter 126 of the statutes of 1908, and the branches authorized by section 1 of this Act, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

1908, c. 126, s. 2 repealed

4. Chapter 2 of section 126 of the statutes of 1908 is repealed.

2nd Session, 11th Parliament, 9-10 Edw. VI

BILL 63.

An Act respecting the Manito
North-Western Railway Com
Canada.

First reading, December 9, 19

(PRIVATE BILL.)

MR. (

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 64.

An Act respecting the Ottawa Valley Railway Company.

Preamble. 1892, c. 54; 1894, c. 63.

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

Agreements with other companies.

1. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Ottawa Valley Railway Company, hereinafter called "the Company," may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Canadian Northern Ontario Railway Company, the Canadian Northern Quebec Railway Company and the Central Railway Company of Canada.

Issue of securities.

2. The Company may issue bonds, debentures and other securities to the extent of thirty thousand dollars per mile of single track and for fifteen thousand dollars per mile on each mile of second track.

Electric and other power.

3. The Company may acquire lands, water powers and water courses, and erect, use, make and manage works, machinery and plant for the generation, transmission and distribution of gas and electric or other power and energy, and, subject to subsection 8 of section 247 of *The Railway Act*, may dispose of such surplus power as is not required for the purposes of its business.

R. S., c. 37.

Hotels and parks.

4. The Company may construct and operate hotels, parks and places of amusement at any point on its railway, and may issue bonds to cover the cost thereof.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 64.

An Act respecting the Ottawa
Railway Company.

First reading, December 9, 19

(PRIVATE BILL.)

MR. E

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 65.

An Act to amend the Winding-up 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 106 of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906, is repealed and the following paragraphs are substituted therefor:— R.S., c. 144, s. 106 amended.

"(*c*) The Court of Appeal for Manitoba; Appeal to Supreme Court of Canada.

"(*d*) A superior court in banc in any of the other provinces, or in the Yukon territory."

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 65.

An Act to amend the Winding-up A

First reading, December 9, 1909.

MR. MEIGHE

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 66.

An Act to amend the Railway Act.

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

R.S., c. 37, s. 26 amended.

1. Section 26 of *The Railway Act* is amended by adding thereto the following subsection:—

Appointment of solicitor to examine complaints.

"6. The Board shall, with the approval of the Governor in Council, appoint a solicitor of not less than five years' standing at the Bar to examine into and, if advisable and proper, lay before the Board any complaint made by any person who, in the opinion of the said solicitor, is unable, for any reason, to personally prosecute such complaint, and may act on behalf of such person in any appeal from any decision of the Board thereon."

S. 284 amended.

2. Section 284 of the said Act, as amended by section 10 of chapter 61 of the statutes of 1908, is further amended by adding thereto the following subsections:—

Appointment of inspectors.

"9. The Board shall, with the approval of the Governor in Council, appoint five inspectors who, in addition to their other duties under this section or those which may be imposed on them by the Board, shall inspect the sanitary fittings of the stations, buildings and passenger cars of railways within their respective districts, and make reports to the Board, when required, as to whether the regulations of the Board and the provisions of this Act in such respect are being carried out.

Inspection districts.

"10. The districts in which inspectors shall be appointed are as follows:—(*a*) the maritime provinces; (*b*) the province of Quebec; (*c*) the province of Ontario; (*d*) the provinces of Manitoba and Saskatchewan; (*e*) the provinces of Alberta and British Columbia and the Yukon territory."

Return respecting employees working over 12 hours a day.

3. Once in every six months after the first day of July, one thousand nine hundred and ten, all railway companies carrying on business in Canada shall make a return to the Board of Railway Commissioners for Canada showing the names, addresses and occupation of their employees, if any, who have worked over twelve hours in any one day, or over an aggregate of eighty four hours in any one week, the number of hours so worked and the reasons for such extra hours of labour.

Application of section.

2. This section shall apply only to trainmen, telegraph operators, despatchers and other persons having any charge of the movement of trains.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 66.

An Act to amend the Railway A

First reading, December 10. 190

MR. LE

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 67.

An Act respecting the Improved Paper Machinery Company.

Preamble.

WHEREAS the Improved Paper Machinery Company of Castine, in the state of Maine, one of the United States, and carrying on business at Nashua in the United States, has by its petition represented that it is the holder and owner of a certain patent number seventy-eight thousand nine hundred and fifty-five, dated the sixth day of January, one thousand nine hundred and three, issued to the said company under the seal of the Patent Office, for improvements in paper making machines; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner of Patents to receive fee and extend duration of patent.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the Improved Paper Machinery Company the application for a certificate of payment and the usual fees upon the said patent for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said company the certificate of payment of fees as provided for by *The Patent Act*, and an extension of the period of duration of the said patent to the full term of eighteen years from the date thereof, in as full and ample a manner as if the application therefor had been duly made within six years from the date of the issue of the said patent.

R.S., c. 69, s. 23.

Certain rights saved.

2. If any person has, in the period between the sixth day of January, one thousand nine hundred and nine, and the thirteenth day of November, one thousand nine hundred and nine, commenced to manufacture, use or sell in Canada any of the patented inventions covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holder of such patent, has commenced the construction or manufacture of the said invention before the expiry of the said patent.

Proviso.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 67.

An Act respecting the Improv
Machinery Company.

First reading, December 13,

(PRIVATE BILL,)

MR. WORTHI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 68.

An Act respecting the Kettle River Valley Railway Company.

Preamble.

1901, c. 68; 1903, c. 138; 1904, c. 89; 1906, c. 117; 1909, c. 95.

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

Line of railway authorized.

1. The Kettle River Valley Railway Company, hereinafter called "the Company," may lay out, construct and operate a railway from a point on its present authorized line near the Coldwater river, in the province of British Columbia, by the most feasible route to the navigable waters of the Fraser river, in the said province.

Time for construction of railways extended.

2. The Company may, within two years after the passing of this Act, commence the construction of its railways heretofore, and by this Act, authorized, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not commenced, or are not completed and put in operation, within the said periods, respectively, the powers of construction conferred upon the Company by Parliament shall cease as to so much of the said railways as then remains uncompleted.

Issue of securities.

3. The limit to the amount of securities which the Company may issue and secure under sections 136 to 146, both inclusive, of *The Railway Act*, with respect to the railway authorized by section 1 of this Act, shall be forty thousand dollars per mile, and such securities may be issued only in proportion to the length of such railway constructed or under contract to be constructed.

1909, c. 95, s. 2 repealed.

4. Section 2 of chapter 95 of the statutes of 1909 is repealed.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 68.

An Act respecting the Kettle Riv
Railway Company.

First reading, December 13,

(PRIVATE BILL.)

MR. Bu

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 69.

An Act respecting the Prince Albert and Hudson Bay Railway Company.

Preamble.

1909, c. 122.

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:—

1909, c. 122, s. 7 amended.

1. Section 7 of chapter 122 of the statutes of 1909 is amended by striking out the words "thence crossing the Saskatchewan River, and."

Branch lines authorized.

2. The Prince Albert and Hudson Bay Railway Company, hereinafter called "the Company," may lay out, construct and operate the following branch lines of railway:—

(*a*) From its westerly terminus near the city of Prince Albert, in the province of Saskatchewan, by the most feasible route southerly and westerly to the city of Calgary, in the province of Alberta;

(*b*) From a point on its already authorized line southerly to or near Melfort, a point on the line of the Canadian Northern Railway.

Section 15 amended.

3. Section 15 of the said chapter 122 is amended by striking out the words "twenty-five" in the second line of the said section, and substituting therefor the word "fifty."

Time for construction extended.

4. The construction of the railway of the Company may be commenced and fifteen per cent of the amount of capital stock expended thereon within two years after the passing of this Act, and the railway completed and put 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 respective periods, the powers granted to the Company by Parliament shall cease and be null and void as respects such portions of the railway as then remain uncompleted.

Section 16 amended.

Agreements with other companies.

5. Section 16 of the said chapter 122 is amended by inserting after the word "with," in the second line of the said section, the words "the Grand Trunk Pacific Railway Company, the Pine Pass Railway Company, the Saskatchewan Valley and Hudson's Bay Railway Company," and by striking out the word "either" in the fourth line of the said section and substituting therefor the word "any."

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 69.

An Act respecting the Prince Albert
Hudson Bay Railway Company.

First reading, December 13, 1909.

(PRIVATE BILL.)

MR. NEELY.

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 70.

An Act to incorporate the Toronto Central Terminal 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. Hugh Blain, merchant, William A. Ward, merchant, George P. Magann, contractor, Roger Miller, contractor, James W. Woods, manufacturer, Peleg Howland, merchant, Richard C. Steele, merchant, Lucien B. Howland, railway manager, all of the city of Toronto, in the province of Ontario, and Frederick H. Allen, of the city of New York, in the state of New York, one of the United States, financier, together with such persons as become shareholders in the company, are incorporated under the name of "The Toronto Central Terminal Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

4. The capital stock of the Company shall be one million dollars.

Head office.

5. The head office of the Company shall be in the city of Toronto.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in October.

Number of directors.

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

Lines of railway described.

8. The Company may lay out, construct, work, maintain, manage and use passenger and freight stations, warehouses, elevators, wharfs, docks and piers and other terminal works and facilities in and about the city of Toronto, and may also

lay out, construct and operate such lines of railway as are necessary to connect the said stations and works with any and all lines of railway now entering or which may hereafter enter the city of Toronto; and the Company may also construct such lines of railway as are necessary to exchange traffic between the different lines of railway and between different parts of the said city and the surrounding municipalities, and may also construct, maintain, own and operate hotels, parks and places of amusement along its lines of railway; provided that no place of amusement shall be constructed without the consent of the municipality in which such place of amusement is situated.

Hotels, parks, etc.

Works for conveying power.

9. The Company may construct tunnels, subways, viaducts, surface lines and bridges so that, in addition to the operation of railways, it may, subject to the provisions of section 247 of *The Railway Act*, convey and distribute power, heat, light, gas, air and water by conduits, wires, tubes, pipes or otherwise, and may sell, lease or rent the use thereof, but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Rates or charges to be approved.

Transmission and distribution of electric and other power.

10. The Company may acquire lands, water powers and water courses, and may acquire, erect, use, make and manage works, machinery and plant for the production, generation and transmission and distribution of gas, electric light and other power and energy and, subject to the provisions of subsection 8 of section 247 of *The Railway Act*, may dispose of such light, heat and surplus power as is not required for the purposes of its business; and the Company may purchase the franchises and property or any part thereof of any company supplying light, heat or power in the city of Toronto or its vicinity, and may amalgamate with any such company.

Consent of municipalities as to railway on highway.

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

Agreements with other companies.

12. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with 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 Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Ontario Railway Company, the Central Railway Company of Canada, the Toronto, Hamilton and Buffalo Railway Company, the New York Central Railroad Company, the Toronto, Grey and Bruce Railway Company, the Northern Railway Company of Canada, the Toronto and Nipissing Railway Company, the Ontario and Quebec Railway Company, the Credit Valley Railway Company, the Metropolitan Railway Company, the Toronto and Mimico Railway Company, the Toronto Suburban Railway Company, the Toronto and Scarboro Electric Railway,

Light and Power Company, the Toronto, Niagara and Western Railway Company, the Toronto and Hamilton Railway Company and the Toronto Railway Company.

Telegraph and telephone lines.

13. The Company may enter into agreements to connect its telegraph and telephone lines with those of other companies and may exchange business with such companies; and the Company may also enter into agreements with the corporation of the city of Toronto, or with other municipalities or individuals, to use its telegraph or telephone lines.

Consent of municipalities as to telegraph and telephone lines.

14. Nothing in this Act or in *The Telegraphs Act* shall authorise the Company to construct or operate any telegraph or telephone line or any line for the purpose of distributing electricity for lighting, heating or motor purposes or to convey or distribute gas, air and water by tube pipes or otherwise, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place and upon terms to be agreed upon with such municipality.

Issue of securities.

15. The Company may issue bonds, debentures or other securities from time to time on any portion of its works or on any properties purchased by it; provided that the amount of bonds, debentures or other securities so issued does not exceed the cost of the property mortgaged to secure such bonds, debentures or other securities.

Issue of paid up stock.

16. The Company may issue paid up shares in payment or part payment of any properties, rights and franchises acquired by the Company, or in payment of work done for or services rendered to the Company.

Use of terminal facilities by other companies.

17. All companies whose railway lines enter or may hereafter enter the city of Toronto or which connect or may connect with the railway lines of the Company shall have the right to use the Company's terminal facilities upon such terms as are agreed upon, and no discrimination or preference shall be shown to any company.

Other companies may take shares and guarantee bonds.

18. Any railway company whose railway lines connect with those of the Company, or which may hereafter run its trains in connection therewith, may with the consent of a majority of its shareholders lend its credit to the Company or subscribe to or become the owner of shares thereof, or guarantee the principal or interest or both on any bonds issued by the Company in like manner and like rights as individuals, notwithstanding any Act of the Parliament of Canada to the contrary.

Vessels.

19. The Company may, in connection with its business, construct, acquire, own and operate steamers and other vessels.

Time for construction of works limited.

20. The Company shall commence the construction of its works within three years after the passing of this Act; and if such commencement is not so made, or if the said works are not completed within seven years from the passing of this Act, the powers of construction granted to the Company by this Act shall cease and be null and void as respects so much of the Company's works as then remains uncompleted.

70.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 70.

An Act to incorporate the Tor
Central Terminal Company.

First reading, December 13, 19(

(PRIVATE BILL.)

MR. HA

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 71.

An Act respecting assaults and offences against the person.

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

1. *The Criminal Code,* chapter 146 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 273:— R.S., c. 146. Section added.

"**273A.** Every one is guilty of an indictable offence and liable to two years' imprisonment who injures by shooting any person although the person charged believed the object he was aiming at was a deer, moose, or other animal." Homicide while hunting.

2. Section 291 of the said Code is amended by adding the following words thereto: "or if the assault is committed by a male upon a female, to a fine not exceeding fifty dollars, and costs, or to one year's imprisonment, with or without hard labour." S. 291 amended. Assault on females.

3. Section 292 of the said Code is amended by striking out the words "two years" in the second line thereof and substituting therefor the words "five years," and by inserting after the word "and," in the second line, the words "in addition thereto shall be sentenced." S. 292 amended. Penalty.

4. Section 299 of the said Code is amended by adding thereto the following subsection:— S. 299 amended.

"2. Every one who commits rape on a girl under the age of fourteen years is guilty of an indictable offence and shall, on conviction thereof, be sentenced to death." Rape on girl under 14.

5. Section 300 of the said Code is amended by striking out the words "seven years," in the second line thereof, and substituting therefor the words "fourteen years." S. 300 amended. Punishment for attempt.

6. Section 301 of the said Code is amended by inserting after the word "and," in the second line, the words "in addition thereto shall be sentenced." S. 301 amended. Penalty.

7. Section 302 of the said Code is amended by inserting after the word "and," in the last line thereof, the words "in addition thereto shall be sentenced." S. 302 amended. Penalty.

Arrest and examination of persons carrying bowie knife, pistol or revolver.

8. It shall be the duty of every peace officer to search any person whom he has reason to believe is possessed of the weapon commonly known as a dirk or bowie knife, or any weapon resembling it, or which is not of a character or kind calculated to be used solely for an inoffensive purpose, or any weapon known as a pistol or revolver; and if any such weapon is found in the possession of such person, the peace officer shall forthwith take him before the nearest justice of the peace or magistrate, who shall proceed to investigate the facts and, if the accused is by such justice or magistrate believed not to be a native of Canada, he shall make a report to the Minister of the Interior in the matter, together with the evidence; and, if the said Minister is satisfied that such person was an immigrant to Canada within four years previously, and had in his possession any such weapon, or if such immigrant is found within four years of his arrival in Canada in possession of any such weapon, the said Minister may order the deportation of such immigrant, and section 33 of *The Immigration Act* shall apply to the case.

Report to Minister of Interior.

Deportation.

Vagrants may be searched.

9. Every vagrant, or loose, idle or disorderly person, may be searched for offensive or dangerous weapons.

Sentence for indeterminate period.

10. Every person who has been twice convicted of vagrancy shall, on the second conviction, be sentenced for an indeterminate period, with hard labour, to such central prison or penitentiary as to the convicting judge or justice seems meet, and shall be there detained until the Inspector of Prisons is satisfied that he is able and willing to earn his own living and, if set at liberty, will not be a menace to the community. If, after liberation, he commits any criminal offence he shall, upon conviction, be sentenced to be confined in a prison or penitentiary, with hard labour, for a term of not less than five nor more than ten years, in addition to the sentence for the crime last committed.

Liberation.

Penalty for further criminal offence.

No vagrant discharged on condition that he leave municipality.

11. It shall not be lawful for a justice before whom any person is brought, charged with being a loose, idle or disorderly person or vagrant, to discharge such person on condition that he leaves the municipality in which he then is. If unknown, he shall be detained until his previous history is ascertained, and if subject to deportation, he shall be deported. If two convictions for vagrancy or assault be proved against him he shall, upon conviction, be sentenced to the maximum penalty prescribed by law.

Deportation.

Maximum penalty if twice convicted.

71.

ion, 11th Parliament, 9-10 Edw. VII., 1909-10

HE HOUSE OF COMMONS
OF CANADA.

BILL 71.

ct respecting assaults and offences
against the person.

rst reading, December 13, 1909.

Mr. Lewis.

OTTAWA
Printed by C. H. Parmelee
er to the King's most Excellent Majesty
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 72.

An Act respecting the Saving of Daylight.

Preamble.

WHEREAS it is desirable to adopt a standard time in advance of the standard time now in use, with the object of promoting a more extended use and enjoyment of daylight during the summer months: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Daylight Saving Act.*

Yukon excepted.

2. This Act shall not apply to the Yukon territory.

Period of standard time from April to November.

3. From and after two o'clock in the morning of the first Sunday in April in each year until two o'clock in the morning of the first Sunday in November in each year the standard time shall be one hour in advance of the standard time now in use.

Standard time in Acts and legal instruments.

4. The time hereby established shall be known as standard time, and when any period of time is mentioned in any Act of Parliament, deed or other legal document, the time mentioned or referred to shall, unless it is otherwise specifically stated, be held to be standard time under this Act.

Greenwich mean time not affected.

5. Greenwich mean time, as used for the purposes of astronomy and navigation, shall not be affected by this Act.

Commencement of Act.

6. This Act shall come into force on the first day of January, one thousand nine hundred and eleven.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 72.

An Act respecting the Saving of Day

First reading, December 13, 1909

MR. LEW

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 73.

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:—

1. *The Interest Act*, chapter 120 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 10:— R.S., c. 120 amended. Section added.

"**10A.** Whenever any principal money, interest or other money secured by mortgage made, or renewed by renewal or extension agreement, after the passing of this Act is not paid at the time when in the mortgage, or in any agreement for the renewal or extension of the mortgage, the same is stipulated to be due and payable, then, if the person liable to pay or entitled to redeem the mortgage gives the person entitled to receive the money one month's notice of his intention to pay the money so overdue, and at the expiration of the said month pays or tenders to the person entitled to receive the money, the money so overdue as aforesaid and interest to the time of payment or tender, as calculated under the provisions of sections 6, 7, 8 and 9 of this Act, or, at any time after the same is so due, pays or tenders to the person entitled to receive the money, the money so overdue as aforesaid and interest to the time of payment or tender, calculated as aforesaid, and, in addition, one month's further interest in lieu of the said month's notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the said principal money, interest or other money so overdue under the mortgage and so paid or tendered. Payment of mortgage at any time after due on certain conditions.

2. Section 11 of the said Act is amended by striking out the words "five sections last preceding," in the first line thereof and substituting therefor the words "sections 6, 7, 8, 9 and 10 of this Act." Application of ss. 6 to 10.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 73.

An Act to amend the Interest Ac

First reading, December 13, 1909

MR. MILLER.

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 74.

An Act to amend the Canada Shipping Act.

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

1. Section 477 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is amended by inserting the word "Ontario" after the word "Quebec" in the second line of sub-paragraph (ii) of paragraph (*c*) of subsection 1 of the said section. R.S., c. 113, s. 477 amended. Pilotage dues, Ontario.

74.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 74.

An Act to amend the Canada S
Act.

First reading, December 13,

MR. EDWA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 75.

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 146 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 351:— R.S., c. 146. Section added.

"**351A.** Every one commits theft who takes or causes to be taken from a garage, stable, stand or other building or place, any automobile or motor vehicle, with intent to operate, or drive, or use, or cause or permit the same to be operated, or driven, or used, without the consent of the owner." Theft of motor vehicle.

2nd Session, 11th Parliament, 9-10 Edw. V

V

THE HOUSE OF COMMO
OF CANADA.

BILL 75.

An Act to amend the Crimina

First reading, December 13,

MR. HA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 76.

An Act to amend the Savings Banks Act.

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

1. Section 5 of *The Savings Banks Act*, chapter 30 of the Revised Statutes, 1906, is amended by adding thereto the following subsection:— R.S., c. 30, s. 5 amended.

"2. If, in any town or village where any post office savings bank has been authorized there is also a branch office of a chartered bank, or if any such branch office should hereafter be opened in such town or village, the Postmaster General may cancel the said authority after giving one month's notice thereof by posting up such notice in a conspicuous place at the said savings bank and also in some other part of the post office connected with the said savings bank." Cancellation of authority for savings bank if chartered bank opened. Notice of cancellation.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 76.

An Act to amend the Savings Ba

First reading, December 14, 1

MR. BOY

OTTAWA
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Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 77.

An Act to amend the Canada Shipping Act.

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

R.S., c. 113, s. 82 amended. Certificates to masters and mates for minor waters.

1. Subsection 1 of section 82 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is amended by striking out of the eighth line thereof the words "or on the minor waters", and by substituting therefor the words "or on all or on parts of the minor waters".

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 77.

An Act to amend the Canada Shippi
Act.

First reading, December 14, 1909.

MR. BOYE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 78.

An Act respecting the Edmonton, Dunvegan and British Columbia 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:—

1907, c. 85; 1908, c. 104.

Time for construction of railway extended.

1. The Edmonton, Dunvegan and British Columbia Railway Company may commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not finished and put in operation, within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1908, c. 104, s. 7 repealed.

2. Section 7 of chapter 104 of the statutes of 1908 is repealed.

2nd Session, 11th Parliament, 9-10 Edw. V

BILL 78.

An Act respecting the E
Dunvegan and British Columbia
Company.

First reading, December 15,

(PRIVATE BILL.)

MR. Do

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting the Hamilton, Waterloo and Guelph Railway Company.

(*Reprinted as proposed to be amended in the Railway Committee.*)

Preamble.

1906, c. 106; 1908, c. 118.

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

1906, c. 106, s. 4 amended.

Capital stock.

1. Section 4 of chapter 106 of the statutes of 1906 is amended by striking out the word "two" in the first line thereof, and substituting therefor the word "six."

S. 8 amended.

Line of railway.

Construction within High Park.

2. Subsection 1 of section 8 of the said Act is amended by adding thereto the following: "and from a point at or near the city of Hamilton to the city of Toronto: Provided, however, that if the Company wishes to construct its railway through or across High Park (one of the public places or parks of the city of Toronto), it may construct it along the south limit of the said park, north of and parallel with and contiguous to the right of way of the Grand Trunk Railway Company of Canada, or along such other location near thereto as may be agreed upon between the Company and the Council of the said city, such railway to be constructed and kept, from time to time, at the same elevation as the tracks of the said Grand Trunk Railway Company; the Company to make compensation to the city according to the provisions of *The Railway Act* for lands taken or injuriously affected; and the Company to make safe and suitable provision for crossing all roads entering or in the said park, by means of bridges or under-crossings to be constructed at such places and according to such plans, and at such elevations, as may be approved by the engineer for the time being of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada.

Consent of city of Toronto in certain cases.

3. Unless with the consent of the Council of the city of Toronto, expressed by by-law, the railway of the Company shall not be constructed upon, along, under, over or across any highway or easement acquired for public works in the said city east of Roncesvalles avenue.

Time for construction of railway extended.

4. The Hamilton, Waterloo and Guelph Railway Company, hereinafter called "the Company," may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, including expenditure heretofore made, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Agreement with Hamilton Radial Electric Railway Co.

Proviso.

5. Subject to the provisions of *The Railway Act* and of this Act the Company may enter into an agreement with the Hamilton Radial Electric Railway Company for a lease or for running powers over the line of the Hamilton Radial Electric Railway Company from the village of Burlington to the city of Toronto: Provided always that the Hamilton, Waterloo and Guelph Railway Company and the Hamilton Radial Electric Railway Company shall have one right of way only through High Park and within the limits of the city of Toronto to be used by the said companies in common, or either of them, upon terms to be mutually agreed upon between them or to be determined by the Board of Railway Commissioners for Canada.

Acquisition of real property for terminal station in Toronto.

Issue of securities for terminal purposes.

6. Subject to the provisions of *The Railway Act* as to taking of lands and the compensation to be made therefor, the Company may take and use such lands as are required for the purpose of building and maintaining a terminal station or stations within the limits of the city of Toronto, and all necessary waiting rooms, store rooms and offices in connection therewith and approaches thereto, or may enter into agreements with any terminal station company having or proposing to establish railway terminals within the said city for the use thereof by the Company for its railway, and for making such financial arrangements with such company as are desirable or necessary in that behalf, with power to issue securities to the extent of the actual amount expended upon or in respect of terminals and station buildings within the said city or to join with any other railway or terminal company in making financial arrangements for raising the necessary funds for such purposes by means of covenants for payment of certain fixed sums for interest or sinking fund on securities issued upon or in respect of such terminals and station buildings, or for guaranteeing payment of the principal and interest of such securities or such proportion thereof as may be agreed upon.

Issue of additional securities for double track.

7. Notwithstanding anything in section 10 of chapter 106 of the statutes of 1906, as amended by section 1 of chapter 118 of the statutes of 1908, the Company may issue securities to the extent of twenty-five thousand dollars per mile of double track constructed or under contract to be constructed in addition to the securities authorized by the said Acts.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 79.

An Act respecting the Hamilton,
and Guelph Railway Compa

(*Reprinted as proposed to be amend*
Railway Committee.)

(PRIVATE BILL.)

MR. H

OTTAWA
Printed by C. H. PARMELEE
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1909-10

SECOND REPRINT.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting the Hamilton, Waterloo and Guelph Railway Company.

(Again reprinted as proposed to be amended in the Railway Committee.)

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1906, c. 106; 1908, c. 118.

1. Section 4 of chapter 106 of the statutes of 1906 is amended by striking out the word "two" in the first line thereof, and substituting therefor the word "six." 1906, c. 106, s. 4 amended. Capital stock.

2. Subsection 1 of section 8 of the said Act is amended by adding thereto the following: "and from a point at or near the city of Hamilton to the city of Toronto: Provided, however, that if the Company wishes to construct its railway through or across High Park (one of the public places or parks of the city of Toronto), it may construct it along the south limit of the said park, north of and parallel with and contiguous to the right of way of the Grand Trunk Railway Company of Canada, or along such other location near thereto as may be agreed upon between the Company and the Council of the said city, such railway to be constructed and kept, from time to time, at the same elevation as the tracks of the said Grand Trunk Railway Company; the Company to make compensation to the city according to the provisions of *The Railway Act* for lands taken or injuriously affected; and the Company to make safe and suitable provision for crossing all roads entering or in the said park, by means of bridges or under-crossings to be constructed at such places and according to such plans, and at such elevations, as may be approved by the engineer for the time being of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada." S. 8 amended. Line of railway. Construction within High Park.

3. The Hamilton, Waterloo and Guelph Railway Company, hereinafter called "the Company," shall not, without the consent of the council of the said city expressed by by-law and As to passengers to and from points

between city terminal of Company and western city limit.

upon such terms as are agreed upon and contained in such by-law, receive or discharge passengers between its terminal in the said city and the present western limit of the said city: Provided that if the Company and the city cannot agree as aforesaid, the Company may, upon leave obtained from the Board of Railway Commissioners for Canada and upon reasonable notice to the said city, apply to the said Board for permission to locate stations or stopping places, subject to *The Railway Act*, between its terminal in the said city and the present western limit of the said city.

Application to Railway Commission.

As to passengers to and from points within city limits.

4. Neither the Company nor any other company that may acquire or have the right to run over the line of the Company within the city of Toronto shall receive, carry or discharge passengers from any point within the limits of the said city to any other point within the limits of the said city; but the powers for the carriage of passenger traffic that may be exercised by the Company or by any other company over the line of the Company within the limits of the said city, shall only extend to and include the receiving, forwarding and delivering of through passenger traffic originating outside the limits of the said city for delivery within the limits of the said city, or originating within the limits of the said city for delivery outside the limits of the said city.

Through passenger traffic.

Construction of railway within city of Toronto.

5. Unless with the consent of the city of Toronto, expressed by by-law, the railway of the Company shall not be constructed upon or along any highway, as defined in *The Railway Act*, or easement acquired for public works in the said city east of Roncesvalles avenue, nor shall the railway of the Company be constructed under, over or across any such highway or easement unless the plans and specifications thereof are approved by the engineer for the time being of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada.

Time for construction of railway extended.

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

Agreement with Hamilton Radial Electric Railway Co.

7. Subject to the provisions of *The Railway Act* and of this Act the Company may enter into an agreement with the Hamilton Radial Electric Railway Company for a lease or for running powers over the line of the Hamilton Radial Electric Railway Company from the village of Burlington to the city of Toronto:

Proviso.

Provided always that the Hamilton, Waterloo and Guelph Rail-

way Company and the Hamilton Radial Electric Railway Company shall have one right of way only through High Park and within the limits of the city of Toronto to be used by the said companies in common, or either of them, upon terms to be mutually agreed upon between them or to be determined by the Board of Railway Commissioners for Canada.

Acquisition of real property for terminal station in Toronto.

8. Subject to the provisions of *The Railway Act* as to taking of lands and the compensation to be made therefor, the Company may take and use such lands as are required for the purpose of building and maintaining a terminal station or stations within the limits of the city of Toronto, and all necessary waiting rooms, store rooms and offices in connection therewith and approaches thereto, or may enter into agreements with any terminal station company having or proposing to establish railway terminals within the said city for the use thereof by the Company for its railway, and for making such financial arrangements with such company as are desirable or necessary in that behalf, with power to issue securities to the extent of the actual amount expended upon or in respect of terminals and station buildings within the said city or to join with any other railway or terminal company in making financial arrangements for raising the necessary funds for such purposes by means of covenants for payment of certain fixed sums for interest or sinking fund on securities issued upon or in respect of such terminals and station buildings, or for guaranteeing payment of the principal and interest of such securities or such proportion thereof as may be agreed upon.

Issue of securities for terminal purposes.

Issue of additional securities for double track.

9. Notwithstanding anything in section 10 of chapter 106 of the statutes of 1906, as amended by section 1 of chapter 118 of the statutes of 1908, the Company may issue securities to the extent of twenty-five thousand dollars per mile of double track constructed or under contract to be constructed in addition to the securities authorized by the said Acts.

SECOND REPRINT.

79.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 79.

An Act respecting the Hamilton, W
and Guelph Railway Compan

(*Again reprinted as proposed to be a*
in the Railway Committee.)

(PRIVATE BILL.)

MR. HA

OTTAWA
Printed by C. H. PARMELEE
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1909-10

[THIRD REPRINT.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting the Hamilton, Waterloo and Guelph Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1906, c. 106; 1908, c. 118.

1. Section 4 of chapter 106 of the statutes of 1906 is amended by striking out the word "two" in the first line thereof, and substituting therefor the word "six." 1906, c. 106, s. 4 amended. Capital stock.

2. Subsection 1 of section 8 of the said Act is amended by adding thereto the following: "and from a point at or near the city of Hamilton to the city of Toronto: Provided, however, that if the Company wishes to construct its railway through or across High Park (one of the public places or parks of the city of Toronto), it may construct it along the south limit of the said park, north of and parallel with and contiguous to the right of way of the Grand Trunk Railway Company of Canada, or along such other location near thereto as may be agreed upon between the Company and the Council of the said city, such railway to be constructed and kept, from time to time, at the same elevation as the tracks of the said Grand Trunk Railway Company; the Company to make compensation to the city according to the provisions of *The Railway Act* for lands taken or injuriously affected; and the Company to make safe and suitable provision for crossing all roads entering or in the said park, by means of bridges or under-crossings to be constructed at such places and according to such plans, and at such elevations, as may be approved by the engineer for the time being of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada." S. 8 amended. Line of railway. Construction within High Park.

3. The Hamilton, Waterloo and Guelph Railway Company, hereinafter called "the Company," shall not, without the consent of the council of the city of Toronto expressed by by-law and upon such terms as are agreed upon and contained in such As to passengers to and from points between city terminal of

Company and western city limit.

by-law, receive or discharge passengers between its terminal in the said city and the present western limit of the said city: Provided that if the Company and the city cannot agree as aforesaid, the Company may, upon leave obtained from the Board of Railway Commissioners for Canada and upon reasonable notice to the said city, apply to the said Board for permission to locate stations or stopping places, subject to *The Railway Act*, between its terminal in the said city and the present western limit of the said city.

Application to Railway Commission.

As to passengers to and from points within city limits.

4. Neither the Company nor any other company that may acquire or have the right to run over the line of the Company within the city of Toronto shall receive, carry or discharge passengers from any point within the limits of the said city to any other point within the limits of the said city; but the powers for the carriage of passenger traffic that may be exercised by the Company or by any other company over the line of the Company within the limits of the said city, shall only extend to and include the receiving, forwarding and delivering of through passenger traffic originating outside the limits of the said city for delivery within the limits of the said city, or originating within the limits of the said city for delivery outside the limits of the said city.

Through passenger traffic.

Construction of railway within city of Toronto.

5. Unless with the consent of the city of Toronto expressed by by-law the railway of the Company shall not be constructed along, upon, above or below any highway as defined by *The Railway Act*, but notwithstanding anything in this section the railway of the Company may be constructed across any such highway, or along or across any easement acquired for public works in the said city, but only above or below such highway or easement, and only after the levels, plans and specifications thereof are approved by the engineer, for the time being, of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada.

Time for construction of railway extended.

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

Agreement with Hamilton Radial Electric Railway Co.

7. Subject to the provisions of *The Railway Act* and of this Act the Company may enter into an agreement with the Hamilton Radial Electric Railway Company for a lease or for running powers over the line of the Hamilton Radial Electric Railway Company from the village of Burlington to the city of Toronto:

Provided always that the Hamilton, Waterloo and Guelph Railway Company and the Hamilton Radial Electric Railway Company shall have one right of way only through High Park and within the limits of the city of Toronto to be used by the said companies in common, or either of them, upon terms to be mutually agreed upon between them or to be determined by the Board of Railway Commissioners for Canada. Proviso.

8. Subject to the provisions of *The Railway Act* as to taking of lands and the compensation to be made therefor, the Company may take and use such lands as are required for the purpose of building and maintaining a terminal station or other stations within the limits of the city of Toronto, and all necessary waiting rooms, store rooms and offices in connection therewith and approaches thereto, and may issue securities to the extent of the actual amount expended upon or in respect of such terminal station or other stations, waiting rooms, store rooms and offices in connection therewith and approaches thereto. Acquisition of real property for stations in Toronto. Issue of securities.

9. Notwithstanding anything in section 10 of chapter 106 of the statutes of 1906, as amended by section 1 of chapter 118 of the statutes of 1908, the Company may issue securities to the extent of twenty-five thousand dollars per mile of double track constructed or under contract to be constructed in addition to the securities authorized by the said Acts. Issue of additional securities for double track.

[THIRD REPRIN

79.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COM
OF CANADA.

BILL 79.

An Act respecting the Hamilto
and Guelph Railway Com

(*Reprinted as amended and rep*
Railway Committee.)

(PRIVATE BILL)

MR.

OTTAWA
Printed by C. H. PARMEL
Printer to the King's most Excell
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 80.

An Act to incorporate l'Institut de Notre Dame des Missions.

Preamble.

WHEREAS the voluntary association of nuns known as "l'Institut de Notre Dame des Missions," hereinafter called "the voluntary association," has represented that it has existed in Canada since the year one thousand eight hundred and ninety-eight, and that it has for its object the instruction and Christian education of children, and other works of charity, and has now in operation eleven institutions in the provinces of Manitoba and Saskatchewan, conducted by the said nuns; 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:—

Incorporation.

1. The Reverend Sister M. St. Sindonis, née Julie Marie Cinestet, Sister Marie Imelda, née Clementine Couvert, Sister Marie St. Irenée, née Marie Goubert, Sister Marie St. Albert, née Philomene Monchana, together with such persons as are now members of the voluntary association, are incorporated under the name of "l'Institut de Notre Dame des Missions," hereinafter called "the Corporation."

Corporate name.

Head office.

2. The head office of the Corporation shall be in the city of Regina, in the province of Saskatchewan, or in such other place in Canada as may, from time to time, be determined by by-law of the Corporation.

Branches.

3. The Corporation may, from time to time, establish branches of its order at any place in Canada.

Objects of Corporation.

4. The objects of the Corporation shall be the instruction and Christian education of children and other works of charity, such as work-rooms, orphanages, refuges and other similar undertakings, and the advancement, in other ways, of education and religion, charity and benovelence.

By-laws.

5. The Corporation may, from time to time, make by-laws for,—

(*a*) the administration, management and control of the property, business and other affairs of the Corporation;

(*b*) the appointment, functions, duties and remuneration of the officers, agents and servants of the Corporation;

(*c*) the appointment of committees and their duties;

(*d*) the calling of meetings, regular or special, of the Corporation or of committees;

(*e*) the fixing of the necessary quorum and procedure in all things at such meetings.

Property of voluntary association vested in Corporation.

6. All lands, tenements, hereditaments and property, real or personal, and all convents, chapels and schools situated within Canada, belonging to and used, held, occupied, possessed or enjoyed by the voluntary association shall be, and are hereby declared to be, vested in the Corporation for the purposes thereof.

Property may be acquired.

7. The Corporation may purchase or otherwise acquire, and hold any property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein, whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to or for or in favour of the uses and purposes of the Corporation.

Value of property to be held.

2. The value of the real estate held in Canada by or in trust for the Corporation shall not exceed fifty thousand dollars.

Alienation of property not required for use of corporation.

3. The Corporation shall, within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation of the Corporation, but nothing herein contained shall be deemed in anywise to vary or otherwise affect any trust relating to such property.

Property may be disposed of.

8. The Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any property, real or personal, held by it, whether by way of investment for the uses and purposes mentioned in the next preceding section or not; and may also,

Investments.

from time to time, invest its funds or moneys, and any funds or moneys vested in or acquired by it, for the uses and purposes aforesaid in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such investment may take, receive or accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person, in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Borrowing powers.

9. The Corporation may, from time to time, borrow money at such rate of interest and upon such terms as it deems proper; and may, for such purposes, make and execute mortgages, bonds, hypothecs, debentures or other instruments under the seal of the Corporation.

Application of revenues.

10. The revenues, issues and profits of all properties held by the Corporation shall be apportioned and applied solely to the maintenance of the members of the Corporation and the construction and repair of buildings and the acquisition of property

requisite for the purposes of the Coporation, and for the advancement of the objects of the Corporation.

When federal and provincial laws to apply.

11. In respect of any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall, in any province of Canada, be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Transfer of property to Corporation.

12. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation on whom any such property devolves, may, subject to the terms and conditions of any trust relating to such property, transfer such property, or any part thereof, to the Corporation to be held in such trust, if any.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 80.

An Act to incorporate l'Institut
Dame des Missions.

First reading, December 15,

(PRIVATE BILL.)

MR. MA
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OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellen
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 81.

An Act to regulate Horse Racing.

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

Limitation of time for trials of speed and race meetings for horses.

1. No person or association of persons, incorporated or unincorporated, being the owner or lessee of or otherwise controlling any racing track or place where horse racing is conducted, shall suffer or permit any trials of speed or race meeting, where horses are entered as competitors in such races or trials of speed, to be carried on or be continued for a period exceeding fifteen consecutive days on which such racing or trials of speed might otherwise be lawfully carried on or conducted; and no race meeting or trials of speed shall continue or be carried on for a longer period than seventeen days.

Number of race meetings limited, and interval fixed.

2. No more than two such race meetings or trials of speed shall be held or carried on during any one calendar year, and there shall be an interval between the last day of one such race meeting or trial of speed and the first day of another such meeting or trial held or conducted at or on the same racing course or race-track or place where horse racing is carried on, of at least forty days.

Penalty for infraction.

3. Every person or manager, being the owner or lessee or controlling any unincorporated racing track or place where horse racing is conducted, and any employee of such person, and every director, manager, officer and employee of any incorporated body owning or controlling any racing track or place where horse racing is conducted shall, for any infraction of this Act, be liable, on summary conviction, for each offence, to a fine of one thousand dollars, or six months imprisonment, or both.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 81.

An Act to regulate Horse Racin

First reading, December 15, 190

MR. WALLACE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

An Act to incorporate the Merchants and General Insurance Company.

Preamble.

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

Incorporation.

1. Arnold Wainwright, of the city of Montreal, Darley Burley Smith, of the city of Montreal, Emile Spencer Pincott, of the city of Westmount, John Francis William Thomson, of the town of Montreal West, and Thornton Davidson, of the city of Montreal, together with such persons as become shareholders in the company, are incorporated under the name of "The Merchants and General Insurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, a majority of whom shall be a quorum. They shall hold office until their successors are elected as hereinafter provided, and may enact by-laws, open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and do generally whatever is necessary to organize the Company.

Powers.

Capital stock.

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

Head office.

4. The head office of the Company shall be at the city of Montreal, in the province of Quebec.

Agencies.

5. The directors may from time to time establish local advisory boards or agencies, either in Canada or elsewhere, in such manner as they deem expedient.

First general meeting.

6. So soon as two hundred and fifty thousand dollars of the capital stock of the Company has been subscribed, and ten per cent of the amount paid into some chartered bank in Canada, the provisional directors may call a general meeting of the shareholders of the Company, at some place to be named in the city of Montreal, for the election of a board of directors, and other business appertaining to the affairs of the Company,

Election of directors.

and shareholders who have paid not less than ten per cent on the amount of shares subscribed for by them shall alone be entitled to vote thereat, either in person or by proxy.

Business of Company.

7. The Company may carry on the business of fire insurance, ocean insurance, inland marine insurance, inland transportation insurance, sickness insurance, guarantee insurance, accident insurance, plate glass insurance, and steam boiler insurance, in all their respective branches, subject always to the provisions of any general Act of the Parliament of Canada restricting insurance companies as to the carrying on together of any two or more of the said classes of insurance.

Re-insurance.

8. The Company may also cause itself to be re-insured against any risk it may have undertaken, and may re-insure any other person or company against any risk which such person or company may have undertaken.

When fire insurance business may commence.

9. The Company shall not commence the business of fire insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

Other classes of insurance.

2. The Company shall not commence the business of the other classes of insurance mentioned until its subscribed capital has been increased to at least four hundred thousand dollars, and an additional amount of seventy-five thousand dollars has been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

No payment or subscription reckoned if less than ten per cent paid or subscribed in cash.

3. The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums of one hundred thousand dollars and seventy-five thousand dollars required to be paid into the funds of the Company under the provisions of subsections 1 and 2 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided by this Act.

Real property which may be held.

10. The Company may acquire, hold and dispose of any real property, in Canada or elsewhere, required wholly or in part for the use or benefit of the Company; but the annual value of such property held in any province in Canada

Annual value.

shall not exceed fifteen thousand dollars, except in the province of Quebec, where it shall not exceed twenty-five thousand dollars.

Investment in foreign securities.

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

R. S., c. 79.

12. Part II of *The Companies Act*, except sections 125, 134, 135, 141, 154, 158, 159 and 165 thereof, shall apply to the Company in so far as the said Part is not inconsistent with

any of the provisions of this Act or of any general Act of the Parliament of Canada relating to insurance.

Application of Insurance Acts.

13. This Act, and the Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of any general Act of the Parliament of Canada relating to insurance; and in any respect in which this Act is inconsistent with such general Act, the latter shall prevail.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 82.

An Act to incorporate the Merchan
General Insurance Company.

First reading, December 16, 19

(PRIVATE BILL.)

MR. MON

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

An Act to incorporate the Merchants and General Insurance Company.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

Preamble.

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

Incorporation.

1. Arnold Wainwright, of the city of Montreal, Darley Burley Smith, of the city of Montreal, Emile Spencer Pincott, of the city of Westmount, John Francis William Thomson, of the town of Montreal West, and Thornton Davidson, of the city of Montreal, together with such persons as become shareholders in the company, are incorporated under the name of "The Merchants and General Insurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Powers.

Capital stock.

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

Payment for shares.

2. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent and not less than thirty days' notice of any call shall be given.

Head office.

4. The head office of the Company shall be in the city of Montreal in the province of Quebec.

Agencies.

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

First meeting of shareholders.

Election of directors.

5. As soon as two hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than eight or more than twenty-four directors, of whom a majority shall be a quorum.

Qualification.

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

Annual meeting.

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

Special meetings.

2. Special general meetings may at any time be called by any five of the directors, and the directors, on requisition of any twenty-five shareholders, shall call a special general meeting and in either case the object of such meeting shall be specified in the notice calling the meeting.

Notice of meeting.

3. Notice of each such meeting shall be sufficiently given by a printed or written notice to each of the shareholders mailed at least ten days before the day for which the meeting has been called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Business which may be carried on.

7. The Company may carry on, in addition to ocean marine insurance, such and so many of the classes, branches or kinds of insurance mentioned in section 8 of this Act as are from time to time covered by the license issued to the Company pursuant to the statutes respecting insurance.

Kinds of insurance.

8. The classes, branches or kinds of insurance referred to in section 7 of this Act are the following, namely:—

Authorized business.

(*a*) the making and effecting of contracts of insurance, throughout Canada and elsewhere, with any person against

Fire insurance.

loss or damage by fire, or lightning, in or to any house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations and with such modifications, restrictions and conditions not contrary to law as are agreed upon between the Company and the insured; and, generally, may carry on the business of fire insurance in all its branches and forms;

Ocean marine.

(*b*) the making and effecting of contracts of ocean marine insurance;

Inland marine.

(*c*) the making and effecting of contracts of inland marine insurance;

(*d*) the making and effecting of contracts of 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; Property in transit, otherwise than by water.

(*e*) the making of contracts of insurance with any person against any accident or casualty of whatever nature or from whatever cause arising to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or in case of death from any accident or casualty, not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon; Accident including sickness.

(*f*) the making of contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses; Employers liability.

(*g*) the making of contracts,—

(i) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence and the due performance and discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise: Guarantee. Persons filling situations of trust.

(ii) guaranteeing the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents, of their respective duties and obligations; Receivers, liquidators, executors, agents, etc.

(iii) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person;— Default of co-trustees, co-agents, etc.

(*h*) the making and effecting of contracts of insurance against loss or damage to plate or other glass; Glass.

(*i*) the making of contracts of insurance against loss or damage to property or persons from explosion, collapse, rupture and other accidents to stationary, marine and locomotive boilers, gas or gasoline plants or boilers, and to any boilers, engines or plants including sprinkler systems and the pipes, engines, motors and machinery, gas, gasoline or oil engines or machinery connected therewith and operated thereby, or to the house, store or other building, or vessel, steamer, boat or other craft in which the same are placed or to which they are attached, or to any goods, wares, merchandise, cargo or other property of any description stored or conveyed therein; and the Company, as regards such steam boiler insurance, may inspect and make certificates of inspection of boilers, pipes, engines, motors and machinery; such certificates shall bind only the parties to the contract, and shall not be used as a public notification of inspection, nor shall any such certificate relieve the owner from any obligation imposed by any inspection Act, whether of Canada or any province of Canada. Damage or loss to persons or property from explosions or accidents by boilers, pipes or machinery. Inspection and certificates.

Re-insurance.

9. The Company may also cause itself to be re-insured against any risk it may have undertaken, and may re-insure any other person or company against any risk which such person or company may have undertaken.

When fire insurance business may commence.

10. The Company shall not commence the business of fire insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

Other classes of insurance.

2. The Company shall not commence the business of the other classes of insurance mentioned until its subscribed and paid up capital have been respectively increased to such sums as may be fixed by the Treasury Board upon the report of the Superintendent of Insurance.

No payment or subscription reckoned if less than ten per cent paid or subscribed in cash.

3. The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums required to be paid into the funds of the Company under the provisions of subsections 1 and 2 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided by this Act.

Real property which may be held.

11. The Company may acquire, hold and dispose of any real property, in Canada or elsewhere, required wholly or in part for the use or benefit of the Company; but the annual value of such property held in any province in Canada shall not exceed five thousand dollars, except in the province of Quebec, where it shall not exceed ten thousand dollars.

Annual value.

Investment in foreign securities.

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

Additional payment on capital after issue of license.

13. Within five years after the issue of a license to the Company under *The Insurance Act* a further sum of seventy-five thousand dollars shall be paid in cash upon the capital stock of the Company, in addition to the sums required to be paid under section 10 of this Act, and not less than fifteen thousand dollars of such sum shall be paid annually until the whole sum is paid.

Application of R.S., c. 79.

14. Notwithstanding anything in *The Companies Act*, Part II thereof, except sections 125, 134, 135, 141, 158, 159 and 165 thereof, shall apply to the Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

R.S., c. 34.

Application of Insurance Act.

15. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of the general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.

R.S. c. 34.

Conflicting provisions.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 82.

An Act to incorporate the Mercha
General Insurance Company

(*Reprinted as proposed to be amend*
Banking and Commerce Comm

(PRIVATE BILL.)

MR. MO

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 83.

An Act respecting the Vancouver, Westminster and Yukon 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:—

1901, c. 87; 1905, c. 173; 1906, c. 176; 1909, c. 146.

1901, c. 87, s. 7 amended

Line of railway changed.

1. Section 7 of chapter 87 of the statutes of 1901 is amended by striking out all the words in the said section after the word "Valley" in the ninth line thereof, and substituting therefor the following:—"also commencing at the first above mentioned point; thence to a point at or near the city of New Westminster, in the province of British Columbia; thence to the south side of the Fraser river; thence by the most feasible route through New Westminster district and in an easterly and northerly direction through the districts of Yale, Lillooet and Caribou to a point on the branch line from Willow river to Edmonton authorized by chapter 176 of the statutes of 1906, at or near Tête Jaune Cache; thence north-westerly along the line of railway authorized by chapter 176 of the statutes of 1906 along the south fork of the Fraser river to a point between Fort George and Fort McLeod; thence by the most feasible route to Hazleton, or to some other point on the Skeena river, and thence northerly to the northerly boundary of the said province east of Teslin lake; thence in a northerly direction across the said northerly boundary and into the Yukon territory to Dawson in the Yukon territory, and thence along the Yukon river to the westerly boundary of the Yukon territory."

Time for construction of railway extended.

2. The construction of the railway of the Vancouver, Westminster and Yukon Railway Company may be commenced within two years after the passing of this Act, and the railway finished and put in operation within five years after the passing of this Act; and if the said railway is not commenced within two years and finished and put in operation within five years after the passing of this Act the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1905, c. 173, s. 3 repealed.

3. Section 3 of chapter 173 of the statutes of 1905 is repealed.

Agreements with other companies.

4. Subject to the provisions of 361, 362 and 363 of *The Railway Act*, the said company may enter into agreements with any railway company incorporated by the Parliament of Canada or the legislature of British Columbia, for any of the purposes specified in the said section 361.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 83.

An Act respecting the Vancouver, W
minster and Yukon Railway Compa

First reading, December 16, 1909.

(PRIVATE BILL.)

Mr. Smith,
(Nanaim

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 83.

An Act respecting the Vancouver, Westminster and Yukon Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1901, c. 87; 1905, c. 173; 1906, c. 176; 1909, c. 146.

Time for construction of railway extended.

1. Unless the Vancouver, Westminster and Yukon Railway Company completes and puts in operation within five years after the passing of this Act the railway authorized by section 7 of chapter 87 of the statutes of 1901 the powers granted for the construction thereof shall cease and determine with respect to so much of the said railway as then remains uncompleted.

1905, c. 173, s. 3 repealed.

2. Section 3 of chapter 173 of the statutes of 1905 is repealed.

Agreements with other companies.

3. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the said company may enter into agreements with all or any of the companies hereinafter mentioned for any of the purposes specified in the said section 361; such companies being the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Great Northern Railway Company, the Northern Pacific Railroad Company, the Chicago, Milwaukee and St. Paul Railroad Company, the Howe Sound, Pemberton Valley and Northern Railway Company, the Burrard Inlet Bridge and Tunnel Company, the Vancouver Power Company, Limited, and the British Columbia Electric Railway Company.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 83.

An Act respecting the Vancouver,
minster and Yukon Railway Com

(*Reprinted as amended and reported*
Railway Committee.)

(PRIVATE BILL.)

MR. SMITH.
(Nana

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 84.

An Act respecting the Commission for the Conservation of Natural Resources.

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

1. Chapter 27 of the statutes of 1909 is amended by adding thereto the following sections:— 1909, c. 27 amended. Sections added.

"**14.** No member of the Commission or persons appointed as secretary or as officers or clerks under him, or person employed as an assistant for the purpose of any special work or investigation, shall, while a member of the Commission or appointed or employed as aforesaid,— Member, secretary or officials may not—

"(*a*) purchase, lease, acquire or obtain, on royalty or otherwise, any Dominion or provincial franchises, fishery rights, water powers, water privileges, lands, mines, mineral lands or timber limits, or in any way contract therefor or acquire any interest therein, either for himself or as agent for any other person or corporation; Purchase or acquire, franchises, powers, mines, lands or timber limits.

"(*b*) locate military or bounty land warrants or land scrip, or act as agent of any other person in such behalf; Locate warrants or scrip,

"(*c*) disclose to any person, except to members of the Commission, any discovery made by him or by any of them, or any other information in his possession relating to matters under the control of the Commission, or in relation to their investigations, until such discovery or information has been reported to Parliament. Disclose information on matters before Commission.

"**15.** Every person guilty of any violation of any provision in section 14 of this Act shall forfeit to His Majesty all property or interest so acquired or obtained, and shall also incur a penalty of one thousand dollars for each such violation. Forfeiture and penalty.

"2. The acquisition of each item of property or interest therein or contract therefor, as aforesaid, shall be deemed a separate violation of the said section. Separate offences.

"3. Such penalties 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." Recovery and application of penalties.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 84.

An Act respecting the Commission fo
Conservation of Natural Resource

First reading December 16, 1909

MR. ARMSTRONG.

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 85.

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 146 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 424:— R.S., c. 146. Section added.

"**424A.** Everyone is guilty of an indictable offence and liable to two years' imprisonment who, having in his possession or on his premises with his knowledge any rock, ore, mineral, stone, quartz or other substance containing gold or silver, or any unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated or partly manufactured gold or silver, is unable to prove that he came lawfully by the same." Unlawful possession of rock, ore, or quartz containing gold or silver.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 85.

An Act to amend the Criminal Cod

First reading, December 16, 1909

MR. GORDON,
(Nipissin

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

An Act respecting the Western Canada Power Company, Limited.

Preamble.

WHEREAS the Western Canada Power Company, Limited, has by its petition represented that it is incorporated under *The Companies 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:—

R.S., c. 79.

Powers.

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

Railways.

Tramways.

Telegraphs and telephones.

Carriers.

Acquisition of properties of other companies.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 86.

An Act respecting the Western Ca
Power Company, Limited.

First reading, December 17, 1909.

(PRIVATE BILL.)

MR. TAYLOR,
(New Westminste

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

An Act respecting the Western Canada Power Company, Limited.

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

Preamble.

WHEREAS the Western Canada Power Company, Limited, has by its petition represented that it is incorporated under *The Companies 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:—

R.S., c. 79.

Powers.

Railways.

Telegraphs.

Telephones.

1. The purposes and objects of the Western Canada Power Company, Limited, are hereby enlarged so as to include the power to lay out, construct and operate, for reward if necessary, such lines of iron or steel railways or tramways, and telegraph and telephone lines and works in connection therewith, as the said company may from time to time be authorized to construct and operate by legislative or other competent authority.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 86.

An Act respecting the Western
Power Company, Limited.

(*Reprinted as proposed to be amende*
Railway Committee.)

(PRIVATE BILL.)

MR. TAYL
(New Westm

OTTAWA
Printed by C. H. PARMELEE
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1909-10

[THIRD REPRINT.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

An Act respecting the Western Canada Power Company, Limited.

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

Preamble.

WHEREAS the Western Canada Power Company, Limited, has by its petition represented that it is incorporated under *The Companies 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:—

R.S., c. 79.

Line of railway authorized.

1. Subject to the provisions of *The Railway Act*, the Western Canada Power Company, Limited, may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the works of the said company on Stave river in the province of British Columbia, thence southerly and westerly by the most feasible route to some point on the main line of the Canadian Pacific Railway between Ruskin and Hammond in the said province.

Declaratory.

2. The undertaking of the said company, as authorized by this Act, is declared to be a work for the general advantage of Canada.

[THIRD REPRINT.]

86.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 86.

An Act respecting the Western C
Power Company, Limited.

*(Reprinted as proposed to be amende
Committee of the Whole.)*

(PRIVATE BILL.)

MR. TAYLOR,
(New Westminst

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 87.

An Act to amend the Volunteer Bounty Act, 1908.

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

1. Section 4 of *The Volunteer Bounty Act, 1908*, chapter 67 of the statutes of 1908, is amended by adding thereto the following subsection:— 1908, c. 67, s. 4 amended.

"2. Every such grantee or his substitute may, within six months after the date of entry, abandon the land so entered and may thereafter, within the time limited for selection and entry by subsection 1 of this section, or within six months after such date, make a second entry. Provided that nothing in this subsection shall authorize or entitle any grantee or his substitute to make any further entry in place of the land abandoned as aforesaid." Second entry. Proviso.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 87.

An Act to amend the Volunteer B
Act, 1908.

First reading, December 17, 19

MR. TURRI

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 88.

An Act to amend the Manitoba Grain Act.

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

1. Subsection 4 of section 19 of *The Manitoba Grain Act*, chapter 83 of the Revised Statutes, 1906, as the said section is enacted by section 10 of chapter 45 of the statutes of 1908, is repealed and the following subsection is substituted therefor:— R.S., c. 83, s. 19 amended. 1908, c. 45, s. 10.

"4. No grain shall be received into or shipped from a public terminal elevator or an eastern transfer elevator without being officially weighed, unless both the owner and the carrier, or their duly authorized agents, order otherwise." Grain to be officially weighed.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 88.

An Act to amend the Manitoba Grain

First reading, December 17, 1909

MR. CURRIE,
(Simcoe

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 89.

An Act respecting the Calgary and Edmonton Railway Company.

Preamble. 1890, cc. 5, 84; 1891, c. 71; 1898, c. 57; 1903, c. 89; 1905, c. 66; 1906, c. 70; 1907, c. 69.

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 railway authorized.

1. The Calgary and Edmonton Railway Company, hereinafter called "the Company," may lay out, construct and operate an extension of its Lacombe branch, as authorized by paragraph (*b*) of section 6 of chapter 89 of the statutes of 1903, to a point of junction with the Canadian Pacific Railway Company's Moose Jaw branch at Outlook, in the province of Saskatchewan, a distance of about two hundred miles.

Existing Acts to apply to extension.

2. All the provisions of the Company's Act of incorporation and amendments thereto, except in so far as they are inconsistent with this Act or with *The Railway Act*, shall, so far as applicable, apply to the railway which the Company is by this Act authorized to construct and operate.

Time for construction of railways extended.

3. The Company may commence the construction of the branch line of railway authorized by paragraph (*c*) of the said section 6 of chapter 89 of the statutes of 1903, and the extention authorized by section 1 of this Act, within two years after the passing of this Act, and may complete the said railways and the railway authorized by paragraph (*b*) of section 6 of the said chapter 89, and put them in operation within five years after the passing of this Act, and if the said railways are not so commenced, or are not completed and put in operation within the said periods, respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 89.

An Act respecting the Calgary a
Edmonton Railway Company,

First reading, January 12, 1910.

(PRIVATE BILL.)

MR. DOUGLA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 90.

An Act respecting the Central Ontario Railway.

Preamble. 1884, c. 60; 1886, c. 71; 1888, c. 76; 1890, c. 52; 1906, c. 78.

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:—

Agreements with other companies.

Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Central Ontario Railway may, for any of the purposes specified in the said section 361, enter into an agreement with the following railway companies, or any of them: namely, the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Brockville, Westport and North Western Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Canadian Northern Ontario Railway Company, the Ontario and Ottawa Railway Company, and the Marmora Railway and Mining Company.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 90.

An Act respecting the Central O
Railway.

First reading, January 12, 1910

(PRIVATE BILL.)

MR. STRATTON

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act to incorporate the London and Lake Erie Railway and Transportation Company.

Preamble.

WHEREAS the undertaking of the South Western Traction Company, together with all the property real and personal, rights, powers, franchises and privileges in connection with or in any way relating to the authorized lines or the construction working or maintenance thereof, formerly owned by the South Western Traction Company, including therein all buildings, cars, machinery, equipment, plant and apparatus whatsoever, formerly owned by the said company, have been sold pursuant to the provisions of a sale under the direction of the High Court of Justice for Ontario, in an action wherein the London and Western Trust Company were plaintiffs and the said South Western Traction Company were defendants, which sale was held on the twentieth day of October, one thousand nine hundred and nine, and at which sale James E. Macdougall of the city of London in the province of Ontario, banker, became the purchaser; and whereas the said James E. Macdougall bought and became vested with the rights, franchises, railway and property hereinbefore set forth for the purpose of holding, maintaining and operating the said railway, its property and appurtenances and also for the purpose of extending the same and running boats in connection therewith from Port Stanley to Cleveland in the state of Ohio and other places; and for the purposes hereinafter set forth; 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. William K. George, George B. Woods and Sidney Jones, all of the city of Toronto, in the county of York; Angus McKay of the town of Ingersoll, in the county of Oxford; John Purdom and Frederick G. Rumball, both of the city of London, in the county of Middlesex, all in the province of Ontario; and Albert E. Thompson, of the city of Cleveland, in the state of Ohio, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The London and Lake Erie Railway and Transportation Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisiona directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be at the city of London, in the province of Ontario.

Annual meeting.

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

Directors.

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

Acquisition of Southwestern Traction Company.

8. The Company may acquire the undertaking of the South Western Traction Company, together with all the property real and personal, rights, powers, franchises and privileges mentioned in the preamble, and upon and after such acquisition the undertaking of the said South Western Traction Company, together with all the property, rights, powers, franchises and privileges formerly possessed by the said South Western Traction Company, shall vest in and may be exercised and enjoyed by the Company, and the Company may thereupon hold, maintain and operate the said railway subject to the provisions of *The Railway Act*.

Line of railway described.

9. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Aylmer in the county of Elgin, passing through the townships of Malahide and Yarmouth, the city of St. Thomas and the township of Southwold, all in the said county of Elgin, and the township of Westminster in the county of Middlesex, to a point in, or near, or through the said city of London, with a branch from the said city of St. Thomas to a point in or near the village of Port Stanley, in the said county of Elgin; and from some point in the city of London, through the said city, and thence in a westerly direction to the village of Glencoe, passing through the townships of Westminster, Delaware, Caradoc and Ekfrid and through or near the villages of Lambeth, Delaware, Melbourne, Longwood and Appin; and from the village of Delaware in a northwesterly direction to the town of Strathroy, passing through the townships of Delaware and Caradoc and the village of Mount Brydges, and from the city of London in an easterly direction to the town of Ingersoll, passing through the townships of Westminster, North Dorchester, West Oxford and North Oxford, and the villages of Nilestown, Dorchester and Putnamville, with a branch line from the town of Ingersoll in a northwesterly direction to the village of Thamesford, and another branch line from the said town of Ingersoll, northerly to the southerly boundary of the township of West Zorra; from the city of London in an easterly direction to the city of Brantford, passing through the township of London and along or near the town line between the

townships of West Nissouri, East Nissouri, West Zorra, East Zorra, Blandford, Blenheim and South Dumfries on the north side and the townships of North Dorchester, North Oxford, East Oxford, Burford and Brantford on the south side as far as the town of Paris, and from the town of Paris through the township of Brantford to the city of Brantford, and through the villages of Thamesford, the city of Woodstock, the villages of Eastwood and Princeton and the town of Paris.

Consent of municipalities.

10. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Special powers.

Vessels.

Wharfs, elevators, etc.

11. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise to and from the city of Cleveland in the state of Ohio and other places, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Issue of securities.

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

Transmission and delivery of electric power.

13. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may, acquire electric and other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, light or heat, 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 of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Consent of municipalities owning electric plant.

2. The Company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any municipality which owns and operates its own electric lighting or power plant without the consent, expressed by by-law, of the council of such municipality.

Consent of municipalities required for telegraph and telephone lines upon highways, etc.

14. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Telegraph and telephone lines.

15. The Company may, subject to the provisions of *The Railway Act*, construct, and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to any such companies.

Tolls.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with *The Railway Act*, or with this Act, shall apply to the telegraphic business of the Company.

Hotels and restaurants.

16. The Company may construct, acquire or lease buildings for hotels and restaurants along its railway, and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out and manage parks, summer and pleasure resorts and lease them.

Parks.

Other kinds of business.

17. The Company may establish offices on its railway and carry on the business of an express company or shipping company, a warehousing and forwarding company, a fish company and a general commission company.

Agreements with other companies.

18. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into any agreement with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Pere Marquette Railroad Company, the Michigan Central Railroad Company and the Wabash Railroad Company, for any of the purposes specified in the said section 361.

Election of directors.

19. As soon as the provisional directors have entered into an agreement with the said James E. Macdougall for the purchase by the Company of the said South Western Traction Company, they shall call a meeting of the shareholders of the Company at the place where the head office is situtated, at which meeting the shareholders, who have paid at least ten per cent on the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications mentioned in *The Railway Act*, elect the number of directors prescribed by the special Act.

OTTAWA
Printed by C. H. Parmelee
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1909-10

(PRIVATE BILL.)

Mr. Harp

First reading, January 12, 191

An Act to incorporate the Londo
Lake Erie Railway and Transpo
Company.

BILL 91.

THE HOUSE OF COMMON
OF CANADA.

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

91.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act to incorporate the London and Lake Erie Railway and Transportation Company.

(*Reprinted as proposed to be amended in the Railway Committee.*)

Preamble.

WHEREAS the undertaking of the South Western Traction Company, together with all the property real and personal, rights, powers, franchises and privileges in connection with or in any way relating to the authorized lines or the construction working or maintenance thereof, formerly owned by the South Western Traction Company, including therein all buildings, cars, machinery, equipment, plant and apparatus whatsoever, formerly owned by the said company, have been sold pursuant to the provisions of a sale under the direction of the High Court of Justice for Ontario, in an action wherein the London and Western Trust Company were plaintiffs and the said South Western Traction Company were defendants, which sale was held on the twentieth day of October, one thousand nine hundred and nine, and at which sale James E. Macdougall of the city of London in the province of Ontario, banker, became the purchaser; and whereas the said James E. Macdougall bought and became vested with the rights, franchises, railway and property hereinbefore set forth for the purpose of holding, maintaining and operating the said railway, its property and appurtenances and also for the purpose of extending the same and running boats in connection therewith from Port Stanley to Cleveland in the state of Ohio and other places; and for the purposes hereinafter set forth; 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. William K. George, George B. Woods and Sidney Jones, all of the city of Toronto, in the county of York; Angus McKay of the town of Ingersoll, in the county of Oxford; John Purdom and Frederick G. Rumball, both of the city of London, in the county of Middlesex, all in the province of Ontario; and Albert E. Thompson, of the city of Cleveland, in the state of Ohio, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The London and Lake Erie Railway and Transportation Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisiona directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be at the city of London, in the province of Ontario.

Annual meeting.

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

Directors.

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

Acquisition of Southwestern Traction Company.

8. The Company may acquire the undertaking of the South Western Traction Company, together with all the property real and personal, rights, powers, franchises and privileges mentioned in the preamble, and upon and after such acquisition the undertaking of the said South Western Traction Company, together with all the property, rights, powers, franchises and privileges formerly possessed by the said South Western Traction Company, shall vest in and may be exercised and enjoyed by the Company, and the Company may thereupon hold, maintain and operate the said railway subject to the provisions of *The Railway Act*.

Line of railway described.

9. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Aylmer in the county of Elgin, passing through the townships of Malahide and Yarmouth, the city of St. Thomas and the township of Southwold, all in the said county of Elgin, and the township of Westminster in the county of Middlesex, to a point in, or near, or through the said city of London, with a branch from the said city of St. Thomas to a point in or near the village of Port Stanley, in the said county of Elgin; and from some point in the city of London, through the said city, and thence in a westerly direction to the village of Glencoe, passing through the townships of Westminster, Delaware, Caradoc and Ekfrid and through or near the villages of Lambeth, Delaware, Melbourne, Longwood and Appin; and from the village of Delaware in a northwesterly direction to the town of Strathroy, passing through the townships of Delaware and Caradoc and the village of Mount Brydges, and from the city of London in an easterly direction to the town of Ingersoll, passing through the townships of Westminster, North Dorchester, West Oxford and North Oxford, and the villages of Nilestown, Dorchester and Putnamville, with a branch line from the town of Ingersoll in a northwesterly direction to the village of Thamesford, and another branch line from the said town of Ingersoll, northerly to the southerly boundary of the township of West Zorra; from the city of London in an

easterly direction to the city of Brantford, passing through the township of London and along or near the town line between the townships of West Nissouri, East Nissouri, West Zorra, East Zorra, Blandford, Blenheim and South Dumfries on the north side and the townships of North Dorchester, North Oxford, East Oxford, Burford and Brantford on the south side as far as the town of Paris, and from the town of Paris through the township of Brantford to the city of Brantford, and through the villages of Thamesford, the city of Woodstock, the villages of Eastwood and Princeton and the town of Paris.

Consent of municipalities.

10. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

As to municipal by-laws relating to South Western Traction Co.

11. Nothing in this Act, or done under or by virtue of the powers hereby granted, shall alter or affect the provisions of any municipal by-law heretofore passed relating to the South Western Traction Company and confirmed by agreement with the said company, or to any portion of the South Western Traction Company's railway heretofore constructed or which may be hereafter constructed by the Company, or contained in any agreement between any municipality and the South Western Traction Company; but all such agreements and by-laws shall continue and remain in force as between the municipality and the Company; and all such by-laws and agreements and all rights, franchises, privileges and exemptions of the South Western Traction Company thereunder are hereby made to apply to the Company and are hereby confirmed, except in so far as such provisions are inconsistent with *The Railway Act*.

As to a by-law of township of Westminster.

2. The provisions of this section shall also apply to the by-law of the corporation of the township of Westminster and the agreement between the said corporation of the township of Westminster and the South Western Traction Company as to the portions of the highway now under the jurisdiction of the corporation of the county of Middlesex or which may hereafter be brought under the jurisdiction of the said corporation of the county of Middlesex.

Special powers.

Vessels.

Wharfs, elevators, etc.

12. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise to and from the city of Cleveland in the state of Ohio and other places, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Issue of securities.

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

Transmission and delivery of electric power.

14. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may, acquire electric and other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy, light or heat 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 of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Consent of municipalities required for lines upon highways, etc.

15. Nothing in this Act shall authorize the Company to construct or operate any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Hotels and restaurants.

Parks.

16. The Company may, for the purposes of its undertaking, construct, acquire or lease buildings for hotels and restaurants along its railway, and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out and manage parks, summer and pleasure resorts and lease them.

Agreements with other companies.

17. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into any agreement with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Pere Marquette Railroad Company, the Michigan Central Railroad Company, the Grand Valley Railway Company, the Woodstock, Thames Valley and Ingersoll Electric Railway Company and the Wabash Railroad Company, for any of the purposes specified in the said section 361.

Election of directors.

18. As soon as the provisional directors have entered into an agreement with the said James E. Macdougall for the purchase by the Company of the said South Western Traction Company, they shall call a meeting of the shareholders of the Company at the place where the head office is situated, at which meeting the shareholders, who have subscribed for not less than twenty-five per cent of the capital stock of the Company and paid at least ten per cent, or its equivalent, on the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications mentioned in *The Railway Act*, elect the number of directors prescribed by the special Act.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 91.

An Act to incorporate the Londo
Lake Erie Railway and Transpo
Company.

(*Reprinted as proposed to be amended*
Railway Committee.)

(PRIVATE BILL.)

MR. HAR

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting a patent of the Mond Nickel Company, Limited.

Preamble.

WHEREAS the Mond Nickel Company, Limited, a body corporate, of thirty-nine Victoria street, Westminster, in the county of London, England, has by its petition represented that it is the holder and owner of patent number fifty-one thousand six hundred and seventy-two, dated the sixteenth day of March, one thousand eight hundred and ninety-six, duly issued to one Ludwig Mond under the seal of the patent office, for an alleged new and useful apparatus for treating solid and pasty substances with gases at elevated temperatures, and that it duly paid the further fee required by *The Patent Act* for an extension of the said patent to the sixteenth day of March, one thousand nine hundred and eight; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R. S., c. 69.

Power to Commissioner of Patents to receive fee and extend duration of patent.

1. Notwithstanding anything in *The Patent Act* or in the patent number fifty-one thousand six hundred and seventy-two mentioned in the preamble, the Commissioner of Patents may receive from the Mond Nickel Company, Limited, an application for a certificate of payment of the further and final fees and the usual further and final fees for one more term of the said patent, and may grant and issue to the said company a certificate of payment of such further fees provided by *The Patent Act*, granting and continuing the extension of the term of duration of the said patent to the sixteenth day of March, one thousand nine hundred and fourteen, in as full and ample a manner as if the application therefor had been duly made within the twelve years from the date of issue of the said patent.

R. S., c. 69, s. 23.

Certain rights saved.

2. If any person has, in the period between the expiry of twelve years from date of the said patent and the sixteenth day of October, one thousand nine hundred and nine, commenced to manufacture, use, or sell in Canada, the invention covered by the said patent, such person may continue to manufacture, use, or sell such invention in as full and ample a manner as if this Act had not been passed.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COMM
OF CANADA.

BILL 92.

An Act respecting a patent of
Nickel Company, Limit

First reading, January 12,

(PRIVATE BILL.)

MR. McGIV

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 93.

An Act respecting the Vancouver and Coast-Kootenay 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:—

B.C., 1902, c. 9; Can., 1903, c. 199; 1905, c. 171.

Time for construction of railways extended.

1. The Vancouver and Coast-Kootenay Railway Company may commence the construction of its railways, and expend fifteen per cent of the capital stock thereon, within two years after the passing of this Act, and may finish the railways and put them in operation within five years after the passing of this Act; and if the railways are not so commenced and such expenditure is not so made, or if the railways are not finished and put in operation, within the said respective periods, the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the railways as then remains uncompleted.

1905, c. 171, s. 2 repealed.

2. Section 2 of chapter 171 of the statutes of 1905 is repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 93.

An Act respecting the Vancouver
Coast-Kootenay Railway Company

First reading, January 12, 1910.

(PRIVATE BILL.)

MR. SMITH
(Nanaimo

OTTAWA
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Printer to the King's most Excellent Majesty
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 94.

An Act to amend the Dominion Lands Act.

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

1908, c. 20, s. 28 amended.

1. Section 28 of *The Dominion Lands Act*, chapter 20 of the statutes of 1908, is amended by adding thereto the following subsection:—

Abandonment of purchased homestead. New entry.

"11. An entrant for a purchased homestead may, within six months after the date of entry, abandon such homestead and make a second entry, and shall receive credit for the amount of principal paid on the first entry: Provided that nothing in this Act shall authorize or entitle any grantee to make any further entry."

Application to persons entered prior to passing of Act.

2. Every person who has entered for a purchased homestead prior to the passing of this Act may, within six months after the passing of this Act, abandon such entry and make a second entry, and shall receive credit for any principal money paid on account of his first entry: Provided that nothing in this Act shall authorize or entitle any grantee to make any further entry.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 94.

An Act to amend the Dominion La
Act.

First reading, January 12, 1910

MR. TURR

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 95.

An Act respecting the Naval Service of Canada.

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

SHORT TITLE.

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

INTERPRETATION.

2. In this Act, and in any regulations made hereunder, unless the context otherwise requires,— Definitions.

(*a*) "Active Service," as applied to a person in the Naval Forces, means service or duty during an emergency; "Active service."

(*b*) "Department" means the Department of Marine and Fisheries; "Department."

(*c*) "Deputy Minister" means the Deputy Minister of Marine and Fisheries; "Deputy Minister."

(*d*) "emergency" means war, invasion or insurrection, real or apprehended; "Emergency."

(*e*) "general orders" means orders and instructions issued to the Naval Forces by the authority of the Minister; "General orders."

(*f*) "Minister" means the Minister of Marine and Fisheries; "Minister."

(*g*) "naval establishment" includes officers' quarters, barracks, dockyards, victualling yards, naval yards, factories, rifle and gun ranges, naval colleges, and all other buildings, works and premises under the control of the Minister, constructed or set apart for the Naval Service; 'Naval establishment."

(*h*) "Naval Forces" means those naval forces organized for the defence and protection of the Canadian coasts and trade, or engaged as the Governor in Council may from time to time direct; "Naval Forces."

(*i*) "Naval Service" includes His Majesty's service in respect of all naval affairs of which by this Act the Minister is given the control and management, and also the Fisheries Protection Service, Hydrographic Survey and wireless telegraph service; "Naval Service."

(*j*) "officer" includes commissioned, warrant and subordinate officers serving in the Naval Service of Canada, but not petty officers so serving; "Officer."

(*k*) "prescribed" means prescribed by this Act or by regulations made thereunder; "Prescribed."

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

"Seaman." (*m*) "seaman" includes petty officers, seamen and all other persons engaged in the Naval Service of Canada, other than officers;

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

Interpretation of regulations and orders. **3.** *The Interpretation Act* and section 2 of this Act shall apply to all regulations, orders and articles of engagement made or entered into under this Act.

COMMAND IN CHIEF.

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

ADMINISTRATION.

Administration of all naval affairs by Minister. **5.** The Minister shall have the control and management of all naval affairs, including the purchase, maintenance and repair of the ordnance, ammunition, arms, armouries, stores, munitions, and habiliments of war intended for the use of the Naval Service.

Control of naval establishments. **6.** The Minister shall have the control and management, including the construction, purchase, maintenance and repair, of naval establishments and of ships and other vessels for the Naval Service.

Director of the Naval Service. **7.** There shall be appointed an officer, not lower in rank than Rear Admiral, to be called the Director of the Naval Service of Canada. If a suitable officer of such rank is not available then an officer of the rank of captain may be appointed, who shall have the rank of Commodore of the first class.

Duties. 2. The Director of the Naval Service of Canada shall, subject to the regulations and under the instructions of the Minister, be charged with the direction of the Naval Service.

Naval Board. **8.** The Governor in Council may appoint a Naval Board to advise the Minister on all matters relating to naval affairs which are referred to the Board by the Minister.

Constitution of Board. 2. The composition, procedure and powers of the Board shall be as prescribed.

Permanent naval force. **9.** The Governor in Council may organize and maintain a permanent naval force.

Engagement of officers and seamen. **10.** The Governor in Council may authorize the engagement of officers and seamen in the Naval Service upon such terms and conditions as may be prescribed, and may from time to time fix the maximum number that may be so engaged.

Rank of officers. **11.** The rank and authority of officers in the Naval Service shall be as prescribed.

Commissions and appointments of officers. **12.** The commissions of officers in the Naval Service shall be granted by His Majesty during pleasure, and all warrant, subordinate and petty officers shall be appointed in such man-

ner and shall hold such rank and perform such duties as may be prescribed.

Relief from duty, and retirement from force.

13. The Governor in Council may at any time relieve from duty any officer or seaman in the Naval Service; and any seaman may be permitted, in time of peace, to retire from the force in which he is serving on giving to his commanding officer six months notice of his intention to do so, and on payment of such sum as is from time to time prescribed. In fixing such sum consideration shall be given to the length of time served and to whether the applicant received the whole or any part of his training in the Naval Service.

Conditions of discharge from service.

14. Any person who has voluntarily engaged in the Naval Service shall be entitled to be discharged at the expiration of the time of service for which he engaged, unless such expiration occurs in time of emergency, in which case he shall be liable to serve for a further period of not more than twelve months, and for such further service he shall not be entitled to any increase of pay, but an increase may be granted whenever, in the opinion of the Governor in Council, the circumstances of the case and the conduct of the person concerned merits it.

Uniforms and equipment.

15. The uniform, arms, clothing and equipment of the Naval Service shall be of such patterns and designs as are prescribed, and where supplied at the public cost shall be issued as may be prescribed.

Uniforms and equipment of officers.

16. Officers of the Naval Service shall provide their own uniforms and equipment, with the exception of officers of torpedo vessels and of the submarine service, to whom special clothing may be issued as prescribed.

Active service.

17. The Governor in Council may place the Naval Forces or any part thereof, on active service at any time when it appears advisable so to do by reason of an emergency.

Naval service may be at disposal of His Majesty in emergency.

18. In case of an emergency the Governor in Council may place at the disposal of His Majesty, for general service in the Royal Navy, the Naval Service or any part thereof, any ships or vessels of the Naval Service, and the officers and seamen serving in such ships or vessels, or any officers or seamen belonging to the Naval Service.

Calling of Parliament when Naval Service on active service.

19. Whenever the Governor in Council places the Naval Service or any part thereof on active service, as provided in the preceding section, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall issue for a meeting of Parliament within fifteen days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit in like manner as if it had stood adjourned or prorogued to the same day.

NAVAL RESERVE.

Constitution of Naval Reserve.

20. The Naval Reserve Force shall consist of such persons as join the said reserve after naval service or after undergoing such training as may be prescribed. All members of the said reserve shall be liable to active service upon an emergency.

Regulations.

21. The Governor in Council may make regulations for the government of the Naval Reserve Force.

War service period.

Volunteers.

Extension of service, and increase of pay for merit.

22. In time of war no officer or seaman in the Naval Reserve Force shall be required to serve continuously for a longer period than one year; but any officer or seaman who volunteers to serve for the war, or for any longer period than one year, shall be compelled to fulfill his engagement: Provided, however that the Governor in Council may, in case of unavoidable necessity (of which necessity the Governor in Council shall be the sole judge), call upon any officer or seaman to continue to serve beyond his one year's service for any period not exceeding six months, and for such further service he shall not be entitled to any increased rate of pay; but an increase may be granted whenever, in the opinion of the Governor in Council, the circumstances of the case and the conduct of the person concerned merits it.

TARGET PRACTICE.

Target practice by vessels.

23. The Governor in Council may authorize the Minister to lay down targets, buoys and other appliances for target practice by the vessels in the Naval Service, and also to provide rifle ranges suitably equipped for the use of the Naval Service at or near any port or any naval establishment, and may make regulations for conducting target practice and registering the results thereof, and for the safety of the public.

GENERAL PROVISIONS.

Property vested in His Majesty.

Conditions of alienation.

24. For the purpose of legal proceedings, all moneys subscribed by or for or otherwise appropriated to the use of the Naval Service, and all vessels, arms, ammunition, clothing, equipment, musical instruments, or other things belonging to or used by the Naval Service, shall be deemed to be the property of His Majesty; and no gift, sale or other alienation of any such thing by any person shall be effectual to pass the property therein without the consent of the Governor in Council.

Notice of general orders.

25. All general orders issued to the Naval Forces shall be held to be sufficiently notified to all persons whom they concern by their publication and exhibition in the vessel or naval establishment to which those concerned belong, and proof of such exhibition shall be evidence of the issue of such orders.

Proof of commissions, orders and regulations.

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

Transfer of vessels.

27. The Governor in Council may from time to time transfer to or from the Naval Service any vessel belonging to His Majesty.

Application of R.S., c. 111.

28. The Governor in Council may from time to time direct that *The Government Vessels Discipline Act* shall or shall not apply to any ship or vessel in the Naval Service, or to the officers, seamen or persons engaged for service thereon. Until otherwise provided the said Act shall continue to apply to all ships and vessels in the Fisheries Protection Service and the officers and persons engaged for service thereon, and to all ships and vessels employed on the Hydrographic Survey and the officers and persons engaged for service thereon.

Fisheries protection.

Hydrographic survey.

NAVAL VOLUNTEER FORCE.

Naval Volunteer Force.

29. The Governor in Council may organize and maintain a force to be called the Naval Volunteer Force.

Constitution.

30. The Naval Volunteer Force shall consist of officers and seamen raised by voluntary engagement from among seafaring men and others who may be deemed suitable for the service in which such volunteers are to be employed.

Regulations.

31. The Governor in Council may make regulations for the government of the Naval Volunteer Force.

Engagement and discharge.

32. Every naval volunteer shall be engaged for the term of three years and, provided his conduct and qualifications are satisfactory, shall be eligible for re-engagement for further periods of three years up to the age of forty-five years; at the expiration of each term he shall be entitled to his discharge, save as hereinafter mentioned.

Training and pay.

33. Naval volunteers shall receive such training and pay as may be prescribed.

Active service in emergency.

34. In an emergency the Governor in Council may order and direct that the Naval Volunteer Force, or such part thereof as may be deemed necessary, shall be called into active service, and the naval volunteers so called out shall be liable to serve under such regulations as may be prescribed.

Period of service extended, and increase of pay for merit.

2. If a naval volunteer's period of service expires while he is employed on active service, he shall be liable to serve for a further period of not more than six months, and for such further service he shall not be entitled to any increased rate of pay; but an increase may be granted whenever, in the opinion of the Governor

in Council, the circumstances of the case and the conduct of the person concerned merits it.

Relief from duty.

35. The Minister may at any time relieve any naval volunteer from duty.

Pensions.

Pensions and gratuities.

[**36.** *The Governor in Council may make regulations for providing and regulating pensions and gratuities for the permanent Naval Service:*

Not to exceed those under R.S., c. 42.

2. *No such regulation shall establish or provide for any pension or gratuity larger in amount or granted upon more favourable terms than the pensions and gratuities authorized under The Militia Pension Act.*]

Pension payable to officer or seaman loaned from Royal Navy to Canadian Naval Service.

[**37.** *Any officer or seaman who is lent from the Royal Navy for service in the Canadian Naval Service, and who while on loan retires or is retired from the Royal Navy and who receives a smaller pension in respect of his service in the Royal Navy than he would have received if he had not been lent and had continued to serve in the Royal Navy up to the time of his retiring, shall be entitled to receive an annuity equal to the difference between the annual value of the pension received by him for his service in the Royal Navy and the annual value of the pension that he would have received for his service in the Royal Navy if he had not been lent and had continued to serve in the Royal Navy up to the time of his retiring.*]

Pay, pensions and allowances subject to conditions.

[**38.** *All pay, wages, pensions, bounty money, grants or other allowances in the nature thereof payable in respect of services to a person being or having been an officer or seaman, or to the widow or any relative of a deceased officer or seaman, shall be paid subject to such conditions and restrictions as are directed by the Governor in Council.*]

Assignment or sale of pension to be void.

[**39.** *Any assignment, sale or contract by an officer or seaman entitled to a pension, or by a person entitled to a pension as the widow of an officer or seaman or in relation to such pension or any allowance or half-pay, shall be void.*]

NAVAL COLLEGE.

Naval College to be established.

40. There shall be an institution for the purpose of imparting a complete education in all branches of naval science and tactics.

Name and location.

2. Such institution shall be known as the Naval College of Canada, and shall be located at such place as the Governor in Council may determine.

41. The Naval College shall be governed and its affairs administered under such regulations as may be made by the Governor in Council. Administration.

2. Such regulations shall be published in *The Canada Gazette*, and upon such publication shall have the same force of law as if they formed part of this Act. Regulations.

42. The Naval College shall be conducted under the superintendence of a naval officer who has special qualifications with regard to discipline and to the instruction to be given, and such professors, instructors and assistants as are found necessary and as are authorized by Parliament. Superintendence of naval officer.

2. The staff of the Naval College shall be appointed by the Governor in Council and shall hold office during pleasure. Staff.

43. Every candidate for admission to the Naval College shall be required to pass a medical examination and produce satisfactory proof of date of birth and satisfactory certificates of good character. Requirements for admission.

2. No candidate shall be admitted until he has passed a medical examination, and thereafter such qualifying examination as may be prescribed. Examinations.

3. The age of candidates on admission for the Military and the Engineering branches of the Naval Service shall be as prescribed. Age.

44. Every person admitted as a student to the Naval College shall engage to serve in the Canadian Naval Forces for such length of time and under such conditions as may be prescribed, and shall take the oath of allegiance to His Majesty. Period and conditions of service.

REGULATIONS.

45. The Governor in Council may make regulations for carrying out this Act, and for the organization, discipline, efficiency and good government generally of the Naval Service. Regulations for Naval Service generally.

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

47. Such regulations shall be laid before both Houses of Parliament within ten days after the publication thereof if Parliament is then sitting, and if Parliament is not then sitting then within ten days after the next meeting thereof. To be laid before Parliament.

48. "The Naval Discipline Act, 1866," and the Acts in amendment thereof passed by the Parliament of the United Kingdom and now in force, and the King's Regulations and Admiralty Instructions now in force, in so far as the said Acts, regulations and instructions are applicable, and except in so far as they may be inconsistent with this Act or with any regulations made under this Act, shall apply to the Naval Service and shall have the same force in law as if they formed part of this Act. Acts of United Kingdom and King's Regulations to apply.

2. Where in the said Acts or in the King's Regulations and Admiralty Instructions any power or duty is vested in or im- Powers of Governor in Council as to certain duties

posed upon the Admiralty or any other body or officer, and there is no such body or officer in Canada or in the Naval Service, the Governor in Council may direct who shall exercise or perform such power or duty in Canada, or in the Naval Service.

R.S., c. 111.

3. This section shall not apply to any ship or vessel to which *The Government Vessels Discipline Act* applies, or to officers or persons who, being engaged for service upon such ships or vessels, are subject to the said Act.

PENALTIES.

Penalties for desertion.

49. Any person who—

(*a*) procures or persuades any member of the Naval Forces to desert; or,

(*b*) aids or assists any member of the Naval Forces in deserting; or

(*c*) knowing any person to be a deserter from the Naval Forces conceals him or aids or assists him in concealing himself shall be liable upon summary conviction to imprisonment, with or without hard labour, for any period not exceeding twelve months.

EXECUTION OF WARRANTS AND SENTENCES.

Warrants and sentences.

50. The keeper, gaoler or warden of every gaol, prison or penitentiary in Canada shall receive and detain according to the exigency of any warrant under the hand of the senior commissioned officer in the Naval Service present in any district, or other person authorized under the regulations to issue a warrant, any person mentioned in such warrant and delivered into his custody, and shall confine such prisoner until discharged or delivered over in due course of law; and every such keeper, gaoler or warden shall take cognizance of any warrant purporting to be signed by any such officer or other authorized person.

Imprisonment in penitentiary.

51. Any prisoner sentenced for any term of imprisonment by any naval court martial, or by any naval authority under this Act, may be sentenced to imprisonment in a penitentiary.

In gaol.

2. If such prisoner is sentenced to a term less than two years, he may be sentenced to imprisonment in the common gaol of the district, county or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some other lawful prison or place of confinement other than a penitentiary in which imprisonment may be lawfully executed.

In special prison.

52. Any officer or seaman in the Naval Service, sentenced to be imprisoned may, if the Governor in Council by regulation or otherwise directs, be imprisoned in any place specially appointed therefor, instead of in a gaol, prison or penitentiary.

REPEAL.

R.S.C., 1886, c. 41, repealed.

53. Chapter 41 of the Revised Statutes, 1886, intituled an *Act respecting the Militia and Defence of Canada*, is repealed in so far as it concerns the Active and Reserve Militia Marine Force.

95.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 95.

An Act respecting the Naval Ser
Canada.

First reading, January 12, 191

MR. BROD

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 96.

An Act respecting the Canadian Pacific Railway Company.

Preamble.

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

Short title.

1. This Act may be cited as *The Canadian Pacific Railway Act, 1910.*

1908, c. 95, s. 1 amended.

2. Section 1 of chapter 95 of the statutes of 1908 is hereby amended by inserting the word "twelve" between the words "ranges" and "thirteen" in the fourth line of the said section.

Lines of railway authorized.

3. The Canadian Pacific Railway Company, hereinafter called "the Company," may lay out, construct and operate the following lines of railway, viz.: (*a*) From a point in township twenty-two, range two, east of the principal meridian in a northerly or north-westerly direction to a point in township thirty-four, ranges five, six, or seven west of the principal meridian, in the province of Manitoba, a distance of about one hundred miles; (*b*) From a point on the Company's Pheasant Hills branch, at or near Asquith, in the province of Saskatchewan, in a northerly and northwesterly direction, to a point in township thirty-eight or thirty-nine, range ten, eleven or twelve, a distance of about twenty miles.

Time for construction of branch lines extended.

4. The Company may commence the construction of the railway which it was authorized to construct by section 1 of chapter 55 of the statutes of 1900, from a point at or near Osborne on the Company's Pembina branch, thence westerly and south-westerly to some point on the line of the Manitoba South Western Colonization Railway between Cartwright and Boissevain, and the railway which it was authorized to construct by section 2 of chapter 73 of the statutes of 1905, from a point at or near Otterbourne on the Company's Emerson branch, thence south-easterly to a point at or near Stuartburn, in township two, range six, east, and the railway which it was authorized to construct by section 1 of chapter 95 of the statutes of 1908 (as amended by section 2 of this Act) from a point at or near Killam or some other point in township forty-four, ranges twelve, thirteen and fourteen, west of the fourth meridian,

in a north-westerly direction to a point at or near Strathcona, in the province of Alberta, and the railways authorized by section 3 of this Act, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act, and if the said railways are not so commenced and put in operation within the said periods respectively the powers of construction conferred by Parliament shall cease and be null and void as respects so much of them as then remains uncompleted.

Time for construction of branch line extended.

5. The Company may, within five years after the passing of this Act, complete and put in operation the railway which it was authorized to construct by section 1 of the said chapter 55 of the statutes of 1900, from a point at or near Napinka on the Company's Souris branch, thence westerly to a junction with the northwest extension of the Souris branch: Provided, however, that the Company may make the terminus of the said line at or near Griffin on its Weyburn Stoughton branch.

Power to cease if not constructed.

2. If the said railway is not so completed and put in operation within the said period, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Issue of bonds.

R.S., c. 37.

6. Subject to the provisions of sections 136 (excepting subsection 1 thereof) to section 146, both inclusive, of *The Railway Act*, not inconsistent with the Company's Special Act, as that expression is defined in *The Railway Act*, the Company may issue bonds in respect of the said railways hereby authorized to the extent of twenty-five thousand dollars per mile thereof in proportion to the length of railway constructed or under contract to be constructed, which bonds shall, subject in the first instance to the payment of any penalty imposed upon the Company for non-compliance with the requirements of *The Railway Act* and next to the working expenditure of the railways authorized to be constructed under the provisions of section 3 of this Act, be a first lien and charge and be secured exclusively upon the railways authorized by this Act to be constructed.

Issue of debenture stock.

7. In lieu of the bonds, the issue of which is authorized by this Act, the Company, being first authorized so to do by at least two-thirds of the votes of the shareholders present or represented at an annual meeting, or at a special meeting of the shareholders duly called for the purpose, may issue consolidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank *pari passu* with holders of such consolidated debenture stock as the Company has, prior to the passing of this Act, been authorized to issue.

Vice-presidents.

8. The directors may, from time to time, make by-laws providing for the election or appointment and may, pursuant to such by-laws, elect or appoint two or more vice-presidents of the Company who need not be members of the board of

directors, and may by such by-laws define the powers, duties, qualifications and terms of office of such vice-presidents.

Powers.

2. Subject to such limitations as are contained in the by-laws each of the vice-presidents shall have all the powers of a vice-president elected under the provisions of *The Railway Act*.

1881, c. 1, Sch. A amended.

Directors term of office.

9. Section 6 of schedule A of chapter 1 of the statutes of 1881, as the said section is enacted by section 12 of chapter 52 of the statutes of 1902, is amended by striking out the words "one-fourth" in the tenth line of the said section 6 and by substituting therefor the words "one-fifth."

Preferred stock, limit of issue.

1893, c. 41, s. 2.

10. It is hereby declared that the true intent and meaning of section 2 of *The Canadian Pacific Railway Act, 1893*, in so far as it relates to the aggregate amount of preferred stock which the Company may issue, is to fix a definite limit to the Company's power to issue such stock, and that notwithstanding any other provision relating to such stock the amount of such preferred stock outstanding may equal but shall not exceed at any time one-half the aggregate amount of the ordinary stock then outstanding.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 96.

An Act respecting the Canadian I
Railway Company.

First reading, January 14, 1910

(PRIVATE BILL.)

MR. GERM

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 97.

An Act respecting the Pacific and Atlantic Railway Company.

Preamble.

Ontario: 1886, c. 76; 1900, c. 120; 1902, c. 89; 1905, c. 104.

Canada: 1906, c. 138; 1908, c. 142.

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

Time for construction of railway extended.

1. The Pacific and Atlantic Railway Company may commence the construction of its railway referred to in section 1 of chapter 138 of the statutes of 1906 and in section 5 of chapter 142 of the statutes of 1908, and expend fifteen per cent on the amount of the capital stock thereon, within two years after the passing of this Act, and may complete the 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 railway as then remains uncompleted.

1908, c. 142, s. 1 repealed.

2. Section 1 of chapter 142 of the statutes of 1908 is repealed.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 97.

An Act respecting the Pacific and A
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE HOUSE OF COMMONS OF CANADA.

BILL 98.

An Act respecting the Trust and Loan Company of Canada.

Preamble.

WHEREAS the Trust and Loan Company of Canada has represented that it was incorporated by chapter 63 of the statutes of 1843 of the late province of Canada under the name of "The Trust and Loan Company of Upper Canada"; and whereas the Acts mentioned in the schedule hereto have been passed in amendment of the said chapter 63; and in pursuance of the said chapter 63 a deed of settlement was executed bearing date the first day of June, one thousand eight hundred and forty-four, and certain Royal Charters of Her late Majesty Queen Victoria were granted under the Great Seal of the United Kingdom in the ninth and thirty-fifth years of Her Reign bearing date the thirteenth day of November, one thousand eight hundred and forty-five and the twentieth day of February, one thousand eight hundred and seventy-two whereby, among other provisions, the name of the company was changed to "The Trust and Loan Company of Canada"; and whereas the authorized share capital of the Company is £3,000,000 sterling of which £2,200,000 in 110,000 shares of £20 each have been issued and there has been called up and paid:—

On 60,000	shares Nos. 1 to 50,000 and 100,001 to 110,000 £5 per share.	£300,000
On 25,000	shares Nos. 50,001 to 75,000 £3 per share.....	75,000
On 25,000	shares Nos. 75,001 to 100,000 £1 per share.....	25,000
110,000		£400,000

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

Short title.

1. This Act may be cited as *The Trust and Loan Company of Canada Act, 1910.*

Definitions.

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

(*a*) "the Company" means the Trust and Loan Company of Canada,

(*b*) "the undertaking" means the whole property and rights of the Company and the business of every kind which the Company is authorized to carry on;

(*c*) "land" includes messuages, lands, tenements and hereditaments of any tenure and any interest therein, and all immoveable property of any kind;

(*d*) "shareholder" means every holder of shares in the Company, and includes the personal representatives of the shareholder.

Present incorporation preserved.

3. The Company shall remain and be continued incorporated under the name of "The Trust and Loan Company of Canada," with all the property rights and liabilities which it now has, and nothing in this Act shall in any way affect the rights of third parties against the Company existing at the date of the commencement of this Act.

Powers.

4. The objects and powers of the Company are:—

Loans.

(*a*) To lend advance and invest the moneys and funds of the Company in any manner on any terms and on any securities and investments, real or personal or both, as may be determined; provided that loans by the Company on its own shares shall not exceed in the aggregate ten per cent of the paid-up share capital of the Company, and no individual loan shall exceed eighty per cent of the then current market selling price of the shares on which it is made.

Mortgages.

(*b*) To purchase or invest the moneys of the Company in mortgages or hypothecs of land, or in or on mortgage or pledge of bonds, debentures, debenture stocks or fully paid-up stocks or other securities of any government, municipal or school corporation or other public board or authority or of any corporation, body or company.

Acquisition of lands.

(*c*) To acquire by purchase, mortgage or otherwise and to hold, sell, mortgage, lease or otherwise dispose of or deal with any lands as may be deemed expedient. But no land in Canada at any time acquired by the Company not required for its actual use and occupation in whole or in part or held by way of security shall be held by the Company, or by any trustee on its behalf, for a longer period than ten years after the acquisition thereof. Any such land not within the aforesaid exceptions held by or on behalf of the Company for a longer period than ten years without being disposed of shall be forfeited to His Majesty for the use of Canada, but His Majesty may extend the said period from time to time, 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 any such forfeiture.

Borrowing.

(*d*) To borrow money on any terms as to repayment or otherwise and secure the same by and create and issue bonds, debentures, debenture stock, perpetual or otherwise, or other instruments, and to mortgage or charge all or any of the property and called or called and unpaid capital, or the undertaking of the Company, or any part thereof, and to pledge, redeem, purchase or pay off any securities created, and to issue or redeem any such securities at par or at a premium or discount and for

any purpose as the Company may think fit: Provided that prior to any conversion of the present partly paid-up shares of the Company into fully paid-up shares the total amount outstanding and unpaid and secured at any one time on bonds, debentures, debenture stock or similar security shall not exceed the nominal amount of the subscribed share capital for the time being, and that from and after such conversion the total so outstanding and unpaid at any one time shall not exceed four times the paid-up share capital for the time being.

Agents. (*e*) To act as agents for the loan, payment, transmission, investment and collection of money.

Guarantees. (*f*) To guarantee the repayment of the principal of or of interest on any moneys entrusted to the Company for investment.

Liquidation of other companies. (*g*) To liquidate and act as liquidators of or as agents for the liquidators of and carry on for the purposes of such liquidation the business of any other company carrying on any business which the Company is authorized to carry on, and on any terms.

Working arrangements. (*h*) To make and carry out arrangements by way of working agreement sharing of profits or co-operation with any other company firm or individuals carrying on the like or any analogous business and on any terms.

Incidental powers. (*i*) To do all other acts and things which are incidental to or conducive to the attainment of the above objects.

Business. **5.** The Company may carry on its business and operations or any part thereof and exercise its objects and powers in Canada, in the United Kingdom and elsewhere as may be deemed expedient.

Head office. 2. The head office of the Company shall be in the city of London, in the United Kingdom, unless and until otherwise prescribed by the by-laws of the Company, but branch offices and agencies may be established at such other places as the directors determine.

Number of directors. **6.** The affairs of the Company shall be managed by a board consisting of such a number of directors as may from time to time be prescribed by the by-laws of the Company.

Present directors continued. **7.** The present directors of the Company shall remain in office until replaced by directors duly elected in their stead pursuant to the by-laws of the Company.

Failure to elect directors. **8.** 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 dissolved but such election may take place at any general meeting of the Company duly called for that purpose. Retiring directors shall continue in office until their successors are elected.

General powers of directors. **9.** The directors may in all things administer the affairs of the Company and make or cause to be made for the Company any description of contract which the Company may by law enter into, and may generally exercise all the powers of the

Company in their discretion, subject only to any limitations or restrictions imposed by this Act or by the by-laws of the Company.

By-laws.

10. The directors may make, repeal, amend and re-enact by-laws not contrary to law or to this Act for the purpose specified in this section, but no such by-law, repeal, amendment or re-enactment shall have any force or effect unless and until it has been sanctioned by the shareholders by a vote of not less than two-thirds in value of the capital stock or shares represented at a general meeting of the Company called for the purpose, that is to say, by-laws for,—

As to capital, shares, etc.

(*a*) regulating the issue and allotment of shares in the Company, calls thereon, the issue of certificates, forfeiture of shares for non-payment of calls or of any money secured by lien thereon, disposal of forfeited shares and the proceeds thereof, the transfer of shares and restrictions thereon, and proof required of rights to shares on transmission of the interests or rights therein, and the like with regard to debenture stock and registered debentures of the Company;

Decrease of capital.

(*b*) decreasing the share capital converting shares into stock or re-converting stock into shares or consolidating or dividing the shares in any manner which may be considered expedient;

Preference capital.

(*c*) creating and issuing any part of the share capital as preference shares and giving the same such preference and priority as regards dividends and capital and in any other respect over the ordinary shares, including right to select a proportion of the directors or other control over the affairs of the Company, as may be considered expedient;

Conversion of partly paid into fully paid up shares.

(*d*) providing, on such terms as may be thought best, for the conversion into fully paid-up shares of shares in the capital stock which have been only partly paid up;

Directors.

(*e*) determining the number of directors, their qualifications, election, retirement by rotation or otherwise, disqualification, vacation of office, removal and remuneration, and their powers in the conduct and management of the Company's business and in the exercise of the Company's powers, and as to the delegation of such powers or any of them;

Auditors.

(*f*) regulationg the appointment of auditors and their qualification (if any), remuneration and vacation of office;

Dividends.

(*g*) declaring and paying dividends; provided that all dividends shall be calculated and paid rateably on the amount of capital for the time being paid up on the shares respectively;

Changing head office.

(*h*) changing the locality of the head office of the Company;

Meetings.

(*i*) regulating the time and place for holding the annual and other general meetings of the Company and of the board of directors; and notices thereof, the quorum at such meetings respectively and proceeding in default of quorum, the method of voting and representation at meetings and number of votes of each shareholder at general meetings, the requirements as to proxies and restrictions on voting, and generally the procedure in all things at such meetings respectively;

Reserve fund

(*j*) regulating and dealing with any reserve fund or funds and their investment and employment, subject to the provisions of this Act with regard to the statutory reserve fund;

(*k*) The use and custody of the corporate seal of the Company; Seal.

(*l*) Generally regulating the conduct in all other particulars of the affairs of the Company. General.

2. No such by-law, repeal, amendment or re-enactment and nothing done under or in pursuance of any such by-law shall affect or impair the rights of creditors of the Company. No by-law to prejudice creditors.

3. Unless and until, and except in so far as the same respectively shall be repealed or amended by by-law, the regulations of the Company (with regard to the matters on which power is hereby conferred to make by-laws) existing at the time of the passing of this Act shall be the by-laws of the Company, and shall continue in force and have operation and effect accordingly. Temporary by-laws.

4. A copy of any by-law of the Company under its seal, and purporting to be signed by an officer of the Company, shall be received in all the courts as *prima facie* evidence of such by-law. Evidence of by-law.

11. Subject to the provisions of this Act and of any by-law for the time being in force with reference thereto, debentures or debenture stock of the Company may be issued in sterling or currency, and on such terms, with such security and bearing such rate of interest as may be from time to time determined. Debenture stock shall be treated and considered as part of the debenture debt of the Company, and no special rights, privileges or security shall be conferred upon holders of debenture stock in respect thereof to the prejudice or postponement of rights held or enjoyed by holders of ordinary debentures of the Company issued prior to and outstanding at the date of the creation and issue of such debenture stock. Issue of debentures and debenture stock.

2. Holders of debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock of the Company. Exchange of debentures.

3. The directors may at any time buy up and cancel debentures and debenture stock or any part thereof, and may subsequently re-issue the same for the purposes of the Company. Cancellation and re-issue.

12. The directors shall, whenever the net profits of the Company in any year (after discharging any balance of loss carried forward from any previous year) exceed six per cent on the paid-up share capital for the time being, set apart one-half of such excess to a fund to be called "The Statutory Reserve Fund," until such fund equals the paid-up share capital for the time being, when it shall not be obligatory to set apart further sums to that fund unless by withdrawals therefrom or otherwise it is reduced below that amount. Statutory reserve fund.

2. The sum which, at the commencement of this Act, stands to the credit of the "Reserve Fund Account" of the Company shall be transferred to and from part of the statutory reserve fund. Reserve fund account.

3. The statutory reserve fund, up to a sum equal to one-half of the paid-up share capital for the time being, shall be invested (and the investments may from time to time be varied) in the discretion of the directors in such securities or investments as are for the time being authorized for the investment of trust funds by law either of the United Kingdom or of Canada or any Investment of statutory reserve fund.

part thereof, respectively, but not on mortgage of real estate unless specially authorized by by-law of the Company. The remainder of the statutory reserve fund may be employed in the Company's business or invested in any manner in which the Company is for the time being authorized to invest any of its funds. The dividends and income derived from the statutory reserve fund, or the investment or employment thereof, shall form part of the income and profits of the Company.

Employment of statutory reserve fund.

4. The statutory reserve fund shall be available and may from time to time be applied or pledged or mortgaged by the directors to meet any extraordinary demand on the Company, or any loss which may be sustained and for building on and enlarging, improving and rendering marketable any property of the Company, and for promoting the objects and purposes of the Company generally as the directors may, in their discretion from time to time, determine, but if and so long as the Company is a going concern shall not (except as regards any excess beyond the amount of the paid-up share capital) be distributed by way of dividend on the shares.

Capital.

13. The capital of the Company as authorized prior to the commencement of this Act is £3,000,000 sterling and is divided into 150,000 shares of £20 each of which 110,000 shares are issued and paid up to the extent following, that is to say, shares numbers 1 to 50,000 and 100,001 to 110,000, £5 per share paid up; shares numbers 50,001 to 75,000, £3 per share paid up; and shares numbers 75,001 to 100,000, £1 per share paid up.

Shares already issued.

Liability of shareholders to creditors.

14. Every shareholder shall, until the whole amount of his shares 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. The amount due on such execution not exceeding the amount unpaid by the shareholder on his shares shall be the amount recoverable with costs from such shareholder. The amount so recoverable, if paid by the shareholder, shall be considered as paid on his shares.

Limit of liability.

2. 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 unpaid upon their respective shares in the capital thereof.

Trustees not personally liable.

15. No person holding shares 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 shares in his own name, would be liable.

Pledger only able.

2. No person holding shares in the Company as collateral security shall be personally subject to liability as a shareholder,

but the person pledging such shares shall be considered as holding the same and shall be liable as a shareholder accordingly.

Shares and debentures to be personal estate.

16. Shares, debentures and debenture 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 the by-laws of the Company.

Share and debenture stock registers.

17. 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 recorded,—

Share register.

(*a*) the names alphabetically arranged of all persons who are or may hereafter become shareholders;

(*b*) the address and calling of every such person while such shareholder;

(*c*) the number of shares held by each shareholder;

(*d*) the amounts paid in and remaining unpaid respectively on the shares of each shareholder;

(*e*) all transfers of shares 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,

(*f*) the names, addresses and calling of all persons who are or may hereafter be directors of the Company, with the several dates at which each became or ceased to be such director.

Transfer valid only after entry.

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

Debenture stock register.

3. Similar books shall be kept and the like provisions shall apply *mutatis mutandis* with regard to debenture stock and registered debentures of the Company.

Books to be open for inspection.

4. Such books shall, during reasonable business hours of every day except Sundays and holidays, be kept open for the inspection of share and stock holders and creditors of the Company and their personal representatives at the head office or chief place of business of the Company, and every shareholder, creditor or personal representative may take extracts therefrom.

Trusts, Company not liable for.

18. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or debenture or debenture stock of the Company or moneys payable by the Company may be subject.

Signature of parties a discharge.

2. The signature or receipt of the party or parties in whose name such share, debenture, debenture stock or moneys stand in the books of the Company shall be a valid and binding discharge to the Company notwithstanding any such trust, 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.

Enforcement of payment of calls on shares, etc.

19. The Company may enforce payment of all calls and instalments of capital payable on shares, debentures or debenture stock and interest thereon by action in any court of competent jurisdiction.

Form of action.

2. 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 or has subscribed but has not fully paid for debentures or debenture stock, stating the number or amount, and is indebted to the Company in the sum of money to which the calls or instalment in arrear amount in respect of one call or more, stating the number of calls and the amount of each call whereby an action has accrued to the Company.

Proof.

3. In such action 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 or subscriber as aforesaid, that the call or calls have been made on the instalment undertaken to be paid has fallen due 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, and also alternatively the production of the share or debenture stock register of the Company shall be *prima facie* evidence of all facts purporting to be therein stated.

Books of Company *prima facie* evidence.

Lien on shares, etc.

20. The Company shall, unless otherwise provided by by-law, have a first and paramount lien on all shares, debentures and debenture stock registered in the name of any holder, either alone or jointly with others, for his debts, liabilities and engagements solely or jointly with others to or with the Company, whether the period for the payment, fulfilment or discharge thereof shall have actually arrived or not, and such lien shall etxend to all dividends and interest from time to time payable in respect thereof, The directors may forfeit any shares, debentures or debenture stock on which the Company has a lien and sell and transfer or reissue the same if the holder makes default in payment of any amount actually due and payable to the Company in respect of which the lien subsists, after giving such notices and generally in such manner and subject to such provisions as may be prescribed by the by-laws of the Company.

Contracts by agents and officers.

21. Every contract, agreement, engagement or bargin 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, 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.

22. 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 in the United Kingdom or in Canada, with any adult person in charge thereof, or elsewhere with the president or secretary of the Company. Service of process on Company.

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

3. Such publication shall be deemed to be due service upon the Company.

23. Every letter or notice relating to any matter concerning the Company sent to a shareholder by post from any office of the Company, whether in Great Britain or Canada, and addressed to such shareholder at the place of his residence as standing in the register book of shareholders, shall be sufficient notice to such shareholder and all persons claiming under him, and shall bind him and all persons claiming under him and shall be deemed to be duly served on being placed in the post office. Notices by the Company.

24. The following sections of *The Companies Act*, chapter 79 of the Revised Statutes of Canada, 1906, shall apply to the Company, that is to say:— R.S., c. 79.

Sections 232 to 240 both inclusive, and 250 to 254, both inclusive,—As to amalgamation with or purchase of business of other companies of the like class.

Sections 246 to 248, both inclusive.—Procedure in Canada to settle disputed or doubtful claims to ownership of shares, debentures, etc.

25. The Acts mentioned in the Schedule to this Act are repealed. Repeal.

2. Such repeal shall not affect the incorporation of the Company or affect or revoke any act, deed or other instrument executed or anything done or suffered or any right, privilege, obligation or liability acquired, accrued or incurred under or in pursuance of any statute or instrument so repealed, or under or in pursuance of any powers or authorities thereby given whilst in force. Effects of repeal.

26. This Act shall come into force by proclamation of the Governor in Council. Commencement of Act.

SCHEDULE.

Year and Chapter.	Legislature.	Title.
1843 [7 Vict., c. 63]....	The Legislative Council and the Legislative Assembly of the late Province of Canada.	An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company.
1845 [8 Vict., c. 96]....	The same.....	An Act to amend and extend certain provisions of an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company.
1850 [13 & 14 Vict., c. 138].....	The same.....	An Act to alter and amend two several Acts passed respectively in the seventh year and in the eighth year of Her present Majesty's Reign, relating to the Trust and Loan Company of Upper Canada.
1858 [22 Vict., c. 132].	The same.....	An Act to amend and extend three several Acts, passed respectively in the seventh, ninth [eighth] and fourteenth years of Her present Majesty's Reign, relating to "The Trust and Loan Company of Upper Canada."
1862 [25 Vict., c. 72]...	The same.....	An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of Lands in the Province of Canada, by and through their Commissioners or Attorneys.
1882 [45 Vict., c. 111].	The Parliament of Canada...	An Act for amending the Acts relating to "The Trust and Loan Company of Canada" and for enlarging the powers of the said Company.

98.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 98.

An Act respecting the Trust and L
Company of Canada.

First reading, January 14, 1910.

(PRIVATE BILL.)

Mr. DOHERT

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 98.

An Act respecting the Trust and Loan Company of Canada.

(Reprinted as amended by the Banking Committee.)

Preamble.

WHEREAS the Trust and Loan Company of Canada has represented that it was incorporated by chapter 63 of the statutes of 1843 of the late province of Canada under the name of "The Trust and Loan Company of Upper Canada"; and whereas the Acts mentioned in the schedule hereto have been passed in amendment of the said chapter 63; and in pursuance of the said chapter 63 a deed of settlement was executed bearing date the first day of June, one thousand eight hundred and forty-four, and certain Royal Charters of Her late Majesty Queen Victoria were granted under the Great Seal of the United Kingdom in the ninth and thirty-fifth years of Her Reign bearing date the thirteenth day of November, one thousand eight hundred and forty-five and the twentieth day of February, one thousand eight hundred and seventy-two whereby, among other provisions, the name of the company was changed to "The Trust and Loan Company of Canada"; and whereas the authorized share capital of the Company is £3,000,000 sterling of which £2,200,000 in 110,000 shares of £20 each have been issued and there has been called up and paid:—

On 60,000	shares Nos. 1 to 50,000 and 100,001 to 110,000 £5 per share.	£300,000
On 25,000	shares Nos. 50,001 to 75,000 £3 per share.....	75,000
On 25,000	shares Nos. 75,001 to 100,000 £1 per share.....	25,000
110,000		£400,000

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

Short title.

1. This Act may be cited as *The Trust and Loan Company of Canada Act, 1910.*

Definitions.

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

(*a*) "the Company" means the Trust and Loan Company of Canada;

(*b*) "the undertaking" means the whole property and rights of the Company and the business of every kind which the Company is authorized to carry on;

(*c*) "land" includes messuages, lands, tenements and hereditaments of any tenure and any interest therein, and all immoveable property of any kind;

(*d*) "shareholder" means every holder of shares in the Company, and includes the personal representatives of the shareholder.

Present incorporation preserved.

3. The Company shall remain and be continued incorporated under the name of "The Trust and Loan Company of Canada," with all the property rights and liabilities which it now has, and nothing in this Act shall in any way affect the rights of third parties against the Company existing at the date of the commencement of this Act.

Powers.

Loans.

4. The objects and powers of the Company are:—

(*a*) To lend advance and invest the moneys and funds of the Company in any manner on any terms and on any securities and investments, real or personal or both, as may be determined but not including bills of exchange or promissory notes: provided that loans by the Company on its own shares shall not exceed in the aggregate ten per cent of the paid-up share capital of the Company, and no individual loan shall exceed eighty per cent of the then current market selling price of the shares on which it is made.

Mortgages.

(*b*) To purchase or invest the moneys of the Company in mortgages or hypothecs of land, or in or on mortgage or pledge of bonds, debentures, debenture stocks or fully paid-up stocks or other securities of any government, municipal or school corporation or other public board or authority or of any corporation, body or company if incorporated by Canada or any province of Canada, or any province now forming part of Canada or the United Kingdom, but not including bills of exchange or promissory notes.

Acquisition of lands.

(*c*) To acquire by purchase, mortgage or otherwise and to hold, sell, mortgage, lease or otherwise dispose of or deal with any lands as may be deemed expedient. But no land in Canada or interest therein at any time acquired by the Company not required for its actual use and occupation in whole or in part or held by way of security shall be held by the Company, or by any trustee on its behalf, for a longer period than ten years after the acquisition thereof but shall be absolutely sold and disposed of, so that the Company shall no longer retain any interest therein except by way of security. Any such land not within the aforesaid exceptions held by or on behalf of the Company for a longer period than ten years without being disposed of shall be forfeited to His Majesty for the use of Canada, but the Governor in Council may extend the said period from time to time, 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 any such forfeiture. And it shall be the duty of the Company to give to the Minister of Finance when required a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company and subject to these provisions.

Borrowing.

(*d*) To borrow money on any terms as to repayment or otherwise and secure the same by and create and issue bonds, debentures, debenture stock, perpetual or otherwise, or other instruments, and to mortgage or charge all or any of the property and called or called and unpaid capital, or the undertaking of the Company, or any part thereof, and to pledge, redeem, purchase or pay off any securities created, and to issue or redeem any such securities at par or at a premium or discount and for any purpose as the Company may think fit: Provided that prior to any conversion of the present partly paid-up shares of the Company into fully paid-up shares the total amount outstanding and unpaid and secured at any one time on bonds, debentures, debenture stock or similar sucurity, including that so secured outstanding and unpaid by any company assumed by the Company, shall not exceed the nominal amount of the subscribed share capital for the time being, and that from and after such conversion the total so outstanding and unpaid and secured at any one time shall not exceed four times the paid-up share capital for the time being. Money of which the repayment of principal or payment of interest is guaranteed by the Company shall for this purpose be treated as though a debt outstanding and unpaid and secured by bonds ,debentures or debenture stock. All loans or advances by the Company to its shareholders upon the security of their stock shall be deducted in ascertaining the amount of paid up capital to the extent of which the Company is authorized to borrow.

Agents.

(*e*) To act as agents for the loan, payment, transmission, investment and collection of money.

Guarantees.

(*f*) To guarantee the repayment of the principal of or of interest on any moneys entrusted to the Company for investment.

Liquidation of other companies.

(*g*) To liquidate and act as liquidators of or as agents for the liquidators of and carry on for the purposes of such liquidation the business of any other company carrying on any business which the Company is authorized to carry on, and on any terms.

Business.

5. The Company may carry on its business and operations or any part thereof and exercise its objects and powers in Canada, in the United Kingdom and elsewhere as may be deemed expedient.

Head office.

2. The head office of the Company shall be in the city of London, in the United Kingdom, unless and until otherwise prescribed by the by-laws of the Company, but branch offices and agencies may be established at such other places as the directors determine.

Number of directors.

6. The affairs of the Company shall be managed by a board consisting of such a number of directors as may from time to time be prescribed by the by-laws of the Company.

Present directors continued.

7. The present directors of the Company shall remain in office until replaced by directors duly elected in their stead pursuant to the by-laws of the Company.

Failure to elect directors.

8. 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 dissolved but such election may take place at any general meeting of the Company duly called for that purpose. Retiring directors shall continue in office until their successors are elected.

General powers of directors.

9. The directors may in all things administer the affairs of the Company and make or cause to be made for the Company any description of contract which the Company may by law enter into, and may generally exercise all the powers of the Company in their discretion, subject only to any limitations or restrictions imposed by this Act or by the by-laws of the Company.

By-laws.

10. The directors may make, repeal, amend and re-enact by-laws not contrary to law or to this Act for the purposes specified in this section, but no such by-law, repeal, amendment or re-enactment shall have any force or effect unless and until it has been sanctioned by the shareholders by a vote of not less than two-thirds in value of the shares of capital stock represented at a general meeting of the Company called for the purpose, that is to say, by-laws for,—

As to capital, shares, etc.

(*a*) regulating the issue and allotment of shares in the Company, calls thereon, the issue of certificates, forfeiture of shares for non-payment of calls or of any money secured by lien thereon, disposal of forfeited shares and the proceeds thereof, the transfer of shares and restrictions thereon, and proof required of rights to shares on transmission of the interests or rights therein, and the like with regard to debenture stock and registered debentures of the Company;

Decrease of capital.

(*b*) decreasing the share capital, or changing the denomination of the shares from £20 to £1.

Preference capital.

(*c*) creating and issuing any part of the share capital as preference shares and giving the same such preference and priority as regards dividends and in any other respect over the ordinary shares, including right to select a proportion of the directors or other control over the affairs of the Company, as may be considered expedient. Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act: Provided, however, that in respect of dividends or otherwise they shall as against the ordinary shareholders be entitled to the preference and rights given by such by-law;

Conversion of partly paid into fully paid up shares.

(*d*) providing, on such terms as may be thought best, for the conversion into fully paid-up shares of shares in the capital stock which have been only partly paid up;

Directors.

(*e*) determining the number of directors, their qualifications, election, retirement by rotation or otherwise, disqualification, vacation of office, removal and remuneration, and their powers

in the conduct and management of the Company's business and in the exercise of the Company's powers;

(*f*) appointing one or more commissioner or commissioners for the carrying on of the business of the Company in Canada and delegating to him or them such powers of the Company as may be determined; Commissioners.

(*g*) regulating the appointment of auditors and their qualification (if any), remuneration and vacation of office; Auditors.

(*h*) declaring and paying dividends: provided that all dividends shall be calculated and paid rateably on the amount of capital for the time being paid up on the shares respectively; Dividends.

(*i*) changing the locality of the head office of the Company; Changing head office.

(*j*) regulating the time and place for holding the annual and other general meetings of the Company and of the board of directors; and notices thereof, the quorum at such meetings respectively and proceeding in default of quorum, the method of voting and representation at meetings and number of votes of each shareholder at general meetings, the requirements as to proxies and restrictions on voting, and generally the procedure in all things at such meetings respectively; Meetings.

(*k*) regulating and dealing with any reserve fund or funds and their investment and employment, subject to the provisions of this Act with regard to the statutory reserve fund; Reserve fund

(*l*) the use and custody of the corporate seal of the Company; Seal.

(*m*) generally regulating the conduct in all other particulars of the affairs of the Company. General.

2. No by-law for the purposes referred to in paragraphs (*b*) or (*d*) of subsection 1 of this section shall have any force or effect unless and until it has been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board. Confirmation of by-law.

3. No such by-law, repeal, amendment or re-enactment and nothing done under or in pursuance of any such by-law shall affect or impair the rights of creditors of the Company. No by-law to prejudice creditors.

4. Unless and until, and except in so far as the same respectively shall be repealed or amended by by-law, the regulations of the Company (with regard to the matters on which power is hereby conferred to make by-laws) existing at the time of the passing of this Act shall be the by-laws of the Company, and shall continue in force and have operation and effect accordingly. Temporary by-laws.

5. A copy of any by-law of the Company under its seal, and purporting to be signed by an officer of the Company, shall be received in all the courts as *prima facie* evidence of such by-law. Evidence of by-law.

11. Subject to the provisions of this Act and of any by-law for the time being in force with reference thereto, debentures or debenture stock of the Company may be issued in sterling or currency, and on such terms, with such security and bearing such rate of interest as may be from time to time determined. Debenture stock shall be treated and considered as part of the debenture debt of the Company, and such debenture stock shall rank equally with the ordinary debenture debt of the Company, and no special rights, privileges or security shall be conferred upon holders of debenture stock in respect thereof to the pre- Issue of debentures and debenture stock.

judice or postponement of rights held or enjoyed by holders of ordinary debentures of the Company issued prior to and outstanding at the date of the creation and issue of such debenture stock.

Exchange of debentures.

2. Holders of debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock of the Company.

Cancellation and re-issue.

3. The directors may at any time buy up and cancel debentures or debenture stock or any part thereof, and may subsequently re-issue the same for the purposes of the Company.

Statutory reserve fund.

12. The directors shall, whenever the net profits of the Company in any year (after discharging any balance of loss carried forward from any previous year) exceed six per cent on the paid-up share capital for the time being, set apart one-half of such excess to a fund to be called "The Statutory Reserve Fund," until such fund equals the paid-up share capital for the time being, when it shall not be obligatory to set apart further sums to that fund unless by withdrawals therefrom or otherwise it is reduced below that amount.

Reserve fund account.

2. The sum which, at the commencement of this Act, stands to the credit of the "Reserve Fund Account" of the Company shall be transferred to and form part of the statutory reserve fund.

Investment of statutory reserve fund.

3. The statutory reserve fund, up to a sum equal to one-half of the paid-up share capital for the time being, shall be invested (and the investments may from time to time be varied) in the discretion of the directors in such securities or investments as are for the time being authorized for the investment of trust funds by law either of the United Kingdom or of Canada or any part thereof, respectively, but not on mortgage of real estate unless specially authorized by by-law of the Company. The remainder of the statutory reserve fund may be employed in the Company's business or invested in any manner in which the Company is for the time being authorized to invest any of its funds. The dividends and income derived from the statutory reserve fund, or the investment or employment thereof, shall form part of the income and profits of the Company.

Employment of statutory reserve fund.

4. The statutory reserve fund shall be available and may from time to time be applied or pledged or mortgaged by the directors to meet any extraordinary demand on the Company, or any loss which may be sustained and for building on and enlarging, improving and rendering marketable any property of the Company, and for promoting the objects and purposes of the Company generally as the directors may, in their discretion from time to time, determine, but if and so long as the Company is a going concern shall not (except as regards any excess beyond the amount of the paid-up share capital) be distributed by way of dividend on the shares.

Capital.

13. The capital of the Company as authorized prior to the commencement of this Act is £3,000,000 sterling and is divided into 150,000 shares of £20 each of which 110,000 shares are issued and paid up to the extent following, that is to say, shares numbers 1 to 50,000 and 100,001 to 110,000, £5 per share paid

Shares already issued.

up; shares numbers 50,001 to 75,000, £3 per share paid up; and shares numbers 75,001 to 100,000, £1 per share paid up.

Liability of shareholders to creditors.

14. Every shareholder shall, until the whole amount of his shares 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. The amount due on such execution not exceeding the amount unpaid by the shareholder on his shares shall be the amount recoverable with costs from such shareholder. The amount so recoverable, if paid by the shareholder, shall be considered as paid on his shares.

Limit of liability.

2. 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 unpaid upon their respective shares in the capital stock thereof.

Trustees not personally liable.

15. No person holding shares 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 shares in his own name, would be liable.

Pledger only liable.

2. No person holding shares in the Company as collateral security shall be personally subject to liability as a shareholder, but the person pledging such shares shall be considered as holding the same and shall be liable as a shareholder accordingly.

Shares and debentures to be personal estate.

16. Shares, debentures and debenture 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 the by-laws of the Company.

Share and debenture stock registers.

17. 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 recorded,—

Share register.

(*a*) the names alphabetically arranged of all persons who are or have been shareholders;

(*b*) the address and calling of every such person while such shareholder;

(*c*) the number of shares held by each shareholder;

(*d*) the amounts paid in and remaining unpaid respectively on the shares of each shareholder;

(*e*) all transfers of shares 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,

(*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.

Transfer valid only after entry.

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

Debenture stock register.

3. Similar books shall be kept and the like provisions shall apply *mutatis mutandis* with regard to debenture stock and registered debentures of the Company.

Books to be open for inspection.

4. Such books shall, during reasonable business hours of every day except Sundays and holidays, be kept open for the inspection of holders of shares, debentures or debenture stock and creditors of the Company and their personal representatives at the head office or chief place of business of the Company, and any shareholder, debenture stock holder, debenture holder or creditor or personal representative of such may take extracts therefrom.

Trusts, Company not liable for.

18. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or debenture or debenture stock of the Company or moneys payable by the Company may be subject.

Signature of parties a discharge.

2. The receipt of the party or parties in whose name such share, debenture, debenture stock or moneys stand in the books of the Company shall be a valid and binding discharge to the Company notwithstanding any such trust, 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.

Enforcement of payment of calls on shares, etc.

19. The Company may enforce payment of all calls and instalments of capital payable on shares, debentures or debenture stock and interest thereon by action in any court of competent jurisdiction.

Form of action.

2. 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 or has subscribed but has not fully paid for debentures or debenture stock, stating the number or amount, and is indebted to the Company in the sum of money to which the calls or instalment in arrear amount in respect of one call or more, stating the number of calls and the amount of each call whereby an action has accrued to the Company.

Proof.

3. In such action 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 or subscriber as aforesaid, that the call or calls have been made or the instalment undertaken to be paid has fallen due 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, and also alternatively the production of the share or debenture stock register of the Company shall be *prima facie* evidence of all facts purporting to be therein stated.

Books of Company *prima facie* evidence.

Lien on shares, etc.

20. The Company shall, unless otherwise provided by by-law, have a first and paramount lien on all shares, debentures and debenture stock registered in the name of any holder, either alone or jointly with others, for his debts, liabilities and engagements solely or jointly with others to or with the Company, whether the period for the payment, fulfilment or discharge thereof shall have actually arrived or not, and such lien shall extend to all dividends and interest from time to time payable in respect thereof. The directors may forfeit any shares, debentures or debenture stock on which the Company has a lien and sell and transfer or reissue the same if the holder makes default in payment of any amount actually due and payable to the Company in respect of which the lien subsists, after giving such notices and generally in such manner and subject to such provisions as may be prescribed by the by-laws of the Company.

Contracts by agents and officers.

21. 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, 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.

Service of process on Company.

22. 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 in the United Kingdom or in Canada, with any adult person in charge thereof, or elsewhere with the president or secretary of the Company.

Constructive service.

2. If the Company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises for at least one month in at least one newspaper.

3. Such publication shall be deemed to be due service upon the Company.

Notices by the Company.

23. Every letter or notice relating to any matter concerning the Company sent to a shareholder by post and registered from any office of the Company, whether in Great Britain or Canada, and addressed to such shareholder at the place of his residence as standing in the register book of shareholders, shall be sufficient notice to such shareholder and all persons claiming under him, and shall bind him and all persons claiming under him and shall be deemed to be duly served on being placed in the post office.

R.S., c. 79.

24. The following sections of *The Companies Act*, chapter 79 of the Revised Statutes of Canada, 1906, shall apply to the Company, that is to say:—

Sections 232 to 240 both inclusive, and 250 to 254, both inclusive,—As to amalgamation with or purchase of business of other companies of the like class.

Sections 246 to 248, both inclusive.—Procedure in Canada to settle disputed or doubtful claims to ownership of shares, debentures, etc.

Repeal.

25. The Acts mentioned in the Schedule to this Act are repealed.

Effects of repeal.

2. Such repeal shall not affect the incorporation of the Company or affect or revoke any act, deed or other instrument executed or anything done or suffered or any right, privilege, obligation or liability acquired, accrued or incurred under or in pursuance of any statute or instrument so repealed, or under or in pursuance of any powers or authorities thereby given whilst in force.

Commencement of Act.

26. This Act shall come into force by proclamation of the Governor in Council.

SCHEDULE.

Year and Chapter.	Legislature.	Title.
1843 [7 Vict., c. 63]....	The Legislative Council and the Legislative Assembly of the late Province of Canada.	An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company.
1845 [8 Vict., c. 96]....	The same.....	An Act to amend and extend certain provisions of an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company.
1850 [13 & 14 Vict., c. 138]....	The same.....	An Act to alter and amend two several Acts passed respectively in the seventh year and in the eighth year of Her present Majesty's Reign, relating to the Trust and Loan Company of Upper Canada.
1858 [22 Vict., c. 132]..	The same.....	An Act to amend and extend three several Acts, passed respectively in the seventh, ninth [eighth] and fourteenth years of Her present Majesty's Reign, relating to "The Trust and Loan Company of Upper Canada."
1862 [25 Vict., c. 72]....	The same.....	An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of Lands in the Province of Canada, by and through their Commissioners or Attorneys.
1882 [45 Vict., c. 111]..	The Parliament of Canada...	An Act for amending the Acts relating to "The Trust and Loan Company of Canada" and for enlarging the powers of the said Company.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 98.

An Act respecting the Trust and
Company of Canada.

(*Reprinted as amended by the B*
Committee.)

(PRIVATE BILL.)

MR. DOHE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 99.

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

Preamble. B.C., 1897, c. 75. Can., 1898, c. 89; 1905, c. 172.

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

Time for construction of railway extended.

1. The Vancouver, Victoria and Eastern Railway and Navigation Company may commence the construction of its railway, or any extensions thereof heretofore authorized, and expend fifteen per cent on the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway or extensions, and put them in operation, within five years after the passing of this Act; and if the said railway and extensions are not so commenced and such expenditure is not so made, or if the said railway and extensions are not completed and put in operation, within the said periods, respectively, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said railway and extensions as then remains uncompleted.

1905, c. 172, s. 5 repealed.

2. Section 5 of chapter 172 of the statutes of 1905 is repealed.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 99.

An Act respecting the Vancouver, V
and Eastern Railway and Nav
Company.

First reading, January 12, 1910

(PRIVATE BILL.)

MR. BURR

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 100.

An Act respecting Oaths.

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 Oaths Act.*

Administration of oath.

2. Any oath may be administered and taken in the form and manner following: The person taking the oath shall hold the New Testament (*or, in the case of a Jew,* the Old Testament), in his uplifted hand, and shall say, or repeat after the officer administering the oath, the words, "I swear by Almighty God that (*here follow the words of the oath prescribed by law*)."

Oath administered without question.

2. The officer shall (unless the person about to take the oath voluntarily objects thereto, or is physically incapable of so taking the oath) administer the oath in the form and manner aforesaid without question: Provided that in the case of a person who is not a Christian the oath shall be administered in any manner which is now lawful.

Proviso: Non-Christian.

Definition. "Officer."

3. In this Act the word "officer" shall mean and include any person duly authorized to administer oaths.

Commencement of Act.

4. This Act shall come into force one year after the passing thereof: Provided, however, that after the last mentioned date the fact that the deponent kissed the Testament and took the oath as it is now administered will still render the person so taking the oath liable for perjury if such person swears falsely and wilfully.

Proviso as to perjury.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 100.

An Act respecting Oaths.

First reading, January 14, 19

MR. L

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 101.

An Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers which may enhance prices or restrict competition to the detriment of consumers.

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 Combines Investigation Act*.

INTERPRETATION.

Definitions.

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

"Application."

(*a*) "application" means an application to a judge for an order directing an investigation under the provisions of this Act;

"Board."

(*b*) "Board" means a Board of Investigation established under the provisions of this Act;

"Combine."

(*c*) "combine" means any contract, agreement, arrangement or combination which has, or is designed to have, the effect of increasing or fixing the price or rental of any article of trade or commerce or the cost of the storage or transportation thereof, or of the restricting competition in or of controlling the production, manufacture, transportation, storage, sale or supply thereof, and includes the acquisition, leasing or otherwise taking over, or obtaining by any person to the end aforesaid, of any control over or interest in the business, or any portion of the business, of any other person, and also includes what is known as a trust, monopoly or merger;

"Department."

(*d*) "Department" means the Department of Labour;

"Judge."

(*e*) "judge" means, in the province of Ontario, any judge of the High Court of Justice; in the province of Quebec, any judge of the Superior Court; in the provinces of Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Saskatchewan and Alberta, any judge of the Supreme Court; in the province of Manitoba, any judge of the Court of King's Bench, and in the Yukon territory, any judge of the Territorial Court;

"Minister."

(*f*) "Minister" means the Minister of Labour;

"Order."

(*g*) "order" means an order of a judge under the provisions of this Act;

"Prescribed." (*h*) "prescribed" means prescribed by this Act, or by any rule or regulation made thereunder;

"Registrar." (*i*) "Registrar" means the Registrar of Boards of Investigation appointed under this Act.

ADMINISTRATION.

Administration. **3.** The Minister shall have the general administration of this Act.

Registrar of Boards. **4.** The Governor in Council shall appoint a Registrar of Boards of Investigation, who shall have the powers and perform the duties prescribed.

Appointment and tenure of office. 2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed by reference to such other office, whereupon the person who for the time being holds such office or performs its duties shall, by virtue thereof and without thereby being entitled to any additional remuneration, be the Registrar.

ORDER FOR INVESTIGATION.

Order for investigation. **5.** Where six or more persons are of opinion that a combine exists, and that prices have been enhanced or competition restricted by reason of such combine, to the detriment of consumers, such persons may make an application to a judge for an order directing an investigation into such alleged combine.

Application for order. 2. Such application shall be in writing addressed to the judge, and shall ask for an order directing an investigation into the alleged combine, and shall also ask the judge to fix a time and place for the hearing of the applicants or their representative.

Form of application. 3. The application shall be accompanied by a statement setting forth,—

(*a*) the nature of the alleged combine and the persons believed to be concerned therein;

(*b*) the manner in which the alleged combine affects prices or restricts competition, and the extent to which the alleged combine is believed to operate to the detriment of consumers;

(*c*) the names and addresses of the parties making the application and the name and address of one of their number or of some other person whom they authorize to act as their representative for the purposes of this Act and to receive communications and conduct negotiations on their behalf.

Declaration of applicants. 4. The application shall also be accompanied by a statutory declaration from each applicant declaring that to the best of his knowledge and belief the combine alleged in the statement exists and that such combine is injurious to trade or has operated to the detriment of consumers in the manner and to the extent described, and that it is in the public interest that an investigation should be had into such combine.

Hearing of application. **6.** Within thirty days after the judge receives the application he shall fix a time and place for hearing the applicants and

shall send due notice, by registered letter, to the representative authorized by the statement to receive communications on behalf of the applicants. At such hearing the applicants may appear in person or by their representative or by counsel.

Order for investigation by judge.

7. If upon such hearing the judge is satisfied that there is reasonable ground for believing that a combine exists which is injurious to trade or which has operated to the detriment of consumers, and that it is in the public interest that an investigation should be held, the judge shall direct an investigation under the provisions of this Act; or if not so satisfied, and the judge is of opinion that in the circumstances an adjournment should be ordered, the judge may adjourn such hearing until further evidence in support of the application is given, or he may refuse to make an order for an investigation.

Adjournment for further evidence.

Powers of judge.

2. The judge shall have all the powers vested in the court of which he is a judge to summon before him and enforce the attendance of witnesses, to administer oaths, and to require witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters), and to produce such books, papers or other documents or things as the judge deems requisite.

Transmission of order and evidence to Registrar.

8. The order of the judge directing an investigation shall be transmitted by him to the Registrar by registered letter, and shall be accompanied by the application, the statement, a certified copy of any evidence taken before the judge, and the statutory declarations. The order shall state the matters to be investigated, the names of the persons alleged to be concerned in the combine, and the names and addresses of one or more of their number with whom, in the opinion of the judge, the Minister should communicate in order to obtain the recommendation for the appointment of a person as a member of the Board as hereinafter provided.

APPOINTMENT OF BOARDS.

Appointment of Board.

9. Upon receipt by the Registrar of the order directing an investigation the Minister shall forthwith proceed to appoint a Board.

Constitution of Board.

10. Every Board shall consist of three members, who shall be appointed by the Minister under his hand and seal of office.

Members of Board.

11. Of the three members of the Board one shall be appointed on the recommendation of the persons upon whose application the order has been granted (being one of the parties to the investigation), one on the recommendation of the persons named in the order as being concerned in the alleged combine (being the other party to the investigation), and the third on the recommendation of the two members so chosen.

Recommendation of third member.

12. The persons upon whose application the order has been granted and the persons named in the order as being concerned in the alleged combine, within seven days after being requested so to do by the Registrar, may each respectively recommend the

name of a person who is willing and ready to act as a member of the Board, and the Minister shall appoint such persons members of the Board.

Communications with representatives of parties.

2. For the purpose of obtaining the recommendations referred to in subsection 1 of this section it shall be sufficient, as respects the applicants, for the Registrar to communicate with the representative mentioned in the statement as authorized to receive communications on their behalf, and as respects the persons concerned in the alleged combine it shall be sufficient for the Registrar to communicate with the persons named in the order, as the persons with whom the Minister should communicate for this purpose.

When Minister may select members.

3. If the parties, or either of them, fail or neglect to make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, select and appoint a fit person or persons to be a member or members of the Board.

Recommendation and appointment of a judge as third member.

4. The two members so appointed may, within seven days after their appointment, recommend the name of a judge of any court of record in Canada who is willing and ready to act as a third member of the Board, and the Minister shall appoint such judge as a member of the Board, and if they fail or neglect to make a recommendation within the said period, or such extension thereof as the Minister on cause shown grants, the Minister shall, as soon thereafter as possible, select and appoint a judge of any court of record in Canada to be the third member of the Board.

Chairman.

5. The third member of the Board shall be its chairman.

Vacancies.

6. A vacancy in the membership of a Board shall be filled in the same manner as an original appointment is made.

Persons disqualified as members.

13. No person shall act as a member of the Board who has any direct pecuniary interest in the alleged combine that is the subject of investigation by such Board, or who is not a British subject.

Notice of personnel of Board.

14. As soon as possible after all the members of the Board have been appointed by the Minister, the Registrar shall notify the parties of the names of the chairman and other members of the Board.

Oath of office.

15. Before entering upon the exercise of the functions of their office the members of the Board shall take the following oath:—

I,....., do solemnly swear that I will truly, faithfully and impartially perform my duties as a member of the Board appointed to investigate.....

That I am a British subject.

That I have no direct pecuniary interest in the alleged combine that is to be the subject of investigation.

That I have not received nor will I accept either directly or indirectly any perquisite, gift, fee or gratuity from any person in any way interested in any matter or thing to be investigated by the Board.

Clerical assistance to Board.

16. The Department may provide the Board with a stenographer and such clerical and other assistance as to the Minister

appears necessary for the efficient carrying out of the provisions of this Act. The Department shall also repay any reasonable and proper disbursements made or authorized and certified by the judge who grants the order directing the investigation. Disbursements.

17. Upon the appointment of the Board the Registrar shall forward to the chairman copies of the application, statement, evidence, if any, taken before the judge, and order for investigation, and the Board shall forthwith proceed to deal with the the matters referred to therein. Commencement of investigation.

INQUIRY AND REPORT.

18. The Board shall expeditiously, fully and carefully enquire into the matters referred to it and all matters affecting the merits thereof, including the question of whether or not the price or rental of any article concerned has been unreasonably enhanced, or competition in the supply thereof unduly restricted, in consequence of a combine, and shall make a full and detailed report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances connected with the alleged combine, including such findings and recommendations as, in the opinion of the Board, are in accordance with the merits and requirements of the case. Inquiry and report to Minister.

2. In deciding any question that may affect the scope or extent of the investigation, the Board shall consider what is required to make the investigation as thorough and complete as the public interest demands. Scope of investigation.

19. The Board's report shall be in writing, and shall be signed by at least two of the members of the Board. The report shall be transmitted by the chairman to the Registrar, together with the evidence taken at such investigation certified by the chairman, and any documents and papers remaining in the custody of the Board. A minority report may be made and transmitted to the Registrar by any dissenting member of the Board. Report of Board. Minority report.

20. Upon receipt of the Board's report and of the minority report, if any, a copy thereof shall be sent free of charge to the parties and to the representative of any newspaper in Canada who applies therefor, and the report and minority report, if any, shall also be published without delay in *The Canada Gazette*. The Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable, as a means of securing a compliance with the Board's recommendations. The Registrar shall, upon payment of such fees as may be prescribed, supply a certified copy of any report or minority report to any person applying for it. Publication of reports. Distribution of copies. Fee for certified copies.

21. Whenever, from or as a result of an investigation under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court, or circuit, district or county court in Canada, Reduction of Customs duties to secure reasonable competition.

it appears to the satisfaction of the Governor in Council that with regard to any article there exists any combine to promote unduly the advantage of the manufacturers or dealers at the expense of the consumers, and if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.

Revocation of patent in certain cases.

22. In case the owner or holder of any patent issued under *The Patent Act* has made use of the exclusive rights and privileges which, as such owner or holder he controls, so as unduly to limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of trade or commerce, or so as unduly to restrain or injure trade or commerce in relation to any such article, or unduly to prevent, limit or lessen the manufacture or production of any article or unreasonably to enhance the price thereof, or unduly to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any article, such patent shall be liable to be revoked. And, if a Board reports that a patent has been so made use of, the Minister of Justice may exhibit an information in the Exchequer Court of Canada praying for a judgment revoking such patent, and the court shall thereupon have jurisdiction to hear and decide the matter and to give judgment revoking the patent or otherwise as the evidence before the court may require.

Jurisdiction of Exchequer Court.

Combines restricting manufacture, trade or competition.

23. Any person reported by a Board to have been guilty of unduly limiting the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of trade or commerce; or of unduly restraining or injuring trade or commerce in relation to any such article; or of unduly preventing, limiting or lessening the manufacture or production of any such article; or of unreasonably enhancing the price thereof; or of unduly preventing or lessening competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any such article, and who thereafter continues so to offend, is guilty of an indictable offence and shall be liable to a penalty not exceeding one thousand dollars and costs for each day after the expiration of ten days from the date of the publication of the report of the Board in *The Canada Gazette* during which such person so continues to offend.

Penalty.

SITTINGS OF BOARD.

Sittings of Board.

24. The sittings of the Board shall be held at such times and places as are fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the times and places at which sittings are to be held: Provided that, so far as practicable, the Board

shall sit in the locality within which the subject-matter of the proceedings before it arose.

Proceedings.

25. The proceedings of the Board shall be conducted in public, but the Board may order that any portion of the proceedings shall be conducted in private.

Decisions.

26. The decision of any two of the members present at a sitting of the Board shall be the decision of the Board.

Quorum.

27. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

Absence of member.

28. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the absent member has been notified of the meeting in ample time to admit of his attendance.

Appearance of parties.

29. Any party to an investigation may appear before the Board in person or may be represented by any other person or persons, or, with the consent of the Board, may be represented by counsel.

When counse appointed by Minister.

30. Whenever in the opinion of the Minister the public interest so requires, the Minister may apply to the Minister of Justice to instruct counsel to conduct the investigation before a Board, and upon such application the Minister of Justice may instruct counsel accordingly. The fees and expenses allowed to such counsel by the Minister of Justice shall be paid out of such appropriations as are made by Parliament to provide for the cost of administering this Act.

Fees.

Contempt of Board.

31. If, in any proceedings before the Board, any person wilfully insults any member of the Board, or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the conclusion of that day's sitting of the Board, and the person so offending shall be liable, upon summary conviction, to a penalty not exceeding one hundred dollars.

Penalty.

WITNESSES AND EVIDENCE.

Witnesses and evidence.

32. For the purposes of an investigation the Board shall have all powers which are vested in any court of record in civil cases for the following pusposes, namely: the summoning of witnesses before it, and enforcing their attendance, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring.

Oath.

2. Any member of the Board may administer an oath.

Signature of chairman.

3. Summonses to witnesses and all other orders, process and proceedings shall be signed by the chairman.

Inspection of documents.

33. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance of summons, may be inspected by the Board, and also by such parties as the Board allows.

Parties as witnesses.

34. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Expenses of witnesses.

35. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for attendance and travelling expenses according to the scale in force with respect to witnesses in civil suits in the superior courts of the province in which the inquiry is being conducted.

Failure of witness to attend or to produce documents.

36. If any person who has been duly served with a summons and to whom at the time of service payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to attend or to produce any book, paper or other document or thing as required by his summons, he shall, unless he shows that there was good and sufficient cause for such failure, be guilty of an offence and liable upon

Penalty.

summary conviction to a penalty not exceeding one hundred dollars.

Experts.

37. The Board may, with the consent of he Minister, employ competent experts to examine books or official reports, and to advise it upon any technical or other matter material to the investigation, but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board are not material to the investigation may be sealed up.

REMUNERATION AND EXPENSES OF BOARD.

Remuneration of Board.

38. The members of a Board shall be remunerated for their services as follows:—

(*a*) To the two members first appointed an allowance of five dollars each per day for a time not exceeding three days during which they may be actually engaged in selecting the third member of the Board.

(*b*) To each member an allowance at the rate of twenty dollars for each day's sitting of the Board.

Travelling expenses.

39. Each member of the Board shall be entitled to his actual and necessary travelling expenses and an allowance of ten dollars per day for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

Acceptance of gratuity prohibited.

40. No member of the Board shall accept in addition to his travelling expenses and allowances as a member of the Board any perquisite, gift, fee or gratuity of any kind from any person in any way interested in any matter or thing that is being inves-

tigated by the Board. The acceptance of any such perquisite, gift, fee or gratuity by any member of the Board shall be an offence, and shall render such member liable upon summary conviction to a fine not exceeding one thousand dollars, and he shall thereafter be disqualified to act as a member of any Board. Penalty.

41. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and travelling expenses of witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved and certified by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Registrar. The chairman shall also forward to the Registrar a certified and detailed statement of the sittings of the Board, and of the members present at each of such sittings. Vouchers for expenses. Detailed statement of sittings.

MISCELLANEOUS.

42. No proceedings under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity. Technical irregularities.

43. Evidence of a report of a Board may be given in any court by the production of a copy of *The Canada Gazette* purporting to contain a copy of such report, or by the production of a copy of the report purporting to be certified by the Registrar to be a true copy. Evidence of report.

44. The Minister shall determine the allowance or amounts to be paid to all persons, other than the members of a Board, employed by the Government or any Board, including the secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act. Allowances determined by Minister.

45. The Governor in Council may make such regulations, not inconsistent with this Act, as to him seem necessary for carrying out the provisions of this Act and for the efficient administration thereof. Regulations by Governor in Council.

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

3. The regulations shall be laid before both Houses of Parliament within fifteen days after such publication if Parliament is then sitting, and if Parliament is not then sitting then within fifteen days after the opening of the next session thereof. To be laid before Parliament.

46. The Minister shall lay before Parliament, within the first fifteen days of the then next session, an annual report of the proceedings under this Act. Annual report to Parliament.

47. Section 12 of *The Customs Tariff, 1907*, is repealed. 1907, c. 11 amended.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 101.

An Act to provide for the investiga
Combines, Monopolies, Trust
Mergers which may enhance pr
restrict competition to the det
of consumers.

First reading, January 18, 191(

MR. K

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 102.

An Act respecting Immigration.

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

SHORT TITLE.

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

INTERPRETATION.

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

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

(*b*) "officer" means any person appointed under this Act, for any of the purposes of this Act, and any officer of customs; and includes the Superintendent of Immigration, immigration commissioners and inspectors and every person recognized by the Minister as an immigration agent or officer with reference to anything done or to be done under this Act, whether within or outside of Canada, and whether with or without formal appointment; "Officer."

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

(*d*) "domicile" means the place in which a person has his present home, or in which he resides, or to which he returns as his place of present permanent abode, and not for a mere special or temporary purpose. Canadian domicile is acquired for the purposes of this Act by a person having his domicile for at least three years in Canada after having been landed therein within the meaning of this Act: Provided that the time spent by a person in any penitentiary, gaol, reformatory, prison or asylum for the insane in Canada shall not be counted in the three-year period of residence in Canada which is necessary in order to acquire Canadian domicile. Canadian domicile is lost, for the purposes of this Act, by a person voluntarily residing out of Canada, not for a mere special or temporary purpose, but with the present intention of making his permanent home out of Canada unless and until something which is unexpected, or the happening of which is uncertain, shall occur to induce him to return to Canada; "Domicile." How Canadian domicile acquired. Proviso. How Canadian domicile lost.

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

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

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

ii. a British subject who has Canadian domicile; or,

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

Proviso. Provided that for the purpose of this Act a woman who has not been landed in Canada shall not be held to have acquired Canadian citizenship by virtue of her husband being a Canadian citizen; neither shall a child who has not been landed in Canada be held to have acquired Canadian citizenship through its father or mother being a Canadian citizen;

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

"Non-immigrant classes."

Canadian citizens. Domiciled residents. i. Canadian citizens; and persons who have Canadian domicile.

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

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

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

Students. v. Students entering Canada for the purpose of attendance, and while in actual attendance, at any university or college authorized by statute or charter to confer degrees; or at any high school or collegiate institute recognized as such for the purpose of this Act by the Minister.

Professional. vi. Members of dramatic, musical, artistic, athletic or spectacular organizations entering Canada temporarily for the purpose of giving public performances or exhibitions of an entertaining or instructive nature; and actors, artists, lecturers, musicians, priests and ministers of religion, professors of colleges or other educational institutions, and commercial travellers, entering Canada for the temporary exercise of their respective callings.

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

Proviso. whenever in the opinion of the Minister or Superintendent of Immigration or Board of Inquiry or officer acting as such, any person has been improperly included in any of the non-immigrant classes, or has ceased to belong to any of such classes, such person shall thereupon be considered an immigrant within the meaning of this Act and subject to all the provisions of this Act respecting immigrants seeking to enter Canada.

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

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

(*j*) "passenger" means a person lawfully on board any ship, vessel, railway train, vehicle or other contrivance for travel, or transport, and also includes any person riding, walking or otherwise travelling across any international bridge or highway; but shall not be held to include the master or other person in control or command of such vessel, ship, railway train, vehicle, bridge, highway or other contrivance for travel or transportation, or any member of the crew or staff thereof; or military or naval forces and their families who are carried at the expense of the Government of the United Kingdom, or the Government of any British Dominion or Colony: Provided that any member of the crew of a ship or of the staff of a railway train or other contrivance for travel or transport who deserts or is discharged in Canada from his ship or railway train or other contrivance for travel or transport shall thereupon be considered a passenger within the meaning of this Act; "Passenger." Proviso.

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

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

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

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

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

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

(*q*) "rejected," as applied to an immigrant or other person seeking to enter Canada, means that such immigrant or other person has been examined by a Board of Inquiry or officer acting as such and has been refused permission to land in Canada; "Rejected."

(*r*) "deportation" means the removal under authority of this Act of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada, or who has entered or who remains in Canada contrary to any provision of this Act, from any place in Canada at which such immigrant or other person is rejected or detained to the place whence he came to Canada, or to the country of his birth or citizenship; "Deportation."

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

(*t*) "transportation company" means and includes any corporate body or organized firm or person carrying or providing for the transit of passengers, whether by ship, railway, bridge, "Transportation company."

highway or otherwise, and any two or more such transportation companies co-operating in the business of carrying passengers;

"Act."

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

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

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

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

Paragraph (*g*).—The fact of a person belonging to any of the non-immigrant classes does not mean that he is necessarily free to enter Canada, or that he is exempt from all restrictions under this bill, but that he is exempt from sections and regulations applying to immigrants, such as possession of a required amount of cash (s. 37), certain physical disabilities (s. 3, par. *c*), payment of passage out of public moneys (s. 3, par. *h*), prohibition from landing (ss. 37, 38 and 39). On the other hand a non-immigrant is not entitled to certain privileges and protection given to immigrants by sections 55, 56, 57, 58, 59, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72. Non-immigrants and immigrants are equally prohibited from landing in Canada under paragraphs (*a*), (*b*), (*d*), (*e*) and (*f*) of section 3.

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

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

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

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

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

PROHIBITED CLASSES.

Prohibited classes of immigrants.

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

Persons mentally defective.

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

Diseased persons.

(*b*) Persons afflicted with any loathsome disease, or with a disease which is contagious or infectious, or which may become dangerous to the public health, whether such persons intend to settle in Canada or only to pass through Canada in transit to some other country: Provided that if such disease is one which

is curable within a reasonably short time, such persons may, subject to the regulations in that behalf, if any, be permitted to remain on board ship if hospital facilities do not exist on shore, or to leave ship for medical treatment.

Persons physically defective.

(*c*) Immigrants who are dumb, blind, or otherwise physically defective, unless in the opinion of a Board of Inquiry or officer acting as such they have sufficient money, or have such profession, occupation, trade, employment or other legitimate mode of earning a living that they are not liable to become a public charge or unless they belong to a family accompanying them or already in Canada and which gives security satisfactory to the Minister against such immigrants becoming a public charge.

Criminals.

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

Prostitutes, and pimps.

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

Procurers.

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

Beggars and vagrants.

(*g*) Professional beggars or vagrants, or persons likely to become a public charge.

Charity immigrants.

(*h*) Immigrants to whom money has been given or loaned for the purpose of enabling them to qualify for landing in Canada under this Act, or whose passage to Canada has been paid wholly or in part by any charitable organization, or out of public moneys, unless it is shown that the authority in writing of the Superintendent of Immigration, or in case of persons coming from Europe, the authority in writing of the assistant Superintendent of Immigration for Canada, in London, has been obtained for the landing in Canada of such persons, and that such authority has been acted upon within a period of sixty days thereafter.

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

Permit to enter Canada

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

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

APPOINTMENT, POWERS AND DUTIES OF OFFICERS.

Officers appointed by Governor in Council.

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

Immigration offices.

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

Officers appointed by Minister.

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

Assistance in cases of emergency.

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

Immigration agent ex-officio.

8. When at a port of entry there is no immigration officer available for duty under this Act, the chief customs officer at that port or any subordinate customs officer designated by him shall be, ex-officio, an immigration officer.

Duties of officers.

9. Every officer appointed under this Act shall perform all duties prescribed for him by this Act, or by any order in council, proclamation or regulation made thereunder, and shall also perform such duties as are required of him by the Minister, either directly or through any other officer; and no action taken by any such officer under or for any purpose of this Act shall be deemed to be invalid or unauthorized merely because it was not taken by the officer specially appointed or detailed for the purpose.

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

Authority as special constable.

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

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

Duties of police to execute orders of Minister.

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

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

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

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

APPOINTMENT, POWERS AND PROCEDURE OF BOARDS OF INQUIRY.

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

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

14. Such Boards of Inquiry shall have authority to determine whether an immigrant, passenger or other person seeking to land in Canada or detained for any cause under this Act, shall be allowed to enter or remain in Canada, or shall be rejected and deported. Authority of boards.

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

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

16. In all such cases, such Board of Inquiry may hear, receive and base its decision upon any evidence, considered credible or trustworthy by such Board in the circumstances All evidence to be received.

of each case; and in all cases where the question of the right to enter Canada under this Act is raised the burden of proof shall rest upon the immigrant, passenger or other person claiming such right.

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

Decision of majority to prevail.

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

Cases where no appeal allowed from board.

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

Proviso as to Canadian citizens.

Cases where appeal allowed from board.

19. In all cases other than provided for in the next preceding section an appeal may be taken to the Minister against the decision of any such Board of Inquiry or officer in charge by the immigrant, passenger or other person concerned in the case, if the appellant forthwith serves written notice of such appeal, (which notice may be in form C in the schedule to this Act), upon the officer in charge, or the officer in whose custody the appellant may be, and shall at the same time deposit with such officer the sum of twenty dollars for himself and ten dollars for each child or other person dependent upon such appellant and detained with him, such sum to be used for the purpose of defraying the cost of maintaining the appellant and those dependent upon him, pending the decision of the Minister on such appeal. In case of the appeal being allowed by the Minister or by the Board of Inquiry on a re-hearing, then the said sum shall be returned to the appellant; and in case of the appeal being disallowed by the Minister or by the Board of Inquiry on a re-hearing, then the balance of such sum, if any, after deduction of regular detention charges for board, shall be returned to the appellant; and the appellant shall forthwith be deported.

Security for cost of maintenance pending appeal.

Notice of appeal.

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

Stay of proceedings.

21. Pending the decision of the Minister, the appellant and those dependent upon him shall be kept in custody at an immigrant station, unless ordered to be released by the Minister under bond as provided for in section 33 of this Act. Appellant in custody pending decision of Minister.

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

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

23. No court, and no judge or officer thereof, shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or of any Board of Inquiry, or officer in charge, had, made or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any rejected immigrant, passenger or other person, upon any ground whatsoever, unless such person is a Canadian citizen or has Canadian domicile. Jurisdiction of courts in cases of rejection and deportation restricted.

Explanatory Note.—The basic idea of this section is that no person who has been rejected by the immigration officers, is to be considered in Canada at all for the purpose of appealing to Canadian courts against any action of the immigration officers authorized under this Bill. They are to be considered as if met by immigration officers and rejected by them at a foreign port. The right to land enjoyed by Canadian citizens and persons who have Canadian domicile is, however, preserved; these have recourse to the courts if their rights are interfered with by immigration officers. As to all others the immigration officers are the best judges of those who are and of those who are not qualified to land in Canada, and they should be trusted to discharge their duties justly. Moreover there always remains the right of appeal to the Minister.

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

SPECIAL PROVISION AS TO PASSENGERS BY VESSEL.

25. It shall be the duty of every transportation company bringing passengers or other persons to Canada by vessel to prevent such passengers or other persons leaving such vessel in Canada at any time or place other than as designated by the immigration officer in charge, and the failure of any such company to comply with such duty shall be an offence against this Act and shall be punished by a fine in each case of not more than one thousand dollars and not less than twenty dollars, and every passenger or other person so landed may be arrested and detained for examination as contemplated under section 33 of this Act. Passengers to be landed only at places designated by officer in charge. Penalty.

26. The master shall furnish to the immigration officer in charge at the port of entry a bill of health, certified by the medical officer of the vessel, such bill of health being in the Bill of health.

form and containing such information as is required from time to time under this Act.

Officer may go on board ship.

27. Before any passengers are permitted to leave a vessel in Canada the immigration officer in charge, or any officer directed by him, may go on board and inspect such vessel, and examine and take extracts from the manifest of passengers, and from the bill of health.

Master to permit examination of passengtrs on board ship.

2. The master shall permit any examination of passengers required under this Act to be made on board his vessel whenever so directed by the immigration officer in charge.

Medical examination of passengers.

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

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

When permission to land passengers to be granted.

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

SPECIAL PROVISION AS TO PASSENGERS BY LAND.

Liability of companies co-operating.

30. Every transportation company carrying passengers in Canada by land shall, for the purposes of this Act, be considered as one with any transportation company with which it co-operates or makes or affords connection whether in Canada or not and whether under the same management or not, and shall be liable for any offence against this Act by any company with which it so co-operates or makes or affords connection.

Obligations of transportation companies bringing passengers by land.

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

Detention of trains.

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

Explanatory Note.—Customs officers already have this power.

3. Such regulations may also impose a duty upon transportation companies to provide, equip and maintain suitable buildings for the examination and detention of passengers for any purpose under this Act at such ports of entry or border stations as may be designated by the Minister; and may provide penalties for non-compliance by transportation companies with such regulations: Provided that no transportation company shall be made liable for the safe-keeping of any person who is in custody of an officer for any cause under this Act, unless such person is on a vessel, railway train or other vehicle belonging to or operated or controlled by such company.

Obligations of transportation companies to provide detention buildings.

Proviso.

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

Regulations for examination of passengers from United States.

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

LANDING OF PASSENGERS.

33. Every passenger or other person seeking to land in Canada shall first appear before an immigration officer, and shall be forthwith examined as required under this Act, either on shipboard or on train or at some other place designated for that purpose.

Landing of passengers.

2. Every passenger or other person seeking to land in Canada shall answer truly all questions put to him by any officer when examined under the authority of this Act.

Answers to questions.

3. Every passenger or other person so examined shall be immediately landed unless the examining officer has reason to believe that the landing of such passenger or other person would be contrary to any provision of this Act.

Doubtful cases.

4. Every passenger or other person, as to whose right to land the examining officer has any doubt, shall be detained for further examination by the officer in charge, or by the Board of Inquiry, and such examination shall be forthwith conducted separate and apart from the public, and upon the conclusion thereof such passenger or other person shall be either immediately landed or shall be rejected and kept in custody pending his deportation.

Examination in doubtful cases.

5. An order for deportation by a Board of Inquiry or officer in charge may be made in the form B in the schedule to this Act, and a copy of the said order shall forthwith be delivered to such passenger or other person, and a copy of the said order shall at the same time be served upon the master or owner of the ship or upon the local agent or other official of the transportation company by which such person was brought to Canada; and such person shall thereupon be deported by such company subject to any appeal which may have been entered on his behalf under section 19 of this Act.

Deportation.

6. Every person who enters Canada except at a port of entry shall forthwith report such entry to the nearest immigration

Duty to report entry.

officer and present himself for examination as provided by this section.

Avoiding port of entry.

7. Any person who enters Canada except at a port of entry may be arrested and detained by any officer for examination as provided under this section; and if found not to be a Canadian citizen, such entry shall in itself be sufficient cause for deportation whenever so ordered by a Board of Inquiry or officer in charge subject to any appeal which may have been entered under section 19 of this Act.

Penalty for landing prohibited immigrant.

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

Interference with officer in performance of duty.

9. Any transportation company or person interfering with an immigration officer in the performance of his duty under this Act, or knowingly and wilfully assisting in the escape of any person detained by an officer, or at an immigrant station, for any purpose under this Act, or giving false information to an officer, whereby such officer is induced to land or permit the landing of any person in Canada who otherwise would be refused landing for any cause under this Act or would be detained for examination, shall be guilty of an offence, and shall be liable to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence.

Penalty for tourist who ceases to be such failing to report.

10. Every person who enters Canada as a tourist or traveller or other non-immigrant, but who ceases to be such and remains in Canada, shall forthwith report such facts to the nearest immigration officer and shall present himself before an officer for examination under this Act, and in default of so doing he shall be liable to a fine of not more than one hundred dollars and shall also be liable to deportation by order of a Board of Inquiry or officer acting as such.

Release under bond or approved deposit.

11. Pending the final disposition of the case of any person detained or taken into custody for any cause under this Act he may be released under a bond, which bond may be in the form F in the schedule to this Act, with security approved by the officer in charge, or may be released upon deposit of money with the officer in charge in lieu of a bond, and to an amount approved by such officer; upon condition that such person shall appear before a Board of Inquiry or officer acting as such at any port of entry named by the officer in charge, and at such time as shall be named, for examination in regard to the cause or complaint on account of which he has been detained or taken into custody.

Failure to appear for examination.

12. If such person fail to appear for examination at such time and place named, or shall fail to keep and observe every other condition under which he is so released, then such bond shall be enforced and collected, and the proceeds thereof, or the money deposited in lieu of a bond, as the case may have been, shall be paid into the hands of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada; and such person may be taken into custody forthwith and deported by order of a Board of Inquiry or officer acting as such.

MEDICAL TREATMENT OF SICK AND DISABLED PASSENGERS.

Medical treatment.

34. A passenger or other person seeking to enter Canada or who has been rejected or is detained for any purpose under this Act, who is suffering from sickness or physical or mental disability, may whenever it is so directed by the Superintendent of Immigration or officer in charge be afforded medical treatment on board ship or in an immigrant station, or may be removed to a suitable hospital for treatment, according as the officer in charge decides is required by existing circumstances and the condition of the person's health as reported upon by the examining medical officer.

When transportation companies liable for cost of medical treatment.

2. If, in the opinion of the Superintendent of Immigration, or of the officer in charge, the transportation company which brought such person to Canada failed to exercise proper vigilance or care in so doing, then the cost of his hospital treatment and medical attention and maintenance shall be paid by such transportation company, and otherwise the cost thereof shall be collected from such person, and if that be not possible then the cost thereof shall be paid by the Department of the Interior.

Cost of attendant or dependent.

3. The Superintendent of Immigration, or officer in charge, may, whenever it is considered necessary or advisable for the proper care of such persons, direct that a suitable attendant, or someone upon whom such person is dependent, or someone who is dependent upon such person, as the case may be, shall be kept with such person during his medical treatment on board ship or at an immigrant station or hospital, or in case of deportation from any place within Canada shall accompany such person to his port of embarkation from Canada; and the cost thereof shall be paid by the said transportation company whenever in the opinion of the Superintendent of Immigration it has failed to exercise proper vigilance or care as aforesaid, and otherwise the cost thereof shall be collected from such person, and if that be not possible then the cost thereof shall be paid by the Department of the Interior.

Hospital treatment not to constitute landing.

35. A passenger or other person permitted to enter Canada for medical treatment under this Act shall not be regarded as landed within the meaning of this Act.

Regulations for entry of diseased persons for treatment at Canadian sanitariums.

36. The Superintendent of Immigration, under the direction or with the approval of the Minister, shall prescribe regulations whereby sick and diseased persons may enter Canada for treatment and care at any health resort, hospital, sanitarium, asylum or other place or institution for the cure or care of such persons.

REGULATIONS AS TO MONETARY AND OTHER REQUIREMENTS FROM SPECIFIED CLASSES OF IMMIGRANTS.

Immigrants may be required to possess prescribed amount of money.

37. Regulations made by the Governor in Council under this Act may provide as a condition to permission to land in Canada that immigrants shall possess in their own right money to a prescribed minimum amount, which amount may vary according to the race, occupation or destination of such immigrant, and otherwise according to the circumstances; and may also provide that all persons coming to Canada directly or indirectly from

countries which issue passports to persons leaving such countries shall produce such passports on demand of the immigration officer in charge before being allowed to land in Canada.

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

Prohibition of immigrants not coming to Canada by continuous journey.

38. The Governor in Council may, by proclamation or order whenever he deems it necessary or expedient,—

(*a*) prohibit the landing in Canada or at any specified port of entry in Canada of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen, and upon a through ticket purchased in that country;

Prohibition of landing of passengers brought by companies neglecting to comply with provisions of this Act.

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

(*b*) prohibit the landing in Canada of passengers brought to Canada by any transportation company which refuses or neglects to comply with the provisions of this Act.

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

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

(*c*) prohibit for a stated period, or permanently, the landing in Canada, or the landing at any specified port of entry in Canada, of immigrants belonging to any race deemed unsuited to the climate or requirements of Canada, or of immigrants of any specified class, occupation or character.

Explanatory Note.—There should be power given the Government to check, in extreme cases, any sudden influx of immigrants whose habits of life, or physical or moral characteristics, are repugnant to Canadian ideals, or whose entry in unexpected large numbers would tend to lower the Canadian standards of living, or would have an unsettling effect upon local labour markets. Such contingency has already occurred at ports upon the Pacific coast, and might at any time occur at the Atlantic ports. Orders in Council under authority of the present Act were passed adopting the expedient set forth in paragraph (*a*) of this section, and these to a large extent met the necessities of the case on the Pacific coast two years ago, but it is thought desirable that more complete and effective powers should be given the Government to meet similar situations in future.

Duty of companies to re-convey rejected immigrants to country of birth or citizenship.

39. When any immigrant or other person is rejected or ordered to be deported from Canada, and such person has not come to Canada by continuous journey from the country of which he is a native or naturalized citizen, but has come indirectly through another country, which refuses to allow such person to return or be returned to it, then the transportation company bringing such person to such other country shall deport such person from Canada to the country of which he is a native or naturalized citizen whenever so directed by the Minister or Superintendent of Immigration and at the cost of such transportation company, and in case of neglect or refusal so to do, such transportation company shall be guilty of an offence against this Act, and shall be liable to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence.

Penalty.

DEPORTATION OF PROHIBITED AND UNDESIRABLE CLASSES.

Duty of officer to send complaint to Minister regarding undesirable classes.

40. Whenever any person, other than a Canadian citizen, within three years after landing in Canada has been convicted of a criminal offence in Canada, or has become a prostitute or an inmate of a house of ill-fame, or by common repute has become a procurer or pimp or person living on the avails of prostitution, or has become a professional beggar or a public charge, or an inmate of a penitentiary, gaol, reformatory, prison, hospital, insane asylum or public charitable institution, or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister or Superintendent of Immigration, giving full particulars.

Duty of officers to send complaint to Minister concerning certain acts of undesirable classes.

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

Explanatory Note.—Section 2 of the United States Act reads in part as follows:—"That the following classes of aliens shall be excluded from admission into the United States: . . . persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials." This part of the United States section is aimed at anarchists. A special bureau has been created at Washington to deal with anarchists. But the secret criminal blackmailing organizations introduced by foreigners from southern Europe now constitute a greater menace in the United States than do the anarchists. Of these the Black Hand and Mafia organizations are the chief. The Che Kung Tong, or Order of Chinese Highbinders, is a somewhat similar organization, but its objects are partly political. They limit their criminal practices, however, to blackmailing and killing other Chinese. In dealing with these organizations, our police system, and the assumption in criminal trials of the innocence of the accused, makes it difficult to secure convictions. Their leaders, both European and Chinese, are often well-known to the police, but they work through subordinate accomplices who stand in fear of them, and are very clever in avoiding any direct incriminating evidence against themselves. With the exception of the Che Kung Tong these organizations have not yet been very active in Canada, but with the increase of immigration from southern Europe it is inevitable that they will become as great an evil in Canada as in the United States unless the necessary power is given to root them out whenever they appear, as provided for in the next section.

Investigation of complaints concerning undesirable classes.

42. Upon receiving a complaint from any officer, or from any clerk or secretary or other official of a municipality, whether directly or through the Superintendent of Immigration, against

any person alleged to belong to any prohibited or undesirable class, the Minister may order such person to be taken into custody and detained at an immigrant station for examination and an investigation of the facts alleged in the said complaint to be made by a Board of Inquiry or by an officer acting as such. Such Board of Inquiry or officer shall have the same powers and privileges, and shall follow the same procedure, as if the person against whom complaint is made were being examined before landing as provided in section 33 of this Act; and similarly the person against whom complaint is made shall have the same rights and privileges as he would have if seeking to land in Canada.

Deportation in such cases.

2. If upon investigation of the facts such Board of Inquiry or examining officer is satisfied that such person belongs to any of the undesirable classes mentioned in section 41 of this Act, such person shall be deported forthwith, as provided for in section 33 of this Act, subject, however, to such right of appeal as he may have to the Minister.

Order to leave Canada.

3. The Governor in Council may, at any time, order any such person found by a Board of Inquiry or examining officer to belong to any of the undesirable or prohibited classes referred to in sections 40, 41 and 42 of this Act to leave Canada within a specified period. Such order may be in the form D in the schedule to this Act, and shall be in force as soon as it is served upon such person, or is left for him by any officer at the last known place of abode or address of such person.

Explanatory Note.—Just as under section 3 of this Bill power is given the Government to permit any person to enter Canada, so, on the other hand, it is thought that there should be an ultimate power given the Government to order undesirable immigrants, such as are contemplated in section 41, to leave Canada and not return without permission. At the same time it would relieve the immigration officers from the difficulty of returning such persons to the country from which they came, and which might refuse to take them back. The burden of deportation would be shifted upon the offenders themselves.

Penalty for rejected or deported person remaining in or re-entering Canada.

4. Any person rejected or deported under this Act who enters or remains in or returns to Canada after such rejection or deportation without a permit under this Act or other lawful excuse, or who refuses or neglects to leave Canada when ordered so to do by the Governor in Council as provided for in this section, shall be guilty of an offence against this Act, and may forthwith be arrested by any officer and be deported on an order from the Minister or the Superintendent of Immigration, or may be prosecuted for such offence, and shall be liable, on conviction, to two years imprisonment, and immediately after expiry of any sentence imposed for such offence, may be again deported or ordered to leave Canada under this section.

Deportation of head of family.

5. In any case where deportation of the head of a family is ordered, all dependent members of the family may be deported at the same time. And in any case where deportation of a dependent member of a family is ordered on account of having become a public charge, and in the opinion of the Minister such circumstance is due to wilful neglect or non-support by the head or other members of the family morally bound to support such dependent members, then all members of the family may be deported at the same time. Such deportation shall be at the cost of the persons so deported; and if that be not possible then the cost of such deportation shall be paid by the Department of the Interior.

Deportation of dependent member of family.

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

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

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

OBLIGATIONS OF TRANSPORTATION COMPANIES IN CASES OF REJECTION AND DEPORTATION.

44. Every immigrant, passenger, stowaway or other person brought to Canada by a transportation company and rejected by the Board of Inquiry or officer in charge, shall, if practicable, be sent back to the place whence he came, on the vessel, railway train or other vehicle by which he was brought to Canada. The cost of his maintenance, while being detained at any immigrant station after having been rejected, as well as the cost of his return, shall be paid by such transportation company. Return of rejected immigrants.

2. If any such transportation company—

(*a*) refuses to receive any such person back on board of such vessel, railway train or other vehicle or on board of any other vessel, railway train or other vehicle owned or operated by the same transportation company, when so directed by the officer in charge; or, Refusal to receive on board.

(*b*) fails to detain any such person thereon; or, Failure to detain.

(*c*) refuses or fails to return him to the place whence he came to Canada; or, Failure to return.

(*d*) refuses or fails to pay the cost of his maintenance while on land awaiting deportation; or, Failure to pay cost maintenance.

(*e*) makes any charge against any such person for his maintenance while on land, or for his return to the port of embarkation, or takes any security from any such person for the payment of such charge; Charging deported person for maintenance

such master, agent, owner or transportation company concerned shall be guilty of an offence against this Act, and shall be liable Penalty.

to a fine of not more than five hundred dollars and not less than fifty dollars for each offence; and no such vessel shall have clearance from any port of Canada until such fine is paid.

Deportation by vessel of persons who have been landed in Canada.

45. Every person ordered to be deported under this Act who has been brought to Canada by ship, shall be reconveyed free of charge by the same transportation company which brought him to Canada, from the place in Canada where he is being detained or held for deportation to the port of embarkation whence he came to Canada, and in the same manner as to passage accommodation by which he was brought to Canada; and similarly every such person brought to Canada by a railway train or other vehicle shall, subject to the regulations under sections 31 and 32 of this Act, be reconveyed free of charge by the transportation company which carried him to the place in Canada where he is rejected or where he is being detained for deportation to the place in the country whence he was brought or to the country of his birth or citizenship.

Deportation by train.

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

46. Every transportation company, which refuses or neglects to comply with the order of the Minister or Superintendent of Immigration or Board of Inquiry or officer acting as such to take on board, guard safely, and return to the country whence he came, or to the country of his birth or citizenship, any passenger or other person brought to Canada by such transportation company and ordered to be deported under the provisions of this Act shall be liable to a fine of not more than five hundred dollars and not less than fifty dollars in each case.

Regulations for proper treatment of persons deported.

47. The Superintendent of Immigration, under the direction or with the consent of the Minister, shall prescribe regulations for the proper detention and treatment on board ship or railway train or other vehicle of all persons who have been ordered to be deported under this Act, both while awaiting and during deportation.

Penalty on transportation company permitting escape of person ordered to be deported.

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

Duty to notify immigration officer when such person escapes.

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

ten dollars for each offence, and failure on the part of the transportation company to so report to the Superintendent of Immigration shall render such company liable to a fine of not more than one hundred dollars and not less that twenty dollars for each offence.

OBLIGATIONS OF MASTERS OF VESSELS AND PILOTS.

Manifest to be delivered by master to immigration officer.

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

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

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

Disposal of property of deceased passengers.

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

Receipt for property by immigration officer.

Failure to deliver, or making partial or false, manifest.

4. If the master of such vessel fails—

(*a*) to deliver such manifest required by this section; or,

(*b*) wilfully or negligently fails to state therein all the particulars of information required by this section; or,

(*c*) wilfully or negligently makes any false statement in such manifest;

Penalty.

he shall be guilty of an offence against this Act and shall be liable to a fine not exceeding one hundred dollars and not less than twenty dollars for every person with regard to whom any such omission occurs or any such false statement is made.

Entry in manifest of additional passengers.

50. The master of any vessel sailing from a port outside of Canada who embarks passengers after the vessel has been cleared and examined by the proper officer at the port of departure, and who does not report such additional passengers in the manifest required to be delivered under this Act to the im-

migration officer in charge at the port of entry, shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for each passenger so embarked as aforesaid and not included in one of the said manifests.

Penalty.

Manifest of outbound passengers.

51. The master of every vessel embarking outbound passengers from any seaport of Canada shall, before clearance has been given for such vessel, deliver to the immigration officer in charge a manifest in form prescribed by the regulations in that behalf giving the names of all such passengers on board such vessel, or booked to sail by such vessel, and stating in every case whether they are British subjects or aliens, and their sex, nationality and port of destination.

Penalty.

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

Proviso.

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

Master permitting passengers to land before delivering manifest.

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

Penalty.

Master failing to account for passengers.

2. If the master of any vessel arriving at any port of entry in Canada fails to produce or satisfactorily account for every passenger whose name appears on the manifest, when required so to do by the immigration officer in charge of the port of entry to which such passenger is manifested, such master shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars in the case of each such passenger.

Penalty.

Master permitting stowaway to land without permission of officer in charge.

3. If the master of any vessel arriving at any port of entry in Canada permits any stowaway to leave the vessel without permission of the immigration officer in charge, or through negligence permits such stowaway to escape from the vessel before the immigration officer in charge has given permission for such stowaway to be landed, or after such stowaway has been ordered to be deported, or in the event of such escape fails

to report it forthwith to the immigration officer in charge, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every stowaway so leaving or escaping from the vessel. Penalty.

4. If the master of any vessel arriving at any port of entry in Canada shall pay off or discharge any member of the crew of such vessel without such member having first been examined by an immigration officer, as required under section 33 of this Act, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every member of the crew so paid off or discharged. Master discharging crew without examination. Penalty.

5. If the master of any vessel arriving at any port of entry in Canada fail to report to the immigration officer in charge every case of desertion from the crew of such vessel occurring at such port so soon as such desertion is discovered, or shall refuse or neglect to describe the deserter for purposes of identification whenever required by such officer he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars in the case of each such deserter. Master failing to report cases of desertion. Penalty.

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

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

PROTECTION OF IMMIGRANTS.

55. Every person who causes or procures the publication or circulation, by advertisement or otherwise, in a country outside of Canada, of false representations as to the opportunities for employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce, or to deter or prevent, the immigration into Canada of persons resident in such outside country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident of such country of any such representations which are thereafter so published, circulated or communicated, shall be guilty of an offence against this Act, and liable on summary conviction before two justices of the peace, False representation to deter or induce immigration

to a fine of not more than five hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Violation of foreign laws regarding duties of master or crew.

Breach of contract with passenger.

Penalty.

56. If, during the voyage of any vessel carrying immigrants from any port outside of Canada to any port in Canada, the master or any of the crew is guilty of any violation of any law in force in the country in which such foreign port is situate, regarding the duties of such master or crew towards the immigrants in such vessel, or if the master of any such vessel during such voyage commits any breach whatsoever of the contract for the passage made with any immigrant by such master, or by the owners of such vessel, such master or such one of the crew shall, for every such violation or breach of contract, be liable to a fine not exceeding one hundred dollars and not less than twenty dollars, independently of any remedy which such immigrants complaining may otherwise have.

Intercourse between crew and female immigrants.

Penalty for intercourse between crew and female immigrants.

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

2. Every officer, seaman or other man employed on board of a vessel bringing immigrants to Canada, who, while such vessel is in Canadian waters, entices or admits any female immigrant into his apartment or, except by the direction or permission of the master of such vessel first given, visits or frequents any part of such vessel assigned to female passengers, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding twenty-five dollars for every such offence.

Penalty for permitting crew to visit parts of vessel assigned to female immigrants.

3. Every master of a vessel who, while such vessel is in Canadian waters, directs or permits any officer or seaman, or other man employed on board of such vessel to visit or frequent any part of such vessel assigned to female immigrants, except for the purpose of doing or performing some necessary act or duty, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding twenty-five dollars for every such offence.

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

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

Penalty.

2. Every master of a vessel bringing immigrants to Canada from Europe who neglects to post, and keep posted, the notice required by this Act to be posted regarding the prevention of

intercourse between the crew and the immigrants and the penalties for contravention thereof, as required by this Act, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding one hundred dollars for every such offence.

Inspection of notices by officer in charge.

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

Proportionate number of passengers to area of decks.

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

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

(*b*) a greater number of persons, including the master and crew and the cabin passengers, if any, than one for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships,

Penalty.

the master of such vessel shall be liable to a fine not exceeding twenty dollars, and not less than ten dollars for each passenger or person constituting such excess.

"Adult" defined.

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

Sale of intoxicating liquors to steerage passengers.

3. If there shall be a bar or other place for the sale of intoxicating liquors on any such vessel in the quarters assigned to third-class and steerage passengers, or to which third-class or steerage passengers are permitted to have access at any time during the voyage of such vessel to Canada, the master of such vessel shall be guilty of an offence against this Act and shall be liable to a fine not exceeding five hundred dollars and not less than fifty dollars; and any officer or member of the crew of such vessel who sells or gives intoxicating liquor to any third-class or steerage passenger, during the voyage of such vessel to Canada, without the consent of the master or ship surgeon or other qualified medical practitioner on board thereof, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding fifty dollars and not less than ten dollars for every such offence.

Penalty.

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

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

Passengers to be landed free of expense.

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

Appointment of landing places.

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

Shelter for immigrants.

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

Disposal of property of deceased immigrant parents.

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

Inquiry in case of complaints respecting violation of Act.

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

Procedure.

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

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

Regulations respecting employment agencies.

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

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

IMMIGRANT RUNNERS.

Licenses for immigrant runners.

67. The Superintendent of Immigration may issue to agents of transportation companies, forwarding and transfer companies, hotels and boarding houses, a license authorizing such persons to exercise the vocation of immigrant runners, or of soliciting the patronage of immigrants for their respective companies, hotels or boarding houses, or of booking passengers. Such license shall be in the form prescribed by the Superintendent of Immigration, and may at any time be cancelled by him under the direction or with the consent of the Minister.

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

Immigrants not to be solicited except by licensed persons.

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

Selling tickets to immigrants at excessive rates.

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

Persons not to board vessels or enter immigrant stations without authority

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

DUTIES OF INN-KEEPERS.

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

71. Every inn-keeper or boarding house keeper in any city, town, village or place in Canada designated by any order in council, who receives into his house as a boarder or lodger any immigrant within three months after his arrival in Canada, shall

cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon his business cards, a list of the prices which will be charged to immigrants per day and per week for board or lodging, or both, and also the prices for separate meals, which cards shall also contain the name of the keeper of such house, together with the name of the street in which it is situate, and its number in such street.

Inn-keeper's lien limited.

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

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

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

Search for effects.

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

RULES, FORMS AND NOTICES.

Superintendent of Immigration to prescribe forms.

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

UNIFORMS.

Uniforms for immigration officers.

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

Officers to wear uniform when on duty.

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

PROSECUTIONS AND PROCEDURE.

Prosecutions.

76. Any officer may institute summary proceedings before any police magistrate, recorder or justice of the peace against any transportation company or director, official or employee thereof charged with an offence against this Act, at the place where such offence was committed, or at the place where such company has an office or place of business in Canada, or where such person then is.

Costs.

2. Such police magistrate, recorder or justice of the peace may, in addition to any fine or penalty imposed, award costs against any such company or person as in ordinary cases of summary proceedings, and in default of payment thereof may award imprisonment for a term not exceeding three months, to terminate on payment of the fine or penalty and costs incurred, and may, in his discretion, award any part of such fine or penalty, when recovered, to the person aggrieved by or through the act or neglect of such company or person.

Imprisonment.

Award of penalty.

Application of fines and penalties.

3. Subject to such award to a person aggrieved all fines and penalties recovered under this Act shall be paid to the Minister of Finance and shall form part of the Consolidated Revenue Fund of Canada.

Lien on property of transportation companies.

4. Every duty and every fine or penalty imposed under authority of this Act upon a transportation company, or upon any director, official or employee thereof, shall until payment thereof be a lien upon any and all property of such company in Canada, and may be enforced and collected by the seizure and sale of all or any such property under the warrant or process of the magistrate or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations except wages.

Liability of directors and officials.

5. Every duty imposed under authority of this Act upon a transportation company shall be a duty devolving upon every director, official or employee thereof, and every duty imposed upon the master of a vessel shall be a duty devolving upon the owner thereof.

Owners of vessels.

Imprisonment not a discharge of lien.

6. Imprisonment of a master or owner of any vessel, or of any official or employee of any transportation company, for any offence against this Act, shall not discharge the ship or other property of such company from the lien attached thereto by this Act.

Convictions not to be quashed for want of form.

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

Warrants of commitment.

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

Security in case of appeal.

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

General penalty.

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

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

APPLICATION TO CHINESE.

Application of Act to Chinese.

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

EXPENSES OF ADMINISTRATION.

Payment of cost of administering Act

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

GENERAL REGULATIONS.

Power to make further regulations.

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

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

REPEAL.

Acts repealed.

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

SCHEDULE.

FORM A.

PERMIT TO ENTER CANADA.

Canada.

The Immigration Act, section 4.

To all Immigration Officers:
This is to certify that.....
(name in full)
of.....
(last place of residence)
.....
(occupation or other description)
is hereby permitted to enter and remain in Canada for a period of.....from the date hereof free from examination or other restrictions under The Immigration Act.

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

.....
Minister of the Interior.

{ *Seal of the Department of the Interior.* }

FORM AA.

CANCELLATION (OR EXTENSION) OF PERMIT.

Canada.

The Immigration Act, section 4.

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

.....
Minister of the Interior.

{ *Seal of the Department of the Interior.* }

FORM B.

ORDER FOR DEPORTATION.

Canada.

The Immigration Act, section 33

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

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

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

And the said..... is hereby ordered to be deported to the place from whence he came to Canada. Such conveyance shall be by the first available ship or train of the transportation company which brought the said..... to Canada.

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

.....

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

NOTICE TO PERSON ORDERED TO BE DEPORTED.

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

In all other cases you may appeal to the Minister of the Interior against any decision of the Board of Inquiry or officer in charge whereby you are ordered to be deported unless such decision is based upon a certificate of the examining medical officer that you are affected with a loathsome disease or a disease which may become dangerous to the public health. The formal notice of appeal will be supplied to you by the immigration

officer in charge upon request and upon deposit of the sum of twenty dollars for the cost of your maintenance, and the sum of ten dollars for the maintenance of each person dependent upon you, until the Minister has decided upon your case.

FORM C.

NOTICE OF APPEAL.

Canada.

The Immigration Act, section 19.

To the Minister of the Interior,
Ottawa, Canada.

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

.....

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

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

.....
Appellant.

FORM D.

ORDER TO LEAVE CANADA.

Canada.

The Immigration Act, section 42.

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

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

You are hereby ordered under and by virtue of the authority conferred upon His Excellency by section 43 of the Immigration Act within ..... days after the service of this order upon you, or after its being left for you at your last known

address or place of abode, to leave and depart from Canada, and not to return.

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

.....
Clerk of the Council.

{ Seal of the Privy Council. }

FORM E.

ORDER OF THE MINISTER OF JUSTICE.

Canada.

The Immigration Act, section 43.

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

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

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

For which this shall be your sufficient warrant.

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

.....
Minister of Justice.

{ *Seal of the Department of Justice.* }

Form EE.

WARRANT OF THE SUPERINTENDENT OF IMMIGRATION.

Canada.

The Immigration Act, section 43.

By the Superintendent of Immigration:

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

Whereas.....of.....

has within three years of his landing in Canada become an inmate of.....

(gaol, prison, reformatory *or* penitentiary)

And whereas, under the provisions of The Immigration Act, the Minister of the Interior has ordered the deportation of the said..... and has applied to the Minister of Justice for an order addressed to the .....

(governor *or* warden)

of the said .....

(gaol, prison, reformatory *or* penitentiary)

commanding him to detain and deliver the said..... into your custody after expiry of his sentence or term of imprisonment in the said .....

(gaol, prison, reformatory *or* penitentiary)

with a view to his deportation under the provisions of the said Act.

Now know you that I,....., Superintendent of Immigration, do hereby order you to receive the said ..... and him safely to keep and to con-

(*name of prisoner*)

vey through any part of Canada, and him to deliver to the transportation company which brought him to Canada, with a view to his deportation to the port from which he came to Canada.

For which this shall be your sufficient warrant.

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

.....

Superintendent of Immigration.

{ *Seal of the Department of the Interior.* }

FORM F.

BOND TO APPEAR FOR EXAMINATION.

Canada.

The Immigration Act, section 33.

CANADA: Province of..... } In the matter of The Immigration Act and of A. B.

Be it remembered that on the.....day of....., in the year nineteen hundred and....., A. B., formerly of [*state place of domicile before coming to Canada*], [*occupation*], a person seeking to enter or remain in Canada; and L. M. of [*name of place*], in the said province [*occupation*], and N. O. of the same place [*occupation*], personally came before me and acknowledged themselves to owe to our Sovereign Lord the King, his heirs and successors, the several sums following, that is to say:

The said A. B. the sum of.....dollars, and the said L. M. and N. O. the sum of.....dollars each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Sovereign Lord the King, his heirs and successors, if he, the said A. B. fails in the condition hereunder written.

Taken and acknowledged the day and year first above mentioned at.....in the province aforesaid before me.....[Justice of Peace, *or*, Notary Public].

The condition of the above written obligation is such, that whereas the said A. B. is held in custody under authority of The Immigration Act for examination touching the right of the said A. B. to enter or remain in Canada; if, therefore, the said A. B. appears before the Board of Inquiry or officer acting as such at the Immigrant Station at.....on the.....day of.....next at the hour of.....in the.....noon, and there surrenders himself into custody of an Immigration Officer and submits to examination under the said Act, and does not attempt to escape from such custody, then this obligation shall be void, otherwise to stand in full force and effect.

102.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 102.

An Act respecting Immigratio

First reading, January 19, 19

MR. O

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 103.

An Act to amend the Navigable Waters Protection Act.

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

1. Sections 4 and 5 of *The Navigable Waters Protection Act*, chapter 115 of the Revised Statutes, 1906, are repealed and the following are substituted therefor:— R.S., c. 115, new ss. 4, 5.

"**4.** No bridge, boom, dam, aboiteau, wharf, dock, pier, or other structure of any kind, shall be built or placed in or across any navigable water, unless the site thereof has been approved by the Governor in Council, nor unless such bridge, boom, dam, aboiteau, wharf, dock, pier or other structure is built and maintained in accordance with plans approved by the Governor in Council. Construction of bridges, booms, wharfs, etc.

"**5.** Any work to which this Part applies, which is built upon a site not approved by the Governor in Council, or which is not built in accordance with plans so approved, or which, having been so built, is not maintained in accordance with such plans, may be removed and destroyed under the authority of the Governor in Council." Removal of unauthorized structure.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS
OF CANADA.

BILL 103.

An Act to amend the Navigable Wa
Protection Act.

First reading, January 19, 1910.

MR. PUGSLE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 104.

An Act to control the rates and facilities of Ocean Cable Companies, and to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.

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

1908, c. 61 amended.

1. Paragraph (*d*) of section 1 of chapter 61 of the statutes of 1908 is repealed and the following is substituted therefor:—

Interpretation "Telegraph."

"(*d*) 'telegraph' includes wireless telegraph and marine electric telegraph or cable."

"Telegraph toll."

2. Paragraph (*e*) of the said section is amended by adding at the end thereof the words "or by any marine electric telegraph or cable system whereby messages are transmitted from, to or through Canada."

S. 4 amended. Working agreements.

3. Subsection 8 of section 4 of the said Act is amended by inserting the words "or telegraph" after the word "telephone" wherever it occurs in the said section.

S. 5 amended.

"Traffic" to include cable messages.

4. Paragraph (*d*) of subsection 2 of section 5 of the said Act is amended by adding at the end thereof the words "and shall include messages transmitted 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."

Time for filing and obtaining approval of tariffs and tolls.

5. Every company to which this Act applies shall have four months after the Act 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.

Commencement of Act.

6. This Act shall come into force upon proclamation of the Governor in Council.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 104.

An Act to control the rates and fa
of Ocean Cable Companies, a
amend the Railway Act with r
to Telegraphs and Telephones a
jurisdiction of the Board of R
Commissioners.

First reading, January 19, 191

MR. LEMI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 105.

An Act to amend the Telegraphs 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. 126, s. 30 amended. Order of Transmission of messages.

1. Section 30 of *The Telegraphs Act*, chapter 126 of the Revised Statutes, 1906, is amended by inserting after the word "received" in the second line thereof the words "or in such order as the Board of Railway Commissioners for Canada may require or direct."

S. 31 amended. Payment for messages.

2. Section 31 of the said Act is amended by adding at the end thereof the words "and as are approved by the Board of Railway Commissioners for Canada."

S. 32 amended. Arrangements with newspapers.

3. Section 32 of the said Act is amended by adding at the end thereof the words "but every such arrangement shall be subject to the approval of the Board of Railway Commissioners for Canada."

Inconsistent Acts repealed.

4. Any provision in any special Act inconsistent with this Act is repealed.

Commencement of Act.

5. This Act shall come into force on a day to be named by proclamation of the Governor in Council.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 105.

An Act to amend the Telegraphs

First reading, January 19, 191

MR. LEMI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 106.

An Act respecting the Canadian Northern 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:—

1907, c. 72; 1908, c. 93; 1909, c. 63.

Short title.

1. This Act may be cited as *The Canadian Northern Ontario Railway Act, 1909-1910.*

Agreements with other companies.

2. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Canadian Northern Ontario Railway Company, hereinafter called "the Company", may enter into any agreement for any of the purposes specified in the said section 361, with the Central Ontario Railway Company, the Ontario and Ottawa Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Marmora Railway and Mining Company, the Bay of Quinte Railway Company, the Brockville, Westport and North Western Railway Company, the Toronto, Niagara and Western Railway Company, and the Bessemer and Barry's Bay Railway Company, or any of them, and the Company may purchase or otherwise acquire shares, bonds or other securities issued by any railway company with which it may be empowered to amalgamate, or whose lines it may be empowered to lease or purchase.

Powers to issue consolidated securities.

3. For the removal of doubt with respect to the powers conferred by *The Railway Act*, and the Acts relating to the Company, it is declared that the Company has had the power to and may at any time, or from time to time, consolidate the whole or portions of the issues of securities theretofore made by the Company or by any other railway company whose lines, properties or assets the Company may be empowered to purchase, lease or otherwise acquire, or with which it may be empowered to amalgamate, and may consolidate the mortgages or other instruments securing the same, and may make an issue of consolidated securities and consolidated mortgages or other instruments securing them, and may apply such consolidated securities, or portions thereof, or the proceeds thereof, from time to time in the retirement by exchange, purchase or otherwise of outstanding securities of the issues or portions so consolidated; provided that the holders of the securities to be

Proviso.

retired surrender them for retirement: Provided further that until the whole of the outstanding securities of any separate issue included in any such consolidation have been retired, the securities of such issue which are actually retired shall be deposited with trustees, and the rights and priorities thereof shall continue for the benefit of the holders of the consolidated securities, but when all outstanding securities of a separate issue have been retired, they shall be cancelled, and the consolidated securities shall thereupon take their place and possess their rights and priorities and the rights and priorities of and declared by the mortgages securing the said consolidated securities: Provided further that there shall not be outstanding at any one time a greater amount of consolidated securities and of securities of the issues or portions consolidated than the total amount which the Company or the respective companies may at the time be authorized by statute to issue with respect to the lines, properties or assets included in the mortgages or other instruments securing the consolidated securities, and that unexchanged consolidated securities, and securities surrendered in exchange for consolidated securities, shall not be deemed to be outstanding securities within the meaning of this Act.

Proviso.

Forms and terms.

4. The forms, nature and terms of the consolidated securities and of the mortgages and instruments securing them, and the times, manner and terms of their issue, shall be such as the Company determines.

"Securities" defined.

5. The expression "securities," when used in the foregoing sections, shall mean any kind of securities which the Company has authority to issue.

106.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 106.

An Act respecting the Canadian Nor
Ontario Railway Company.

First reading, January 20, 1910.

(PRIVATE BILL.)

Mr. NESBI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 107.

An Act to incorporate the Ottawa, Montreal and Eastern Railway Company.

Preamble.

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

Incorporation.

1. William I. Bishop, Arthur Jarvis, Charles E. Cutler, Victor Cusson and Maurice Tétreau, all of the city of Montreal, together with such persons as become shareholders in the company, are incorporated under the name of "The Ottawa, Montreal and Eastern Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

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

Number of directors.

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

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on or in the vicinity of Lake Megantic, in the county of Compton in the province of Quebec, thence in the most direct and feasible route through the counties of Wolfe, Arthabaska, Richmond, Drummond, Yamaska, Bagot, Richelieu, St. Hyacinthe, Verchères and Chambly, crossing the St. Lawrence river at or near Longueuil to the city of Montreal or its suburbs, and thence in a westerly direction through the counties of Hochelaga, Jacques-Cartier, Laval, Terrebonne, Two Mountains and Argenteuil, thence crossing the Ottawa river into the province of Ontario to the city of Ottawa, passing through the counties

of Prescott, Russell and Carleton ; and the Company may construct branch lines to Arthabaska and Victoriaville in the county of Arthabaska, and to Yamaska in the county of Yamaska.

Issue of securities for railway.

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.

Agreements with other companies.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Grand Trunk Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Quebec Railway Company, the St. Lawrence River Ferry Company, the Montreal Central Terminal Company, the Montreal Terminal Railway Company and the L'Avenir and Melbourne Railway Company.

Bridge or tunnel across St. Lawrence river.

10. The Company may, subject to the provisions of *The Railway Act*, construct a bridge or tunnel across the St. Lawrence river at or near Longueuil, and maintain and use such bridge or tunnel with the necessary approaches thereto for railway purposes and for the passage of pedestrians, vehicles, cars or carriages propelled or drawn by electric, horse or other motive power; and may lay tracks on the said bridge or in the said tunnel for the passage of railway and other cars; and may

Tolls.

charge tolls for the passage of cars, vehicles and pedestrians over the said bridge or through the said tunnel, and such tolls shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the Board of Railway Commissioners for Canada, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge or at the entrances to the said tunnel.

Issue of securities for bridge and tunnel.

11. The Company may issue bonds, debentures or other securities to an amount not exceeding six million dollars in aid of the bridge or tunnel hereby authorized, and such bonds may be secured by a mortgage, and such mortgage may contain provisions that all tolls and revenues derived from the use of the said bridge or tunnel shall be specially charged and pledged as security for such bonds and may also provide that the Company shall pay to the trustees of such mortgage such rates and tolls as are authorized by the Board of Railway Commissioners for Canada, which rates and tolls shall also be charged as security for such bonds.

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

107.

THE HOUSE OF COMMON
OF CANADA.

BILL 107.

An Act to incorporate the Ottawa, M
and Eastern Railway Company

First reading, January 20, 191

(PRIVATE BILL.)

MR. GL

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 108.

An Act to incorporate the Rainy River Radial 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. Patrick Albert Smith, of the town of Fort Frances, in the district of Rainy River, lumberman; James John Warren, of the city of Toronto, in the county of York, esquire; William Arthur Dowler, of the city of Fort William, in the district of Thunder Bay, barrister; James H. Spence, of the city of Toronto, in the county of York, barrister; Frederic Goldthorpe Depew, of the city of Fort William, in the district of Thunder Bay, banker, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Rainy River Radial Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the town of Fort Frances, in the district of Rainy River.

Annual meeting.

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

Directors.

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

Lines of railway described.

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

(*a*) from a point on the northern boundary of the state of Minnesota at or near the town of Fort Frances, to a point on the Lake of the Woods at or near the mouth of Big Grassy River;

(*b*) From a point on the said line to a point on the Lake of the Woods at or near the mouth of Little Grassy River;

(*c*) From a point, or points, on the first described line to a point on the northern boundary of the state of Minnesota at or near the Long Sault Rapids on the Rainy River, and to the town of Rainy River or a point on the northern boundary of the state of Minnesota at or near the town of Rainy River.

Telegraph and telephone lines.

9. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies.

Express business.

10. The Company may, subject to the provisions of *The Railway Act*, carry on the business of an express company upon and in connection with its railway, and establish offices therefor, and undertake the carriage of goods by express and collect tolls therefor; and for the purposes of operating such express business and system may, subject to the provisions of the said Act, enter into contracts with other companies for the carriage of such goods and for through rates, and may lease its express rights and privileges to any such companies.

Special powers.

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

Vessels.

(*a*) construct, acquire, charter and dispose of steam and other vessels, and operate them on any navigable waters tributary to the territory traversed by the railway, and may enter into agreements with the owners of the vessels, boats and ferries, for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected therewith;

Hotels and restaurants.

(*b*) build, acquire or lease buildings for hotels, restaurants or houses of entertainment along the railway, and may carry on such business in connection therewith as is necessary or expedient for the comfort or convenience of travellers, and may lease any part of such buildings for any such purposes;

Transmission and distribution of light, heat and power.

(*c*) construct, acquire, develop, operate and dispose of water courses and water-powers, dams, sluices, works, lands, mines, timber lands and timber, franchises and rights, and install, manufacture and deal in machinery and appliances for producing, transmitting and distributing light, heat and power of every description, and sell and dispose of such light, heat and power and acquire, by lease or otherwise, stations, works or facilities for the above purposes, or such light, heat and power, and sell and otherwise dispose of any surplus thereof;

Docks, wharfs, elevators, etc.

(*d*) acquire, construct, operate and dispose of docks, wharfs, jetties, sheds, storehouses, coal, ore, and other storage and handling plants, viaducts, acqueducts, mill races, flour, cereal, iron, steel, pulp and paper mills, grain elevators, warehouses or other buildings and works, along or adjacent to the railway, or at its terminals or adjacent thereto, and promote and carry on

the business of millers, coal and ore dealers, wharfingers, forwarders, warehousemen, commission merchants and such other industrial or other undertakings as appear to the Company suitable for developing the territory to be served by the railway, or directly or indirectly advance the purposes or objects for which the Company is incorporated.

Issue of securities on railway.

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

Issue of securities on property other than railway.

13. The Company may issue bonds, debentures, debenture stocks or other securities for the construction or acquisition of any vessels, properties or works, other than the railway, which the Company is authorized to construct, but such securities shall not exceed in amount the value of such vessels, properties and works.

Execution of mortgages.

2. For the purpose of securing the issue of such securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described therein.

R.S., c. 37.

3. All the provisions of sections 136 and 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such securities or mortgages.

Agreements with other companies.

14. 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 Grand Trunk Pacific Railway Company, the Canadian Pacific Railway Company and the Canadian Northern Railway Company, or any of them.

2nd Session, 11th Parliament, 9-10 Edw. VII., 190

THE HOUSE OF COMMONS
OF CANADA.

BILL 108.

An Act to incorporate the Rainy Riv
Radial Railway Company.

First reading, January 20, 1910.

(PRIVATE BILL.)

MR. CONME

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 108.

An Act to incorporate the Rainy River Radial Railway Company.

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

Preamble.

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

Incorporation.

1. Patrick Albert Smith, of the town of Fort Frances, in the district of Rainy River, lumberman; James John Warren, of the city of Toronto, in the county of York, esquire; William Arthur Dowler, of the city of Fort William, in the district of Thunder Bay, barrister; James H. Spence, of the city of Toronto, in the county of York, barrister; Frederic Goldthorpe Depew, of the city of Fort William, in the district of Thunder Bay, banker, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Rainy River Radial Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the town of Fort Frances, in the district of Rainy River.

Annual meeting.

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

Directors.

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

Line of railway described.

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

(*a*) From a point on the northern boundary of the state of Minnesota at or near the town of Fort Frances, to a point on the Lake of the Woods at or near the mouth of Big Grassy River;

(*b*) From a point on the said line west of the township of Mather, to a point on the Lake of the Woods at or near the mouth of Little Grassy River;

(*c*) From a point, or points, on the first described line in or east of the township of Mather, to a point on the northern boundary of the state of Minnesota at or near the Long Sault Rapids on the Rainy River, and to the town of Rainy River or a point on the northern boundary of the state of Minnesota at or near the town of Rainy River.

Telegraph and telephone lines.

9. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies.

Tolls or charges.

2. No toll or charge shall be demanded or taken for the transmission of any messages or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

Express business.

10. The Company may, subject to the provisions of *The Railway Act*, carry on the business of an express company upon and in connection with its railway, and establish offices therefor, and undertake the carriage of goods by express and collect tolls therefor; and for the purposes of operating such express business and system may, subject to the provisions of the said Act, enter into contracts with other companies for the carriage of such goods and for through rates, and may lease its express rights and privileges to any such companies.

Special powers.

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

Vessels.

(*a*) construct, acquire, charter and dispose of steam and other vessels, and operate them on any navigable waters tributary to the territory traversed by the railway and between points in Ontario and Minnesota on Rainy River, Rainy Lake and Lake of the Woods, and may enter into agreements with the owners of the vessels, boats and ferries, for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected therewith;

Hotels and restaurants.

(*b*) build, acquire or lease buildings for hotels, restaurants or houses of entertainment along the railway, and may carry on such business in connection therewith as is necessary or expe-

dient for the comfort or convenience of travellers, and may lease any part of such buildings for any such purposes;

Lands and buildings.

(*c*) purchase, lease or otherwise acquire, construct, hold, enjoy, manage and sell or otherwise dispose of such lands, water lots, wharfs, docks, dock-yards, slips, warehouses, coal and ore storage and handling plants, elevators, offices and other buildings as it finds necessary and convenient for such purposes, and may carry on the business of warehousemen, wharfingers and forwarders, and charge wharfage and other dues for the use of any of such property, and may enter into agreements with any company having similar powers respecting the use of any of the property of the Company.

Water powers.

Electricity.

12. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may construct, acquire, develop, use and operate water-powers, easements and privilege at or near the Long Sault rapids in Rainy River, and construct, maintain, use and operate dams, reservoirs, buildings and works for the general transmission and distribution of electricity for light, heat, or power, or any other purpose in connection with its railway, vessels and other property and works, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may supply, sell or otherwise dispose of any surplus water, electricity or electric or other power not required for the purpose of the Company, and may collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time, and no such dam shall be constructed until the site and places thereof have been submitted to and approved of by the Minister of Public Works.

Approval of charges for water and power.

Dams.

Consent of municipalities.

13. 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 other than for its undertaking, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Issue of securities on railway.

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

Issue of securities on property other than railway.

15. The Company, having been first authorized by a resolution passed at any annual meeting or at a special general meeting of the shareholders duly called for that purpose, at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may from time to time issue bonds, debentures,

debenture stocks or other securities for the construction or acquisition of any vessels, properties or works, other than the railway, which the Company is authorized to construct or acquire, but such securities shall not exceed inamount the value of such vessels, properties and works.

Execution of mortgages.

2. For the purpose of securing the issue of such securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

R.S., c. 37.

3. All the provisions of sections 136 and 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such securities and mortgages.

Agreements with other companies.

16. 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 Grand Trunk Pacific Railway Company, the Canadian Pacific Railway Company and the Canadian Northern Railway Company, or any of thom and with the International Bridge and Terminal Company and other companies operating international bridges or ferries over the Rainy river.

108.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 108.

An Act to incorporate the Rainy
Radial Railway Company.

*(Reprinted as proposed to be amended
Railway Committee.)*

(PRIVATE BILL.)

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 109.

An Act to amend the Dominion Elections Act.

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

R.S., c. 6, section added.

1. *The Dominion Elections Act* is amended by inserting the following section immediately after section 143 thereof:—

Polls to be opened at certain points for railway employees.

"**143A.** In any election in which request may be made to the returning officer by or on behalf of any candidate, or by or on behalf of any elector or electors who are employees of any railway company, such number of polls shall be held at convenient divisional or other suitable points along any railway in any electoral district in which the service of such electors require them to be on election day, as are necessary to poll the votes of such electors as are entitled to vote in the said electoral district who, in the discharge of their duties, are required during the day of election to be outside of the polling division in which such electors are resident and entitled to vote.

Points to be selected by Governor in Council.

"2. The divisional or other points where booths may be opened for polling the votes of railway employees, who by certificate are entitled to vote outside of the district in which they reside, shall be selected and established by the Governor in Council.

Appointment of deputy returning officer, and instructions to returning officer.

"3. The Clerk of the Crown in Chancery shall appoint, by a commission under his hand, in form KK in the Schedule to this Act, the deputy returning officers for the polls to be held at the divisional or other points established according to this Act, and he shall instruct the returning officer for the electoral district in which such employees are entitled to vote to forward to such deputy returning officer a ballot box and such ballots, poll books, forms of oath, envelopes and stamps as are requisite for the election in the electoral district for which such returning officer is appointed, and shall instruct the returning officer to label the ballot box as follows:—'Ballot box in which the ballots of voters, being railway employees, for the riding of....., shall be deposited.'

Certificate of transfer of vote.

"4. The returning officer for any electoral district shall, at the request of any railway employee, who is an elector resident and entitled to vote in such electoral district, grant such elector a certificate in form LL in the Schedule to this Act, entitling him to vote at the polling booth established at any divisional or other suitable point, as designated in the certificate of the returning officer.

Declaration of voter.

"5. The deputy returning officer to whom such certificate is presented on the day for holding the poll shall require the person presenting it to sign a declaration, in form MM in the Schedule to this Act, that he is the person named in such certificate.

Duties of deputy returning officer after close of poll.

"6. At the close of the poll the deputy returning officer shall proceed to count the votes cast for each electoral district represented at such poll in the same manner, as far as possible, as is provided in sections 172 to 182, inclusive, of this Act, and he shall forthwith send each ballot box, sealed and locked as provided in section 181 of this Act, to the returning officer of the electoral district from whom he received such ballot box.

Votes to be counted in respective counties.

"7. Such returning officer shall count such votes in the returns for the respective candidates in the electoral district in which such railway employees are resident and entitled to vote."

Schedule amended.

2. The Schedule to the said Act is amended by adding there to the following forms:—

"KK.

"*Commission of a Deputy Returning Officer.*

"To G. H. (*insert his legal addition and residence*).

Know you, that in my capacity of Clerk of the Crown in Chancery, I hereby appoint you to be deputy returning officer for the polling division number....., at..... there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election for the said polling division on the.....day of....., at nine o'clock in the forenoon, at (*here describe particularly the place in which the poll is to be held*), and there to keep the said poll open during the hours prescribed by law, and to take as the said polling place, by ballot, in the manne by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to the returning officer of the electoral district from whom you received them, the ballot box sealed with your seal, and the ballots, envelopes, list of voters, poll book, and other documents required by law, together with this commission.

"Given under my hand, at ....., this..... day of ....., in the year.....

K. L.,
Clerk of the Crown in Chancery.

"LL.

"*Certificate of Transfer of Railway Employee's Vote.*

"To G. H., deputy returning officer for the polling division number....., at.....,

"I, the undersigned returning officer for the electoral district of....., hereby certify that.....of....., railway employee, is an elector of the electoral district of....., resident and entitled to vote therein at this election, and at his request I have transferred his vote from the list of polling division number.....of this electoral district to your polling division, and this certificate entitles him to vote at your polling booth.

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

A. B.,

"Returning officer for the electoral district of.....

"MM.

"*Declaration of Railway Employee.*

"I, ...of..... railway employee, do solemnly declare that I am..... of....., railway employee, the person named in the certificate of....., returning officer for the electoral district of....., produced herewith.

"Declared before me at..... in the electoral district of....., this.....day of .....19..

C. D.
Justice of the Peace.
G. H.
Deputy Returning Officer.
I. J.
Poll Clerk."

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

THE HOUSE OF COMMO
OF CANADA.

BILL 109.

An Act to amend the Dominion E
Act.

First reading, January 20, 19

MR. CONMI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 110.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

Preamble. 1899, c. 50; 1900, c. 49; 1901, c. 46; 1902, c. 38; 1905, c. 53; 1906, c. 54; 1907, c. 57; 1909, c. 40.

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

Time for construction of railway extended.

1. The time limited for completing the railway of the Algoma Central and Hudson Bay Railway Company, authorized by chapter 50 of the statutes of 1899, as amended by chapter 49 of the statutes of 1900, is extended for five years from the passing of this Act, and if the railway is not completed before the said date the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

1905, c. 53, s. 1 repealed.

2. Section 1 of chapter 53 of the statutes of 1905 is repealed.

Amount of securities authorized.

3. The limit to the amount of securities which the said company may issue and secure under sections 136 to 146, both inclusive, of *The Railway Act*, shall be a total of forty thousand dollars per mile of the railway constructed or authorized to be constructed by the said company, which sum shall include the amount of securities heretofore authorized; and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 110.

An Act respecting the Algoma Centr
Hudson Bay Railway Company

First reading, January 21, 191

(PRIVATE BILL.)

MR. TOL

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 111.

An Act respecting the Dominion Millers' Association.

Preamble. 1892, c. 71.

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

New s. 2.

1. Section 2 of chapter 71 of the statutes of 1892 is repealed and the following is substituted therefor:—

Real estate.

"**2.** The Association may acquire and hold, under any title whatsoever, property, real and personal, and may alienate, sell, convey, lease or otherwise dispose thereof."

New s. 3.

2. Section 3 of the said Act is repealed, and the following is substituted therefor:—

Objects of the association.

"**3.** The Association may—

"(*a*) carry on the business of purchasing, selling, storing, shipping and dealing in grain and manufacturing, buying and selling flour and other products of grain, and may construct, acquire, operate, hire, lease, sell or otherwise dispose of elevators for elevating wheat, grain or other products, and acquire, lease and utilize, hydraulic, electric or other power for the purpose of the said business, and generally may carry on an elevator and storage business;

"(*b*) construct, acquire, charter, operate, sell, lease and otherwise dispose of all kinds of vessels and boats, and wharfs, docks, workshops, stations and other buildings;

"(*c*) acquire and hold shares in any ships, and manage, navigate and operate such ships and may acquire shares in any company incorporated for the purpose of owning, managing and operating ships and may lease, hire and charter any such ship and do all acts and things for the promotion, extension and improvement of the manufacture of flour and meal, and the business of flour milling generally, and the shipping and sale of flour and grain and other products in foreign markets as well as in the markets of Canada, and assist the members of the Association with regard thereto;

"(*d*) arbitrate, adjust, settle and determine controversies and misunderstandings between persons interested in the said business of buying and selling grain, flour and other merchandise or such as are submitted for arbitration as hereinafter provided (but nothing herein shall be construed as authorizing the Association by rule, regulation, by-law or otherwise to fix or determine, or

endeavour to fix or determine in any way whatever, the price that the members or any of them shall pay or offer for grain in Canada);

"(*e*) carry on any other business which may seem to the Association capable of being conveniently carried on in connection with the business of the Association, or calculated directly or indirectly to enhance the value of or render profitable any of its property or rights;

"(*f*) apply for, and purchase or otherwise acquire any patents, licenses, concessions conferring any exclusive or non-exclusive or limited rights 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 Association, or the acquisition of which may seem calculated directly or indirectly to benefit the Association, and may use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights, or information so acquired;

"(*g*) enter into any arrangements with any authorities, municipal, local or otherwise, that may seem conducive to the Association's objects, and obtain from any such authority any rights, privileges and concessions which the Association thinks desirable, and may carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

"(*h*) acquire and hold shares in any company or association having objects together or in part similar to those of the Association or carrying on any business capable of being conducted so as directly or indirectly to benefit the Association;

"(*i*) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments."

Capital stock.

3. The capital stock of the Dominion Millers' Association shall be one hundred thousand dollars, divided into shares of fifty dollars each.

S. 4 amended.

4. Section 4 of the said Act is amended by inserting after the word "meeting" in the first line thereof the words "or head office."

New s. 7.

5. Section 7 of the said Act is repealed and the following is substituted therefor:—

Who may be admitted members.

"**7.** Such persons as are owners of a mill for the manufacture of flour, meal or other commodities, or lessees of such a mill actually carrying on the business of milling therein, farmers and grain-growers and such other persons as are by by-law hereafter provided for, shall be elegible as members of the Association and no person save as in this section provided shall hold shares in the Association."

S. 9 amended.

6. Section 9 of the said Act is amended by adding at the end thereof "but no such by-law shall provide for the expulsion of

By-laws.

any person who has become a shareholder in the Association, but, as to such persons, shall make provision only for their being deprived of the special privileges and advantages of the Association other than such pecuniary advantages as are incident to their stock holdings."

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 111.

An Act respecting the Dominion
Association.

First reading, January 21, 1

(PRIVATE BILL.)

MR. I

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 111.

An Act respecting the Dominion Millers' Association.

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

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1892, c. 71.

1. Section 2 of chapter 71 of the statutes of 1892 is repealed and the following is substituted therefor:— New s. 2.

"**2.** For the purposes of its undertaking only, the Association may acquire and hold, under any title whatsoever, property, real and personal, and may alienate, sell, convey, lease or otherwise dispose thereof." Real estate.

2. Section 3 of the said Act is repealed, and the following is substituted therefor:— New s. 3.

"**3.** The Association may— Objects of the association.

"(*a*) carry on the business of purchasing, selling, storing, shipping and dealing in grain and manufacturing, buying and selling flour and other products of grain, and may construct, acquire, operate, hire, lease, sell or otherwise dispose of elevators for elevating wheat, grain or other products, and acquire, lease and utilize, hydraulic, electric or other power for the purpose of the said business, and generally may carry on an elevator and storage business: Provided, however, that the Association shall not engage in any manufacturing business until authorized to do so by a special meeting of the members of the Association called for the purpose of approving of such course;

"(*b*) For the purposes of its undertaking only, construct, acquire, charter, operate, sell, lease and otherwise dispose of all kinds of vessels and boats, and wharfs, docks, workshops, stations and other buildings;

"(*c*) For the purposes of its undertaking only, acquire and hold shares in any ships, and manage, navigate and operate such ships and may acquire shares in any company incorporated for the purpose of owning, managing and operating ships and may lease, hire and charter any such ship and do all acts and things for the promotion, extension and improvement of the manufacture of flour and meal, and the business of flour milling generally, and the shipping and sale of flour and grain and other

products in foreign markets as well as in the markets of Canada, and assist the members of the Association with regard thereto;

"(*d*) arbitrate, adjust, settle and determine controversies and misunderstandings between persons interested in the said business of buying and selling grain, flour and other merchandise or such as are submitted for arbitration as provided for by sections 10, 11 and 12 of chapter 71 of the statutes of 1892.

"(*e*) apply for, and purchase or otherwise acquire any patents, licenses, concessions conferring any exclusive or non-exclusive or limited rights 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 Association, or the acquisition of which may seem calculated directly or indirectly to benefit the Association, and may use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights, or information so acquired;

"(*f*) enter into any arrangements with any authorities, municipal, local or otherwise, that may seem conducive to the Association's objects, and obtain from any such authority any rights, privileges and concessions which the Association thinks desirable, and may carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

"(*g*) acquire and hold shares in any company or association having objects altogether or in part similar to those of the Association or carrying on any business capable of being conducted so as directly or indirectly to benefit the Association;

"(*h*) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments."

Capital stock.

3. The capital stock of the Dominion Millers' Association shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each.

S. 4 amended.

4. Section 4 of the said Act is amended by inserting after the word "meeting" in the first line thereof the words "or head office."

S. 5 amended.

5. Section 5 of the said Act is amended by adding thereto the following sub-section:—

Executive committee.

"2. Provided, however, that a least at majority of the members from time to time elected as members of such executive committee shall be participating members of the Association and hold shares in the capital stock of the Association."

New s. 7.

6. Section 7 of the said Act is repealed and the following is substituted therefor:—

Who may be admitted members.

"**7.** Such persons only as are owners of a mill for the manufacture of flour, meal or other similar commodities, or lessees of such a mill actually carrying on the business of milling therein, farmers and grain-growers and such other persons as are by by-law hereafter provided for, shall be eligible as members of the Association and no person, save as in this section provided, shall hold shares in the Association."

Classes of members.

7. The members of the Association shall consist of two classes: (a) Participating members: (b) Ordinary members.

Participating members.

2. The participating members shall consist of such members of the Association as subscribe for and are allotted one or more shares of the capital stock of the Association, the issue of which is provided for by section 3 of this Act, and such shares shall be entitled to preferred cumulative dividends to an amount not exceeding ten per cent per annum.

S. 9 amended.

8. Section 9 of the said Act is amended by adding at the end thereof the words "But no such by-law shall provide for the expulsion of any person who has become a shareholder or participating member of the Association, nor for the expulsion of any ordinary member except for non-payment of dues or for dishonourable conduct."

Expulsion of member.

Votes.

9. At all meetings of the Association each member thereof, whether a participating or ordinary member, shall be entitled to one vote only.

Surplus upon winding up.

10. In the event of the winding up of the Association, either voluntarily or under *The Winding-up Act* or any other Act that may be applicable to the Association, any surplus remaining of the capital paid in by the participating members, or remaining from the accumulated profits earned by such capital, shall belong to the participating members, and be distributed amongst them in proportion to their holding.

Restrictions as to purchase of mills and fixing prices of grain.

11. The Association shall not purchase or otherwise acquire any mill belonging to any member of the Association, nor shall the Association fix or attempt to fix the price at which any member of the Association shall buy or sell grain or other commodities other than grain or other commodities bought from or sold to the Association, and if the Association in any way fixes the prices at which its members shall buy or sell grain or other commodities in such a way as would have made the members of the Association liable to the provisions of *The Criminal Code* or any other Act had they individually agreed together to the like effect, such members as acquiesce therein shall be liable under the provisions of the said Code, or other Act, notwithstanding that such fixing of the price of grain or other commodities is the act of the Association, in the same way as if they had individually agreed together to do such acts.

R. S., c. 79.

12. Sections 126, 127, 128, 141, 155 and 165 of Part II of *The Companies Act* shall not apply to the Association, but otherwise the Association shall be subject to the provisions of Part II of the said Act, and in the sections of Part II of *The Companies Act* which are applicable to the Association the word "director" or "directors" shall, unless the context otherwise requires, mean "a member of the executive committee," or "the executive committee of the Association," as the case may be.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMON
OF CANADA.

BILL 111.

An Act respecting the Dominion Mi
Association.

(*Reprinted as amended and reported*
Miscellaneous Private Bills Commit

(PRIVATE BILL.)

MR. HARI

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act to incorporate the Independent Order of Rechabites.

Preamble.

WHEREAS the persons hereinafter named have by their petition represented that they are members of the Independent Order of Rechabites, a friendly society duly registered under the provisions of the Act relating to registered Friendly Societies, being chapter 32 of the statutes of 1908 of the United Kingdom, and that the said society is desirous of carrying on business throughout Canada under the control of one central body, and for such purpose 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:—

Incorporation.

1. George Webster, compositor; John W. Bruce, plumber; J. G. Halse, compositor: John Deer, gentleman; Thomas Deer, gentleman; W. A. Gordon, clerk; D. Perry, sailmaker; D. E. Webster, painter, all of Toronto, and John Steen, boxmaker, Bedford Park; Septimus Rowe, gentleman, Coleman; Robert McGarrie, gentleman, Bedford Park, all in the province of Ontario, members of the said Independent Order of Rechabites, together with such persons as are or become members of the society hereby incorporated, are incorporated under the name of "The Independent Order of Rechabites, Salford Unity, Friendly Society," hereinafter called "the Society."

Corporate name.

Provisional directors.

2. The said George Webster, John W. Bruce, J. G. Halse, John Deer, Thomas Deer, W. A. Gordon, D. Perry, D. E. Webster, John Steen, Septimus Rowe and Robert McGarrie shall be the provisional directors of the Society.

Head office.

3. The head office of the Society shall be in Bedford Park, in the province of Ontario, or in such other place in Canada as may be designated by the Society.

Objects.

4. The purposes and objects of the Society shall be as follows:

(*a*) To unite fraternally all persons entitled to membership under the constitution and laws of the Society; and the word "laws" when hereinafter used shall include general laws and by-laws.

(*b*) To improve the social, intellectual and moral condition of the members of the Society and to educate them in integrity,

sobriety and frugality, and to give all moral and material aid in its power to its members and those dependent upon them.

(*c*) To establish a fund for the relief of sick and distressed members.

(*d*) To establish a benefit fund.

(1.) for insuring a sum of money not exceeding $1,500.00 payable on the death of a member;

(2.) for insuring a sum of money payable for the funeral expenses of a member's wife, widow or child;

(3.) for the relief or maintenance of the members in old age.

(*e*) To secure for its members such other advantages as are, from time to time, designated by the constitution and laws of the Society.

Subordinate branches.

5. Subject to the constitution and laws of the Society, branches under the name of "Tents" provincial and territorial districts (or as the case may be) may be established in Canada under the title or number designated in the charter granted by the Society constituting such branches and subject to such provisions, conditions and with such powers as the Society may determine: Provided, however, that such powers shall not be in excess of those conferred upon the Society by this Act, and the trustees of each branch already established and to be hereafter established in Canada shall be a body corporate and politic, and each of such branches shall be so incorporated under the corporate name of "The Trustees of (*giving the title of the Branch*)."

Rules and by-laws.

6. The Society may make rules and by-laws for the guidance of its officers and members, the control and management of its funds, and generally for regulating every matter and thing proper and necessary to be done for the good of the Society and the prosecution of its objects and purposes.

Provincial agents to be appointed under power of attorney.

7. The Society shall appoint in each province in which it transacts business, other than the province in which its head office is situate, an agent under a power of attorney bearing the seal of the Society and signed by the president and secretary or other proper officers thereof in the presence of a witness who shall make oath or affirmation as to the due execution thereof; and the official positions in the Society held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf.

What such power of attorney must contain.

8. Each such power of attorney shall declare at what place in the province of which such agent is appointed the said agent has his office, and shall expressly authorize the agent thereby appointed to receive service of process in all suits and proceedings against the Society in the province in which such agent resides, and shall declare that service of process at such office or personally on such agent, shall be binding on the Society to all intents and purposes whatsoever.

Duplicates for each province.

9. The Society shall file with the Superintendent of Insurance a duplicate duly verified of every such power of attorney, and shall publish, in the first issue in January in each year, in *The Canada Gazette*, a notice setting forth the names and addresses

of all such agents for the time being; and in the event of any such agents being changed at any time, notice of such change shall in the like manner be published in the first issue thereafter of *The Canada Gazette*.

Investment of reserve funds.

10. The surplus or reserve fund of the Society shall be invested in the name of the Society in securities which are a first charge on land in fee simple in Canada, in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or of any of the provinces thereof, or shall be deposited in a chartered bank in Canada or in such other way as is permitted according to the provisions of the Registered Friendly Societies' Act of Great Britain and Ireland; but the Society shall sell such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien within seven years after it has been so acquired, otherwise such real estate or property shall revert to the previous owner or his legal representatives or assigns.

Real estate.

11. The Society may receive, acquire and hold real estate by purchase, gift or devise to an amount which shall not exceed in all one hundred thousand dollars, and the Society may, by by-law, determine the manner in which such real property shall be held and conveyed, subject to the laws of the province in which such real estate is situate.

Certificate of membership.

12. Every person who is admitted a member of the Society shall receive a certificate of membership on which shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership; and so long as such conditions are complied with he shall remain a member of the Society and shall enjoy all the benefits and privileges of membership, and alternatively the certificate of membership may be bound up with the rules and by-laws of the Society in accordance with its custom in Great Britain and Ireland.

Documents to be filed.

13. Within three months of the coming into force of this Act a certified copy of the present constitution and laws of the Society and of its form of certificate of membership shall be deposited in the office of the Superintendent of Insurance, and copies of any future change or amendment thereto shall be deposited before they are acted on by the Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues.

Penalty for contravention.

No annuities.

14. The Society shall not assure to any member a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Separate books of account.

15. The Society shall keep separate and distinct books of account for the sickness and mortuary branches of the Society's business.

R. S., c. 124.

16. This Act, and the Society, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 112.

An Act to incorporate the Inc
Order of Rechabites.

First reading, January 21,

(PRIVATE BILL.)

MR. VE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act to incorporate the Independent Order of Rechabites.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

Preamble.

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

Incorporation.

1. George Webster, compositor; John W. Bruce, plumber; J. G. Halse, compositor; John Deer, gentleman; Thomas Deer, gentleman; W. A. Gordon, clerk; D. Perry, sailmaker; D. E. Webster, painter, all of Toronto, and John Steen, boxmaker, Bedford Park; Septimus Rowe, gentleman, Coleman; Robert McGarrie, gentleman, Bedford Park, all in the province of Ontario, together with such persons as become members of the society hereby incorporated, are incorporated under the name of "The Independent Order of Rechabites, Salford Unity, Friendly Society," hereinafter called "the Society."

Corporate name.

Provisional directors.

2. The said George Webster, John W. Bruce, J. G. Halse, John Deer, Thomas Deer, W. A. Gordon, D. Perry, D. E. Webster, John Steen, Septimus Rowe and Robert McGarrie shall be the provisional officers of the Supreme Lodge and shall hold office until their successors are elected.

Head office.

3. The head office of the Society shall be in Bedford Park, in the province of Ontario, or in such other place in Canada as may from time to time be designated by the Society.

Governing body.

4. The Society shall be governed by a representative body to be known as the Supreme Lodge, whose officers shall be elected annually or biennially as may be determined by by-law.

Objects.

5. The purposes and objects of the Society shall be as follows:

(*a*) To unite fraternally all persons entitled to membership under the constitution and laws of the Society; and the word "laws" when hereinafter used shall include general laws and by-laws.

(*b*) To improve the social, intellectual and moral condition of the members of the Society, and to educate them in integrity,

sobriety and frugality, and to give all moral and material aid in its power to its members and those dependent upon them.

(*c*) To establish a fund for the relief of sick and distressed members.

(*d*) To establish a benefit fund—

(i) for insuring a sum of money not exceeding one thousand five hundred dollars payable on the death of a member;

(ii) for insuring a sum of money payable for the funeral expenses of a member, his wife, widow or child;

(iii) for the relief or maintenance of the members in old age.

(*e*) To secure for its members such other advantages as are, from time to time, designated by the constitution and laws of the Society.

Business of Society.

6. The business of the Society shall be carried on upon the legal reserve basis, and the premiums or contributions for the several benefits provided for shall be payable monthly, bi-monthly, quarterly, half yearly or annually in advance.

Reserves to be maintained by Society.

7. The Society shall maintain—

(*a*) in respect of all sums payable at death the reserves required by the National Fraternal Congress Table of Mortality and a rate of interest of four per cent;

(*b*) in respect of sums payable at or during sickness or disability, such additional reserves as are required by such standard tables as may, in the opinion of the Superintendent of Insurance, be appropriate and the said rate of interest; all such reserves being ascertained by the net premium method.

Subordinate branches.

8. Subject to the constitution and laws of the Society, branches, under the name of "Tents" or "Districts," provincial or territorial (as the case may be), subordinate to the Society, may be established in Canada under the title or number designated in the charter granted by the Society constituting such branches, and subject to such provisions and conditions and with such powers as the Society may determine: Provided, however, that such powers shall not be in excess of those conferred upon the Society by this Act.

Proviso.

Rules and by-laws.

9. The Society may make rules and by-laws for the guidance of its officers and members, the control and management of its funds, and generally for regulating every matter and thing proper and necessary to be done for the good of the Society and the prosecution of its objects and purposes.

Sick benefits.

10. No sick benefits shall be paid to any member exceeding ten dollars per week, nor for a longer period than is provided for in the constitution and laws of the Society for the time being in force.

Books and registers.

2. Separate and distinct registers and books of account shall be kept by the Society, showing the members entitled to participate in the sick benefit fund, the receipts and payments in respect thereof, the amounts from time to time chargeable against it, and every other matter and detail of which an account ought to be kept.

3. The sick benefit fund and securities respecting it shall alone be available for the payment of sick benefits, and no other assets or securities of the Society shall be available for that purpose. Fund available for sick benefits.

11. Separate and distinct registers and books of accounts shall also be kept by the Society showing the members who, or whose representatives, are entitled to share in the mortuary funds, the receipts and payments in respect thereof, the sums from time to time chargeable against the same, and all necessary and proper details. Separate registers for participants in mortuary funds.

12. The Society may receive, acquire and hold real estate by purchase, gift or devise to an amount which shall not exceed in all one hundred thousand dollars, and the Society may, by by-law, determine the manner in which such real property shall be held and conveyed, subject to the laws of the province in which such real estate is situate. Real estate

13. Every person who is admitted a member of the Society shall receive a certificate of membership on which shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership; and so long as such conditions are complied with he shall remain a member of the Society and shall enjoy all the benefits and privileges of membership. Certificate of membership.

14. Within three months after the passing of this Act a certified copy of the constitution and laws of the Society and of its form of certificate of membership shall be deposited in the office of the Superintendent of Insurance, and copies of any future change or amendment thereto shall be deposited before they are acted on by the Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues. Documents to be filed. Penalty for contravention.

15. Nothing herein shall exempt the Society from the effect of any legislation hereafter passed by the Parliament of Canada with respect to any insurance powers exercised by friendly societies. Rights saved.

16. *The Insurance Act* shall apply to the Society, except in so far as it is not inconsistent with this Act. R.S., c. 34.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMON
OF CANADA.

BILL 112.

An Act to incorporate the Indepe
Order of Rechabites.

(*Reprinted as proposed to be amended*
Banking and Commerce Committe

(PRIVATE BILL.)

MR. VERVI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 113.

An Act respecting the Manitoulin and North Shore Railway Company.

Preamble. 1900, c. 64; 1901, c. 74; 1902, c. 72; 1903, c. 148; 1905, c. 120; 1906, c. 123; 1907, c. 106; 1908, c. 127.

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

Time for construction of certain lines extended.

1. The lines of railway described in sections 1 and 2 of chapter 148 of the statutes of 1903, as amended by section 1 of chapter 106 of the statutes of 1907, and the railway described in section 7 of chapter 64 of the statutes of 1900, except those portions described in sections 2 and 3 of this Act, may be commenced within two years and completed and put in operation within five years after the passing of this Act; and if not so commenced, completed and put in operation the powers granted for their construction shall cease and be null and void as respects so much thereof as then remains uncompleted.

Time for construction of railway, Sudbury to Little Current, extended.

2. The time limited for completing that part of the railway of the Manitoulin and North Shore Railway Company described in section 7 of chapter 64 of the statutes of 1900 which lies between Sudbury and Little Current is extended for three years from the passing of this Act, and if the said part of the railway is not completed before the said date 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 part of the railway as then remains uncompleted.

Time for construction of railway, Meaford to Owen Sound, extended.

3. That part of the said railway described in section 7 of chapter 64 of the statutes of 1900 which lies between Meaford and Owen Sound may be commenced within two years after the passing of this Act; but if the construction of the said part of the railway is not commenced and one hundred and fifty thousand dollars are not expended thereon within the said two years, and if the said part of the railway is not completed and put in operation within three years after the passing of this Act, the powers granted for such construction shall cease and be null and void as respects so much of the said part of the railway as then remains uncompleted.

1908, c. 127 amended.

4. Sections 1, 2 and 3 of chapter 127 of the statutes of 1908 are repealed.

Declaratory.

5. The railway of the Manitoulin and North Shore Railway Company is declared to be a work for the general advantage of Canada.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 113.

An Act respecting the Manitoulin
North Shore Railway Company

First reading, January 21, 1910

(PRIVATE BILL.)

MR. TOL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 114.

An Act respecting the Richelieu and Ontario Navigation 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:—

Powers.
Real estate.
Hotels, etc.

1. The Richelieu and Ontario Navigation Company, hereinafter called "the Company," may acquire and hold real estate for the construction of offices and for such other necessary purposes in connection therewith as the Company deems expedient, and may sell, exchange and dispose thereof; and the Company may own and operate hotels and other dwellings or buildings and places of amusement.

Sections repealed.

2. Section 3 of chapter 170 of the statutes of 1857, section 2 of chapter 69 of the statutes of 1862, section 3 of chapter 85 of of the statutes of 1875, and section 2 of chapter 126 of the statutes of 1899, are repealed.

Warehousemen, wharfingers and forwarders.
Wharfage dues.

3. The Company may carry on the business of warehousemen, wharfingers and forwarders, and for such purposes may purchase, lease, construct or otherwise acquire, hold, enjoy and manage such lands, water lots, wharfs, docks, dry docks, dock yards, slips, warehouses, elevators, ore and coal handling and storage equipment, offices and other buildings as it finds necessary and convenient for its undertaking, and may charge wharfage and other dues for the use of any such property.

Freight and passenger facilities.

4. The Company may construct, own, maintain, operate and control freight and passenger stations, elevators, transportation undertakings and general freight and passenger terminal facilities in Canada and elsewhere.

Carriers.
Agents.

5. The Company may carry on the general business of common carriers on land and water, and develop and manage any properties, undertakings, industries, enterprises or companies for transportation by land and water, and carry on the business of engaging, receiving, transporting and delivering merchandise upon freight or for hire between any ports in Canada or elsewhere, and of building, chartering and operating vessels for the purposes of this section, or of acting as agent for such vessels.

Vessels.

6. The Company may build, manufacture, repair, operate, and maintain vessels and boats of all kinds, and their furnishings and appurtenances, together with all materials, articles, tools, machinery and appliances entering into or suitable and convenient for the construction or equipment thereof; and may buy, sell, lease, or otherwise deal in and with and dispose thereof, and carry on any trade or business incident thereto or connected therewith.

Directors.

7. The number of directors shall be not less than three nor more than fifteen, one or more of whom may be paid directors.

Sections repealed.

8. Section 4 of chapter 170 of the statutes of 1857, section 5 of chapter 85 of the statutes of 1875, section 3 of chapter 91 of the statutes of 1885, and section 4 of chapter 105 of the statutes of 1894, are repealed.

Regulations and by-laws.

9. The directors may make regulations and by-laws for the management of the affairs of the Company generally, and such regulations and by-laws shall remain in force until they are submitted to the next general meeting of the shareholders, and in default of confirmation thereat shall thereafter cease to have force.

Meetings.

Notice.

10. The president or any two or more directors may at any time call meetings of the shareholders, either for general or special purposes, upon giving at least ten days' notice by advertisement in one or more newspapers published in the city of Montreal, or by sending a written or printed notice to each shareholder by post or otherwise.

Sections repealed.

11. Sections 6 and 9 of chapter 170 of the statutes of 1857, and section 3 of chapter 69 of the statutes of 1862, are repealed.

Agreements with other companies.

12. The Company may take, hold and dispose of shares in, and enter into agreements with, any company having objects similar to those of the Company, and may manage the affairs, or take over and carry on the business of any such company, either by acquiring the shares or other securities thereof, or otherwise howsoever, and exercise the powers of the holders of such shares or securities, and receive and distribute as profits the dividends and interest on such shares or securities.

Acquirement of business of other companies.

13. The Company may unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other company authorized to carry on a like business, and any other business in connection with such business, or may purchase and acquire the assets of any such company.

Securities of other companies.

14. The Company may acquire, hold, guarantee, pledge and dispose of stock, bonds or other securities of any company upon such terms as are specified in a by-law passed by the directors for that purpose, and sanctioned by a vote of the majority of shareholders present or represented by proxy and voting at any

annual meeting or at a special general meeting of the Company duly called for the purpose of considering the said by-law.

Guarantee of securities of other companies.

15. The Company may guarantee the payment of the principal and interest of bonds, debentures, stock or other securities or evidence of indebtedness of any corporation, the majority of whose capital stock is held or controlled by the Company; such guarantee may be signed by the officer duly authorized in that behalf, and the Company shall be liable to the holder from time to time of the bonds or other security so guaranteed, in accordance with the terms of such guarantee.

Liability of Company.

Scope of operations.

16. The operations of the Company may be carried on throughout Canada and elsewhere.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 114.

An Act respecting the Richeli
Ontario Navigation Compa

First reading, January 21, 19

(PRIVATE BILL.)

MR. F

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 115.

An Act to incorporate the St. Lawrence Power Transmission Company, Limited.

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. Francis H. McGuigan,of the city of Toronto, in the province of Ontario, contractor ; James W. Rickey, of the town of Massena, in the state of New York, hydraulic engineer ; William Chalmers MacLaren, manufacturer and Robert Bowie, manufacturer, both of the town of Brockville ; Isaac Phillip Wiser, of the town of Prescott, manufacturer ; Peter Ernest Campbell, merchant and Archibald Denny, banker, both of the town of Cornwall, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The St. Lawrence Power Transmission Company, Limited," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the town of Cornwall, in the province of Ontario, or at such other place as is from time to time determined by by-law of the Company.

Powers.

Transmission and distribution of electric and other power.

6. The Company may purchase, lease or otherwise acquire lands and water powers, and may construct, maintain, operate, use and manage works, machinery and plant for the generation, storage, transmission and distribution of pneumatic, electric, hydraulic and other power or energy, and may acquire by lease, purchase or otherwise electricity, electric, pneumatic, hydraulic or other current, power or force, and may store, use, supply, furnish, distribute,sell, lease, contract for or otherwise dispose

thereof as well as electricity, current, power or force produced by the Company, for all or any of the purposes of light, heat or power or any other purpose for which electricity or electric or other power, current or energy can be used.

Wires, poles, tunnels and other works.

7. The Company may construct, maintain and operate lines of wires, cables, poles, tunnels, trenches, conduits and other works in the manner and to the extent required for the purposes of the Company, and may conduct, store, buy, sell, contract for and supply electric and other power, and may, with such lines of wires, cables, poles, tunnels, trenches, conduits and motors or other conductors or devices, conduct, convey, furnish or receive such electricity or other power or energy to or from any other company or person at any place through, over, along or across any public highway, bridge, viaduct, railway or water-course or over or under any waters.

Acquirement and disposal of water steam and other power.

8. The Company may acquire and utilize water power and steam power for the purpose of compressing air or generating electricity, and may contract for, sell, dispose of and distribute the same either as water power or other power, or may convert it into electricity or other force for any purpose for which electricity or other power can be used.

Importation and exportation of power from and to the U. S.

9. The Company may also, for the purpose of enabling it to furnish and guarantee continuous power for the uses proposed to be served by the Company, import electricity or other power or energy from the United States, and may export electricity or other power to the United States.

Telegraph and telephone lines.

10. The Company may construct or acquire by lease, purchase or otherwise, and operate in connection with the works, lines and business of the Company and for the purposes thereof, lines of telegraph or telephone or other works and means of communication.

Aid to other companies supplying or receiving power.

11. The Company may aid, by way of bonus, loan,guarantee or otherwise, any industry or enterprise using or agreeing to use power supplied by the Company or supplying or agreeing to supply power to the Company, and may acquire stock in any corporation carrying on or having power to carry on any such industry or enterprise, and the bonds, debentures or other securities or obligations of any such corporation, and may act as agent or manager of any such industry, enterprise or corporation.

Disposal of real property.

12. The Company may sell, lease or otherwise dispose of its assets or property.

Agreements with other companies.

13. The Company may enter into, perform and carry out any agreement with any power company authorized to do, perform or exercise any of the powers conferred upon the Company for the purchase by and sale and transfer to the Company of the whole or any part of the rights, powers, franchises, assets, property, business and undertakings of such other company, and

for the assumption and payment by the Company of the whole or parts of the contracts, obligations and liabilities of such other company.

Acquirement and use of private property.

14. The Company may within the counties of Leeds, Grenville, Dundas, Stormont and Glengarry in the Province of Ontario, and in the counties of Soulanges, Vaudreuil and Jacques Cartier, and the city of Montreal in the Province of Quebec, enter upon any private property, and survey, set off, take and acquire such parts thereof as are necessary for any of the works or undertakings of the Company or for the lines, wires, cables, poles, tunnels, trenches or conduits of the Company, and may enter upon any lands adjacent to such lines or conduits and fell any trees or the limbs thereof or other obstructions necessary to guard the safety of such lines or conduits, and in the case of disagreement between the Company and any owner or occupier of lands which the Company may take or enter upon for any of the purposes aforesaid or in respect of any damages done thereto by constructing the said works, undertakings, lines, cables, poles, tunnels, trenches or conduits upon the same or removing obstructions therefrom, the provisions of *The Railway Act* applicable thereto shall apply.

Of lands adjacent to works.

R.S., c. 37.

Surveys of lands utilized.

15. The Company may take and make surveys and levels of the lands and properties upon, through or under which the works of the Company are to be erected, passed or operated, together with the map or plan thereof and of the course and direction of the said works and of the lands and properties intended to be taken or to be passed through or under so far as then ascertained, and also the book of reference for the works, and deposit them as required by *The Railway Act* with respect to plans and surveys by sections or portions less than the whole of the said works and of such parts thereof as the Company sees fit, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said works all the sections of *The Railway Act* applicable thereto shall apply to each of such sections or portions of the said works as fully and effectually as if the said surveys and levels had been taken and made of the lands and properties upon, through or under which the whole of the said works are or were to be erected or passed, together with the map or plan of the whole thereof, as fully as if the book of reference for the whole of the said works had been taken, made, examined, certified and deposited according to the said sections of *The Railway Act*.

Maps or plans.

Book of reference.

Deposit.

Application of R.S., c. 37 to sections of works.

R.S., c. 37.

Issue of securities.

16. The directors may from time to time issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, which bonds shall be a charge upon the works, franchise, plant and undertaking of the Company, and shall be payable at such time and places and be sold at such price as the directors determine, and the Company may mortgage or pledge any such bonds for advances of money to be made thereon.

Pledge of securities.

Scope of operations.

17. The operations of the Company may be carried on throughout Canada.

R.S., c. 37.

Interpretation.

"Company."

"Railway."

"Land."

18. Section 151 and sections 172 to 220, both inclusive, of *The Railway Act* shall apply to the Company and its undertakings in so far as the said sections are not inconsistent with the provisions of this Act, and subject to the following:—

(*a*) Wherever in the said sections of *The Railway Act* the word "company" occurs it shall mean the Company hereby incorporated.

(*b*) Wherever in the said sections of *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, and in so far as it applies to the provisions of this Act, mean the lands, works, conduits, cables or other works authorized by this Act to be constructed or acquired.

(*c*) Wherever in the said sections of *The Railway Act* the word "land" occurs it shall include any land, property, privilege or easement required by the Company for carrying on and constructing the works authorized by this Act, or any portion thereof, without the necessity of acquiring a title in fee simple thereto.

R.S., c. 79.

19. Sections 127, 136, 137, 141 of Part II of *The Companies Act* shall not apply to the Company.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 115.

An Act to incorporate the St. L
Power Transmission Company, L

First reading, January 21, 19

(PRIVATE BILL.)

MR. PA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 115.

An Act to incorporate the St. Lawrence Power Transmission Company, Limited.

(Reprinted as proposed to be amended in the Miscellaneous Private Bills Committee.)

Preamble.

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

Incorporation.

1. Francis H. McGuigan, of the city of Toronto, in the province of Ontario, contractor ; James W. Rickey, of the town of Massena, in the state of New York, hydraulic engineer ; William Chalmers MacLaren, manufacturer and Robert Bowie, manufacturer, both of the town of Brockville ; Isaac Phillip Wiser, of the town of Prescott, manufacturer ; Peter Ernest Campbell, merchant and Archibald Denny, banker, both of the town of Cornwall, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The St. Lawrence Power Transmission Company, Limited," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the town of Cornwall, in the province of Ontario, or at such other place as is from time to time determined by by-law of the Company.

Powers.

6. The Company may,—

(*a*) construct, maintain, operate, use and manage conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay and maintain pipes, cables,

wires or other conductors and connect them with similar lines in other provinces and in the United States, subject to the provisions of *The Electricity and Fluid Exportation Act;*

(*b*) acquire by purchase, lease or otherwise electricity and electric, pneumatic or other current, power or force, and may supply, distribute, sell, lease, contract for or otherwise dispose thereof for the purposes of light, heat or power or any other purpose for which electricity or electric or other power, current or energy can be used;

(*c*) acquire such lands, easements and privileges as are necessary for the purposes of its undertaking.

Telegraph and telephone lines.

7. The Company may construct or acquire by lease, purchase or otherwise, and operate in connection with the works, lines and business of the Company and for the purposes thereof, lines of telegraph or telephone or other works and means of communication.

1907, cc. 14 and 16 to apply.

8. Except as in this Act otherwise expressly provided, the provisions of *The Electricity Inspection Act, 1907,* and of *The Electricity and Fluid Exportation Act* shall apply to the Company and its undertaking.

Issue of securities.

9. The directors may from time to time issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, which bonds shall be a charge upon the works, franchise, plant and undertaking of the Company, and shall be payable at such time and places and be sold at such price as the directors determine, and the Company may mortgage or pledge any such bonds for advances of money to be made thereon.

Pledge of securities.

Approval of plans.

10. The powers conferred upon the Company by this Act shall not be exercisable until the Company has first submitted to the Governor in Council plans of such works, and has received his assent thereto.

R.S., c. 37. Interpretation.

11. *The Railway Act,* so far as applicable, and when not inconsistent with this Act, shall apply to the Company and its undertaking.

"Company."

2. Wherever in *The Railway Act* the word "company" occurs, it shall include the Company hereby incorporated.

"Railway."

3. Wherever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to this Act or to the Company, mean the works authorized by this Act to be constructed.

'Land."

4. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege or easement required by the Company for constructing or operating the works authorized by this Act under, over or along any land, without the necessity of acquiring a title in fee simple.

Expropriation powers.

5. The expropriation powers hereby conferred upon the Company shall only be exercised in the counties of Leeds, Grenville, Dundas, Stormont and Glengarry in the province of Ontario, and in the counties of Soulanges, Vaudreuil and

Jacques Cartier and the city of Montreal in the province of Quebec.

12. Sections 127, 136, 137 and 141 of Part II of *The Companies Act* shall not apply to the Company. R.S., c. 79.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 115.

An Act to incorporate the St. I
Power Transmission Company, I

(Reprinted as proposed to be amend
Miscellaneous Private Bills Com

(PRIVATE BILL.)

MR. PA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

[SECOND REPRINT.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 115.

An Act to incorporate the St. Lawrence Power Transmission Company, Limited.

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

Preamble.

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

Incorporation.

1. Francis H. McGuigan, of the city of Toronto, in the province of Ontario, contractor ; James W. Rickey, of the town of Massena, in the state of New York, hydraulic engineer ; William Chalmers MacLaren, manufacturer and Robert Bowie, manufacturer, both of the town of Brockville ; Isaac Phillip Wiser, of the town of Prescott, manufacturer ; Peter Ernest Campbell, merchant and Archibald Denny, banker, both of the town of Cornwall, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The St. Lawrence Power Transmission Company, Limited," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the town of Cornwall, in the province of Ontario, or at such other place in Canada as is from time to time determined by by-law of the Company.

Powers.

6. The Company may,—

(*a*) construct, maintain, operate, use and manage conduits, tunnels, transmission lines, structures, buildings, machinery,

plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors and connect them with similar lines in other provinces and with similar lines in the United States for the purpose of importation only;

(*b*) acquire by purchase or lease electricity and electric, pneumatic or other current, power or force, and may supply, distribute, sell, lease, contract for or otherwise dispose thereof for the purposes of light, heat or power or any other purpose for which electricity or electric or other power, current or energy can be used;

(*c*) acquire such lands, easements and privileges as are necessary for the purposes of its undertaking.

Disputes to be decided by Railway Commission.

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

3. Section 247 of *The Railway Act* shall apply to the works and undertaking of the Company.

Telegraph and telephone lines.

7. The Company may construct or acquire by lease, purchase or otherwise, and operate in connection with the works, lines and business of the Company and for the purposes thereof, lines of telegraph or telephone or other works and means of communication.

1907, c. 14 to apply.

8. Except as in this Act otherwise expressly provided, the provisions of *The Electricity Inspection Act, 1907*, shall apply to the Company and its undertaking.

Issue of securities.

9. The directors may from time to time issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, which bonds shall be a charge upon the works, franchise, plant and undertaking of the Company, and shall be payable at such time and places and be sold at such price as the directors determine, and the Company may mortgage or pledge any such bonds for advances of money to be made thereon.

Pledge of securities.

Approval of plans.

10. The powers conferred upon the Company by this Act shall not be exercisable until the Company has first submitted to the Governor in Council plans of such works, and has received his assent thereto.

R.S., c. 37. Interpretation.

11. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and its undertaking.

"Company."

2. Wherever in *The Railway Act* the word "company" occurs, it shall include the Company hereby incorporated.

3. Wherever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to this Act or to the Company, mean the works authorized by this Act to be constructed. "Railway."

4. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege or easement required by the Company for constructing or operating the works authorized by this Act under, over or along any land, without the necessity of acquiring a title in fee simple. "Land."

5. The expropriation powers hereby conferred upon the Company shall only be exercised in the counties of Frontenac, Leeds, Grenville, Dundas, Stormont and Glengarry, and the city of Kingston, in the province of Ontario, and in the counties of Soulanges, Vaudreuil and Jacques Cartier and the city of Montreal, in the province of Quebec. Expropriation powers.

6. In the event of the Company exercising the rights of expropriation hereby given for the purpose of acquiring land for its right of way such land must be acquired in fee simple. Right of way must be acquired in fee simple.

12. Nothing in this Act shall be construed to empower the Company to export electricity or electric or other power to the United States. Exportation of power to U.S. prohibited.

13. The construction of the works of the Company shall be commenced within one year and completed within three years after the date of the proclamation of the Governor in Council bringing this Act into force, and if the said works are not so commenced and completed the powers hereby granted shall cease as respects so much of the said works as then remains uncompleted. Time for construction of works limited.

14. Sections 136, 137 and 141 of Part II of *The Companies Act* shall not apply to the Company. R.S., c. 79

15. This Act shall come into force on a day to be named by proclamation of the Governor in Council. Commencement of Act.

[SECOND REPRINT.]

115.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 115.

An Act to incorporate the St. Law
Power Transmission Company, Lim

(*Reprinted as amended and reported b*
Miscellaneous Private Bills Committe

(PRIVATE BILL.)

MR. PARD

OTTAWA
Printed by C. H PARMELEE
Printer to the King's most Excellent Maj
1909-10

[THIRD REPRINT.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 115.

An Act to incorporate the St. Lawrence Power Transmission Company, Limited.

(Reprinted as amended by the Committee of the Whole House.)

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. Francis H. McGuigan, of the city of Toronto, in the province of Ontario, contractor ; James W. Rickey, of the town of Massena, in the state of New York, hydraulic engineer ; William Chalmers MacLaren, manufacturer and Robert Bowie, manufacturer, both of the town of Brockville ; Isaac Phillip Wiser, of the town of Prescott, manufacturer ; Peter Ernest Campbell, merchant and Archibald Denny, banker, both of the town of Cornwall, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The St. Lawrence Power Transmission Company, Limited," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the town of Cornwall, in the province of Ontario, or at such other place in Canada as is from time to time determined by by-law of the Company.

Powers.

6. The Company may,—

(*a*) construct, maintain, operate, use and manage conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and

maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors and connect them with similar lines in other provinces and with similar lines in the United States for the purpose of importation into Canada only;

(*b*) acquire by purchase or lease electricity and electric, pneumatic or other current, power or force, and may supply, distribute, sell, lease, contract for or otherwise dispose thereof for the purposes of light, heat or power or any other purpose for which electricity or electric or other power, current or energy can be used;

(*c*) acquire such lands, easements and privileges as are necessary for the purposes of its undertaking.

Disputes to be decided by Railway Commission.

2. In case of any dispute or difference as to the price to be charged for power or electrical or other energy for any of the purposes in this Act mentioned, or as to the methods of distribution thereof, or as to the time within which it shall be furnished, or as to the quantity to be furnished, or as to the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, or electrical or other energy produced by the Company, or upon the application of the Company. The said Board of Railway Commissioners for Canada, on the application of any person or municipality, or on the application of the Government of Canada, or of the Government of the Province of Ontario, or of the Government of the Province of Quebec, shall fix the price from time to time for periods not to extend over five years, at which the Company may purchase electricity and electric, pneumatic or other current, power or force, and shall fix the prices from time to time for periods not to extend over five years at which the St. Lawrence Power Company incorporated by chapter 111 of the statutes of 1901 shall sell or lease such electricity and electric, pneumatic or other current, power or force to the Company.

R.S., c. 37, s. 247.

3. Section 247 of *The Railway Act* shall apply to the works and undertaking of the Company.

Telegraph and telephone lines.

7. The Company may construct or acquire by lease, purchase or otherwise, and operate in connection with the works, lines and business of the Company and for the purposes thereof, lines of telegraph or telephone or other works and means of communication.

1907, c. 14 to apply.

8. Except as in this Act otherwise expressly provided, the provisions of *The Electricity Inspection Act, 1907*, shall apply to the Company and its undertaking.

Issue of securities.

9. The directors may from time to time issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, which bonds shall be a charge upon the works, franchise, plant and undertaking of the Company, and shall be payable at such time and places and be sold at such price as the directors determine, and the Company may mortgage or pledge any such bonds for advances of money to be made thereon.

Pledge of securities.

Approval of plans.

10. The powers conferred upon the Company by this Act shall not be exercisable until the Company has first submitted to the Governor in Council plans of such works, and has received his assent thereto.

R.S., c. 37. Interpretation.

11. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and its undertaking.

"Company."

2. Wherever in *The Railway Act* the word "company" occurs, it shall include the Company hereby incorporated.

"Railway."

3. Wherever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to this Act or to the Company, mean the works authorized by this Act to be constructed.

Expropriation powers.

4. The expropriation powers hereby conferred upon the Company shall only be exercised in the counties of Frontenac, Leeds, Grenville, Dundas, Stormont and Glengarry, and the city of Kingston, in the province of Ontario, and in the counties of Soulanges, Vaudreuil and Jacques Cartier and the city of Montreal, in the province of Quebec.

Right of way must be acquired in fee simple.

5. In the event of the Company exercising the rights of expropriation hereby given for the purpose of acquiring land for its right of way such land must be acquired in fee simple.

Exportation of power to U.S. prohibited.

12. Nothing in this Act shall be construed to empower the Company to export electricity or electric or other power to the United States.

Plans, specifications and terms to be approved by Parliament before construction.

13. The Governor in Council shall not give his approval to the construction of any further canals, water courses, raceways, dams, wing dams, sluices or other works on the River St. Lawrence by the St. Lawrence Power Company, under the provisions of chapter 111 of the statutes of 1901, or otherwise, nor agree to or approve of any terms or conditions respecting the diversion of water or power from Canada, the consideration and rate to be paid therefor, the location of all dams and generating plant, the reservation of power for use in Canada, the safeguarding of our canals, adjacent lands and navigation, the procuring of consent thereto from the British Government under the Ashburton Treaty or other treaty, unless and until the plans, specifications, and all terms and conditions shall have been first submitted to and approved by Parliament.

Limitation of powers.

14. Nothing in this Act shall be deemed to constitute an approval by Parliament of any future development of water power by erecting a dam in or across the St. Lawrence River under the chapter 111 of the statutes of 1901, intituled "An Act to incorporate the St. Lawrence Power Company," or otherwise; nor shall the Company hereby incorporated be authorized to transmit power generated by the St. Lawrence Power Company other than the power generated by and in connection with the works already constructed by the said St. Lawrence Power Company.

Time for construction of works limited.

15. The construction of the works of the Company shall be commenced within one year and completed within three years after the date of the proclamation of the Governor in Council bringing this Act into force, and if the said works are not so commenced and completed the powers hereby granted shall cease as respects so much of the said works as then remains uncompleted.

R.S., c. 79.

16. Sections 136, 137 and 141 of Part II of *The Companies Act* shall not apply to the Company.

Commencement of Act.

17. This Act shall come into force on a day to be named by proclamation of the Governor in Council.

[THIRD REPRIN

115.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COM
OF CANADA.

BILL 115.

An Act to incorporate the St
Power Transmission Company

*(Reprinted as amended by the C
the Whole House.)*

(PRIVATE BILL,)

MR.

OTTAWA
Printed by C. H. PARMELE
Printer to the King's most Excelle
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 116.

An Act to incorporate the Toronto Eastern Railway Company.

Preamble.

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

Incorporation.

1. William Frederick Cowan, Robert McLaughlin, Thomas Erling Kaiser and Frank William Robson, all of the town of Oshawa, James H. Downey, of the town of Whitby, and Ralph R. Mowbray, of Kinsale, in the township of Pickering, all in the county of Ontario and province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Toronto Eastern Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

4. The capital stock of the Company shall be one million dollars divided into shares of one hundred dollars each. No one call thereon shall exceed ten per cent of the shares subscribed.

Head office.

5. The head office of the Company shall be at Oshawa, in the province of Ontario.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in September, unless otherwise provided in the by-laws of the Company.

Directors.

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

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in the city of Toronto, thence easterly through or near the towns of Whitby, Oshawa and Bowmanville, to Cobourg, with branches therefrom as follows:—

(*a*) From a point in or near Coburg or Port Hope, thence in a generally northerly direction to Peterborough.

(*b*) From a point in the township of Scarborough, thence in a generally northerly direction to or near Markham, Stouffville, or Uxbridge.

(*c*) From a point in or near Oshawa, thence in a generally northerly direction, via the eastern side of Lake Scugog, to Lindsay.

(*d*) From a point in or near Oshawa, thence in a generally southerly direction to a point on the water front of Lake Ontario.

Issue of securities.

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

Agreements with other companies.

10. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Canadian Northern Ontario Railway Company, or any of them.

116.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 116.

An Act to incorporate the Toronto E
Railway Company.

First reading, January 21, 1910.

(PRIVATE BILL.)

MR. FOW

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 116.

An Act to incorporate the Toronto Eastern Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

Preamble.

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

Incorporation.

1. William Frederick Cowan, Robert McLaughlin, Thomas Erling Kaiser and Frank William Robson, all of the town of Oshawa, James H. Downey, of the town of Whitby, and Ralph R. Mowbray, of Kinsale, in the township of Pickering, all in the county of Ontario and province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Toronto Eastern Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be at Oshawa, in the province of Ontario.

Annual meeting.

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

Directors.

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

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in the city of Toronto, thence easterly through or near the towns of Whitby, Oshawa and Bowmanville, to Cobourg, with branches therefrom as follows:—

(*a*) From a point in or near Cobourg or Port Hope, thence in a generally northerly direction to Peterborough.

(*b*) From a point in the township of Scarborough, thence in a generally northerly direction to or near Markham, Stouffville, or Uxbridge.

(*c*) From a point in or near Oshawa, thence in a generally northerly direction, via Lake Scugog, to Lindsay.

(*d*) From a point in or near Oshawa, thence in a generally southerly direction to a point on the water front of Lake Ontario.

As to passengers to and from points between Toronto city limits and city terminal of Company.

Application to Railway Commission.

9. The Company shall not, without the consent of the council of the city of Toronto expressed by by-law and upon such terms as are agreed upon and contained in such by-law, receive or discharge passengers between its terminal in the said city and the present limits of the said city: Provided that if the Company and the city cannot agree as aforesaid, the Company may, upon leave obtained from the Board of Railway Commissioners for Canada and upon reasonable notice to the said city, apply to the said Board for permission to locate stations or stopping places, subject to *The Railway Act*, between its terminal in the said city and the present limits of the said city.

As to passengers to and from points within Toronto city limits.

Through passenger traffic.

10. Neither the Company nor any other company that may acquire or have the right to run over the line of the Company within the city of Toronto shall receive, carry or discharge passengers from any point within the limits of the said city to any other point within the limits of the said city; but the powers for the carriage of passenger traffic that may be exercised by the Company or by any other company over the line of the Company within the limits of the said city shall only extend to and include the receiving, forwarding and delivering of through passenger traffic originating outside the limits of the said city for delivery within the limits of the said city, or originating within the limits of the said city for delivery outside the limits of the said city.

Construction of railway within city of Toronto.

11. Unless with the consent of the city of Toronto expressed by by-law the railway of the Company shall not be constructed along, upon, above or below any highway as defined by *The Railway Act*, but notwithstanding anything in this section the railway of the Company may be constructed across any such highway, or along or across any easement acquired for public works in the said city, but only above or below such highway or easement, and only after the levels, plans and specifications thereof are approved by the engineer, for the time being, of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada.

Issue of securities.

12. 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.

13. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Oshawa Railway Company and the Canadian Northern Ontario Railway Company, or any of them. Agreements with other companies.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 116.

An Act to incorporate the Toronto
Railway Company.

(Reprinted as amended and repor
Railway Committee.)

(PRIVATE BILL.)

MR. F

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 118.

An Act to incorporate the Burrard Inlet Tunnel and Bridge Company.

Preamble.

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

Incorporation.

1. E. Mahon, E. W. MacLean, James P. Fell and Lambert Bond, all of the city of Vancouver, and John Y. McNaught and J. C. Keith, both of the city of North Vancouver, in the province of British Columbia, together with such persons as become shareholders in the company, are incoporated under the name of "The Burrard Inlet Tunnel and Bridge Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the county of Vancouver, in the province of British Columbia.

Annual meeting.

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

Number of directors.

7. The number of directors shall be not less than six nor more than eleven, one or more of whom may be paid directors.

Construction of tunnel and bridge.

8. The Company may lay out, construct, operate, maintain and use a tunnel under the First Narrows of Burrard Inlet, and a bridge over the Second Narrows of Burrard Inlet, both for foot passengers, carriages, street railway and railway purposes, with the necessary approaches, from some convenient points on the south shore in or near the city of Vancouver to points on the opposite shore of Burrard Inlet, so as not to interfere with navigation, and may connect the said tunnel and bridge, or either,

with any railway or street railway; and may also, to connect the said tunnel and bridge or either with existing and future lines of railway, lay out, construct and operate one or more lines of railway not exceeding ten miles in length of the gauge of four feet eight and one-half inches; and the Company may construct and arrange the said tunnel and bridge, or either, for the use and passage of foot passengers, railway cars, street cars, carriages and other vehicles; and may lay water mains or pipes through the said tunnel and across the said bridge, or either of them.

Lines of railway.

For passengers and vehicles.

Water mains and pipes.

Use of tunnel and bridge for general purposes.

2. If the Company constructs or arranges the said tunnel and bridge, or either, for the use of foot passengers, street cars, carriages and other vehicles as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers, street cars, carriages and other vehicles shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time by the Board of Railway Commissioners for Canada, but the Company may at any time reduce the same.

Line of railway described.

9. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from the northern ends of the said bridge and tunnel, or either of them, easterly along the shore line of the district municipality of North Vancouver to a point at Deep Cove on the north arm of Burrard Inlet, and westerly from the northern ends of the said bridge and tunnel, or either, along the shore line of the city of North Vancouver and the said municipality to a point at or near Horse Shoe Bay on Howe Sound.

Time for construction of tunnel and bridge.

10. The Company shall not commence the said tunnel or bridge, or any work thereunto appertaining, until it has submitted to the Board of Railway Commissioners for Canada plans of such tunnel and bridge and of all the intended works thereunto appertaining, nor until such plans, and the site of such tunnel and bridge, have been approved by the said Board and such conditions as it thinks fit for the public good and the rights of navigation to impose, touching the said tunnel, bridge and works, have been complied with; nor shall any such plans be altered, or any deviation therefrom allowed, except with the permission of the said Board and upon such conditions as it imposes: Provided, that from sunset to sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching it: Provided, further, that that portion of the said bridge which crosses the navigable part of the Sound Narrows of Burrard Inlet shall be at such height above high water level, or shall contain such openings for vessels, as the said Board directs.

Board of Railway Commissioners.

Proviso.

Proviso.

Equal rights over tunnel and bridge to all companies.

11. So soon as the tunnel and bridge, or either of them, is completed and ready for traffic, all trains, cars, rolling stock and traffic of all railways and all street railways connecting therewith, now constructed or hereafter to be constructed, and also the trains, cars, rolling stock and traffic of all companies whose lines connect with the lines of any company so connecting with the said tunnel and bridge and approaches, shall have and be entitled to the same and equal rights and

privileges in the passage of the said tunnel and bridge, so that no discrimination or preference in the passage of the said tunnel and bridge and approaches, or in tariff rates for transportation, shall be made in favour of one railway as against another railway, or one street railway as against another street railway, whose business or trains or cars pass over the said bridge or through the said tunnel.

Acquirement and transmission of electric and other power.

12. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire and develop water, electric or other power and energy, and may erect lines for the transmission of such power, and may transmit and deliver it to any place in the cities or municipalities through which the works of the Company are authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Rates to be approved by Board of Railway Commissioners.

Telegraph and telephone lines.

13. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon and along its railway, and establish offices for and undertake the transmission of messages for the public and collect tolls therefor, and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Approval of rates.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

Issue of securities.

14. The Company may issue bonds, debentures or other securities to the extent of seven hundred and fifty thousand dollars in aid of the construction of the tunnel, and such securities may be secured by a deed of mortgage describing the property charged as security for such bonds or debentures, and such bonds shall be designated as "series B"; and in addition thereto bonds to an amount not exceeding seven hundred and fifty thousand dollars may be issued in aid of the construction of the bridge, and shall be designated as "series A," and shall in like manner be secured by a deed of mortgage specifying the security therefor; and such deeds of mortgage may contain provisions that all tolls and revenues derived from the use of the tunnel and bridge, or either of them, by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall

Mortgage of tolls and revenues.

pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the tunnel and bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Issue of securities for railway limited.

15. The securities issued by the Company with respect to its railway, exclusive of the railway through the said tunnel and upon the said bridge, shall not exced fifty thousand dollars per mile of such railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies.

16. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter mentioned for any of the purposes specified in the said section 361; such companies being the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Great Northern Railway Company, the Northern Pacific Railroad Company, the Chicago, Milwaukee and St. Paul Railroad Company, the Vancouver, Westminster and Yukon Railway Company, the Howe Sound, Pemberton Valley and Northern Railway Company and the British Columbia Electric Railway Company.

118.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 118.

An Act to incorporate the Burrard
Tunnel and Bridge Company.

First reading, January 25, 1910

(PRIVATE BILL.)

MR. Cov

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 118.

An Act to incorporate the Burrard Inlet Tunnel and Bridge Company.

(Reprinted as amended and reported by the Railway Committee.)

Preamble.

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

Incorporation.

1. E. Mahon, E. W. MacLean, James P. Fell and Lambert Bond, all of the city of Vancouver, and John Y. McNaught and J. C. Keith, both of the city of North Vancouver, in the province of British Columbia, together with such persons as become shareholders in the company, are incorporated under the name of "The Burrard Inlet Tunnel and Bridge Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

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

Directors.

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

Construction of tunnel and bridge.

8. The Company may lay out, construct, operate, maintain and use a tunnel under the First Narrows of Burrard Inlet, and a bridge over the Second Narrows of Burrard Inlet, for foot passengers, carriages, street railway and railway purposes, with the necessary approaches, from some convenient points on the south shore in or near the city of Vancouver to points on the opposite shore of Burrard Inlet, so as not to interfere with navi-

gation, and may, to connect the said tunnel and bridge or either with the lines of the companies named in section 14 of this Act,

Lines of railway.

lay out, construct and operate one or more lines of railway not exceeding ten miles in length of the gauge of four feet eight and one-half inches; and the Company may lay water mains or

Water mains and pipes.

pipes through the said tunnel and across the said bridge, or either of them.

Line of railway described.

9. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from the northern ends of the said bridge and tunnel, or either of them, easterly along the shore line of the district municipality of North Vancouver to a point at Deep Cove on the north arm of Burrard Inlet, and westerly from the northern ends of the said bridge and tunnel, or either, along the shore line of the city of North Vancouver and the said municipality to a point at or near Horse Shoe Bay on Howe Sound.

Consent of municipalities.

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

Acquirement and transmission of 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 and develop water, electric or other power and energy, and may erect lines for the transmission of such power, and may transmit and deliver it to any place in the cities or municipalities through which the works of the Company are authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof and collect rates and charges

Rates to be approved by Railway Commission.

therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and

Consent of municipality.

charges from time to time: Provided, however, the Company shall not erect any poles or lines upon or along the highways, streets or other public places of any municipality for the purpose of disposing of the surplus power or energy acquired or developed as provided for in this section, nor carry on a lighting or power business within such municipality without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Issue of securities.

12. The Company may issue bonds, debentures or other securities to the extent of seven hundred and fifty thousand dollars in aid of the construction of the tunnel, and such securities may be secured by a deed of mortgage describing the property charged as security for such bonds or debentures, and such bonds shall be designated as "series B"; and in addition thereto bonds to an amount not exceeding seven hundred and fifty thousand dollars may be issued in aid of the construction of the bridge, and shall be designated as "series A," and shall

in like manner be secured by a deed of mortgage specifying the security therefor; and such deeds of mortgage may contain provisions that all tolls and revenues derived from the use of the tunnel and bridge, or either of them, by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the tunnel and bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Mortgage of tolls and revenues.

13. The securities issued by the Company with respect to its railway, exclusive of the railway through the said tunnel and upon the said bridge, shall not exceed fifty thousand dollars per mile of such railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Issue of securities for railway limited.

14. 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 mentioned for any of the purposes specified in the said section 361; such companies being the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Great Northern Railway Company, the Northern Pacific Railroad Company, the Chicago, Milwaukee and St. Paul Railroad Company, the Vancouver, Westminster and Yukon Railway Company, the Howe Sound, Pemberton Valley and Northern Railway Company, the Vancouver Power Company, Limited, and the British Columbia Electric Railway Company.

Agreements with other companies.

15. The Company shall commence the construction of its bridge and tunnel within three years after the passing of this Act; and if such commencement is not so made, or if the said bridge and tunnel are not completed within seven years after the passing of this Act, the powers of construction granted to the Company for such bridge and tunnel shall cease and be null and void as respects so much of the said bridge and tunnel as then remains uncompleted.

Time for construction of bridge and tunnel limited.

16. *The Railway Act* shall apply to the Company and its undertaking.

R.S., c. 37.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 118.

An Act to incorporate the Burra
Tunnel and Bridge Compan

*(Reprinted as amended and reporte
Railway Committee.)*

(PRIVATE BILL.)

MR. C

OTTAWA
Printed by C. H PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 119.

An Act to incorporate the International Waterways, Canal and Construction Company.

Preamble.

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

Interpretation, "Canal."

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

(*a*) "canal" includes navigable channels or waterways and "any branch canal" and also includes every kind of work necessary, or to be done in respect to the canals for the purpose of carrying out the objects of this Act;

"Land."

(*b*) "land" includes land covered or partly covered with water;

"Vessel."

(*c*) "vessel" means and includes any vessel, ship, barge, boat, or raft navigating or passing through any of the canals or waterways hereby authorized, or plying upon the lakes, rivers or channels connecting therewith;

"Power."

(*d*) "power" means and includes steam, hydraulic or electrical power or power obtained by compressed air or other pressure of energy, that may be used by the Company or made available by the works of the Company.

Incorporation.

2. George A. Graham, John T. Horn and George A. Knowlton of the town of Fort William, M. J. O'Brien of the town of Renfrew, all in the province of Ontario, and Duncan C. Cameron, of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the Company, are incorporated under the name of "The International Waterways, Canal and Construction Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

3. The persons named in section 2 of this Act shall be the provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.

Head office.

5. The head office of the Company shall be in the city of Fort William, in the province of Ontario, or at such other place

in Canada as the Company from time to time by by-law determines.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Monday in July.

Directors.

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

Powers.

8. The Company may,—

(*a*) lay out, excavate, construct, erect, maintain and operate a canal and connecting channels from some point on Thunder Bay, in Lake Superior, or from a point at or near the Pigeon River, by the most feasible route to Rainy Lake, thence by way of Rainy River to the Lake of the Woods, thence from a point on the western boundary of the Lake of the Woods by the most feasible route to the Red River and Lake Winnipeg; or from the Lake of the Woods by way of the Winnipeg River and thence by the said Winnipeg River to Lake Winnipeg; thence by way of Cross Lake, Grand Rapids, Cedar Lake to the Saskatchewan River, and also to Lakes Winnipegosis and Manitoba;

(*b*) dredge, deepen and widen the Assiniboine River and make all other necessary improvements upon the said river to the city of Brandon;

(*c*) construct, excavate, erect and make all channels, locks, dams, diversions and watercourses necessary for the efficient operation of a ship canal, maintain and operate all works necessary to create and maintain a navigable waterway by the said points from Lake Superior to Lakes Winnipegosis and Manitoba, and in and along the Saskatchewan River;

(*d*) construct, erect, excavate and make all passages, channels, locks, dams, reservoirs and watercourses necessary for the efficient operation of a ship canal, and all works in connection with the raising, lowering and maintaining of water in any lake, river, reservoir or channel used for navigation, or for the storage and supply of water; and for such purposes use any power that can be applied, and all machinery or appliances that may be necessary;

(*e*) make, maintain and alter any passage over, under or through the said canals, lands, watercourses, lakes, rivers, channels, or any of their branches or connections;

(*f*) obtain, take and use for the purpose of operation of the said canals, from the rivers, lakes, brooks, streams, watercourses, reservoirs, and other sources of water supply tributary to or adjacent to the said canals, water for the purposes of constructing, maintaining, operating and using the said canals and works hereby authorized sufficient to maintain a continuous flow of water, in such volume as may be necessary, and the Company shall, in the exercise of the powers by this paragraph granted, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers; and such damage, in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act;*

(*g*) construct, maintain and operate, use or lease or otherwise dispose of, terminals, wharfs, elevators and harbour works;

(*h*) use, sell, lease or otherwise dispose of water brought by or for the said canals, channels or other works, if at any time such water may be utilized for purposes other than those of navigation, and, subject to the provisions of this Act, produce, lease or supply, or otherwise dispose of hydraulic, electric and other kinds of power or energy created or made available or obtained by or from any canal, lock, channel or other work hereby authorized;

(*i*) build or acquire, and use or dispose of steamers, tugs, boats, barges and other vessels for the purposes of the said canals; and propel vessels of all kinds in and through the said canals by any kind of power or force; and, for such last mentioned purpose, construct, erect, maintain and operate such structures, machinery, and appliances as are necessary to produce or operate the said force or power;

(*j*) utilize watercourses and lake areas for the storage of water therein, and construct, make and do all matters and things necessary or proper for the making, completing and properly maintaining and operating the said canals, reservoirs, channels, or watercourses, and carrying out in other respects the objects in this section mentioned, subject, however, to all the provisions of this Act.

Basins, docks, etc.

9. The Company may open, cut and erect such ponds and basins for the laying up and turning of vessels, boats or crafts using the said canals as it deems expedient, and at such portions thereof as it deems expedient, and may also build and erect dry docks and slips and all necessary machinery connected therewith for the operation of such dry docks and slips, and for building and repairing vessels, and may lease or hire them on such terms as it deems expedient, or may operate them by its servants or agents.

Crossing highways.

10. The Company shall, at each and every place where any of the said canals crosses any highway or public road (unless exempted from the provisions of this section, so far as any highway or public road is in use, by the municipality having jurisdiction over such highway or public road), construct and maintain, to the satisfaction of the Governor in Council, bridges, tunnels, ferries or other means of passage over or under the said canals, so that the public thoroughfare may be as little impeded as reasonably necessary; and the Company shall not, in making the said canals, cut through or interrupt the passage on any highway or public road until the Company has made a convenient road past its works for the use of the public; and for every day on which it neglects to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars.

Penalty.

Breadth of land on each side of works.

11. The land, ground or property to be taken or used, without the consent of the proprietors, for the said canals, channels, and works, and for the ditches, drains, diversions, dams, reservoirs and other works, shall not exceed such lands as

may be necessary for the proper construction, operation and maintainment of the said canals, channels, waterways and works incidental thereto, including lands and lands covered or partly covered by water, or water areas necessary at places where dams, intakes, outlets or basins or other works are required to be cut or made as necessary parts of the canals, channels, waterways or reservoirs as shown on the plan to be approved as hereinafter provided by the Governor in Council.

Plans of works to be approved by Governor in Council.

12. Before the Company breaks ground or commences the construction of any of the canals or other works incidental or necessary to the carrying out of the Company's undertaking, authorized by this Act, the plans, locations, dimensions and all necessary particulars of such canals and other works, so authorized, shall be submitted to and receive the approval of the Governor in Council.

Supplying of hydraulic and electric power in vicinity of works.

13. In the event of the Company at any time creating hydraulic or electrical power, by or from water brought into or contained in any canal or channel, over and above such hydraulic or electrical power as the Company may require to use for its own purposes, the Company shall, upon the demand of any user or applicant for power, furnish and deliver such portion of the said power or electrical energy as can, without undue interference with navigation, be used for any industrial purpose in the vicinity of its works. And the Company shall, in case of failure to agree with any user or applicant for such power or electrical energy or any portion thereof, supply and furnish the same at such price and upon such terms and conditions as may be ordered by the Board of Railway Commissioners for Canada, upon the application of any corporation, company or person and the ruling and order of the said Board shall be final and conclusive and shall remain in force according to the terms thereof: Provided always, that the Company shall only be bound to furnish such power or electrical energy, to the extent to which it can be developed from one-half of such flow of the water in any of the said canals or channels, and over and above to which it may be required by the Company for its own purposes, and without unduly interfering with navigation.

In case of disagreement Board of Railway Commissioners to decide.

Proviso.

Prior rights to water privileges.

14. Nothing in this Act shall be held to give the Company a prior or exclusive right to any water privilege not developed or in course of development by the Company; all water privileges upon any stream affected by this Act, and not developed or in course of development by the Company, shall remain in the same position in every respect as if this Act had not been passed.

Issue of bonds.

15. The Company may issue and pledge or dispose of bonds, debentures or other securities, in the manner provided in *The Railway Act*, to the extent of twenty-five million dollars.

Tolls to be charged.

16. The Company may ask, demand, take and recover for all passengers and goods transported upon the said canals or vessels using them, such tolls as the Company or its directors from time to time by by-law determine; and no tolls of any description

shall be levied or taken upon the canals, until they are approved of by the Board of Railway Commissioners for Canada. Approval by Railway Board.

2. All tolls shall, under the same circumstances, be charged equally to all persons and upon all vessels and goods, and no reduction or advance on any such tolls shall be made either directly or indirectly against any particular person or company using the canals. Tolls to be charged equally.

17. If the construction of the canals, channels or other works hereby authorized to be constructed, or some of them, is not commenced within five years and completed within ten years after the passing of this Act, or if the said canals, channels or other works, or any of them, are not finished within twelve years after the passing of this Act, then the powers granted by this Act shall cease and be null and void, as respects so much of the said canals, channels and other works, hereby authorized, as then remains uncompleted. Time for construction of canals limited.

18. *The Railway Act* shall, so far as applicable and when not inconsistent with the provisions of this Act, apply to the Company and to its undertaking; and the Company shall have and may exercise all the powers conferred by *The Railway Act*, in so far as the said Act is applicable to the Company. R.S., c. 37.

2. Wherever in *The Railway Act* the expression "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or to the Company, mean any canal, channel, dam or other work by this Act authorized. Interpretation. "Railways."

3. Wherever in *The Railway Act* the expression "land" occurs, it shall, in its application to the provisions of this Act, include and covered or partly covered by water and shall include any privilege or easement required by the Company for constructing, excavating, erecting, operating and maintaining the works authorized by this Act under, over or along any land or water without the necessity of obtaining a title in fee simple thereto. "Land."

19. Part II of *The Companies Act* shall not apply to the Company. R.S., c. 79.

20. Subject to the provisions of this Act and of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with any company or companies having powers similar to those of the Company. Agreements with other companies.

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

THE HOUSE OF COMMOI
OF CANADA.

BILL 119.

An Act to incorporate the Intern
Waterways, Canal and Constr
Company.

First reading, January 25, 191(

(PRIVATE BILL.)

MR. CONME

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 119.

An Act to incorporate the International Waterways, Canal and Construction Company.

(Reprinted before going to the Railway Committee.)

Preamble.

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

Interpretation, "Canal."

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

(*a*) "canal" includes lift locks, channels, canals, approaches or other waterways excavated, erected or made by the Company, and also includes every kind of work necessary to be done in respect to the canals, waterways or channels for the purpose of carrying out the objects of this Act;

"Land."

(*b*) "land" includes land covered or partly covered with water;

"Vessel."

(*c*) "vessel" means and includes any vessel, ship, barge, boat, or raft navigating or passing through any of the canals or waterways hereby authorized, or plying upon the lakes, rivers or channels connecting therewith;

"Power."

(*d*) "power" means and includes steam, hydraulic or electrical power or power obtained by compressed air or other pressure or energy, that may be used by the Company or made available by the works of the Company.

Incorporation.

2. George A. Graham, John T. Horn and George A. Knowlton of the town of Fort William, M. J. O'Brien of the town of Renfrew, all in the province of Ontario, and Duncan C. Cameron, of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the Company, are incorporated under the name of "The International Waterways, Canal and Construction Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

3. The persons named in section 2 of this Act shall be the provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.

Head office.

5. The head office of the Company shall be in the city of Fort William, in the province of Ontario, or at such other place in Canada as the Company from time to time by by-law determines.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Monday in July.

Directors.

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

Powers.

8. The Company may,—

(*a*) lay out, excavate, construct, erect, maintain and operate a canal and connecting channels from some point on Thunder Bay, in Lake Superior, or from a point at or near the Pigeon River, by the most feasible route to Rainy Lake, thence by way of Rainy River to the Lake of the Woods, thence from a point on the western boundary of the Lake of the Woods by the most feasible route to the Red River and Lake Winnipeg; or from the Lake of the Woods by way of the Winnipeg River and thence by the said Winnipeg River to Lake Winnipeg;

(*b*) construct, excavate, erect and make all channels, locks, dams, diversions and watercourses necessary for the efficient operation of a ship canal, maintain and operate all works necessary to create and maintain a navigable waterway by the said points from Lake Superior to Lake Winnipeg;

(*c*) construct, erect, excavate and make all passages, channels, locks, dams, reservoirs and watercourses necessary for the efficient operation of a ship canal, and all works in connection with the raising, lowering and maintaining of water in any lake, river, reservoir or channel used for navigation, or for the storage and supply of water; and for such purposes use any power that can be applied, and all machinery or appliances that may be necessary;

(*d*) make, maintain and carry any passage over, under or through the said canals, lands, watercourses, lakes, rivers, channels, or any of their branches or connections;

(*e*) obtain, take and use for the purpose of operation of the said canals, channels and watercourses, from the rivers, lakes, streams, reservoirs, and other sources of water supply tributary to or adjacent to the said canals, water for the purposes of constructing, maintaining, operating and using the said canals and works hereby authorized sufficient to maintain a continuous flow of water, in such volume as may be necessary, and the Company shall, in the exercise of the powers by this Act granted, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers; and such damage, in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act;*

(*f*) construct, maintain and operate, use or lease or otherwise dispose of, terminals, wharfs, elevators and harbour works;

(*g*) use, sell, lease or otherwise dispose of water brought by or for the said canals, channels or other works, if at any time such

water may be utilized for purposes other than those of navigation, and, subject to the provisions of this Act, produce, lease or otherwise dispose of hydraulic, electric and other kinds of power or energy created or made available or obtained by or from any canal, lock, channel or other work hereby authorized;

(*h*) build or acquire, and use or dispose of steamers, tugs, boats, barges and other vessels for the purposes of the said canals; and propel vessels of all kinds in and through the said canals by any kind of power or force; and, for such last mentioned purpose, construct, erect, maintain and operate such structures, machinery, and appliances as are necessary to produce or operate the said force or power;

(*i*) utilize watercourses and lake areas for the storage of water therein, and construct, make and do all matters and things necessary or proper for the making, completing and properly maintaining and operating the said canals, reservoirs, channels, or watercourses, and carrying out in other respects the objects in this Act mentioned, subject, however, to all the provisions of this Act.

Basins, docks, etc.

9. The Company may open, cut, excavate and erect such ponds and basins for the laying up and turning of vessels, boats or crafts using the said canals as it deems expedient, and at such portions thereof as it deems expedient, and may also build and erect dry docks and slips and all necessary machinery connected therewith for the operation of such dry docks and slips, and for building and repairing vessels, and may lease or hire them on such terms as it deems expedient, or may operate them by its servants or agents.

Crossing highways.

10. The Company shall, at each and every place where any of the said canals crosses any highway or public road (unless exempted from the provisions of this section, so far as any highway or public road is in use, by the municipality having jurisdiction over such highway or public road), construct and maintain, to the satisfaction of the Governor in Council, bridges, tunnels, ferries or other means of passage over or under the said canals, so that the public thoroughfare may be as little impeded as reasonably necessary; and the Company shall not, in making the said canals, cut through or interrupt the passage on any highway or public road until the Company has made a convenient road past its works for the use of the public; and for every day on which it neglects to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars. Penalty.

Breadth of land on each side of works.

11. The land, ground or property to be taken or used, without the consent of the proprietors, for the said canals, channels, and works, and for the ditches, drains, diversions, dams, reservoirs and other works, shall not exceed such lands as may be necessary for the proper construction, operation and maintainment of the said canals, channels, waterways and works incidental thereto, including lands and lands covered or partly covered by water, or water areas necessary at places where dams, intakes, outlets or basins or other works are required to be cut

or made as necessary parts of the canals, channels, waterways or reservoirs as shown on the plan to be approved as hereinafter provided by the Governor in Council.

Plans of works to be approved by Governor in Council.

12. Before the Company breaks ground or commences the construction of any of the canals or other works incidental or necessary to the carrying out of the Company's undertaking, authorized by this Act, the plans, locations, dimensions and all necessary particulars of such canals and other works, so authorized, shall be submitted to and receive the approval of the Waterways Commission and shall also be submitted to and receive the approval of the Governor in Council.

Supplying of hydraulic and electric power in vicinity of works.

13. In the event of the Company at any time creating hydraulic or electrical power, by or from water brought into or contained in any canal or channel, over and above such hydraulic or electrical power as the Company may require to use for its own purposes, the Company shall, upon the demand of any user or applicant for power, furnish and deliver such portion of the said power or electrical energy as can, without undue interference with navigation, be used for any industrial purpose in the vicinity of its works. And the Company shall, in case of failure to agree with any user or applicant for such power or electrical energy or any portion thereof, supply and furnish the same at such price and upon such terms and conditions as may be ordered by the Board of Railway Commissioners for Canada, upon the ppli ation of any corporation, company or person and the ruling and order of the said Board shall be final and conclusive and shall remain in force according to the terms thereof:

In case of disagreement Board of Railway Commissioners to decide.

Proviso.

Provided always, that the Company shall only be bound to furnish such power or electrical energy, to the extent to which it can be developed from one-half of the flow of the water in any of the said canals or channels, and over and above to which it may be required by the Company for its own purposes, and without unduly interfering with navigation.

Prior rights to water privileges restricted.

14. Nothing in this Act shall be held to give the Company a power or exclusive right to or over any water area, river, stream, lake, channel, or over any water privilege not made, erected or constructed, or in course of construction by the Company. All water areas, lakes, rivers, streams or water privileges affected by this Act that are not made, constructed or in course of construction by the Company, shall remain in the same position in every respect, except as herein otherwise provided, as if this Act had not been passed.

Issue of bonds.

15. The Company may issue and pledge or dispose of bonds, debentures or other securities, in the manner provided in *The Railway Act*, to the extent of twenty-five million dollars.

Tolls to be charged.

16. The Company may ask, demand, take and recover for all passengers and goods transported upon the said canals or vessels using them, such tolls as the Company or its directors from time to time by by-law determine; and no tolls of any description shall be levied or taken upon the canals, until they are approved of by the Board of Railway Commissioners for Canada.

Approval by Railway Board.

2. All tolls shall, under the same circumstances, be charged equally to all persons and upon all vessels and goods, and no reduction or advance on any such tolls shall be made either directly or indirectly against any particular person or company using the canals. Tolls to be charged equally.

17. If the construction of the canals, channels or other works hereby authorized to be constructed, or some of them, is not commenced within five years and completed within ten years after the passing of this Act, or if the said canals, channels or other works, or any of them, are not finished within twelve years after the passing of this Act, then the powers granted by this Act shall cease and be null and void, as respects so much of the said canals, channels and other works, hereby authorized, as then remains uncompleted. Time for construction of canals limited.

18. *The Railway Act* shall, so far as applicable and when not inconsistent with the provisions of this Act, apply to the Company and to its undertaking; and the Company shall have and may exercise all the powers conferred by *The Railway Act*, in so far as the said Act is applicable to the Company. R.S., c. 37.

2. Wherever in *The Railway Act* the expression "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or to the Company, mean any canal, channel, dam or other work by this Act authorized. Interpretation. "Railways."

3. Wherever in *The Railway Act* the expression "land" occurs, it shall, in its application to the provisions of this Act, include and covered or partly covered by water and shall include any privilege or easement required by the Company for constructing, excavating, erecting, operating and maintaining the works authorized by this Act under, over or along any land or water without the necessity of obtaining a title in fee simple thereto. "Land."

19. Part II of *The Companies Act* shall not apply to the Company. R.S., c. 79.

20. Subject to the provisions of this Act and of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with any company or companies having powers similar to those of the Company. Agreements with other companies.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 119.

An Act to incorporate the Intern
Waterways, Canal and Const
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(*Reprinted before going to the Rai*
Committee.)

(PRIVATE BILL.)

MR. CON

OTTAWA
Printed by C. H. PARMELEE
Printer tc the King's most Excellent M
1909-10

[SECOND REPRINT.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 119.

An Act to incorporate the International Waterways, Canal and Construction Company.

(Again reprinted as proposed to be amended in the Railway Committee.)

Preamble.

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

Interpretation, "Canal."

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

(*a*) "canal" includes lift locks, channels, canals, approaches or other waterways excavated, erected or made by the Company;

"Land."

(*b*) "land" includes land covered or partly covered with water;

"Vessel."

(*c*) "vessel" means and includes any vessel, ship, barge, boat, or raft navigating or passing through any of the canals or waterways hereby authorized;

"Power."

(*d*) "power" means and includes steam, hydraulic or electrical power or power obtained by compressed air or other pressure or energy, that may be used by the Company or made available by the works of the Company.

Incorporation.

2. George A. Graham, John T. Horn and George A. Knowlton of the town of Fort William, M. J. O'Brien of the town of Renfrew, all in the province of Ontario, and Duncan C. Cameron, of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the Company, are incorporated under the name of "The International Waterways, Canal and Construction Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

3. The persons named in section 2 of this Act shall be the provisional directors of the Company.

Capital stock

4. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.

Head office.

5. The head office of the Company shall be in the city of Fort William, in the province of Ontario, or at such other place in Canada as the Company from time to time by by-law determines.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Monday in July.

Directors.

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

Powers.

8. The Company may,—

(*a*) lay out, excavate, construct, erect, maintain and operate a canal and connecting channels from a point at or near the Pigeon River, by the most feasible route to Rainy Lake, thence by way of Rainy River to the Lake of the Woods, thence from a point on the western boundary of the Lake of the Woods by the most feasible route to the Red River and Lake Winnipeg; or from the Lake of the Woods by way of the Winnipeg River and thence by the said Winnipeg River to Lake Winnipeg;

(*b*) construct, excavate, erect and make all channels, locks, dams, diversions and watercourses necessary for the efficient operation of a ship canal, or a navigable waterway by the said points from Lake Superior to Lake Winnipeg;

(*c*) construct, erect, excavate and make all passages, channels, locks, dams, reservoirs and watercourses necessary for the efficient operation of a ship canal, and all works in connection with the raising, lowering and maintaining of water in any lake, river, reservoir or channel used for navigation, or for the storage and supply of water;

(*d*) make, maintain and carry any passage over, under or through the said canals, lands, watercourses, lakes, rivers, channels, or any of their branches or connections;

(*e*) obtain, take and use for the purpose of operation of the said canals, channels and watercourses, from the rivers, lakes, streams, reservoirs, and other sources of water supply tributary to or adjacent to the said canals, water for the purposes of constructing, maintaining, operating and using the said canals and works hereby authorized sufficient to maintain a continuous flow of water, in such volume as may be necessary, and the Company shall, in the exercise of the powers by this Act granted, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers; and such damage, in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act;*

(*f*) construct, maintain and operate, use or lease or otherwise dispose of, terminals, wharfs, elevators and harbour works;

(*g*) use hydraulic and electric power created by water brought by or for the said canals, channels or other works for the operation of the canals, locks and works of the Company;

(*h*) build or acquire, and use or dispose of steamers, tugs, boats, barges and other vessels for the purposes of the said canals; and propel vessels of all kinds in and through the said

canals by any kind of power or force; and, for such last mentioned purpose, construct, erect, maintain and operate such structures, machinery, and appliances as are necessary to produce or operate the said force or power;

(*i*) utilize watercourses and lake areas for the storage of water therein, and construct, make and do all matters and things necessary or proper for the making, completing and properly maintaining and operating the said canals, reservoirs, channels, or watercourses, and carrying out in other respects the objects in this Act mentioned, subject, however, to all the provisions of this Act.

Basins, docks, etc.

9. The Company may open, cut, excavate and erect such ponds and basins for the laying up and turning of vessels, boats or crafts using the said canals as it deems expedient, and at such portions thereof as it deems expedient, and may also build and erect dry docks and slips and all necessary machinery connected therewith for the operation of such dry docks and slips, and for building and repairing vessels, and may lease or hire them on such terms as it deems expedient, or may operate them by its servants or agents.

Crossing highways.

10. The Company shall, at each and every place where any of the said canals crosses any highway or public road (unless exempted from the provisions of this section, so far as any highway or public road is in use, by the municipality having jurisdiction over such highway or public road), construct and maintain, to the satisfaction of the Governor in Council, bridges, tunnels, ferries or other means of passage over or under the said canals, so that the public thoroughfare may be as little impeded as reasonably necessary; and the Company shall not, in making the said canals, cut through or interrupt the passage on any highway or public road until the Company has made a convenient road past its works for the use of the public; and for every day on which it neglects to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars.

Penalty.

Breadth of land on each side of works.

11. The land, ground or property to be taken or used, without the consent of the proprietors, for the said canals, channels, and works, and for the ditches, drains, diversions, dams, reservoirs and other works, shall not exceed such lands as may be necessary for the proper construction, operation and maintainment of the said canals, channels, waterways and works incidental thereto, including lands and lands covered or partly covered by water, or water areas necessary at places where dams, intakes, outlets or basins or other works are required to be cut or made as necessary parts of the canals, channels, waterways or reservoirs as shown on the plan to be approved as hereinafter provided by the Governor in Council.

Plans of works to be approved by Governor in Council.

12. Before the Company breaks ground or commences the construction of any of the canals or other works incidental or necessary to the carrying out of the Company's undertaking, authorized by this Act, the plans, locations, dimensions and all necessary particulars of such canals and other works, so

authorized, shall be submitted to and receive the approval of the Waterways Commission and shall also be submitted to and receive the approval of the Governor in Council.

Supplying hydraulic and electric power.

13. The Company may create hydraulic and electric power from water brought into or contained in any canal or channel, and may use such power for operating the locks and works of the Company.

Prior rights to water privileges restricted.

14. Nothing in this Act shall be held to give the Company a power or exclusive right to or over any water area, river, stream, lake, channel, or over any water privilege not made, erected or constructed, or in course of construction by the Company. All water areas, lakes, rivers, streams or water privileges affected by this Act that are not made, constructed or in course of construction by the Company, shall remain in the same position in every respect, and the public shall have the same right to the free use and navigation of, upon and over the same as if this Act had not been passed.

Issue of bonds.

15. The Company may issue and pledge or dispose of bonds, debentures or other securities, in the manner provided in *The Railway Act*, to the extent of twenty-five million dollars.

Tolls.

16. The Company may ask, demand, take and recover for all passengers and goods transported upon the said canals or vessels using them, such tolls as the Company or its directors from time to time by by-law determine: and no tolls of any description shall be levied or taken upon the canals until they are approved of by the Board of Railway Commissioners for Canada, nor shall the Company be entitled to charge any tolls except for and in respect of vessels using locks, canals or navigable waterways actually created by the Company; and such tolls shall be levied in respect of such user only and not for or in respect of the user of navigable waterways connecting or outside of such works.

Approval by Railway Commission.

Discrimination in tolls prohibited.

2. All tolls shall, under the same circumstances, be charged equally to all persons and upon all vessels and goods, and no reduction or advance on any such tolls shall be made either directly or indirectly against any particular person or company using the canals.

Time for construction of canals limited.

17. If the construction of the canals, channels or other works hereby authorized to be constructed, or some of them, is not commenced within five years and completed within ten years after the passing of this Act, or if the said canals, channels or other works, or any of them, are not finished within twelve years after the passing of this Act, then the powers granted by this Act shall cease and be null and void, as respects so much of the said canals, channels and other works, hereby authorized, as then remains uncompleted.

Improvements made by Government.

18. Nothing in this Act shall be construed to prevent the Government of Canada from improving any such waterways or to give the Company any claim for damages by reason of any such improvements being made.

19. Subject to the provisions of this Act and of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with any company or companies having powers similar to those of the Company. Agreements with other companies.

20. *The Railway Act* shall, so far as applicable and when not inconsistent with this Act, apply to the Company and to its undertaking, and the Company shall have and may exercise all the powers conferred by *The Railway Act*, in so far as the said Act is applicable to the Company. R.S., c. 37.

2. Wherever in *The Railway Act* the expression "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to this Act or to the Company, mean any canal, channel, dam or other work by this Act authorized. Interpretation. "Railways."

3. Wherever in *The Railway Act* the expression "land" occurs, it shall, in its application to this Act, include land covered or partly covered by water and shall include any privilege or easement required by the Company for constructing, excavating, erecting, operating and maintaining the works authorized by this Act under, over or along any land or water without the necessity of obtaining a title in fee simple thereto. "Land."

21. Part II of *The Companies Act* shall not apply to the Company. R.S., c. 79.

[SECOND REPRINT.]

119.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 119.

An Act to incorporate the Intern
Waterways, Canal and Const
Company.

(Again reprinted as proposed to be a
in the Railway Committee.)

(PRIVATE BILL.)

Mr. Con

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent M
1909-10

[THIRD REPRINT.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 119.

An Act to incorporate the International Waterways, Canal and Construction Company.

(Reprinted as amended by the Sub-Committee of the Railway Committee.)

Preamble.

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

Interpretation, "Board."

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

(*a*) "Board" means the Board of Railway Commissioners for Canada;

"Canal."

(*b*) "canal" includes all lift locks, channels, canals, approaches and other waterways excavated, erected or made by the Company;

"Land."

(*c*) "land" includes land covered or partly covered with water;

"Vessel."

(*d*) "vessel" means and includes any vessel,steamer, ship, barge, boat, or raft navigating or passing through such canal or through any portion of the same;

"Power."

(*e*) "power" means and includes steam, hydraulic or electrical power or energy used by the Company or made available by the works of the Company.

Incorporation.

2. George A. Graham, John T. Horn and George A. Knowlton of the town of Fort William, M. J. O'Brien of the town of Renfrew, all in the province of Ontario, and H. W. Kennedy, of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the Company, are incorporated under the name of "The International Waterways, Canal and Construction Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

3. The persons named in section 2 of this Act shall be the provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.

Head office.

5. The head office of the Company shall be in the city of Fort William, in the province of Ontario, or at such other place in Canada as the Company from time to time by by-law determines.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Monday in July.

Directors.

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

Powers.

8. Subject to the provisions of this Act, the Company may,—

(*a*) lay out, excavate, construct, erect, maintain and operate a canal from a point at or in the vicinity of Pigeon bay on Lake Sueprior by the most feasible route to Rainy lake, thence by the way of Rainy river to the Lake of the Woods, thence from a point on the western boundary of the Lake of the Woods, by the most feasible route to the Red river and Lake Winnipeg; or from the Lake of the Woods by the most feasible route to the Winnipeg river; but otherwise than by the branch of the said Winnipeg river upon which the works and dam of the Keewatin Power Company, Limited, are constructed, or by the eastern branch of the said Winnipeg river, and thence by the said Winnipeg river to Lake Winnipeg;

(*b*) construct, excavate, erect and make all channels, locks, dams, diversions, works and watercourses necessary for the efficient operation of such canal, and for the maintenance of a navigable waterway by the said points from Lake Superior to Lake Winnipeg;

(*c*) construct, erect, excavate and make all passages, channels, locks, dams, reservoirs and watercourses necessary for the efficient operation of said canal, and all work in connection with the raising, lowering and maintaining of water in any lake, river, reservoir or channel used for the navigation, or for the storage and supply of water for and in such canal and waterway;

(*d*) make, maintain and carry any passage over, under or through the said canal, watercourses, lakes, rivers, channels or any portion of them or of their branches or connections;

(*e*) obtain, take and use for the purpose of operation of the said canal, channels, and watercourses, from the rivers, lakes, streams, reservoirs and other sources of water supply tributary to or adjacent to the said canal, water for the purpose of constructing, maintaining, operating and using the said canal and works hereby authorized sufficient to maintain a continuous flow of water, in such volume as is necessary, and the Company shall, in the exercise of the power by this Act granted, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers; and such damage, in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act*;

(*f*) construct, maintain and operate, lease or otherwise acquire and use for the purpose of this undertaking harbour works;

(*g*) create hydraulic and electrical power from or by water brought into or contained in such canal, and may use the same for lighting and operating such canal, and other works of the Company;

(*h*) build or acquire, and use and dispose of any vessels for the purposes of the said canal, and propel the same by any kind of power or force; and, for such last mentioned purposes, construct, erect, maintain and operate such structures, machinery and appliances as are necessary to produce or operate the said force or power;

(*i*) utilize watercourses and lake areas from the storage of water therein, and construct, make and do all matters and things necessary or proper for the making, completing and properly maintaining and operating the said canal, reservoirs or water-courses, and carrying out in other respects the objects in this Act mentioned, subject, however, to all the provisions of this Act.

Ponds, dry docks, etc. for vessels.

9. The Company may open, cut, excavate and erect ponds and basins for the laying up and turning of vessels using the said canal, and may also build and erect on such canal dry docks and slips for vessels using the canal and all necessary machinery for the operation of such vessels, dry docks and slips, and for building and repairing vessels, and may for the purposes of such canal lease or hire vessels, dry docks and slips on such terms as it deems expedient, and may operate them by its servants or agents.

Bridges, tunnels, etc. for highways.

10. The Company shall, at every place where such canal crosses any highway (unless exempted from the provisions of this section in respect to any highway in use, by the municipality having jurisdiction over such highway), construct and maintain, to the satisfaction of the Board, bridges,tunnels or other means of passage over or under the said canal, so that the public thoroughfare is not impeded; and the Company shall not, in making the the said canal, cut through or interrupt the passage on any highway until the Company has made a convenient road past its works for the use of the public; and for every day on which it neglects to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars.

Land taken without consent of proprietors.

11. The land to be taken or used without the consent of the propreitors, for the said canal, and works incidental thereto, shall not exceed such land as is necessary for the proper construction, operation and maintenance of the said canal and works, and as shown on the plans to be approved as in this Act provided.

Interference with navigation or passage and spawning of fish.

12. Except as in this Act otherwise specially provided, nothing in this Act shall authorize the exercise of any power of the Company in such a way as to interfere with the free navigation of any lakes, rivers and waters as heretofore exercised, or in such a way as to impede the free passage of fish to and from their spawning grounds in the said lakes, rivers or waters, or in any of their branch streams or tributaries, or to destroy, or in any way injure their spawning grounds, or to interfere with fish breeding operations.

Water in excess of Company's requirements.

13. Without in any way affecting the rights protected by section 17 of this Act, it is hereby provided that if the Company collects water or generates or makes available power at any point in excess of what is required by the Company for its canal and works herein authorized, any person may acquire the right to develop and utilize such excess from any authority having jurisdiction over the same upon such terms as are determined by the Board.

Rights of construction in certain cases.

14. Except in the cases provided for in section 17 of this Act, if any person having the right has constructed or *bona fide* entered upon the actual construction of any works for the developement of power at any point where the Company requires to construct such canal, the Company shall notwithstanding be entitled to proceed with such canal upon such terms as are determined by the Board.

Extent of water power and compensation to be determined by Board.

15. The Board shall in the event of any reference to it, under the next two preceding sections, have full power to determine the water power required by the Company and the compensation to be paid by or to the said Company, or by or to such person and to order and direct the carrying out and doing of any work or thing, which in the opinion of the Board may be proper for the protection of the rights and interests of all parties and to apportion amongst and order and direct the payment by said parties respectively of all costs, and expense involved in and incidental to the carrying out of these orders, and also the costs of and incidental to such reference.

Provision for flow of water and backing up of water.

16. The Company and such persons shall in the construction of the canal and works make such provision for the flow of water over or through waste channels and against the backing up of water from such canal or works as the Board approves or at any time directs, and the Company and every such person subject to a decision of the Board shall respectively, in the carrying out of their respective undertakings, make provision that their respective works shall not unduly interfere with the works and undertakings of the other. In all cases in which international waters are involved one half of the flow of the water shall be vented on the Canadian side of the International boundary and one-half of all power created or developed by such International waters shall be wholly utilized in Canada and shall not be exported therefrom.

International works.

Exportation.

Order of Board required where other works exist.

17. If any person has rightfully constructed or *bona fide* entered upon the actual construction of any works for the development of power, at any point upon the Winnipeg river, where the Company requires to construct such canal, the Company shall not proceed with the construction of such canal without the order and consent of the Board.

Company not to interfere with existing or other works.

2. The Company shall not take or interfere with any dam, embankment, conduit, power house, race-way, tail-race or other works constructed or in course of construction upon the Winnipeg river or to be constructed according to plans approved by the Minister of the Interior, and the Minister shall not approve of any such plans which contemplate an extension of such works without notice to the Company.

3. The Company shall not interfere with or injuriously affect any power created or developed or water required for power without first having obtained permisssion by agreement with the proprietor of such power. If such permission is refused, then the Company may proceed upon approval of its proposed works by the Board. Upon application for such approval the Board may grant it upon such terms as are just.

May not interfere with power, except by consent.

Application to Board.

18. Except as in this Act otherwise provided, the said Board shall have full power to regulate the flow of water over or through any dam or other structure upon or in connection with the said canal, and to order and require the Company, or any person executing any work affecting such waters or within or at any specified time, and in any manner described by the Board in so far as is not inconsistent with this Act, any act, matter or thing which such Company or person, is or may be required by the Board to do under this Act, and may forbid the doing of any act, matter or thing which is contrary to this Act, or to any order made by the Board, and shall have full jurisdiction to hear and determine all matters herein of law or of fact, and also, as respects the attendance and examination of witnesses, the production and inspection of books of account and of documents and the enforcement of its orders. The entry and inspection of property, plant, machinery or works of the Company or otherwise, and all other matters necessary or proper for the exercise of its jurisdiction under this Act or otherwise, for carrying this Act into effect and for enforcing its provisions and may exercise all such powers, rights and privileges as are vested in the High Court of Justice.

Powers of Board.

19. The practice and procedure under this Act on any applications to the Board shall be as near as possible that followed on application thereto under *The Railway Act*, and otherwise shall be subject to the direction and control of the Board.

Practice and procedure.

20. Before the Company breaks ground or commences the construction of the canal or of other works incidental to the carrying out of the Company's undertaking, authorized by this Act, the plans, locations, dimensions and all necessary particulars of such canal and other works, shall be submitted to and receive the approval of the Minister of Railways and Canals and of the International Waterways Commission, so far as such Commission has jurisdiction, and shall also be submitted to and receive the approval of the Governor in Council: Provided, however, that before applying for the approval of the Minister of Railways and Canals, the International Waterways Commission and the Governor in Council, the Company shall give notice of such applications by advertisement for four weeks in *The Canada Gazette* and for a like period in one newspaper published in each of the following places, namely: Kenora, Fort Francis and Port Arthur, in the province of Ontario, and Winnipeg, in the province of Manitoba.

Plans and particulars of works to be approved before construction begins.

Proviso.

Notice.

21. The Company may issue and pledge or dispose of bonds, debentures or other securities, in the manner provided in *The Railway Act*, to the extent of twenty-five million dollars.

Issue of securities.

Tolls and charges.

22. The Company may demand, ask, take and recover for all vessels, passengers and goods transported upon or using the said canal, such tolls and charges as the Company or its directors from time to time by by-law determine, and no tolls or charges of any description shall be levied or taken by the Company until they are approved by the Board, nor shall the Company be entitled to demand or take any tolls, or charges except for and in respect of the use of the canal and other works actually created by the Company and for services rendered in connection therewith, and such tolls and charges shall be levied in respect of such user only and for and in respect of the user of navigable waterways outside of such works.

To be approved by Board.

For use of canal only.

Equality of tolls.

23. All tolls and charges shall, under the same circumstances, be charged equally to all persons for all goods and service of a like character, and no reduction or advance on any such tolls or charges shall be made either directly or indirectly against or in favour of any particular person or company using the canal, channels or works.

Time of construction of canal and other works limited.

24. The Company may commence the construction of its canal and other works, and expend twenty-five per cent of the amount of its capital stock thereon, within three years after the passing of this Act, and may complete the said canal and other works and put them in operation within ten years after the passing of this Act; and if, within the said periods respectively, the said canal and other works are not so commenced and such expenditure is not so made, or 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 canal and other works as then remains uncompleted.

Improvements by Government.

25. Nothing in this Act shall be construed to prevent the Government of Canada from improving any such waterways or to give the Company any claim for damages by reason of any such improvements being made.

His Majesty may take possession of canal and works at any time upon notice.

26. His Majesty, represented in that behalf by the Minister of Railways and Canals, may at any time take possession of the Company's canal, works and undertakings, and of all property, rights, privileges and advantages of the Company therein on giving to the Company six months' notice of intention to do so; and thereupon the said canal, works and undertakings, property, rights, privileges and advantages shall become and thence forward shall be vested in His Majesty; and the amount of compensation to be paid to the Company shall be the value of the canal, works and undertakings completed or in course of completion by the Company up to the time of the giving of such notice together with the value of all tangible property of the Company of which possession is so taken, such value to be decided by arbitrators, one of whom shall be appointed by the Minister of Railways and Canals and one by the Company, and, if they do not agree upon the award or upon a third arbitrator, the Judge of the Exchequer Court of Canada shall appoint the

Valuation and arbitration.

third arbitrator and the decision of such arbitrators shall be final and shall not be subject to appeal.

Agreements with other companies.

27. Subject to the provisions of this Act and of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with any company or companies having powers similar to those of the Company.

R.S., c. 37.

28. *The Railway Act* shall, so far as applicable and when not inconsistent with this Act, apply to the Company and to its undertaking, and the Company shall have and may exercise all the powers conferred by *The Railway Act*, in so far as the said Act is applicable to the Company.

Interpretation. "Railway."

2. Wherever in *The Railway Act* the expression "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to this Act or to the Company, mean any canal, dam or other work by this Act authorized.

"Land."

3. Wherever in *The Railway Act* the expression "land" occurs, it shall, in its application to this Act, include land covered or partly covered by water and shall include any privilege or easement required by the Company for constructing, excavating, erecting, operating and maintaining the canal and works authorized by this Act under, over or along any land or water without the necessity of obtaining a title in fee simple thereto.

R.S., c. 79.

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

[THIRD REPRINT.]

119.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909-1

THE HOUSE OF COMMONS
OF CANADA.

BILL 119.

An Act to incorporate the Internationa Waterways, Canal and Constructio Company.

(Reprinted as amended by the Sub-Com mittee of the Railway Committee.)

(PRIVATE BILL.)

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 120.

An Act respecting the Royal Guardians.

Preamble.

WHEREAS the Royal Guardians has represented that it is a fraternal benefit association incorporated under section II of chapter first of title eight of the Revised Statutes of Quebec, as the said section is enacted by section 1 of chapter 32 of the statutes of Quebec of 1899, and has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Que., 1899, c. 32.

Declaration as to powers.

1. The Association mentioned in the preamble, hereinafter called "the Association," is hereby declared to have the capacity to carry on its business and exercise its powers throughout Canada and elsewhere as hereinafter set forth.

Corporate name.

2. The head office of the Association shall be in the city of Montreal.

Head office.

Objects.

3. The objects of the Association shall be,—

(*a*) to promote the welfare, social and fraternal, of its members;

(*b*) to aid its members during sickness or other disability, to care for them while living and to bury the dead; and for this purpose to establish and maintain the necessary funds;

(*c*) to pay annuities to members;

(*d*) to pay a stipulated sum to such beneficiary as a deceased member while living may have designated;

(*e*) to secure for its members such other advantages as may lawfully be provided for by the constitution and laws of the Association;

(*f*) generally to act as a fraternal, charitable and benevolent association.

Governing body.

4. The Association shall be governed by a representative body known as the Supreme Lodge, whose officers shall be elected annually or biennially, as may be determined by by-law; and such Supreme Lodge shall be composed of the present

officers and members of the Supreme Lodge of the provincial association, who shall hold office until the next meeting of the said Supreme Lodge, together with representatives from each subordinate lodge; and the appointment and powers of such representatives shall be provided for in the constitution of the Association.

Constitution and laws.

5. The Association and its members shall be governed by the present constitution, laws and regulations of the provincial association until they are altered or re-enacted under the authority of this Act.

By-laws.

6. For the purpose of carrying out the provisions of this Act, the Association, or the trustees thereof under the authority of the Association, may make such by-laws, not contrary to law, as are deemed necessary or expedient.

Subordinate lodges.

7. Subject to the constitution and laws of the Association, subordinate lodges of the Association may be established by the Supreme Lodge under the title and number designated in the charter granted by the Supreme Lodge, and subject to such provisions and conditions and with such powers as the Association may from time to time determine; provided, however, that such powers shall not be in excess of those conferred upon the Association by this Act.

Legal reserve basis.

8. The business of the Association shall be carried on upon the legal reserve basis, and the premiums or contributions for the several benefits shall be payable monthly, bi-monthly, quarterly, half-yearly or annually in advance.

Reserves and interest rates to be maintained.

9. The Association shall maintain,—

(*a*) in respect of all sums payable at death, the reserves required by the National Fraternal Congress Table of Mortality and a rate of interest of four per cent;

(*b*) in respect of sums payable at or during sickness or disability, such additional reserves as are required by such standard tables as may, in the opinion of the Superintendent of Insurance, be appropriate and the said rate of interest; and,

(*c*) in respect of annuity contracts, the reserves required by the British Offices Select Life Annuity Tables, 1893, and interest at the said rate;

all such reserves being ascertained by the net premium method.

Conditions for obtaining license.

10. As a condition precedent to obtaining the license required by *The Insurance Act* it shall be established, to the satisfaction of the Superintendent of Insurance, that the assets of the Association are, to the extent of at least five thousand dollars, in excess of the liabilities, including the reserve upon its several classes of insurance contracts in existence at the time the said license is granted, calculated upon the basis specified in section 9 hereof.

Deposit unnessary for sick

11. The Association shall not be required to make any deposit in order to entitle it to commence and carry on the

business of collecting and paying sick benefits by this Act authorized; provided that the Treasury Board may require a deposit not exceeding ten thousand dollars to be made from the sick benefit fund so soon as the required amount is available for such purposes. benefit business.

12. No sick benefits shall be paid to any member exceeding five dollars per week, nor for more than twelve weeks in any period of twelve consecutive months. Sick benefits.

2. Separate and distinct registers and books of account shall be kept by the Association, showing the members entitled to participate in the sick benefit fund, the receipts and payments in respect thereof, the amounts from time to time chargeable against it, and every other matter and detail of which an account ought to be kept. Registers and books of account.

3. The sick benefit fund and securities representing it shall alone be available for the payment of sick benefits, and no other assets or securities of the Association shall be available for that purpose. Fund for payment.

13. Separate and distinct registers and books of account shall also be kept by the Association, showing the members who, or whose representatives, are entitled to share in the mortuary and annuity funds, the receipts and payments in respect thereof, the sums from time to time chargeable against the same, and all other necessary and proper details. Registers and books for mortuary and annuity funds.

14. The Association may acquire and hold property and dispose thereof, but the real property so to be held shall not exceed at any one time the annual value of ten thousand dollars in the province of Quebec and five thousand dollars in any other province of Canada, and the said property shall be held and conveyed, subject to the laws of the province in which it is situate, by such officers as the Supreme Lodge of the Association determines, and if no such officers are designated by the constitution or by by-law of the Association, or resolution of the Supreme Lodge, then such real estate may be held and conveyed by the Supreme Guardian and Supreme Secretary, whose signatures under the seal of the Association shall be the act of the Association. Limitations as to real property.

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. Acquisition of assets of provincial association.

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. Liability for obligations of provincial association.

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.

Documents to be filed.

17. Within three months after the passing of this Act, a certified copy of the constitution and laws of the Association and of the form of its beneficiary certificate or contract shall be deposited in the office of the Secretary of State of Canada and in the office of the Superintendent of Insurance, and copies of any future amendments thereto shall be deposited within three months after their adoption by the Association.

Future legislation to apply.

18. Nothing herein shall exempt the Association from the effect of any legislation hereafter passed by Parliament with respect to any insurance powers exercised by friendly societies.

R.S., c. 34.

19. *The Insurance Act* shall apply to the Association except in so far as it is inconsistent with this Act.

When Act shall take effect.

20. This Act shall not take effect unless and until accepted and approved by a resolution passed by a vote of not less than a three-fourths majority of the representatives and members of the provincial association present or represented by proxy at a special general meeting of the provincial association called for the purpose of considering this Act, and if so accepted and approved of this Act shall come into force upon a subsequent day to be fixed for the purpose by the said vote.

Notice.

2. Notice of such acceptance and approval, and the day so fixed, shall be published by the Association in *The Canada Gazette*.

120.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 120.

An Act respecting the Royal Guard

First reading, January 25, 1910.

(PRIVATE BILL.)

MR. RIV

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 120.

An Act respecting the Royal Guardians.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

WHEREAS the Royal Guardians has represented that it is a fraternal benefit association incorporated under section II of chapter first of title eight of the Revised Statutes of Quebec, as the said section is enacted by section 1 of chapter 32 of the statutes of Quebec of 1899, and has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Que., 1899, c. 32.

1. Thomas Brady, of Westmount, Isidore Laviolette, of Montreal, John Hyde, of Westmount, Alexander Thomson Patterson, of Longueuil, James Martin, of Montreal, Thomas Page Butler, of Montreal, and Osmond W. G. Dettmers, of Montreal, together with such persons as are now members of the fraternal association mentioned in the preamble, hereinafter called "the provincial association," or who become members of the association hereby incorporated, are incorporated under the name of "The Royal Guardians," hereinafter called "the Association." Incorporation. Corporate name.

2. The head office of the Association shall be in the city of Montreal. Head office.

3. The objects of the Association shall be,— Objects.

(*a*) to promote throughout Canada the welfare, social and fraternal, of its members;

(*b*) to aid its members during sickness or other disability, to care for them while living and to bury the dead; and for this purpose to establish and maintain the necessary funds;

(*c*) to pay annuities to members;

(*d*) to pay a stipulated sum to such beneficiary as a deceased member while living may have designated;

(*e*) to secure for its members such other advantages as may lawfully be provided for by the constitution and laws of the Association;

(*f*) generally to act as a fraternal, charitable and benevolent association.

Governing body.

4. The Association shall be governed by a representative body known as the Supreme Lodge, whose officers shall be elected annually or biennially, as may be determined by by-law; and such Supreme Lodge shall be composed of the present officers and members of the Supreme Lodge of the provincial association, who shall hold office until the next meeting of the said Supreme Lodge, together with representatives from each subordinate lodge; and the appointment and powers of such representatives shall be provided for in the by-laws or constitution of the Association.

Constitution and laws.

5. The Association and its members shall be governed by the present constitution, laws and regulations of the provincial association until they are altered or re-enacted under the authority of this Act.

By-laws.

6. For the purpose of carrying out the provisions of this Act, the Association, or the trustees thereof under the authority of the Association, may make such by-laws, not contrary to law, as are deemed necessary or expedient.

Subordinate lodges.

7. Subject to the constitution and laws of the Association, subordinate lodges of the Association may be established by the Supreme Lodge under the title and number designated in the charter granted by the Supreme Lodge, and subject to such provisions and conditions and with such powers as the Association may from time to time determine; provided, however, that such powers shall not be in excess of those conferred upon the Association by this Act.

Legal reserve basis.

8. The business of the Association shall be carried on upon the legal reserve basis, and the premiums or contributions for the several benefits shall be payable monthly, bi-monthly, quarterly, half-yearly or annually in advance.

Reserves and interest rates to be maintained.

9. The Association shall maintain,—

(*a*) in respect of all sums payable at death, the reserves required by the National Fraternal Congress Table of Mortality and a rate of interest of four per cent;

(*b*) in respect of sums payable at or during sickness or disability, such additional reserves as are required by such standard tables as may, in the opinion of the Superintendent of Insurance, be appropriate and at the said rate of interest; and,

(*c*) in respect of annuity contracts, the reserves required by the British Offices Select Life Annuity Tables, 1893, and interest at the said rate;

all such reserves being ascertained by the net premium method.

Conditions for obtaining license.

10. As a condition precedent to obtaining the license required by *The Insurance Act* it shall be established, to the satisfaction of the Superintendent of Insurance, that the assets of the Association are, to the extent of at least five thousand dollars, in excess of the liabilities, including the reserve upon its several classes of insurance contracts in existence at the time the said license is granted, calculated upon the basis specified in section 9 hereof.

Deposit unnessary for sick benefit business.

11. The Association shall not be required to make any deposit in order to entitle it to commence and carry on the business of collecting and paying sick benefits by this Act authorized; provided that the Treasury Board may require a deposit not exceeding ten thousand dollars to be made from the sick benefit fund so soon as the required amount is available for such purpose.

Sick benefits.

12. No sick benefits shall be paid to any member exceeding five dollars per week, nor for more than twelve weeks in any period of twelve consecutive months.

Registers and books of account.

2. Separate and distinct registers and books of account shall be kept by the Association, showing the members entitled to participate in the sick benefit fund, the receipts and payments in respect thereof, the amounts from time to time chargeable against it, and every other matter and detail of which an account ought to be kept.

Fund for payment.

3. The sick benefit fund and securities representing it shall alone be available for the payment of sick benefits, and no other assets or securities of the Association shall be available for that purpose.

Registers and books for mortuary and annuity funds.

13. Separate and distinct registers and books of account shall also be kept by the Association, showing the members who, or whose representatives, are entitled to share in the mortuary and annuity funds, the receipts and payments in respect thereof, the sums from time to time chargeable against the same, and all other necessary and proper details.

Limitations as to real property.

14. The Association may acquire and hold property and dispose thereof, but the real property so to be held shall not exceed at any one time the annual value of ten thousand dollars in the province of Quebec and five thousand dollars in any other province of Canada, and the said property shall be held and conveyed, subject to the laws of the province in which it is situate, by such officers as the Supreme Lodge of the Association determines, and if no such officers are designated by the constitution or by by-law of the Association, then such real estate may be held and conveyed by the Supreme Guardian and Supreme Secretary, whose signatures under the seal of the Association shall be the act of the Association.

Acquisition of assets of provincial association.

15. 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.

Liability for obligations of provincial association.

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.

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.

Documents to be filed.

17. Within three months after the passing of this Act, a certified copy of the constitution and laws of the Association and of the form of its beneficiary certificate or contract shall be deposited in the office of the Secretary of State of Canada and in the office of the Superintendent of Insurance, and copies of any future amendments thereto shall be deposited within three months after their adoption by the Association.

Future legislation to apply

18. Nothing herein shall exempt the Association from the effect of any legislation hereafter passed by Parliament with respect to any insurance powers exercised by friendly societies.

R.S., c. 34.

19. *The Insurance Act* 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.

When Act shall take effect.

20. This Act shall not take effect unless and until accepted and approved by a resolution passed by a vote of not less than a three-fourths majority of the representatives and members of the provincial association present or represented by proxy at a special general meeting of the provincial association called for the purpose of considering this Act, and if so accepted and approved of this Act shall come into force upon a subsequent day to be fixed for the purpose by the said vote.

Notice.

2. Notice of such acceptance and approval, and the day so fixed, shall be published by the Association in *The Canada Gazette*.

120.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 120.

An Act respecting the Royal Gua

(Reprinted as proposed to be amend
Banking and Commerce Commit

(PRIVATE BILL.)

MR. RIV

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 121.

An Act to incorporate the Saskatchewan Central Railway Company.

Preamble.

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

Incorporation.

1. Frank S. Cahill, of Saskatoon, in the province of Saskatchewan; Daniel McA'Nulty, John B. Prendergast, James J. Leddy and William Johnston, all of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Saskatchewan Central Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

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

Number of directors.

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

Line of railway described.

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

(*a*) from a point in township 41, range 3, west of the second meridian, in the province of Saskatchewan; thence in a westerly direction to a point at or near Basin lake; thence in a westerly direction to Rosthern, continuing westerly to Battleford; thence in a north-westerly direction to Onion lake; thence in a north-westerly direction to a point at or near Smoky lake in the province of Alberta; thence in a south-westerly direction to the city of Edmonton, in the province of Alberta;

(*b*) from a point in township 41, range 3, west of the second meridian, thence in a northerly direction to a point at or near where the Saskatchewan river intersects the eastern boundary of the province; and from the said point in township 41, range 3, west of the second meridian in a southerly direction through the village of Canora and the town of Yorkton to a point at or near North Portal;

(*c*) from a point in township 43, range 21, west of the second meridian, thence in a north-westerly direction to the city of Prince Albert, and from the said point in township 43, range 21, west of the second meridian in a southerly direction to Regina, thence in a southerly direction to a point on the southern boundary of the province; and from the said point in township 43, range 21, west of the second meridian, thence in a northeasterly direction to a point at or near where the Saskatchewan river intersects the eastern boundary of the province;

(*d*) from a point at or near Battleford, thence in a northerly direction to a point at or near Meadow lake;

(*e*) from a point in township 42, range 25, west of the second meridian thence in a south-westerly direction through Saskatoon and Swift Current to a point on the southern boundary of the province between ranges ten and twenty-one inclusive, west of the third meridian;

(*f*) from a point in township 18, range 14, west of the third meridian, thence in a westerly direction to a point at or near the Saskatchewan river in the province of Alberta; thence in a south-westerly direction to the city of Lethbridge in the province of Alberta.

Issue of securities.

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

Agreements with other companies.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being, the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company and the Canadian Northern Railway Company.

121.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 121.

An Act to incorporate the Saskatchewan Central Railway Company.

First reading, January 25, 1910

(PRIVATE BILL.)

MR. MARTIN,
(Regina)

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

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 as follows:—

1. *The Interest Act*, chapter 120 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 10:— R.S., c. 120 amended. Section added.

"**10A.** Whenever any principal money, interest or other money is secured by mortgage made or renewed by renewal or extension agreement after the first day of April, nineteen hundred and ten, and the person liable to pay or entitled to redeem the mortgage desires to pay off or redeem the mortgage before it falls due he may pay or tender to the person entitled to receive the money all moneys owing and unpaid on the mortgage and in addition three months further interest, calculated under the provisions of sections 6, 7, 8 and 9 of this Act, if the mortgage has not more than two years to run from the time of making such payment or tender, or, if the mortgage has more than two years to run, an additional sum of one month's further interest for each additional year or part of year, such payments of further interest not in any case to exceed six months interest calculated as aforesaid, and thereafter, notwithstanding any stipulation to the contrary in the mortgage or renewal, no further interest shall be chargeable, payable or recoverable at any time on the said principal money, interest or other money so secured under the mortgage: Provided that nothing in this subsection shall apply to any debenture issued by any joint stock company or corporation for the payment of which security has been given by way of mortgage." Conditions upon which mortgagors may redeem before maturity any mortgage made after April 1, 1910, and running for two years or more from time of payment. Proviso.

2. Section 11 of the said Act is amended by striking out the words "five sections last preceding" in the first line thereof and substituting therefore the words and figures "sections 6, 7, 8, 9 and 10, of this Act." S. 11 amended. Application of Act.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909-1

THE HOUSE OF COMMONS
OF CANADA.

BILL 122.

An Act to amend the Interest Act.

First reading, January 25, 1910.

MR. STAPLES.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 123.

An Act respecting the Central Canada Manufacturers Mutual Fire Insurance Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1907, c. 75.

1. Section 4 of chapter 75 of the statutes of 1907, incorporating the Central Canada Manufacturers Mutual Fire Insurance Company, is repealed and the following is substituted therefor:— New s. 4.

"**4.** The Company may make and effect contracts of insurance upon the mutual system with manufactures and others, as may from time to time be determined by the directors, against loss or damage by fire or lightning. Business of Company. Mutual system.

"2. The Company shall, upon policies issued on the mutual plan, charge and collect a mutual premium in cash or notes absoultely payable. The Company shall also in its by-laws and policies fix a contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds. The contingent liability of a member shall be in addition to and shall not be less than the premium written in his policy. The total amount of the liability of the policy-holder shall be plainly and legibly stated upon the back of each policy. Whenever any reduction is made in the contingent liability of members, such reduction shall apply proportionately to all policies in force. Premiums. Liability.

"3. The Company may also make and effect contracts of insurance on the cash plan for not exceeding a term of one year, but the amount of the premiums on such cash insurance in any one calendar year shall not be in excess of one-fourth of the amount still payable in respect of the contingent mutual liability of its members on the thirty-first day of December of the previous year. Cash plan.

"4. The Company may separate its business into branches or departments with reference to nature or classification of risks, or of the locality in which insurances may be effected. In so separating its business the directors shall make a scale of risks and tariff of rates for each branch, and the same shall be kept separate and distinct the one from the other. The directors if they so decide may provide that members insuring in one branch shall not be liable for claims in any other branch. The directors may apportion the expenses insurred in conducting Separation of business into branches or departments.

and managing the Company between the several branches in such proportion as they deem equitable and fair between such respective branches.

Re-insurance.

"5. The Company may cause itself to be re-insured against any risk it has undertaken."

Ss. 6, 7, 8, 9, 13 and 16 repealed.

2. Sections 6, 7, 8, 9, 13 and 16 of the said Act are repealed.

New s. 10.

3. Section 10 of the said Act is repealed and the following is substituted therefor:—

Assessment of contingent liabilities.

"**10.** The directors may make such assessments upon members in respect of their contingent liability as they think necessary for losses, expenses and reserve, and every member of the Company shall pay the sums payable by him to the Company during the continuance of his policy in accordance with the assessment and the assessment shall become payable in thirty days after notice thereof has been mailed by registered post to the member, directed to his post office address as given in his original application or otherwise in writing to the Company."

When assessment payable.

S. 11 amended.

4. Section 11 of the said Act is amended by striking out the words "on the premium note" in the first line thereof.

S. 12 amended.

5. Section 12 of the said Act is amended by striking out the words "upon any premium note" in the first line thereof.

S. 14 amended.

6. Section 14 of the said Act is amended by striking out the words "who has given a premium note" in the second line thereof.

S. 15 amended.

7. Section 15 of the said Act is amended by striking out the words "on the premium notes held by the Company" in the fifth and sixth lines thereof and substituting therefor the words "of the contingent mutual liability of its members."

New s. 17.

8. Section 17 of the said Act is repealed and the following is substituted therefor:—

When liability becomes absolutely void.

"**17.** All liability of policy-holders on the mutual system shall be absolutely null and void forty days after the term of insurance has ended except as to notes given and as to lawful assessments of which notice has been given to the member during the currency of the policy or within the same period of forty days."

S. 18 amended.

9. Section 18 of the said Act is amended by adding after the word "policy-holders" in the first and third lines thereof the words "on the mutual system."

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent M
1909-10

(PRIVATE BILL.)

Mr. Gordo
(K

First reading, January 26, 191

An Act respecting the Central Manufacturers Mutual Fire In Company.

BILL 123.

THE HOUSE OF COMMO
OF CANADA.

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

123.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 124.

An Act respecting the Eastern Canada Manufacturers Mutual Fire Insurance Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1907, c. 83.

1. Section 4 of chapter 83 of the statutes of 1907, incorporating the Eastern Canada Manufacturers Mutual Fire Insurance Company, is repealed and the following is substituted therefor:— New s. 4.

"**4.** The Company may make and effect contracts of insurance upon the mutual system with manufacturers and others, as may from time to time be determined by the directors, against loss or damage by fire or lightning. Business of Company. Mutual system.

"2. The Company shall, upon the policies issued on the mutual plan, charge and collect a mutual premium in cash or notes absolutely payable. The Company shall in its by-laws and policies fix a contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds. The contingent liability of a member shall be in addition to and shall not be less than the premium written in his policy. The total amount of the liability of the policy-holder shall be plainly and legibly stated upon the back of each policy. Whenever any reduction is made in the contingent liability of members, such reduction shall apply proportionately to all policies in force. Premiums. Liability.

"3. The Company may also make and effect contracts of insurance on the cash plan for not exceeding a term of one year, but the amount of the premiums on such cash insurance in any one calendar year shall not be in excess of one-fourth of the amount still payable in respect of the contingent mutual liability of its members on the thirty-first day of December of the previous year. Cash plan.

"4. The Company may separate its business into branches or departments with reference to nature or classification of risks, or of the locality in which insurance may be effected. In so separating its business the directors shall make a scale of risks and tariff of rates for each branch, and the same shall be kept separate and distinct the one from the other. The directors, if they so decide, may provide that members insuring in one branch shall not be liable for claims in any other branch Separation of business into branches or departments.

The directors may apportion the expenses incurred in conducting and managing the Company between the several branches in such proportion as they deem equitable and fair between such respective branches.

Re-insurance. "5. The Company may cause itself to be re-insured against any risk it has undertaken."

Ss. 6, 7, 8, 9, 13 and 16 repealed.

2. Sections 6, 7, 8, 9, 13 and 16 of the said Act are repealed.

New s. 10.

3. Section 10 of the said Act is repealed and the following is substituted therefor:—

Assessment of contingent liabilities.

"**10.** The directors may make such assessments upon members in respect of their contingent liability as they think necessary for losses, expenses and reserve, and every member of the Company shall pay the sums payable by him to the Company during the continuance of his policy in accordance with the assessment, and the assessment shall become payable in thirty days after notice thereof has been mailed by registered post to the member, directed to his post office address as given in his original application or otherwise in writing to the Company."

When assessment payable.

S. 11 amended.

4. Section 11 of the said Act is amended by striking out the words "on the premium note" in the first line thereof.

S. 12 amended.

5. Section 12 of the said Act is amended by striking out the words "upon any premium note" in the first line thereof.

S. 14 amended.

6. Section 14 of the said Act is amended by striking out the words "who has given a premium note" in the second line thereof.

S. 15 amended.

7. Section 15 of the said Act is amended by striking out the words "on the premium notes held by the Company" in the fifth and sixth lines thereof and substituting therefor the words "of the contingent mutual liability of its members."

New s. 17.

8. Section 17 of the said Act is repealed and the following is substituted therefor:—

When liability becomes absolutely void.

"**17.** All liability of policy-holders on the mutual system shall be absolutely null and void forty days after the term of insurance has ended except as to notes given and as to lawful assessments of which notice has been given to the member during the currency of the policy or within the same period of forty days."

S. 18 amended.

9. Section 18 of the said Act is amended by adding after the word "policy-holders" in the first and third lines thereof the words "on the mutual system."

124.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 124.

An Act respecting the Eastern Manufacturers Mutual Fire In Company.

First reading, January 26, 19

(PRIVATE BILL)

MR. GORDO
(K

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 125.

An Act to amend the Land Titles Act.

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

1. Section 20 of *The Land Titles Act*, chapter 110 of the Revised Statutes, 1906, is amended by adding at the end thereof the following:— R.S., c. 110, s. 20 amended.

"provided that such place may be the city of Ottawa in the province of Ontario until a more convenient and suitable place in the district can be selected." Land Titles offices.

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

THE HOUSE. OF COMMO
OF CANADA.

BILL 125.

An Act to amend the Land Title

First reading, January 27, 19

MR. OL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 126.

An Act to correct a clerical error in the French Convention Act, 1908.

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

1. The English version of *The French Convention Act, 1908*, chapter 28 of the statutes of 1908, is amended by striking out the figures "23" in the second line of paragraph (*c*) of Ex. 163 in schedule C thereof, as printed by the King's Printer by a clerical error, and by substituting therefor the figures "26"; and the said Act shall be construed as if the said figures "26" had been so substituted when the said Act was originally enacted. 1908, c. 28, Sch. C amended. Clerical error corrected.

126.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 126.

An Act to correct a clerical error
French Convention Act, 1908

First reading, January 27, 191

MR. FIELD

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 127.

An Act respecting the Grand Trunk Pacific Branch Lines Company.

Preamble. 1906, c. 99; 1909, c. 86.

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

1906, c. 99, s. 11 amended. 1909, c. 86.

1. Section 11 of chapter 99 of the statutes of 1906, incorporating the Grand Trunk Pacific Branch Lines Company, hereinafter called "the Company," as amended by section 1 of chapter 86 of the statutes of 1909, is further amended by adding thereto the following paragraphs:—

Railways authorized.

"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, under 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 on the line which the Company is authorized under paragraph 13 to construct to Battleford within or near townships 41, 42 or 43, 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;

"26. From Regina, or a point in the vicinity thereof, thence in a southwesterly and westerly direction to Lethbridge, or to a point in the vicinity of Lethbridge on the line which the Company is, under paragraph 14, authorized to construct from Calgary to the southern boundary of the province of Alberta at or near Coutts;

"27. From a point on the western division of the Grand Trunk Pacific Railway between Moose lake and Tête Jaune Cache, thence through the drainage of the Clearwater river, Bonaparte river, Seton and Anderson lakes, and the Lillooet river or the Squamish river, or between the last two rivers, to Vancouver, British Columbia."

Issue of securities.

2. The Company may issue bonds, debentures or other securities in respect of the said hereinbefore mentioned lines of railway to the extent of thirty thousand dollars per mile of the lines mentioned in paragraphs 23, 24, 25 and 26, and to the extent of fifty thousand dollars per mile of the line mentioned in paragraph 27; and, except as herein otherwise provided, all the provisions of sections 12, 22, and 33 of the said chapter 99 of the statutes of 1906 shall apply to such bonds, debentures and other securities.

1906, c. 99.

S. 11 further amended.

3. Paragraph 11 of the said section 11, as amended by section 3 of the said chapter 86 of the statutes of 1909, is further amended by striking out from the end thereof the words "at or near North Portal," and substituting therefor the words "between the east limit of range 31 west of the first meridian and the west limit of range 10 west of the second meridian."

1909, c. 86.

1906, c. 99, s. 11 further amended.

4. Sub-paragraph (*c*) of paragraph 17 of the said section 11, as amended by section 2 of the said chapter 86 of the statutes of 1909, is further amended by striking out the word and figures "and 22" in the last line thereof, and substituting therefor the word and figures "22, 23, 24, 25 and 26," and sub-paragraph (*d*) of the said section is amended by striking out the word and figures "and 16" in the last line thereof and substituting therefor the word and figures "16 and 27."

1909, c. 86.

Time for construction of railways limited.

5. The Company may commence the construction of the lines of railway hereby authorized within two years after the passing of this Act, and may complete the said lines of railway and put them in operation within five years after the passing of this Act; and if the said lines of railway are not so commenced, or if the said lines of railway are not completed and put in operation within the said periods, respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

2nd Session, 11th Parliament, 9-10 Edw. VI

127.

THE HOUSE OF COMMO
OF CANADA.

BILL 127.

An Act respecting the Grand Trun
Branch Lines Company.

First reading, January 28, 19

(PRIVATE BILL.)

MR TU

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 128.

An Act to incorporate the James Bay and Eastern Railway Company.

Preamble.

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

Incorporation.

1. Gerard G. Ruel, barrister-at-law, George F. Macdonnell, Barrister-at-law, Reginald H. M. Temple, barrister-at-law, Archibald J. Reid, barrister-at-law, and Robert P. Ormsby, secretary, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The James Bay and Eastern Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five 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 at the city of Toronto, in the province of Ontario.

Annual meeting.

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

Directors.

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

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches running from some point on the authorized line of the Canadian Northern Ontario Railway near Lake Abitibi, thence in a generally easterly and southeasterly direction, passing south of Lake St. John, to a point at or near the mouth of the Saguenay river, with a branch from such line or location in the county of Chicoutimi to Ha Ha Bay on the Saguenay river.

Consent of municipalities.

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 municipalities having jurisdiction over the said highway, street or other public place, and upon the terms to be agreed upon with such municipality.

Vessels.

Docks, etc.

9. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Issue of securities.

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

Electric or other power.

Rates and charges.

11. For the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act* the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, 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 of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Consent of municipalities.

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 or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Telegraphs and telephones.

Contracts with other companies.

13. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies.

Tolls or charges.

2. No toll or charge shall be demanded or taken for the transmission of any messages, or for leasing or using the telegraphs or telephones of the Company, until it has been approved

of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

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. R. S., c. 126.

14. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into any agreement, for any of the purposes specified in the said section 361, with the Canadian Northern Quebec Railway Company, the Canadian Northern Ontario Railway Company, and the Quebec and Lake St. John Railway Company, or any of them. Agreements with other companies.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 128.

An Act to incorporate the James B
Eastern Railway Company.

First reading, February 1, 191(

(PRIVATE BILL.)

MR. GIRAI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 129.

An Act to incorporate the Ontario and Ottawa 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. Gerard G. Ruel, barrister-at-law, George F. Macdonnell, barrister-at-law, Reginald H. M. Temple, barrister-at-law, Archibald J. Reid, barrister-at-law, and Robert P. Ormsby, secretary, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Ontario and Ottawa Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five 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 at the city of Toronto, in the province of Ontario.

Annual meeting.

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

Directors.

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

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the authorized line of the Canadian Northern Ontario Railway at or near Lake Couchiching, thence in a generally easterly direction to a point in the township of Snowdon in the county of Haliburton, and from a point in the township of Herschell, in the county of Hastings, thence in a generally easterly direction to or near Renfrew, thence crossing the Ottawa river and continuing in a generally south-easterly direction to a point at or near the city of Hull, or re-crossing the Ottawa river to a point at or near the city of Ottawa.

Consent of municipalities.

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 municipalities having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Special powers.

Vessels.

Wharfs, elevators, etc.

9. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Issue of securities.

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

Agreements with other companies.

11. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into any agreement, for any of the purposes specified in the said section 361, with the Canadian Northern Ontario Railway Company, the Canadian Northern Quebec Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Central Ontario Railway Company, the Marmora Railway and Mining Company, the Thousand Islands Railway Company, the Bay of Quinte Railway Company, the Brockville, Westport and North Western Railway Company, the Toronto, Niagara and Western Railway Company and the Bessemer and Barry's Bay Railway Company, or any of them, and the Company may purchase or otherwise acquire shares, bonds or other securities issued by any railway company with which it may be empowered to amalgamate, or whose lines it may be empowered to lease or purchase.

Powers to issue consolidated securities.

12. The Company may at any time, or from time to time, consolidate the whole or portions of the issues of securities theretofore made by the Company or by any other railway company whose lines, properties or assets the Company may be authorized to purchase, lease or otherwise acquire, or with which it may be authorized to amalgamate, and may consolidate the mortgages or other instruments securing the same, and may make an issue of consolidated securities and consolidated mortgages or other instruments securing them, and may apply such consolidated securities, or portions thereof, or the proceeds thereof, from time to time in the retirement by exchange, purchase or otherwise of outstanding securities of the issues or portions so consolidated; provided that the holders of the securities to be retired surrender them for retirement:

Proviso.

Provided further that, until the whole of the outstanding securities of any separate issue included in any such consolidation have been retired, the securities of such issue which are actually retired shall be deposited with trustees, and the rights and priorities thereof shall continue for the benefit of the holders of the consolidated securities, but when all outstanding securities of a separate issue have been retired, they shall be cancelled and the consolidated securities shall thereupon take

their place and possess their rights and priorities and the rights and priorities of and declared by the mortgages securing the said consolidated securities: Provided further, that there shall not be outstanding at any one time a greater amount of consolidated securities and of securities of the issues or portions consolidated than the total amount which the Company, or the respective companies, may at the time be authorized by statute to issue with respect to the lines, properties or assets included in the mortgages or other instruments securing the consolidated securities, and that unexchanged consolidated securities, and securities surrendered in exchange for consolidated securities, shall not be deemed to be outstanding securities within the meaning of this Act. Proviso.

13. The forms, nature and terms of the consolidated securities, and of the mortgages and instruments securing them, and the times, manner and terms of their issue shall be such as the Company determines. Forms and terms.

14. The expression "securities," when used in the foregoing sections, shall mean any kind of securities which the Company has authority to issue. "Securities" defined.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 129.

An Act to incorporate the Onta
Ottawa Railway Company.

First reading, February 1, 19

(PRIVATE BILL.)

MR. LO

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 130.

An Act respecting the Vancouver Island and Eastern Railway Company.

Preamble. 1908, c. 167.

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

Line of railway authorized.

1. The Vancouver Island and Eastern Railway Company, hereinafter called "the Company," may lay out, construct and operate a branch line of railway from a point at or near Seymour Narrows on Vancouver Island in a northerly direction and by the most feasible route to a point on Quatsino Sound, Vancouver Island.

Time for construction of railways extended.

2. The Company may commence the construction of the railways authorized by chapter 167 of the statutes of 1908 and by this Act, and may expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and the railway may be finished and put into operation within five years after the passing of this Act; and if the railway is not so commenced, and such expenditure is not so made, or if the railway is not so finished and put into operation within the said respective periods, the powers of construction granted to the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Issue of securities.

3. The limit to the amount of securities which the Company may issue with respect to the railway authorized by section 1 of this Act shall be fifty thousand dollars per mile, and such securities may be issued only in proportion to the length of such railway constructed or under contract to be constructed.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 130.

An Act respecting the Vancouv
and Eastern Railway Comp

First reading, February 1, 1

(PRIVATE BILL.)

MR. SMITH
(Na

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 131.

An Act respecting Pure Foods.

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

SHORT TITLE.

Short title. R.S. cc. 133, 134, 85.

1. This Act may be cited as *The Pure Food Act*, and shall be read and construed as one with *The Adulteration Act*, *The Canned Goods Act* and the *Inspection and Sale Act*, and the said Acts and this Act may be cited together as the Pure Food Acts.

Interpretation.

2. The said Acts, to the extent to which they are in and by this Act expressed to be repealed or amended, either by the fixing of standards or regulations by a Commission, are hereby repealed or amended accordingly.

INTERPRETATION.

Definitions.

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

"Minister." (*a*) "Minister" means the Minister of Inland Revenue;

"Analyst." (*b*) "analyst" includes any member of any board or commission appointed under the authority of this Act, or any assistant analyst to the chief analyst at Ottawa;

"Appliance." (*c*) "appliance" includes the whole or any parts of any utensils, machinery, instruments, tubes, pipes, pumps, taps, apparatus or articles used or intended for use in or for making, keeping, preserving, preparing, handling or supplying any article of food;

"Article of food." (*d*) "article of food" includes every article used for food or drink by man, and any article that enters into or is used in the preparation or composition of food, and also includes spices, confectionery, flavoring substances and essences;

"Authorize." (*e*) "authorize" means authorizing either generally or specially in writing by the Commission or by any authority under this Acts;

"Officer." (*f*) "officer" includes any officer of the Commission or any officer under the Pure Food Acts;

"Package." (*g*) "package" includes every means by which goods for carriage or for sale may be cased, covered, inclosed, contained or packed;

"Premises." (*h*) "premises" includes any vehicle used in connection with the business carried on in the premises;

"Sale." "Sell." "Sold." (*i*) "sale," "sell," or "sold" includes barter and also offers or attempts to sell, or receive for sale, or have in possession for sale, or exposes for sale, or causes or suffers or allows to be sold, offered or exposed for sale, and refers only to sale for human consumption or use;

"Commission." (*j*) "commission" means the Pure Foods Commission constituted by this Act.

Application of Act. **4.** This Act shall apply to every article of food or drug which is packed, bottled or tinned at any place or premises or which is sold, or offered for sale, or is made up or being included in or prepared or cooked for any meals, or meals for eating or drinking in the premises at any shop, factory, eating house, licensed house or any place or premises, or elsewhere.

Inspection by authorized officer. **5.** Any authorized officer may at any time enter in or upon any wharf, pier or jetty, or any railway station or place of delivery or premises, and there inspect any animals, carcases or articles of food or drugs which he may have reasonable ground for believing are intended to be slaughtered or sold or used for food for human consumption.

Powers of inspector. 2. He may also exercise, in regard to any such animals, carcases or articles, all or any of the powers of removal, seizure or destruction which are conferred on officers with regard to animals, carcases or articles inspected under and pursuant to the provisions of the Pure Food Acts.

Application of Pure Food Acts. 3. The provisions of the said Acts, with regard to persons claiming any animals, carcasses or articles seized under the said Acts, and the procedure with reference to any complaint made by such persons shall, so far as practicable, apply and extend to persons claiming any animals, carcases and articles inspected, removed or seized under this Act, and such provisions shall be read and construed accordingly.

Examination by inspector to determine apparent violations. **6.** In order to enable any officer to exercise any powers of inspection, examination, removal, seizure or destruction of any animals, carcases or articles of food or drugs conferred by the Pure Food Acts, any such officer may count any such animals, or weigh any carcases, or remove samples of or weigh, count, measure, gauge, mark, fasten, secure or seal any article of food or package containing any prohibited substance or appliance, or any article of food, the sale, preparation or manufacture of which is or appears to be contrary to the provisions of the Pure Food Acts.

Notice of seizure by inspector. **7.** Where, pursuant to any provisions of the Pure Food Acts, any officer has seized any animal, carcass, article, appliance or substance, such officer shall forthwith give notice in writing of such seizure to the consignor thereof, if his name and address are attached to any such animal, carcass, article, appliance or substance, or any package covering the same, and if such address is in Canada, otherwise such notice shall be given to the importer or consignee of such animal, carcass, article,

appliance or substance, or the agent of such importer or consignee.

Procedure where portion only removed or seized.

8. In the case of a portion of any article of food or drug having been removed or seized by any officer in accordance with any provision of the Pure Food Acts, such officer shall forthwith deliver or forward a portion marked and sealed, or fastened up in such a manner as its nature will permit, to the consignor or manufacturer thereof, if his name and address are attached to such article of food or drug, or any package covering or inclosing the same, and if such address is situated in Canada, otherwise such portion shall be delivered or forwarded to the importer or consignee of such article of food or drug, or the agent of such importer or consignee.

Label, tag or statement to be attached to every package.

9. Except in the case of any package of any article of food which has been exempted from any of the provisions of this section by regulations made on the recommendation of the Commission there shall be legibly and durably printed, stencilled, impressed or marked on or attached to every package of any article of food packed or inclosed for sale, a label or tag or statement indicating the trade name or description, the net weight or number or true measure or volume of the contents thereof, and the name and address of the vendor or maker thereof or agent therefor, or of the owner of rights of manufacture, together with the words prominently displayed "Prepared under the regulations and standards of the Canadian Pure Food Acts," and no person shall, after the thirty-first day of December, one thousand nine hundred and ten, sell in a package any article of food unless such a label or tag or statement is printed, stencilled, impressed or attached to or marked on such package, as required by this section.

Contents of statement.

Liquors.

2. In the case of any liquors paying Excise or Customs duty the measures set forth in any Act dealing with such liquors shall be held to satisfy the requirements of this section with regard to measure or volume.

Approximate weights and measures.

3. Approximate weights and measures may be allowed in the case of such articles of food as may be recommended by the Commission.

Liability of apparent importer, manufacturer or maker of unopened packages sold to officer.

10. Where an article of food, in connection with which there is a contravention of any provision of the Pure Food Acts, is sold in an unopened package to any officer, any person who appears from any label or statement thereon, or tag attached thereto, to have imported or manufactured or prepared such article, or to have inclosed such article in such package shall, unless he proves to the contrary, be deemed to have so imported, manufactured, prepared or inclosed such article, and unless the contravention is shown to be due to the default of the person on whose premises the package is found, or to deterioration or other causes beyond the control of the person named on the package, he shall be liable to the same penalty as if he had actually sold the same to such officer.

Witnesses not compelled to disclose information.

11. No witness on behalf of any prosecution under this Act shall be compelled to disclose the fact that he received any information, or the nature of such information, or the name of any person who gave such information, and no officer appearing as a witness shall be compelled to produce any reports made or received by him confidentially in his official capacity, or containing confidential information.

Time limit for prosecutions.

12. When any article of food or drug, or other article or substance or compound, has been obtained or purchased from any person for test purposes, any prosecution under the Pure Food Acts in respect thereof shall not be instituted after the expiration of forty-two days from the time of the purchase.

Return of summons.

2. In any prosecution concerning any article of food or drug, or other article or substance or compound, the summons shall not be made returnable in less time than fourteen days from the day on which it is served.

Conditions upon which food or substance to be deemed adulterated or falsely described.

13. For the purposes of the Pure Food Acts an article of food, or substance or compound or other article, shall be deemed adulterated or falsely described,—

(*a*) when it contains or is mixed with or diluted with any substance in any quantity to the prejudice of the purchaser or consumer, or in any proportion which diminishes in any manner its food value or nutritive properties as compared with such article in a pure or normal state, and in an undeteriorated or sound condition; or,

(*b*) when it contains or is mixed with or diluted with any substance of lower commercial value than such article in pure or normal state and in an undeteriorated or sound condition; or,

(*c*) when it does not comply either wholly or in part with the standard therefor prescribed under this Act, or by any regulation or standard made thereunder; or,

(*d*) when it contains any substance prescribed as a prohibited addition; or,

(*e*) when it contains any substance concerning which any restrictive regulation has been made in excess of any quantity or proportion permitted by such regulation; or,

(*f*) when it contains methyl alcohol, or, not having paid Customs or Excise duty, it contains more than two parts of proof spirit per centum; or,

(*g*) when any article of food, or other article or substance or compound, in any package is described by any stamped, or stencilled, or impressed or printed or written statement or claim, or brand, or covering, or label, or mark, or tag, purporting to name or indicate the nature or quality or strength or purity or composition or origin or age or proportion of any article of food or ingredients or substances contained therein, which statement, claim, brand, covering, label, mark or tag is false or incorrect or misleading.

Prohibition of sale of wine or spirituous

14. Notwithstanding any provision of the Pure Food Acts no person shall sell wine or other spirituous liquors which contain an amount of,—

(*a*) soluble chlorides exceeding half-a-gramme per litre or thirty-five grains per gallon calculated as sodium chloride; or, liquors containing illicit ingredients.

(*b*) soluble sulphates which, calculated as potassium sulphate, exceeds two grammes per litre, or one hundred and forty grains per gallon;

(*c*) free sulphurous acid exceeding twenty milligrammes per litre, or one and four-tenths grains per gallon;

(*d*) total sulphurous acid (free and combined) exceeding two hundred milligrammes per litre, or fourteen grains per gallon; or,

(*e*) any foreign substance specified under any regulation of this Act; provided that this prohibition shall not apply to such amounts of ethers, boron compounds or glycerine as may be normally contained therein, and are not in excess of any restrictive regulation made under this Act.

15. After the thirteenth day of June, one thousand nine hundred and ten no person shall, unless so prescribed by regulations made under this Act, sell or use in the manufacture, preserving, storage or conducting of any article of food for sale any cooking utensil or any appliance,— No cooking utensil or appliance to be sold or used in making foods for sale, consisting of prohibited metal or alloy.

(*a*) consisting wholly or in part of lead or of any metal alloy containing more than ten per cent of weight of lead; or,

(*b*) soldered (wherein contact with any article of food) with a metal alloy containing more than a prescribed proportion of lead; or,

(*c*) tinned inside with a metal alloy containing more than one per cent by weight of lead; or,

(*d*) containing enamel or glass or india-rubber or gutta percha, which on boiling for thirty minutes with vinegar containing four per cent by weight of acetic acid yields lead to the latter; or,

(*e*) containing more than one-fourth of one grain of arsenicum per pound of metal alloy or enamel or glass or india-rubber or gutta percha.

2. Any article of food or any package of any article of food may be exempted from any of the provisions of this section by the Minister on the recommendation of the Commission. Exemptions by Minister.

16. No person shall manufacture or, after the thirtieth day of June one thousand nine hundred and ten, sell any toys or wall paper or other decorative paper or paper serviettes or paper used in the inclosure of any article of food in or upon which are paint, colour, facing, dressing, size or varnish containing arsenicum or lead or antimony in any form or compound, or any specified substance exceeding such allowable quantity as is prescribed by regulation. No toys, wall paper, or paper wrappings containing specified substances, to be made or sold.

17. No person shall manufacture or, after the thirtieth day of June one thousand nine hundred and ten, sell any textile substance or leather intended for or capable of being used in the making of human clothing containing arsenicum or lead or antimony or barium in any form or compound or any specified substance or weighting material exceeding such allowable quantity as is prescribed by regulation. No textile substance or leather used in clothing containing specified substances, to be made or sold.

Sale of beer containing certain substances, prohibited.

18. No person shall sell in any licensed premises, or from any brewery, any beer which contains arsenic, lead, copper, strychnine, cocculus indicus, picric acid or any substance or compound in excess of any proportion permitted by regulation.

"Beer" defined.

2. In this section the word "beer" includes ale, porter, stout, lager beer and any beer liable to customs or excise duties.

Sale of injurious disinfectants or antiseptic, prohibited.

19. No person shall, to the prejudice of the public health or to the prejudice of the purchaser, sell any substance or compound under the name or description of or apparently with the intention that the same may be used as a disinfectant or germicide or antiseptic or preservative.

Commission may prohibit sale on notice to maker.

2. The Commission may prohibit the sale of any such substance or compound as a disinfectant or germicide or antiseptic or preservative, but no such prohibition shall be made until a reasonable opportunity has been given to the manufacturer, importer or selling agent of the substance or compound to place his objections to such prohibition before the Minister, who shall thereupon refer the matter to the Commission for consideration and advice.

Commission may prescribe label.

3. The Commission may require, concerning any such substance or compound, such information or directions as it deems fit to be set out on any label attached or affixed to any package containing the same.

Application of Pure Food Acts.

20. The provisions of the Pure Food Acts relating to the inspection, obtaining of samples and seizure and the examination and analysis of articles of food or drugs shall also apply to all articles, substances and compounds referred to in this Act.

Conditions upon which ærated waters may be made or sold.

21. No person shall manufacture or prepare for sale soda water, lithia water, lemonade or any other artificially aerated water or cordials unless the water used in the manufacture or preparation thereof and contained therein has been passed through a filter or sterilizer approved by the Commission and upon the recommendation of the Commission.

Offence in contravention of Act.

22. Any person who sells or manufactures or applies a description to or sells under any description any article of food or substance or compound or appliance or drug in any manner contrary to the provisions of the Pure Food Acts shall be guilty of an offence against the said Acts, unless he proves—

Burden of proof.

(*a*) that having taken all reasonable precautions against committing an offence against the Pure Food Acts he had, at the time of the alleged offence, no reason to suspect that there was in regard to such article of food or substance or compound or appliance or drug any contravention of the provisions of the aforesaid Acts; and,

(*b*) that on demand by any officer he gave all the information in his power with respect to the person from whom he obtained the article of food or substance or compound or appliance or drug; and,

(*c*) that otherwise he acted innocently.

Reasonable precautions.

2. In the case of manufacture or applying of description reasonable precautions shall include analysis or other adequate test.

Notice of defence under warranty or invoice.

23. A warranty or invoice shall not be available as a defence to any proceeding under the Pure Food Acts unless the defendant has, within seven days after service of the summons, sent to the purchaser a copy of such warranty or invoice with a written notice stating that he intends to rely on the warranty or invoice and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to such person.

Appearance by maker of warranty.

2. The person by whom such a warranty or invoice is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

Warranty or invoice made outside of Canada.

3. A warranty or invoice given by a person resident outside of Canada shall not be available as a defence to any proceeding under the Pure Food Acts unless the defendant proves that he had taken reasonable grounds to ascertain, and did in fact believe in, the accuracy of the statement contained in such warranty or invoice.

No exemption from Act by substituted names.

24. No article of food, substance, preparation, compound or admixture sold under any fancy or suggestive or proprietary or registered name which is a substitute or is intended to be or may be used as a substitute either wholly or in part for any article of food, substance, preparation, compound or admixture shall, by reason only of being so sold under such name, be exempt from the provisions of this Act.

No food sold contrary to Act.

25. No article of food which is adulterated or falsely described or which is packed or inclosed for sale, in any manner contrary to any provision of the Pure Food Acts, shall be kept for sale or sold.

Penalties.

26. If any person manufactures or prepares or sells any article of food or substance or compound in contravention of this Act, or is guilty of any offence against this Act for which a penalty is not expressly provided, he shall be liable, on conviction, for the first offence to a penalty of not more than twenty dollars and for the second offence to a penalty of not less than ten dollars or more than fifty dollars, and for any subsequent offence to a penalty of not less than ten dollars or more than one hundred dollars.

Imprisonment for personal default or culpable negligence.

2. Where a person guilty of an offence is liable to a penalty exceeding fifty dollars, and the offence in the opinion of the court was committed by the personal act, default or culpable negligence of the person accused, such person shall be liable (if the court is of opinion that a penalty will not meet the circumstances of the case) to imprisonment, with or without hard labour, for a period not exceeding three months.

Onus of proof on defendant.

27. The onus of proof that any article of food or drug or other article or substance or compound or animal or carcass has not been offered or exposed for sale or sold for human consumption shall in every case be on the defendant.

Food, drug or appliance forfeited on conviction.

28. In any conviction under the Pure Food Acts any article of food or drug or appliance or substance or compound to which the conviction relates shall, unless otherwise ordered by the convicting court or justices on such conviction, become and be forfeited to His Majesty, and such forfeiture shall extend to the whole of the article or appliance or substance or compound and to the whole of any similar article appliance or substance or compound and to all packages or vessels containing any similar article or appliance or substance or compound found on the defendant's premises, or in his possession at the time of the commission of the offence.

Extent of forfeiture.

Disposal of articles forfeited.

2. All articles, drugs, appliances, substances and compounds forfeited under the Pure Food Acts shall be disposed of as the Minister may direct.

Name of person convicted to be published, with particulars.

29. A notification of the name of any person who has been convicted by any court or justices of an offence against the Pure Food Acts relating to the sale of any article of food or substance or compound or appliance or drug may, if the court or justices so direct, be published by the Minister in *The Canada Gazette*, together with the address of his places of business and a description of the nature of the offence, the decision of the court or justices and the penalty imposed and any forfeiture incurred.

Notice of subsequent conviction.

2. In the case of a second or any subsequent conviction of any person for any such offence a copy of such notification shall be published by the Minister for public and general information in *The Canada Gazette*, and may, if the court or justices so direct, be published in any newspaper circulating in any part of Canada.

No notice if appeal pending.

3. During the pendency of any appeal against a conviction for any offence a notification as aforesaid shall not be published by the Commission.

Appointments of Commission.

30. The Governor in Council may, within six months after the passing of this Act, appoint for the purposes of this Act a Pure Food Commission.

Constitution. Chairman.

2. The Commission shall be composed of fifteen members, of whom the Chief Analyst of the Dominion shall be Chairman.

Qualification of members of Commission.

3. Of the other members of the Commission twelve shall hold, or have previously held, the position of professor or teacher of one of the following subjects in a recognized university in Canada, namely: chemistry, biology, materia medica, physiology, agriculture, sanitation, bacteriology and veterinary science.

University members.

The said members shall be appointed one from each of the following faculties, namely: a University in Nova Scotia, a University in Prince Edward Island, a University in New Brunswick, the University of Laval, the University of McGill, the University of Queen's, the University of Toronto, the Western University, the University of Manitoba, the University of Saskatchewan, the University of Alberta, and a University in British Columbia.

Other members.

4. The remaining members shall be appointed from among the Provincial Medical Health Officers.

Vote of chairman.

5. At all meetings of the Commission the chairman shall have a vote, and in the event of a tie an additional vote.

6. Any five members of the Commission shall constitute a quorum. Quorum.

7. Any member of the Commission may be removed by the Governor in Council. Removal of member.

8. Any analysis or chemical investigation required by the Commission to enable it to make recommendations or regulations under this Act, shall be considered by the Dominion analytical laboratory or other approved provincial or university laboratory. Required analysis to be considered.

9. The Commission shall meet in Ottawa at least twice a year to consider the standards of foods and drugs, and the regulations for the carrying out of this Act. Notice of any addition or changes proposed in the standards and regulations must be sent to the members of the Commission at least two weeks before the dates fixed for holding the meetings. Special meetings may be called by the chairman on two weeks' notice. Meetings of Commission. Notice of proposed changes. Special meetings.

31. The Commission shall, subject to the approval of the Governor in Council, make regulations which may vary in their application according to time and place or the distribution of the articles or substances or compounds referred to in the regulations,— Regulations by Commission to prescribe standards and methods of analysis, prohibit specified appliances and substances, and regarding exemptions.

(*a*) prescribing standards for the composition or strength or purity or quality of any article of food or drug or substance or compound, or for the nature or proportion of any substance which may be mixed with or used in the preparation or preservation thereof or prohibiting the addition of any substance to any article of food;

(*b*) prohibiting in the manufacture, preparation, storing, preservation, packing, conducting by tubes, pipes, pumps and their connections or otherwise, or in the delivering of any article of food for sale, the use of appliances containing any substance that may be specified and any substance in any proportion that may be specified;

(*c*) prohibiting such modes of manufacture and of preparation or preservation of articles of food as may be specified;

(*d*) prohibiting in the manufacture or preparation of all or any specified articles of food or of any articles or substances mentioned in sections 16 and 17 of this Act intended for sale, the use of certain specified substances or of proportions of certain specified substances;

(*e*) prescribing any method of analysis, chemical and physical, to be applied in the analysis of any article of food or other article, substance or compound submitted for analysis under the Pure Food Acts;

(*f*) exempting any package from any provision of this Act relating to labelling.

2. The Commission may make regulations prohibiting the use of substances or methods that may be specified in the catching, feeding or drugging of animals shortly prior to death, if such animals are intended for sale,— Regulations by Commission dealing with animals prior to death, requiring specified labels, prescribing penalties,

(*a*) requiring destruction or denaturation of articles of food that have become deteriorated or impoverished in such degree as is specified, and of such remnants of articles of food as are specified;

and securing purity of food.

(*b*) requiring specified labels to be attached to articles of food or to wrappers or receptacles containing such articles, and prohibiting the use in the inscription on labels so attached of words that may be specified;

(*c*) prescribing penalties not exceeding ten dollars for a contravention of any regulation; and,

(*d*) generally for carrying out the provisions of this Act and for securing the cleanliness, freedom from contamination and adulteration of any article of food or drug or other article, substance or compound, and for securing the cleanliness of receptacles, places and vehicles used for the manufacture, preparation, storage, packing, carriage or delivery of any article of food or drug or other article, substance or compound.

"Specified" defined.

3. In this section the word "specified" means specified in any regulat on.

Publication of standards and regulations.

Laid before Parliament.

Copies for members.

4. All standards and regulations so made, when approved by the Governor in Council, shall be published in *The Canada Gazette*, and shall take effect from a date to be specified in such regulations, and shall be laid before both Houses of Parliament within seven days after publication, if Parliament is in session, and if not then within fourteen days after the commencement of of the next session; and a copy of such regulations shall be forwarded to each member of both Houses of Parliament at least fourteen days before such regulations are submitted to the Governor in Council for his approval.

131.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 131.

An Act respecting Pure Foods.

First reading, February 1, 1910.

MR. CURRIE,
(Simcoe

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 132.

An Act to amend the Gas Inspection Act.

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

1. Section 3 of *The Gas Inspection Act*, chapter 87 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 87 amended. New s. 3.

"**3.** The Governor in Council may make such regulations, not inconsistent with this Act, as are necessary for giving effect to its provisions, and also regulations,— Regulations may be made by Governor in Council.

"(*a*) as to the pressure under which gas is to be supplied; and,

"(*b*) in the case of inodorous gas, to require the addition of such substances as he deems necessary in order to communicate odour;

"(*c*) to establish regulations for the testing of the calorific power of gas;

"(*d*) for defining the methods of making the tests prescribed by this Act and the places where such tests shall be made;

"(*e*) for declaring the true intent and meaning of this Act in all cases of doubt."

2. Section 7 of the said Act is repealed and the following is substituted therefor:— New s. 7.

"**7.** In every district in Canada where gas is offered for sale, one or more inspectors of gas and gas meters may be appointed by the Governor in Council, who shall have the custody of all measuring and testing apparatus and standards, and of all stamps and stamping apparatus supplied for use in the place for which he is appointed, hereinafter referred to as his district; and the inspectors so appointed shall verify all gas meters, and test the purity of gas used in their respective districts, and shall stamp the meters when found correct, and grant certificates as to the quality of the gas, in such manner and in such form as are prescribed by regulations made under this Act; and any such inspector may, at all reasonable hours, enter any place within his district where any meter is used for measuring gas delivered to a purchaser, for the purpose of inspecting the meter so used." Appointment of inspectors. Their duties.

3. Section 19 of the said Act is repealed and the following is substituted therefor:— New s. 19.

"**19.** Every meter presented for verification which is found by the inspector to register, or capable of being made to regis- Meters to comply with true

standard measure.

ter, quantities varying from the true standard measure of gas, more than two per centum in favour of the seller, or three per centum in favour of the consumer shall be deemed to be incorrect and shall be rejected; and every meter which is found by such inspector to register within the aforesaid limits shall be considered to be correct, and shall be verified and stamped."

New s. 31.

4. Section 31 of the said Act is repealed and the following is substituted therefor:—

Undertaking of gas makers as to supply and quality of gas.

"**31.** Every undertaker in any district for which there is an inspector of gas shall be held to have undertaken that,—

"(*a*) the supply of gas shall be regular and sufficient;

"(*b*) it shall be supplied under sufficient pressure;

"(*c*) the quality of gas as to illuminating power, when tested in such manner as may be determined by departmental regulations, shall be equal to the standard established by the Governor in Council;

"(*d*) the gas shall exhibit no trace of sulphuretted hydrogen or any excess of sulphur and ammonia when tested in accordance with regulations made by the Minister."

New s. 34.

5. Section 34 of the said Act is repealed and the following is substituted therefor:—

Location and connections of prescribed testing places.

"**34.** A testing place or places shall be prescribed by the Department in every district for or in respect of which an inspector of gas is appointed, and such testing place shall not be less than five hundred yards distant from the gas house or premises where the gas is produced and purified, and not more than one hundred yards from some point on some one of the main conducting pipes used for the distribution of the gas; and, upon notice of the determination as to the location of such testing place, every undertaker shall make the connections necessary to carry the gas from such gas house or premises to such testing place; and until such connections have been made to the satisfaction of the inspector, the selling of gas shall be illegal."

New s. 38.

6. Section 38 of the said Act is repealed and the following is substituted therefor:—

Apparatus to be according to regulations.

"**38.** The said apparatus shall be in accordance with the regulations made under this Act, and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of the gas supplied by the undertaker."

New s. 46.

7. Section 46 of the said Act is repealed and the following is substituted therefor:—

Certificate as to ammonia and sulphur.

"**46.** Every undertaker, in districts in which the requisite apparatus is furnished by the Minister, shall obtain during the first weeks respectively of January, April, July and October in each year, a certificate indicating the average quantity of ammonia and sulphur, in other forms than sulphuretted hydrogen, ascertained by official analysis during the preceding three months to have been contained in the gas."

8. Section 57 of the said Act is repealed and the following is substituted therefor:— New s. 57.

"**57.** Every undertaker furnishing gas for illuminating purposes which exhibits traces of sulphuretted hydrogen, when tested in accordance with the rules provided in that behalf in the regulations made under this Act, shall incur a penalty for the first offence, if such undertaker has more than eight thousand meters, of sixty dollars; if less than eight thousand and more than four thousand meters, of thirty dollars; if less than four thousand and more than one thousand, of twenty dollars; if less than one thousand, of ten dollars; and for every subsequent offence, double the above-named penalties. Penalty for furnishing gas showing traces of sulphuretted hydrogen.

"2. Every undertaker furnishing gas for illuminating purposes which exhibits ammonia, or sulphur in other form than sulphuretted hydrogen, in any greater quantity than is allowed by regulations made by the Minister, or which is below the standard quality as to its illuminating properties, shall incur a penalty for each and every day during and upon which such failure to comply with this Act occurs and continues, if such undertaker has more than eight thousand meters, of thirty dollars; if less than eight thousand and more than four thousand, of fifteen dollars; if less than four thousand and more than one thousand, of ten dollars; and if one thousand or under, of five dollars; unless such undertaker shows, to the satisfaction of the Minister, that the occurrence was attributable solely to accident which could not, by reasonable care and foresight, have been avoided." Penalty for furnishing gas showing traces of ammonia or sulphur.

9. The Schedule to the said Act is hereby repealed. Schedule repealed.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 132.

An Act to amend the Gas Inspecti

First reading, February 4, 191

MR. TEMPLE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 135.

An Act to amend the Immigration Act.

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

1. *The Immigration Act*, chapter 93 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 31:— R.S., c. 93, section added.

"**31A.** It shall be the duty of some suitable person to be appointed by the medical officer for that purpose, in the course of the examination hereinbefore provided, to search the person, clothing and baggage of each immigrant for the purpose of ascertaining whether he is in possession of any of the following weapons, namely: a weapon commonly known as a dirk or bowie knife, or any weapon resembling it or which is not of a character or kind calculated to be solely used for an inoffensive purpose; or any weapon known as a pistol or revolver; and to take possession of any such weapon, and transmit it to the Minister, with a report of the name of the immigrant, his occupation, the name of the country from which he came, and his address there, together with the name of the ship and place of embarkation and port of entry; and if, upon investigation, the Minister is satisfied that the immigrant is not a person of good character he may order the deportation of such immigrant, and the provisions of section 33 of this Act shall apply to the case. Immigrants with weapons.

"2. It shall be the duty of every peace officer to search any person whom he has reason to believe to be possessed of any such weapon; and if any such weapon is found in his possession, the peace officer shall forthwith take him before the nearest justice of the peace or magistrate, who shall proceed to investigate the facts and make a report to the Minister in the matter, together with the evidence; and, if the Minister is satisfied that such person was an immigrant to Canada within two years previously and had in his possession any such weapon, or if such immigrant is found within two years of his arrival in Canada in possession of any such weapon, the Minister may order the deportation of such immigrant, and section 33 of this Act shall apply to the case."

2. From and after the first day of January, one thousand nine hundred and eleven, natives of Europe, south of forty-four degrees north latitude and east of twenty degrees east longitude, and natives of Turkey in Asia, shall be probihited from entering in and settling in Canada. Prohibition of certain persons from entering Canada.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 135.

An Act to amend the Immigration

First reading, February 7, 191

MR. LEWI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 138.

An Act to amend the Customs and Fisheries Protection Act.

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

1. Section 18 of *The Customs and Fisheries Protection Act*, chapter 47 of the Revised Statutes, 1906, is amended by adding thereto the following subsection:— R.S., c. 47, s. 18 amended.

"2. Except in so far as it may be otherwise provided by any general rules made by the superior court of a province, the practice and procedure in any proceeding in such court to obtain the condemnation of any goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores, cargo or other thing seized under the provisions of this Act, shall be regulated by the practice and procedure for the time being in force in the Exchequer Court of Canada on its Admiralty side. Procedure on sale of goods and vessels.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 138.

An Act to amend the Customs and Fisheries Protection Act.

First reading, February 10, 1910.

Mr. Aylesworth.

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 141.

An Act to amend the Indian Act.

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

1. *The Indian Act*, chapter 81 of the Revised Statutes, 1906, is amended by inserting the following heading and section immediately after section 37 thereof:— R.S., c. 81 amended. Section added.

"*Recovery of Possession of Reserves.*

"**37A.** If the possession of any lands reserved or claimed to be reserved for the Indians is withheld, or if any such lands are adversely occupied or claimed by any person, or if any trespass is committed thereon, the possession may be recovered for the Indians, or the conflicting claims may be adjudged and determined, or damages may be recovered, in an action at the suit of His Majesty on behalf of the Indians, or of the band or tribe of Indians claiming possession or entitled to the declaration, relief or damages claimed. Recovery of possession of reserves withheld or adversely occupied. Damages.

"2. The Exchequer Court of Canada shall have jurisdiction to hear and determine any such action. Exchequer Court jurisdiction.

"3. Any such action may be instituted by information of the Attorney General of Canada upon the instructions of the Superintendent General of Indian Affairs. Attorney General may institute action.

"4. Nothing in this section shall impair, abridge or in anywise affect any existing remedy or mode of procedure provided for cases, or any of them, to which this section applies." Existing remedies preserved.

2. Section 87 of the said Act is amended by adding thereto the following subsection:— S. 87 amended.

"2. No contract or agreement binding or purporting to bind, or in any way dealing with the moneys or securities referred to in this section, or with any moneys appropriated by Parliament for the benefit of Indians, made either by the chiefs or councillors of any band of Indians or by the members of the said band, other than and except as authorized by and for the purposes of this Part of the Act, shall be valid or of any force or effect unless and until it has been approved in writing by the Superintendent General." Contracts affecting Indian moneys and securities to be approved by Superintendent General.

3. Subsection 1 of section 105 of the said Act is repealed and the following is substituted therefor:— S. 105 amended.

Presents, annuities, money and property exempt from seizure.

"**105.** No presents given to Indians or non-treaty Indians, and no annuities or interest on funds, and no moneys appropriated by Parliament, held for any band of Indians, and no property purchased or acquired with or by means of any such annuities or income or moneys, and whether in the possession of any band of such Indians or of any Indian of any band or irregular band or not, shall be liable to be taken, seized, distrained, attached or in any way made the subject of judicial process for any debt, matter or cause whatsoever."

141.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 141.

An Act to amend the Indian Act

First reading, February 11, 1910

MR. OLIV

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 143.

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:—

1. Section 35 of *The Dominion Lands Act*, chapter 20 of the statutes of 1908, is amended by adding thereto the following subsection:— 1908, c. 20, s. 35 amended.

"7. Notwithstanding anything herein, no license or other authority for any or all the purposes set out in paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection 2 hereof that gives to the licensee or to any person any right or privileges extending over a period of more than ten years in any unorganized territory, or of more than twenty-one years in any province, from the date of the issue of such license or other authority shall in any case be granted; and any such license or other authority so issued shall contain a clause providing that it shall not be exercisable until there is endorsed thereon the approval of the Lieutenant Governor in Council of the province wherein such license or other authority is exercisable, and subject to such conditions and regulations as may be imposed by such Lieutenant Governor in Council." Water powers. Term of license.

143.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMMO
OF CANADA.

BILL 143.

An Act to amend the Dominion
Act.

First reading, February 16, 1

MR. MAGRA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 145.

An Act to amend the Railway Act.

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

1. *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 59:— R.S. c. 37 amended. Section added.

"**59A.** 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.....day of....., 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." Approval of works.

2. Section 121 of the said Act is amended by adding thereto the following subsection:— S. 121 amended.

"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 116 of this Act." By-laws for election of officers.

3. Section 246 of the said Act is amended by adding thereto the following subsection:— S. 246 amended.

"5. An order of the Board shall not be required in the cases in which telephone, telegraph or electric light wires are erected across the railway with the consent of the company in accordance with any general regulations, plans or specifications adopted or approved by the Board for such purposes." Orders of Board relating to wires.

4. Section 276 of the said Act is amended by adding thereto the following subsection:— S. 276 amended.

"2. The Board, upon the application of any 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 Warning of moving trains.

on any specified portions 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."

S. 341 amended

5. Paragraph (*c*) of section 341 of the said Act is repealed and the following is substituted therefor:—

Free carriage and reduced rates may be given in certain cases.

"(*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."

1908, c. 61. S. 4 amended.

6. Subsection 8 of section 4 of chapter 61 of the statutes of 1908 is repealed and the following is substituted therefor:—

Working agreements to be approved by Board.

"8. 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 telephone or telegraph system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telephone or telegraph messages or service passing to and from their respective telephone or telegraph systems and lines, or for the division or apportionment of telephone or telegraph tolls, or generally in relation to the management, working or operation of their respective telephone or telegraph 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."

R.S. c. 37, s. 238A amended.

Safety at highway crossings.

7. Section 238A of *The Railway Act*, as enacted by section 6 of chapter 32 of the statutes of 1909, is amended by striking out the words "passing of this Act," in the second line thereof, and substituting therefor the words "nineteenth day of May, one thousand nine hundred and nine."

145.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 145.

An Act to amend the Railway Ac

First reading, February 21, 1910

MR. GRAHA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 145.

An Act to amend the Railway Act.

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

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

1. Subsection 3 of section 56 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is repealed and the following subsections are substituted therefor:— R.S., c. 37, s. 56 amended.

"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, 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. Appeal to Supreme Court on questions of law. Notice of appeal.

"3A. 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." Entry of appeal.

2. The said Act is amended by inserting the following section immediately after section 59:— Section added.

"**59A.** 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.....day of....., 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." Approval of works.

3. Section 121 of the said Act is amended by adding thereto the following subsection:— S. 121 amended.

"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 By-laws for election of officers.

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 116 of this Act."

S. 246 amended.

4. Section 246 of the said Act is amended by adding thereto the following subsection:—

Orders of Board relating to wires.

"5. An order of the Board shall not be required in the cases in which telephone, telegraph or electric light wires are erected across the railway with the consent of the company in accordance with any general regulations, plans or specifications adopted or approved by the Board for such purposes."

S. 254 amended.

5. Section 254 of the said Act is amended by adding at the end of subsection 3 thereof the word "lands."

Fences, gates, cattle-guards.

S. 261 amended. Leave to carry traffic.

6. Subsection 7 of section 261 of the said Act is amended by striking out the word "freight" in the third line thereof.

S. 276 amended.

7. Section 276 of the said Act is amended by adding thereto the following subsection:—

Warning of moving trains.

"2. The Board, upon the application of any 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 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."

Proviso.

S. 294 amended.

8. Subsection 4 of section 294 of the said Act is repealed and the following is substituted therefor:—

Damages caused to or by cattle on railway.

"4. When any horses, sheep, swine or other cattle at large, whether upon the highway or not, get upon the property of the company, and by reason thereof damage is caused to or by such animal, the party suffering such damage shall, except in the cases otherwise provided for by the next following section, 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 animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent: Provided however that nothing herein shall be taken or construed as over-riding the provisions of section 407 of this Act."

Proviso.

S. 295 amended.

9. Section 295 of the said Act is amended by striking out the first five lines thereof and substituting therefor the following:—

Right of action qualified.

"**295.** No person who suffers damage proveable under subsection 4 of section 294 of this Act, or by reason of the company failing to comply with section 254 of this Act, shall have any right of action against such company for such damage if it was caused by reason of any person—."

10. Subsection 1 of section 298 of *The Railway Act*, and section 9 of chapter 32 of the statutes of 1909, are repealed, and the following is enacted as section 298 of *The Railway Act*:— S. 298 amended.

"**298.** 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, 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 further that where there is any insurance existing on the property damaged the company shall only be liable under this subsection for the amount of such damage over and above the amount accepted or recovered by the assured by way of insurance upon the property, but where the company has used modern and efficient appliances and has not otherwise been guilty of any negligence such liability shall not exceed the said sum of five thousand dollars. No action shall lie against the company by reason of anything in any policy of insurance or by reason of payment of any moneys thereunder. The limitation of one year prescribed by section 306 of this Act shall run from the date of final judgement 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 moneys by the assured, as the case may be." Liability for fire caused by a locomotive. Proviso. Limitation of action.

2. This section shall not affect pending litigation. Pending litigation.

11. Paragraph (*c*) of section 341 of *The Railway Act* is repealed and the following is substituted therefor:— S. 341 amended.

"(*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." Free carriage and reduced rates may be given in certain cases.

12. Subsection 2 of section 427 of the said Act is amended by adding thereto the following: "and such damages shall not be subject to any special limitation, except as expressly provided for by this or any other Act." S. 427 amended. No special limitation of damages.

13. Subsection 8 of section 4 of chapter 61 of the statutes of 1908 is repealed and the following is substituted therefor:— 1908, c. 61, s. 4 amended.

"8. 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 telephone or telegraph system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telephone or telegraph messages Working agreements to be approved by Board.

or service passing to and from their respective telephone or telegraph systems and lines, or for the division or apportionment of telephone or telegraph tolls, or generally in relation to the management, working or operation of their respective telephone or telegraph 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."

R.S., c. 37, s. 238A amended.

Safety at highway crossings.

14. Section 238A of *The Railway Act*, as enacted by section 6 of chapter 32 of the statutes of 1909, is amended by striking out the words "passing of this Act," in the second line thereof, and substituting therefor the words "nineteenth day of May, one thousand nine hundred and nine."

S. 275 amended.

Rate of speed at certain crossings.

15. Subsection 4 of section 275 of *The Railway Act*, as enacted by section 13 of chapter 32 of the statutes of 1909, is amended by adding after the word "hundred" in the fourth line thereof, the words "and five."

145.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COMM
OF CANADA.

BILL 145.

An Act to amend the Railwa

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

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

An Act respecting the Restigouche Boom Company, and to change its name to "The Restigouche Log Driving and Boom Company."

Preamble.

WHEREAS the Restigouche Boom Company has by its petition represented that it was incorporated by chapter 30 of the statutes of the province of New Brunswick of 1879, 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:—

N.B., 1879, c. 30.

Change of name.

1. The name of the Restigouche Boom Company is hereby changed to "The Restigouche Log Driving and Boom Company," hereinafter called "the Company," 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; except that the provisions of all Acts of the legislature of New Brunswick relating to expropriation and compensation shall not apply to the Company.

Rights saved.

Exception.

Declaratory.

2. The undertaking of the Company is declared to be a work for the general advantage of Canada, but the Company shall have and continue to have, exercise and enjoy all the rights, powers and privileges and be subject to all the obligations except as aforesaid, conferred and imposed upon it by any Acts of the legislature of the Province of New Brunswick, provided that the said Acts are not inconsistent with this Act or any other Act of the Parliament of Canada, but nothing herein shall affect any action heretofore taken pursuant to powers in such Act contained

Prior legislation not affected.

Qualifications of members.

"Logs" defined.

3. Every owner of one hundred thousand superficial feet and upwards of logs (and the word "logs" whenever used in this Act shall be deemed and taken to mean and include logs, timber and lumber of every kind and description) intended to be handled by the Company may become a member of the Company and may attend and vote at all meetings for the fiscal year of the Company, which shall include the season during which his logs are intended to be handled, upon filing with the secretary of the

Statement to be filed by member.

Company during the first fifteen days of the month of March a statement in writing, signed by such owner or his authorized agent, of all such logs, the number of feet board measure and the marks thereof, and stating that such logs are situate in or along the Restigouche river or its tributaries and are intended by such owner to be transported down the said river during the driving season of the then current year and passed through the boom of the Company during the rafting season in such year; and also at the same time filing with the said secretary the said owner's or his agent's post office address; and such owner shall, immediately upon filing such statement, become a member of the Company for that year, subject to the condition that the directors or any of them may require such owner or agent presenting such statement to make oath that it is in his judgment and belief true. The said oath may be administered by any person authorized to administer oaths in the province of New Brunswick or the province of Quebec, and no one, except as hereinafter in this section provided, who has not so filed such statement shall be entitled to attend the meetings of the Company or vote thereat.

One year term of membership.

Administration of oath required of member.

Owner must pay prescribed tolls and make good any deficiency on stated quantity of logs.

2. Every owner of logs passing through the boom of the Company, whether such owner is a member of the Company or not, shall be liable to pay to the Company tolls upon all such logs so passing through such boom at the rate and in the manner required by any by-law of the Company, and if any member of the Company fail to pass through the boom of the Company during any rafting season all the logs specified in the affidavit filed as aforesaid by such member during the then current year as intended by such member to be passed through the said booms that year such member shall be liable to pay to the Company at the close of such rafting season tolls on such deficiency at the same rate as if such deficient logs had actually passed through the boom: Provided however, that if and when it appears to the satisfaction of the directors that such deficiency arose through the hanging up of such deficient logs owing to a bad driving season or like cause, and without the neglect or default and contrary to the design or intention of such member, the directors may allow payment of tolls on such deficient logs to be deferred until the opening of the rafting season in the year next following.

Payment of deficiency deferred one year for cause.

Directors may assess expenses of owner in default.

3. Notwithstanding that any owner neglects or refuses to file a statement in the manner herein prescribed the directors may assess such owner for his portion of the expenses provided for in this Act in such sums as may be just and equitable according to the quantity of such owner's logs to come down the river that season, as estimated by the directors, provided that any contractor who agrees with the owner or licensee of the land upon which the logs may be cut, in all cases where the logs are to be delivered by the contractor below the lowest boom limits of the Company, shall, for the purposes of this Act, be considered the owner mentioned herein.

Liability of contractors.

Person for whom logs are handled shall be member of Company.

4. The persons for whom the logs referred to in this Act shall be handled, which may be cut and procured by a contractor, shall, at all times, be members of the Company and shall be qualified to hold any office in or under the Company and vote at

any meetings thereof under the provisions of the by-laws to the same extent and with the same powers as if they severally were, within the meaning of this Act, owners of one hundred thousand superficial feet of logs and had done every act and taken every step required of such owners to be done or taken to make themselves members of the Company; a firm of partners or a corporation shall be considered a person, and all the powers, rights and duties by this section given to any person shall and may be exercised, enjoyed and performed by any member of such firm or director of such corporation. Every member of the Company shall have one vote for every one hundred thousand superficial feet of logs he owns, that is handled by the Company.

Partners or corporation same rights as persons

Votes.

4. The liability of each member in the Company is hereby limited to the payment of all assessments made under the provisions of this Act.

Liability of member.

5. A meeting of the Company shall be held on the last Tuesday in March in each year, and other meetings of the Company may be called under the by-laws of the Company.

Meetings.

6. The fiscal year of the Company shall commence on the first day of March in each year and shall close on the last day in February.

Fiscal year.

7. There shall be five directors of the Company who shall be elected at the annual meeting.

Number of directors.

2. No person shall be elected or qualified to hold office as a director unless he is a member of the Company, or of a partnership which is a member of the Company, or is a director or the manager of a corporation which is a member of the Company.

Qualification.

3. In the event of a tie, the president may give an additional casting vote at all meetings of directors, and in case he is absent or refuses to preside the directors present may appoint a chairman to preside at such meetings, who shall, notwithstanding his occupying the chair, have a right to vote on all questions and also to give a casting vote in the event of a tie.

Casting vote of president.

Appointment of chairman.

8. The Secretary before acting in his office shall give to the Company security to the satisfaction of the directors guaranteeing to the Company his good conduct in office and his true and faithful accounting to the Company for all moneys and property coming into his hands as such Secretary.

Secretary to give security.

9. The head office of the Company shall be at Campbellton, in the province of New Brunswick, at which place all meetings of the shareholders shall be held, but the directors may meet elsewhere as provided by the by-laws of the Company.

Head office.

10. The Company may, by by-law, fix and regulate the tolls to be levied or taken by the Company upon logs passing into or through the Company's booms, and may, by by-law not inconsistent with this Act, regulate and govern all the affairs of the Company; but no by-law of the Company shall come into

By-laws.

force unless and until it has been submitted to and approved by the Governor in Council.

Power to drive logs down Restigouche river and construct booms and piers according to filed plans.

11. From and after the passing of this Act the Company may, each year between the opening and closing of navigation of the said Restigouche river, drive down the said river from the mouth of Kedgwick river to the booming limits of the Company, described in subsection 2 of this section, as the water may permit, all logs floating in or coming within the driving limits aforesaid, and for that purpose east of the head or west end of Pritchard's island, place, use and maintain all such necessary and reasonable sheer booms as will facilitate the said driving and may construct, use and maintain a line of piers and retaining boom from the east end of a small island the most easterly in the Restigouche river, near the Quebec shore, to a point on the Quebec shore at or near Busteed's Point, which said piers and boom shall be set out on a plan and in a description to be approved by the Governor in Council, and filed with the Department of Public Works; and the Company and any person acting under authority of this Act in the driving of logs as is herein provided shall do such driving with all reasonable speed and make a clean drive of the same within the said driving limits.

Boom limits defined.

2. The boom limits of the Company, in which all said logs shall be stored, sorted and rafted, shall be between a line drawn from the New Brunswick shore across the west end of Pritchard's island (so called) due north to the Quebec shore, and a line drawn from Ferguson's point on the New Brunswick side of the river to the east side of McBeath's island and a line drawn from the southern extremity of a line dividing lots one and two of the Restigouche range east of Busteed's Point on the Quebec side of the said river and the east end of a small island the most easterly island in the Restigouche river west of Busteed's point near the Quebec shore lying between Gillis island No. 1 and the Quebec shore, including all channels and islands, and the Company may, where it deems it necessary for any of the purposes of its business hereunder, erect, construct and maintain at points east of a line drawn as aforesaid from the New Brunswick shore across the west end of McBeath's island (so called) due north to the Quebec shore, piers, booms, wharves or other works necessary to facilitate the transmission, collecting, sorting and rafting of all logs and other lumber, which may be floated or driven within the said boom limits, and may blast rocks, dredge or remove shoals or other impediments, obstructions or hindrances, or otherwise improve the navigation of that portion of the said river, upon making compensation to any person injured thereby: Provided, however, that nothing in this Act shall prevent the free use by the Company of any booms, piers and sheer booms now constructed and in use by the Restigouche Boom Company at points west of the said Pritchard's island.

Piers, booms and wharves erected.

Blasting and removal of obstructions.

Proviso.

Company may operate,

12. The Company shall take the necessary steps towards the driving as provided for in this Act in one or other of the following ways:—

By its own agents or employees;

(*a*) Through and by its own agents, workmen and servants, in which case the assessment in regard thereto shall be made

by the directors in such amount as will, to the best of their knowledge, judgment and belief, be the probable cost and expenses of doing such driving.

By contract and tender upon public notice;

(*b*) The directors may, from time to time, sell the contract for driving for one or more years by receiving tenders therefor, after two weeks notice signed by the president and secretary, published in a daily or weekly newspaper published in the said town of Campbellton, or if no such paper is there published, then in a daily newspaper published in the city of Saint John; but they shall not be obliged to accept the lowest or any tender unless it is satisfactory to them as to the price offered and as to all the terms and conditions of the tender and as to the ability of the party tendering to carry out the contract.

By auction of right to drive logs.

(*c*) The directors may, by notice published in like manner as specified in paragraph *(b)* hereof, for at least two consecutive weeks before the annual meeting, advertise for sale by auction the driving of such logs for one or more years, which sale shall be held at the Company's offices on the day of such annual meeting, and the person bidding therefor the lowest sum per thousand superficial feet for such driving shall have such driving knocked down to him, provided also that before the said person, so being the lowest bidder aforesaid, shall be the person entitled to such driving, he shall enter into a contract with the Company therefor, with such conditions, clauses and limitations as may be prescribed by the directors, and he, with two sureties to be approved of by the directors or any three of them at the time of the auction, shall execute and deliver to the Company a bond in the sum of ten thousand dollars in the form of the Schedule to this Act, or to the like effect, and upon the execution and delivery of such bond such person shall have all the powers and duties with regard to such driving as the Company would or could have by virtue of this Act if it had done or proceeded to the driving itself. And if the said bond is not executed and delivered as provided by this section immedately after the said driving powers are knocked down to the lowest bidder therefor then the said driving powers may again be put up for sale immediately thereafter, and the sale proceeded with as in this section provided for until a purchaser shall be had who shall complete the purchase and give the bond, or until the directors or any three of them decide that a sale of said driving powers cannot be effected for want of bidders or failure to furnish the bond. In case of the death or insolvency of any of the sureties in said bond the directors may require a new bond, and if such be not furnished may declare the contract terminated.

Lowest bidder to have contract upon execution of approved bond.

If bond not executed another sale to be held.

Death or insolvency of sureties.

Assessments upon owners and logs to pay actual and running expenses, and provide fund for permanent improvements.

(*d*) The directors may make assessments upon the owners of all logs to come down the said river and upon logs of each owner in anticipation of the actual costs and expenses of driving the said logs, and also to meet and pay the ordinary and running expenses of the Company's driving business, and to provide a fund for the permanent improvement of the driving within the Company's limits of such amounts as they deem necessary for the said purposes, and may make them payable at such times or by such instalments as they deem fair and proper, and such instalments, when so made, shall be binding upon the owner of such logs and be a lien upon the said logs until paid, and shall

Securities may be taken.

Lien on logs not affected.

Errors in assessments.

also be recoverable in an action at the suit of the Company against the owner. The directors may, if they see fit, take promissory notes, acceptances or other negotiable securities for such amounts, and may, in the name of the Company, transfer and dispose of or get them discounted: Provided, however, that the taking of such notes, acceptances or securities shall in no wise affect the Company's lien upon the logs, pending actual payment of such notes, acceptances or securities. In case any error arises or occurs in any such assessment or any other assessment to be made under this Act, such error shall not affect the whole assessment, but only the portion thereof in which such error occurs, and the directors may correct such error at any time, and after such correction the corrected assessment shall have the same effect as if correctly made in the first instance.

Company shall possess logs until payments made, and may recover amounts unpaid.

13. All such logs as may be driven by the Company or which it may be empowered to drive by this or any other Act, shall, for the purposes of this Act and the enforcement of any lien hereby created, be considered as in the possession of the Company until all assessments legally made in respect thereof shall be paid, and the Company may recover in any court of competent jurisdiction, as in an action founded on contract, the full amount of the said tolls and assessments from the persons who should, under this Act, pay them. The Company's possession and right of possession to the said logs shall, during the driving season in each year, be absolute as against all persons claiming property therein, and in case there is any dispute as to the ownership of any such logs the Company may take possession thereof during the driving season and hold them until such dispute is determined.

Absolute right of possession.

Directors may execute work on default by contractor.

14. If the contractor for driving under this Act does not proceed with the driving of the logs under this Act with all reasonable speed, diligence and skill, to the satisfaction of the directors, then the directors may, after two days' notice given to such contractor, if he does not at the end of the said two days, satisfactorily to the directors, proceed with such work, enter upon the work of driving the said logs and complete the same (and their doing so shall not in any way interfere with the bond from time to time to be given under this Act), and may charge the expense of driving when done by them against said contractor and deduct it from any amount that would have been due him had he proceeded with said driving in accordance with his contract.

Bond not affected.

Driving of logs after expiration of season.

15. Any owner driving his logs into the driving limits of the Company after the date fixed for the last drive of the season may drive them through the said driving limits, and neither the Company nor its contractor shall be bound to drive the said logs. In case part of any owner's logs shall be driven by the owner and part by the Company or its contractor, the directors shall determine the quantity for which the Company or its contractor shall be paid.

Powers under local and federal legislation.

16. The Company may hold, maintain, use and enjoy all the booms, piers and works heretofore constructed and the privileges and rights enjoyed by it on the said river and the works mentioned in section 11 of this Act, under and by virtue of the said Acts of the legislature of New Brunswick, but all further construction shall be approved by the Parliament of Canada.

Rights over logs for mills or factories.

2. The Company may, by means of and through the works aforesaid, hold, collect, secure, separate, sort out, raft, boom and deliver on the said river all logs and lumber of every description that may come into or be driven within the Company's booms within the limit described in section 11 of this Act that may be intended for any saw or pulp mills or other manufactories that are now or may be hereafter built and operated along the Restigouche river.

Registration book for marks and owners' names.

17. The Company shall keep at its office a book in which shall be registered as soon as possible the marks now in use and registered, or which may hereafter be registered, together with the names of the owners thereof, and the said book shall be open at all reasonable times to the inspection of all persons interested, and the owners of logs and lumber of all descriptions shall, by notice in writing to the Company, register with the Company in proper season their marks, which marks must be plainly and easily distinguished from the marks registered in the names of any other persons with the Company, otherwise the Company may refuse to register the said marks, and the persons in whose names the said marks have been registered with the Company shall, so far as it affects the Company, be deemed to be the owners of all logs bearing the said marks, and the Company may refuse to take charge of any logs or other lumber not bearing the registered mark of the owner thereof, except with the consent in writing of the owner of the registered marks on the said logs or lumber.

Marks to be plainly distinguished.

Dealings of Company with registered owners.

Season for driving logs.

18. The Company shall hold, collect, secure, separate and sort out within its booms and, when requested so to do, drive all logs and lumber which shall come into or be driven within the Company's booms at any time between the opening of the spring, and the river being entirely free from ice, and the first day of November in each year while this Act remains in force: Provided the owners of the said logs and lumber have furnished the Company with the marks of the said logs and lumber a reasonable time before the opening of the spring and at least fifteen days before the said logs and lumber come into the Company's booms; and after so furnishing the said marks all logs bearing any of the said marks shall be considered to be under the full control of the Company, and liable to boomage charges and other charges of the Company.

Owners to furnish marks.

Additional assessment upon owners of logs upon which any other work may be done by Company.

19. The directors shall, in each year, in addition to any assessment authorized in respect of the driving of logs, also make an assessment or assessments upon the owners of all logs which during such year shall be held collected, secured, separated, sorted out, boomed or delivered upon or in connection with which any other work may be done by the Company

within the booming limits of the Company and upon all logs of each such owners and upon all logs if any of which the owners may be unknown to the Company, in anticipation of the actual costs and expenses of the operation of the said booms and of the performance of the services and the doing of all things hereby authorized or required to be performed and done by the Company in respect of such logs, which assessment shall be binding upon the owner of such logs and be a lien upon such logs until paid, and shall also be recoverable in an action at the suit of the Company against such owner. The amounts to be realized by assessment in each year, as herein provided, may be raised by one or more assessments on account thereof, payable at times as are specified by resolution of the directors, and such assessments may be made wholly or partly in advance. The directors shall also include in such assessments amounts sufficient to pay the amount required to be paid yearly in redemption of bonds, as in this Act provided, and the interest of all outstanding bonds, and also to pay the ordinary and running expenses of the Company and the making of any repairs which the directors deem necessary to make: Provided that for services in delivery of logs from the booming limits of the Company the amount assessed in respect of logs delivered therefrom to the various owners shall be based on a fair estimate of the relative cost of each such delivery to be determined by agreement between the directors and the various owners if they can agree thereupon, or otherwise they shall be determined by arbitration in a manner mutually agreeable to the Company and the owners, or failing any agreement in respect thereto shall be determined by some person appointed by the Governor in Council.

Amounts may be raised by several assessments.

Yearly redemption of bonds, and interest.

Agreement by owners and directors as to assessments.

Arbitration of differences.

20. If the owner of any logs rafted by the Company shall not take possession of and remove the said logs from the premises of the Company as and when rafted, or so soon thereafter as possible, the Company shall be entitled to receive reasonable compensation for keeping the said logs, and for the damage caused the Company by the delay in removing them, and the said logs shall be deemed to be at the risk of the owner thereof from the day they are rafted ready for delivery. And if any assessment authorized by this Act be not paid at such time as is fixed by the directors for the payment thereof the Company may, if default in payment of assessments and charges, continue for seven days to store such logs at the risk of the owner, and after ten days notice in a daily or weekly newspaper published in Campbellton aforesaid, or if no such paper is there published, then after like notice in a newspaper published in the city of Saint John, sell so much of the said logs as shall be sufficient to pay the amounts due upon such assessments, together with the extra cost of storing the said logs and the expenses of keeping them and of the sale thereof and all other incidental expenses, rendering the over-plus, if any, to the owner, and the remaining part of such logs shall be kept until required by the owner at his risk and expense.

Compensation and damages for not removing logs.

Logs stored to be sold, after public notice, if default in payment of assessment.

Over-plus payable to owner.

21. The Company shall not be liable for the loss of any logs which may pass out of or by its booms or escape therefrom unless such loss is occasioned by its neglect or default, but in case any logs are lost from the booms through the neglect or default of the Company, then the Company shall, at its expense, follow and secure them. And in case any logs are lost from the booms otherwise than through the neglect or default of the Company then the Company shall, at the expense of the owners of such logs, so far as may, in the opinion of the manager for the time being of the business of the Company, be reasonable or expedient, follow and secure them so far as possible, and upon payment of the expenses incident to such following and securing thereof, together with such assessments, if any, as may be due thereupon, the owner shall be entitled to take delivery thereof. And the directors may make assessments upon the owners of all logs so lost from its booms without its neglect or default and so secured, and upon the logs of each such owners, to meet the costs and expenses of securing and delivering them, which assessments shall be binding upon the owners thereof and be a lien upon the said logs, and shall be recoverable in all respects as other assessments under this Act, and such assessments may be made in anticipation of such costs and expenses if the directors see fit so to do.

Liability of Company for logs lost by neglect.

Logs lost otherwise to be secured at owner's expense.

Assessment and recovery of expenses on lost logs.

22. The Company shall, during each rafting season at such hour and place as may be fixed by the directors, sell by public auction, first giving fifteen days' notice by advertisement in a daily or weekly newspaper published in Campbellton aforesaid, or if no such paper is there published, then in a daily newspaper published in Saint John, all no-mark logs rafted and to be rafted by the Company during such season, and shall at the time and place of such sale exhibit for the information of all purchasers a survey bill of all such no-mark logs then rafted, and after deducting all assessments against the said logs, together with the costs and charges of selling them shall, at the winding-up of the year's operation, distribute the net proceeds of such sale among the several persons having or having had in the said season marked logs rafted by the Company and whose marks have been given to the Company, as by this Act required, in fair and just proportion according to the quantity of marked logs such persons may have had rafted by the Company during the said season. And the Company shall, at the time and place of the sale of no-marked logs, after notice as in this section prescribed, which notice may be combined with or included in the advertisement for the sale of no-mark logs and upon exhibiting a survey bill as in the case of no-mark logs, also offer for sale and sell all logs rafted and to be rafted by the Company during such season having marks that are illegible or mixed, or marks that have not been registered with or given to the Company as in this Act required, which logs are known and may be described as mixed (five hacks) logs, and upon such logs being sold the amounts realized shall be held by the Company to the credit of the owners of such marks respectively, after deducting therefrom all assessments against them, together with a reason-

Sale of no-mark logs rafted by Company, after public notice

Sale of logs with illegible or mixed marks.

able charge for the expenses of such sale and other costs, and upon sufficient proof of the ownership of such logs to be sold the amount due to any such owners shall be paid to them. All amounts not claimed and ownership proven within two years next after such sale shall be deemed to be and shall be the property of the Company: Provided, however, that nothing herein shall entitle the Company to sell any logs which, at the time of such sale, are in the custody of the law or have been adjudged to be the property of any person claiming them.

Limitation.

Rights saved.

Survey of logs.

23. All logs shall be measured or estimated by a competent surveyor duly sworn, who shall be employed and paid by the Company, and whose survey shall be conclusive upon the owners unless such owners shall give notice to the Company, within three days after the said logs have been rafted and surveyed, of their dissent from such survey, in which case the difference shall be submitted to the abitrament of three indifferent persons chosen, one by each party and the third by selection of the two, and failing their agreement, to be appointed by any judge of the Supreme Court, and the award of the said arbitrators or any two of them shall be final and conclusive between the parties; such arbitrators or any two of them shall also determine and award by whom and how the expenses of such arbitration shall be paid: Provided always that such reference may be made to one person if the parties can agree upon such person, who shall be vested with the like powers herein assigned to the three arbitrators.

Arbitration of disputes.

Proviso.

Expropriation of lands.

24. Lands actually required for the construction, maintenance and operations of the Company's booms, side booms, sheer booms, piers, wharves, slips, buildings and other works may be taken and acquired by the Company, and to this end, after a plan of such lands has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquiring shall, so far as they are applicable thereto, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner, apply to the ascertainment and payment of the compensation for or damage to lands arising out of such taking or acquisition or the construction or maintenance of the works or operations of the Company or the exercise of any of the powers of the Company under this Act.

Plans to be approved.

Application of Railway Act.

Special powers.

25. The Company may construct, acquire, charter, navigate and maintain tugs, boats, dredges and other craft for towing logs and for other use in and about the said booms, and also may, for its own use, construct, acquire and operate telegraph, telephone and electric light lines in connection with its business and works upon the Restigouche river.

Issue of bonds.

26. The directors may issue bonds of the Company to the extent of one hundred and fifty thousand dollars par value, which bonds shall be a first lien upon all the plant, property, assets, rights, credits and revenues of the Company and upon all

logs from year to year handled by the Company while such logs are in the possession of the Company or under its control, and shall be secured thereby. Such bonds shall be for amounts not less than one hundred dollars each, and shall be numbered consecutively, and shall bear such rate of interest, not exceeding seven per cent per annum, as the directors deem advisable, and shall be payable not less than twenty years nor more than thirty years after the issue thereof at such place as is therein mentioned, or the principal of such bonds may be made payable by annual instalments during the currency of the period, not exceeding thirty years, within which the bonds are to be paid, such instalments to be of such amounts that the aggregate amounts of principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period, and may issue the bonds of the Company for the amounts and payable at the time corresponding with such instalments, together with interest annually or semi-annually. Each bond shall be executed under the corporate seal of the Company and be signed by the president and secretary, and the interest coupon attached thereto shall be signed by the secretary; such bonds shall be actually issued when and as the directors decide, and the needs of the Company require, and may be issued all at one time or from time to time as the directors decide, excepting the bonds reserved for exchange for shares of the capital stock as hereinafter provided, and may be sold, hypothecated or pledged to provide funds for the construction and improvement of the works and plant of the Company. The bonds shall be certified by endorsement thereon of a trust company that the bonds are the bonds of the Company issued under the provisions of this Act. And when such bonds are actually issued bearing the corporate seal of the Company and the signatures of the president and secretary thereof and certified by a trust company as aforesaid they shall be legally executed and issued and shall be binding upon the Company. The duties of the trust company certifying such bonds as the bonds issued under the authority of this Act shall be to certify such bonds to the aggregate amount of one hundred and fifty thousand dollars par value as and when presented by the directors duly executed under the corporate seal of the Company and bearing the signatures of the president and secretary, and the Company shall pay in each year the instalments of principal and interest in accordance with the terms of the said bonds and the coupons thereto attached.

Terms of bonds.

Execution of bonds.

Bonds to be certified by trust company.

Duties of trust company.

27. No owner of shares in the capital stock of the Restigouche Boom Company shall, by reason of being such shareholder, be deemed a member of the Company within the meaning of this Act, or be entitled to vote at any meeting of the Company after the passing of this Act, and all shares of the capital stock are hereby cancelled and extinguished and of no further force or effect, but every such shareholder shall be entitled to re-

Shareholders in Restigouche Boom Company affected.

Cancellation of shares.

Bonds of Company to be accepted in exchange.

ceive from the Company and shall accept from the Company bonds of the Company, of the series hereby authorized to be issued at par to the amount of the par value of his shares in the Company in exchange for his certificates for his said shares in the Company, and upon tender of such bonds of the par value of his shares in the Company each shareholder shall surrender and deliver to the Company his certificates for shares in the said the Restigouche Boom Company, and thereupon such certificates for shares shall be cancelled.

Surrender of certificates.

Default in payments of principal and interest on bonds.

28. In the event of default by the Company for more than thirty days in any year in payment of instalments of principal and interest in accordance with the terms of the bonds of the Company, and the coupons thereto attached, any judge of the Supreme Court of the province of New Brunswick, or any judge of the Superior Court of the province of Quebec, on application of the owner of any such bonds may issue a warrant to the sheriff of the county of Restigouche, in case the application is made to a judge of the Supreme Court of the province of new Brunswick, or to the sheriff of the county of Bonaventure in case of application to a judge of the Superior Court of the province of Quebec, to levy and make from any of the assets or property of the Company within his bailiwick, or if the same shall be insufficient then from any logs in the booms of the Company, a sum sufficient to satisfy the amount in default for such instalment of principal and interest, together with the costs of executing such warrant, and the sheriff to whom the warrant is issued shall execute it as nearly as may be in the same manner as an execution issued upon a judgment obtained in the Supreme Court of New Brunswick or of the Superior Court of Quebec as the case may be.

Procedure to enforce payment.

R.S., c. 37.

R.S., c. 79.

29. When not inconsistent with this Act, and wherever applicable, the sections of *The Railway Act* relating to the taking and using of land, and *The Companies Act* wherever applicable, shall apply to the Company.

SCHEDULE.

KNOW ALL MEN by these presents, that we *(description of occupation and residence)* are jointly and severally held and firmly bound unto the Restigouche Log Driving and Boom Company, its successors and assigns, in the sum of ten thousand dollars, to be paid to the said company, its successors and assigns for which payment well and truly to be made we bind ourselves and each of ourselves, our and each of our executors and administrators, firmly by these presents.

Sealed with our seals, and dated the ——— day of ———, 19 —.

Whereas the said ——— has purchased from the said company for the driving season of the year one thousand nine hundred and ——— the right, power and duty of driving logs, timber and lumber on the Restigouche river from the mouth of the Kedgwick river and down to the boom limits of the said company, as described in chapter of the statutes of Canada of 1910, intituled " An Act respecting the Restigouche Boom Company, and to change its name to 'The Restigouche Log Driving and Boom Company,'" which purchase has been made under and by virtue of the said Act.

And whereas these presents are executed and delivered as a security for the due performance of the duty of the said ——— in the premises:

Now the condition of the foregoing obligation is such that if the above bounden ——— does well and in a proper manner, during the said driving season, and with all reasonable speed and facility, drive down the logs, timber and lumber from the mouth of the Kedgwick river on the Restigouche river to the said boom limits of the said Restigouche Log Driving and Boom Company, which by the said purchase he became bound to drive, or which the said company could have driven under the said Act if the said purchase or any purchase thereof had not been made, for reason in the said Act set forth (such driving by the said ——— to be done so as to reasonably make a clean drive thereof) then, and in such case, the foregoing obligation to be void, otherwise in full force.

Signed, sealed and delivered in presence of }

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 150.

An Act respecting the Restigouche L
Company, and to change its nai
"The Restigouche Log Driving
Boom Company."

First reading, March 1, 1910.

(PRIVATE BILL.)

MR. REID,
(Restigouch

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

An Act respecting the Restigouche Boom Company, and to change its name to "The Restigouche Log Driving and Boom Company."

(Reprinted as amended and reported by the sub-committee of the Miscellaneous Private Bills Committee.)

Preamble.

WHEREAS the Restigouche Boom Company has by its petition represented that it was incorporated by chapter 30 of the statutes of the province of New Brunswick of 1879, 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:—

N.B., 1879, c. 30.

Change of name.

1. The name of the Restigouche Boom Company is hereby changed to "The Restigouche Log Driving and Boom Company," hereinafter called "the Company," 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; except that the provisions of all Acts of the legislature of New Brunswick relating to expropriation and compensation shall not apply to the Company.

Rights saved.

Exception.

Declaratory.

2. The Company is hereby constituted a body corporate and politic within the legislative authority of the Parliament of Canada, and the undertaking of the Company is declared to be a work for the general advantage of Canada, but the Company shall have and continue to have, exercise and enjoy all the rights, powers and privileges and be subject to all the obligations except as aforesaid, conferred and imposed upon it by any Acts of the legislature of the Province of New Brunswick heretofore enacted, provided that the said Acts are not inconsistent with this Act or any other Act of the Parliament of Canada, but nothing herein shall affect any action heretofore taken pursuant to powers in such Act contained.

Prior legislation not affected.

Qualifications of members.

3. Every owner of one hundred thousand superficial feet and upwards of logs (and the word "logs" whenever used in this Act

"Logs" defined.

shall be deemed and taken to mean and include logs, timber and lumber of every kind and description) intended to be handled by the Company may become a member of the Company and may attend and vote at all meetings for the fiscal year of the Company, which shall include the season during which his logs are intended to be handled, upon filing with the secretary of the Company during the first fifteen days of the month of March a statement in writing, signed by such owner or his authorized agent, of all such logs, the number of feet board measure and the marks thereof, and stating that such logs are situate in or along the Restigouche river or its tributaries and are intended by such owner to be transported down the said river during the driving season of the then current year and passed through the boom of the Company during the rafting season in such year; and also at the same time filing with the said secretary the said owner's or his agent's post office address; and such owner shall, immediately upon filing such statement, become a member of the Company for that year, subject to the condition that the directors or any of them may require such owner or agent presenting such statement to make oath that it is in his judgment and belief true. The said oath may be administered by any person authorized to administer oaths in the province of New Brunswick or the province of Quebec, and no one, except as hereinafter in this section provided, who has not so filed such statement shall be entitled to attend the meetings of the Company or vote thereat.

Statement to be filed by member.

One year term of membership.

Administration of oath required of member.

Owner must pay prescribed tolls and make good any deficiency on stated quantity of logs.

2. Every owner of logs passing through the boom of the Company, whether such owner is a member of the Company or not, shall be liable to pay to the Company tolls upon all such logs so passing through such boom at the rate and in the manner required by any by-law of the Company, and if any member of the Company fail to pass through the boom of the Company during any rafting season all the logs specified in the affidavit filed as aforesaid by such member during the then current year as intended by such member to be passed through the said booms that year such member shall be liable to pay to the Company at the close of such rafting season tolls on such deficiency at the same rate as if such deficient logs had actually passed through the boom: Provided however, that if and when it appears to the satisfaction of the directors that such deficiency arose through the hanging up of such deficient logs owing to a bad driving season or like cause, and without the neglect or default and contrary to the design or intention of such member, the directors may allow payment of tolls on such deficient logs to be deferred until the opening of the rafting season in the year next following.

Payment of deficiency deferred one year for cause.

Directors may assess expenses of owner in default.

Liability of contractors.

3. Notwithstanding that any owner neglects or refuses to file a statement in the manner herein prescribed the directors may assess such owner for his portion of the expenses provided for in this Act in such sums as may be just and equitable according to the quantity of such owner's logs to come down the river that season, as estimated by the directors, provided that any contractor who agrees with the owner or licensee of the land upon which the logs may be cut, in all cases where the logs are to be delivered by the contractor below the lowest boom limits of

the Company, shall, for the purposes of this Act, be considered the owner mentioned herein.

Person for whom logs are handled shall be member of Company.

4. The persons for whom the logs referred to in this Act shall be handled, which may be cut and procured by a contractor, shall, at all times, be members of the Company and shall be qualified to hold any office in or under the Company and vote at any meetings thereof under the provisions of the by-laws to the same extent and with the same powers as if they severally were, within the meaning of this Act, owners of one hundred thousand superficial feet of logs and had done every act and taken every step required of such owners to be done or taken to make themselves members of the Company; a firm of partners or a corporation shall be considered a person, and all the powers, rights and duties by this section given to any person shall and may be exercised, enjoyed and performed by any member of such firm or director of such corporation. Every member of the Company shall have one vote for every one hundred thousand superficial feet of logs he owns, that is handled by the Company.

Partners or corporation to have same rights as a person.

Votes.

Rights of owners of less than 1,000 feet.

5. Every owner of logs as aforesaid of a less quantity than one thousand superficial feet shall have the right of having his logs driven by the Company to the booms as aforesaid, subject to all the provisions of this Act as to the filing of marks and payment of tolls.

Liability of member.

4. The liability of each member in the Company is hereby limited to the payment of all assessments made under the provisions of this Act.

Meetings.

5. A meeting of the Company shall be held on the last Tuesday in March in each year, and other meetings of the Company may be called under the by-laws of the Company.

Fiscal year.

6. The fiscal year of the Company shall commence on the first day of March in each year and shall close on the last day in February.

Number of directors.

7. There shall be five directors of the Company who shall be elected at the annual meeting.

Qualification.

2. No person shall be elected or qualified to hold office as a director unless he is a member of the Company, or of a partnership which is a member of the Company, or is a director or the manager of a corporation which is a member of the Company.

Casting vote of president.

3. In the event of a tie, the president may give an additional casting vote at all meetings of directors, and in case he is absent or refuses to preside the directors present may appoint a chairman to preside at such meetings, who shall, notwithstanding his occupying the chair, have a right to vote on all questions and also to give a casting vote in the event of a tie.

Appointment of chairman.

Secretary to give security.

8. The Secretary before acting in his office shall give to the Company security to the satisfaction of the directors guaranteeing to the Company his good conduct in office and his true and faithful accounting to the Company for all moneys and property coming into his hands as such Secretary.

Head office.

9. The head office of the Company shall be at Campbellton, in the province of New Brunswick, at which place all meetings of the shareholders shall be held, but the directors may meet elsewhere in Canada as provided by the by-laws of the Company.

By-laws.

10. The Company may, by by-law, fix and regulate the tolls to be levied or taken by the Company upon logs passing into or through the Company's booms, and may, by by-law not inconsistent with this Act, regulate and govern all the affairs of the Company; but no by-law of the Company shall come into force unless and until it has been submitted to and approved by the Governor in Council.

Power to drive logs down Restigouche river and construct booms and piers according to filed plans.

11. Subject to the provisions of subsection 3 of this section, the Company shall, each year between the opening and closing of navigation of the said Restigouche river, drive down the said river from the mouth of the Kedgwick river to the boom limits of the Company, described in subsection 2 of this section, as the water may permit, all logs floating in or coming within the driving limits aforesaid, and for that purpose east of the head or west end of Pritchard's Island, may place, use and maintain all such necessary and reasonable sheer booms as will facilitate the said driving, and may construct, use and maintain a line of piers and a retaining boom from the east end of a small island the most easterly in the Restigouche river, near the Quebec shore, to a point on the Quebec shore at or near Busteed's Point for storing logs in addition to the retaining boom already constructed and in use on the New Brunswick side for the same purpose, which said piers and boom shall be set out on a plan and in a description to be approved by the Governor in Council, and filed with the Department of Public Works; and the Company and any person acting under authority of this Act in the driving of logs as is herein provided shall do such driving with all reasonable speed and make a clean drive of the same within the said driving limits.

Boom limits defined.

2. The boom limits of the Company in which all said logs may be sorted and rafted, shall be between a line drawn from the New Brunswick shore across the west end of Pritchard's Island (so called) due north to the Quebec shore, and a line drawn from Ferguson's Point on the New Brunswick side of the river to the east side of McBeath's Island, and a line drawn from the southern extremity of a line dividing lots one and two of the Restigouche Range east of Busteed's Point on the Quebec side of the said river and the east end of a small island, the most easterly island in the Restigouche river west of Busteed's Point, near the Quebec shore, lying between Gillis Island No. 1 and the Quebec shore, and the Company may, where it deems it necessary for any of the purposes of its business hereunder, at points east of a line drawn as aforesaid from the New Brunswick shore across the west end of McBeath's Island (so called) due north to the Quebec shore, blast rocks, dredge or remove shoals or other impediments, obstructions or hindrances or otherwise improve the navigation of that portion of the said river upon making compensation to any person injured thereby, but no such blasting, dredging,

Piers, booms and wharves erected.

removal of obstructions or other works to improve the navigation of that portion of the river shall be done in any part of the river west of the smallest Gillis Island between the first day of May and the first day of September in any year: Provided, however, that nothing in this Act shall prevent the free use by the Company of any booms, piers and sheer booms now constructed and in use by the Restigouche Boom Company at points west of the said Pritchard's Island.

Blasting and removal of obstructions.

Proviso.

3. Nothing in this Act shall authorize the Company to so obstruct the main channel as to prevent the free navigation of the Restigouche river, and the main channel of the said river shall not be obstructed by the works of the Company.

Main channel of river not to be obstructed.

12. The Company shall take the necessary steps towards the driving as provided for in this Act in one or other of the following ways:—

Company may operate,

(*a*) Through and by its own agents, workmen and servants, in which case the assessment in regard thereto shall be made by the directors in such amount as will, to the best of their knowledge, judgment and belief, be the probable cost and expenses of doing such driving.

By its own agents or employees;

(*b*) The directors may, from time to time, sell the contract for driving for one or more years by receiving tenders therefor, after two weeks notice signed by the president and secretary, published in a daily or weekly newspaper published in the said town of Campbellton, or if no such paper is there published, then in a daily newspaper published in the city of Saint John; but they shall not be obliged to accept the lowest or any tender unless it is satisfactory to them as to the price offered and as to all the terms and conditions of the tender and as to the ability of the party tendering to carry out the contract.

By contract and tender upon public notice;

(*c*) The directors may, by notice published in like manner as specified in paragraph (*b*) hereof, for at least two consecutive weeks before the annual meeting, advertise for sale by auction the driving of such logs for one or more years, which sale shall be held at the Company's offices on the day of such annual meeting, and the person bidding therefor the lowest sum per thousand superficial feet for such driving shall have such driving knocked down to him, provided also that before the said person, so being the lowest bidder aforesaid, shall be the person entitled to such driving, he shall enter into a contract with the Company therefor, with such conditions, clauses and limitations as may be reasonably prescribed by the directors, and he, with two securities to be approved of by the directors or any three of them at the time of the auction, shall execute and deliver to the Company a bond in the sum of ten thousand dollars in the form of the Schedule to this Act, or to the like effect, and upon the execution and delivery of such bonds such person shall have all the powers and duties with regard to such driving as the Company would or could have by virtue of this Act if it had done or proceeded to the driving itself. And if the said bond is not executed and delivered as provided by this section immedately after the said driving powers are knocked down to the lowest bidder therefor then the said driving powers may again be put up for sale immediately thereafter, and the sale proceeded with as in this

By auction of right to drive logs.

Lowest bidder to have contract upon execution of approved bond.

If bond not executed another sale to be held.

section provided for until a purchaser shall be had who shall complete the purchase and give the bond, or until the directors or any three of them decide that a sale of said driving powers cannot be effected for want of bidders or failure to furnish the bond. In case of the death or insolvency of any of the sureties in said bond the directors may require a new bond, and if such be not furnished may declare the contract terminated.

Death or insolvency of sureties.

Assessments upon owners and logs to pay actual and running expenses, and provide fund for permanent improvements.

(*d*) The directors may make assessments upon the owners of all logs to come down the said river and upon logs of each owner in anticipation of the actual costs and expenses of driving the said logs, and also to meet and pay the ordinary and running expenses of the Company's driving business, and to provide a fund for the permanent improvement of the driving within the Company's limits of such amounts as they deem necessary for the said purposes, and may make them payable at such times or by such instalments as they deem fair and proper, and such instalments, when so made, shall be binding upon the owner of such logs and be a lien upon the said logs until paid, and shall also be recoverable in an action at the suit of the Company against the owner. The directors may, if they see fit, take promissory notes, acceptances or other negotiable securities for such amounts, and may, in the name of the Company, transfer and dispose of or get them discounted: Provided, however, that the taking of such notes, acceptances or securities shall in no wise affect the Company's lien upon the logs, pending actual payment of such notes, acceptances or securities. In case any error arises or occurs in any such assessment or any other assessment to be made under this Act, such error shall not affect the whole assessment, but only the portion thereof in which such error occurs, and the directors may correct such error at any time, and after such correction the corrected assessment shall have the same effect as if correctly made in the first instance.

Securities may be taken.

Lien on logs not affected.

Errors in assessments.

Company shall possess logs until payments made, and may recover amounts unpaid.

13. All such logs as may be driven by the Company or which it may be empowered to drive by this or any other Act, shall, for the purposes of this Act and the enforcement of any lien hereby created, be considered as in the possession of the Company until all assessments legally made in respect thereof shall be paid, and the Company may recover in any court of competent jurisdiction, as in an action founded on contract, the full amount of the said tolls and assessments from the persons who should, under this Act, pay them. The Company's possession and right of possession to the said logs shall, during the driving season in each year, be absolute as against all persons claiming property therein, and in case there is any dispute as to the ownership of any such logs the Company may take possession thereof during the driving season and hold them until such dispute is determined.

Absolute right of possession.

Directors may execute work on default by contractor.

14. If the contractor for driving under this Act does not proceed with the driving of the logs under this Act with all reasonable speed, diligence and skill, to the satisfaction of the directors, then the directors may, after two days' notice given to such contractor, if he does not at the end of the said two days, satisfactorily to the directors, proceed with such work, enter upon

the work of driving the said logs and complete the same (and their doing so shall not in any way interfere with the bond from time to time to be given under this Act), and may charge the expense of driving when done by them against said contractor and deduct it from any amount that would have been due him had he proceeded with said driving in accordance with his contract.

Bond not affected.

15. Any owner driving his logs into the driving limits of the Company after the date fixed for the last drive of the season may drive them through the said driving limits, and neither the Company nor its contractor shall be bound to drive the said logs. In case part of any owner's logs shall be driven by the owner and part by the Company or its contractor, the directors shall determine the quantity for which the Company or its contractor shall be paid.

Driving of logs after expiration of season.

16. The Company may hold, maintain, use and enjoy all the booms, piers and works heretofore lawfully constructed and the privileges and rights lawfully enjoyed by it on the said river and the works mentioned in section 11 of this Act, but all further construction shall be approved by the Parliament of Canada.

Powers under local and federal legislation.

2. The Company may, by means of and through the works aforesaid, hold, collect, secure, separate, sort out, raft, boom and deliver on the said river all logs and lumber of every description that may come into or be driven within the Company's booms within the limit described in section 11 of this Act that may be intended for any saw or pulp mills or other manufactories that are now or may be hereafter built and operated along the Restigouche river.

Rights over logs for mills or factories.

17. The Company shall keep at its office a book in which shall be registered as soon as possible the marks now in use and registered, or which may hereafter be registered, together with the names of the owners thereof, and the said book shall be open at all reasonable times to the inspection of all persons interested, and the owners of logs and lumber of all descriptions shall, by notice in writing to the Company, register with the Company in proper season their marks, which marks must be plainly and easily distinguished from the marks registered in the names of any other persons with the Company, otherwise the Company may refuse to register the said marks, and the persons in whose names the said marks have been registered with the Company shall, so far as it affects the Company, be deemed to be the owners of all logs bearing the said marks, and the Company may refuse to take charge of any logs or other lumber not bearing the registered mark of the owner thereof, except with the consent in writing of the owner of the registered marks on the said logs or lumber.

Registration book for marks and owners' names.

Marks to be plainly distinguished.

Dealings of Company with registered owners.

18. The Company shall hold, collect, secure, separate and sort out within its booms and, when requested so to do, drive all logs and lumber which shall come into or be driven within the Company's booms at any time between the opening of the

Season for driving logs.

spring, and the river being entirely free from ice, and the first day of November in each year while this Act remains in force: Provided the owners of the said logs and lumber have furnished the Company with the marks of the said logs and lumber a reasonable time before the opening of the spring and at least fifteen days before the said logs and lumber come into the Company's booms; and after so furnishing the said marks all logs bearing any of the said marks shall be considered to be under the full control of the Company, and liable to boomage charges and other charges of the Company.

Owners to furnish marks.

Additional assessment upon owners of logs upon which any other work may be done by Company.

19. The directors shall, in each year, in addition to any assessment authorized in respect of the driving of logs, also make an assessment or assessments upon the owners of all logs which during such year shall be held collected, secured, separated, sorted out, boomed or delivered upon or in connection with which any other work may be done by the Company within the booming limits of the Company and upon all logs of each such owners and upon all logs if any of which the owners may be unknown to the Company, in anticipation of the actual costs and expenses of the operation of the said booms and of the performance of the services and the doing of all things hereby authorized or required to be performed and done by the Company in respect of such logs, which assessment shall be binding upon the owner of such logs and be a lien upon such logs until paid, and shall also be recoverable in an action at the suit of the Company against such owner. The amounts to be realized by assessment in each year, as herein provided, may be raised by one or more assessments on account thereof, payable at times as are specified by resolution of the directors, and such assessments may be made wholly or partly in advance. The directors shall also include in such assessments amounts sufficient to pay the amount required to be paid yearly in redemption of bonds, as in this Act provided, and the interest of all outstanding bonds, and also to pay the ordinary and running expenses of the Company and the making of any repairs which the directors deem necessary to make: Provided that for services in delivery of logs from the booming limits of the Company the amount assessed in respect of logs delivered therefrom to the various owners shall be based on a fair estimate of the relative cost of each such delivery to be determined by agreement between the directors and the various owners if they can agree thereupon, or otherwise they shall be determined by arbitration in a manner mutually agreeable to the Company and the owners, or failing any agreement in respect thereto shall be determined by some person appointed by the Governor in Council.

Amounts may be raised by several assessments.

Yearly redemption of bonds, and interest.

Agreement by owners and directors as to assessments.

Arbitration of differences.

Compensation and damages for not removing logs.

20. If the owner of any logs rafted by the Company shall not take possession of and remove the said logs from the premises of the Company as and when rafted, or so soon thereafter as possible, the Company shall be entitled to receive reasonable compensation for keeping the said logs, and for the damage caused the Company by the delay in removing them, and the said logs shall be deemed to be at the risk of the owner thereof

from the day they are rafted ready for delivery. And if any assessment authorized by this Act be not paid at such time as is fixed by the directors for the payment thereof the Company may, if default in payment of assessments and charges, continue for seven days store such logs at the risk of the owner, and after ten days notice in a daily or weekly newspaper published in Campbellton aforesaid, or if no such paper is there published, then after like notice in a newspaper published in the city of Saint John, also a like notice in the English and French languages in a newspaper published in the city of Quebec, sell so much of the said logs as shall be sufficient to pay the amounts due upon such assessments, together with the extra cost of storing the said logs and the expenses of keeping them and of the sale thereof and all other incidental expenses, rendering the over-plus, if any, to the owner, and the remaining part of such logs shall be kept until required by the owner at his risk and expense.

Logs stored to be sold, after public notice, if default in payment of assessment.

Over-plus payable to owner.

21. The Company shall not be liable for the loss of any logs which may pass out of or by its booms or escape therefrom unless such loss is occasioned by its neglect or default, but in case any logs are lost from the booms through the neglect or default of the Company, then the Company shall, at its expense, follow and secure them. And in case any logs are lost from the booms otherwise than through the neglect or default of the Company then the Company shall, at the expense of the owners of such logs, so far as may, in the opinion of the manager for the time being of the business of the Company, be reasonable or expedient, follow and secure them so far as possible, and upon payment of the expenses incident to such following and securing thereof, together with such assessments, if any, as may be due thereupon, the owner shall be entitled to take delivery thereof. And the directors may make assessments upon the owners of all logs so lost from its booms without its neglect or default and so secured, and upon the logs of each such owners, to meet the costs and expenses of securing and delivering them, which assessments shall be binding upon the owners thereof and be a lien upon the said logs, and shall be recoverable in all respects as other assessments under this Act, and such assessments may be made in anticipation of such costs and expenses if the directors see fit so to do.

Liability of Company for logs lost by neglect.

Logs lost otherwise to be secured at owner's expense.

Assessment and recovery of expenses on lost logs.

22. The Company shall, during each rafting season at such hour and place as may be fixed by the directors, sell by public auction, first giving fifteen days' notice by advertisement in a daily or weekly newspaper published in Campbellton aforesaid, or if no such paper is there published, then in a daily newspaper published in Saint John, also a like notice in the English and French languages in a newspaper published in the city of Quebec, all no-mark logs rafted and to be rafted by the Company during such season, and shall at the time and place of such sale exhibit for the information of all purchasers a survey bill of all such no-mark logs then rafted, and after deducting all assessments against the said logs, together with the costs and charges of selling them shall, at the winding-up of the year's operations, distribute the net proceeds of such sale among the several

Sale of no-mark logs rafted by Company, after public notice

Sale of logs with illegible or mixed marks.

persons having or having had in the said season marked logs rafted by the Company and whose marks have been given to the Company, as by this Act required, in fair and just proportion according to the quantity of marked logs such persons may have had rafted by the Company during the said season. And the Company shall, at the time and place of the sale of no-mark logs, after notice as in this section prescribed, which notice may be combined with or included in the advertisement for the sale of no-mark logs and upon exhibiting a survey bill as in the case of no-mark logs, also offer for sale and sell all logs rafted and to be rafted by the Company during such season having marks that are illegible or mixed, or marks that have not been registered with or given to the Company as in this Act required, which logs are known and may be described as mixed (five hacks) logs, and upon such logs being sold the amounts realized shall be held by the Company to the credit of the owners of such marks respectively, after deducting therefrom all assessments against them, together with a reasonable charge for the expenses of such sale and other costs, and upon sufficient proof of the ownership of such logs to be sold the amount due to any such owners shall be paid to them. All amounts not claimed and ownership proven within two years next after such sale shall be deemed to be and shall be the property of the Company: Provided, however, that nothing herein shall entitle the Company to sell any logs which, at the time of such sale, are in the custody of the law or have been adjudged to be the property of any person claiming them.

Limitation.

Rights saved.

Survey of logs.

23. All logs shall be measured or estimated by an official surveyor duly sworn, who shall be employed and paid by the Company, and whose survey shall be conclusive upon the owners unless such owners shall give notice to the Company, within three days after they have received a notice that the said logs have been rafted and surveyed, of their dissent from such survey, in which case the difference shall be submitted to the abitrament of three indifferent persons, chosen one by each party and the third by selection of the two, and failing their agreement, to be appointed by any judge of the Supreme Court of New Brunswick or the Superior Court of Quebec having jurisdiction in the district where the logs are situated, and the award of the said arbitrators or any two of them shall be final and conclusive between the parties; such arbitrators or any two of them shall also determine and award by whom and how the expenses of such arbitration shall be paid: Provided always that such reference may be made to one person if the parties can agree upon such person, who shall be vested with the like powers herein assigned to the three arbitratiors.

Arbitration of disputes.

Proviso.

Liability for damages within boom limits.

24. The Company shall, within the boom limits described in section 11 of this Act, be liable for all damages caused by the construction of its works or the exercise of its powers, whether such damages are caused by its entry on lands, or occupation of river front, or interference with fishing or other rights, privileges or easements, or otherwise.

25. Nothing in this Act shall be interpreted to take away any rights under the common law outside of the said boom limits. Liability outside boom limits.

26. Where lands and lands covered by water are actually required for the construction, maintenance and operation of the Company's booms, side booms, sheer booms, piers, wharves, slips, buildings and other works, such lands may be taken and acquired by the Company, and to this end, after a plan of such lands has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquiring shall, so far as they are applicable thereto, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner apply to the ascertainment and payment of the compensation for or damage to lands or fishing rights when such damage arises out of such taking or acquisition, or the construction or maintenance of the works or operations of the Company, or the exercise of any of the powers of the Company under this Act; Provided that the land so acquired by the Company shall not extend back from the river a greater distance than fifty feet from high water mark; and provided further that nothing in this section shall authorize the Company to acquire or take possession of, or in any way injure or interfere with, any mill site upon which there exists any mills or machinery or hydraulic works other than those intended to facilitate the passage of timber. Expropriation of lands. R.S., c. 37. Proviso.

2. The Company shall also have the power, in the event of damage being done by the Company, in carrying on its business or in the construction, maintenance or operation of any of such works, to the property or fishing or other rights of any person for which damage such person may claim to be entitled to compensation, to acquire by expropriation such property or rights upon paying to such person the value thereof, to be ascertained as aforesaid, but only for the purpose of the exercise of the Company's own business and without right to the Company to continue to exercise any of the rights so acquired: Provided always that none of the powers granted by this section shall be exercised above or west of the west end of Pritchard's Island, except for the preservation and maintenance in their present location of any existing works. Expropriation of rights. Proviso.

27. Before entering on any lands for the purpose of constructing its works, or before placing or constructing any boom or pier, the Company shall give security against all damages which may be so occasioned to the owners of such lands, by depositing with the clerk of the court hereinafter mentioned a bond or other security approved by a judge of the said court, conditioned for the payment of such damages. Security for damages.

2. In the event of any person believing that his property, rights, privileges or easements will be damaged, as hereinbefore mentioned, he may take and file with the clerk of the county court, or superior court, as the case may be, of the county or district in which his property is situate, an affidavit setting out the grounds of his belief, and may serve a copy of such Procedure when damages claimed.

affidavit upon the Company by delivering it to any officer of the Company or by mailing it by registered letter addressed to the Company at Campbellton, New Brunswick. If the Company is unable to effect a settlement with the said deponent within thirty days thereafter, the Company shall institute proceedings under sections 192 to 215, both inclusive, of *The Railway Act*.

Salmon fishing rights.

3. It is expressly declared that any salmon fishing station for net fishing for salmon, heretofore enjoyed by any owner of lands abutting upon the Restigouche river, whether on the river bank or on islands in the said river, within the boom limits described in section 11 of this Act, or in the occupation or under the control of such owner, shall be a right or privilege in respect of which he shall be entitled to make claim against the Company for compensation in the event of such fishing station being injuriously affected by the works, acts or operations of the Company and notwithstanding that they have been heretofore rendered useless and unworkable by the works, acts or operations of the said Restigouche Boom Company for any number of years: Provided that nothing in this subsection shall be held to authorize compensation for any claim which arose prior to the passing of this Act.

Proviso.

Proceedings to be near locus in quo.

4. All proceedings under this section for the purpose of ascertaining the compensation or damage provided for by this section shall be taken and held within twenty miles of the property in question.

Appeal.

5. In the event of either party being dissatisfied with any order so made, an appeal may be taken to the Supreme Court of New Brunswick or the Superior Court of Quebec, as the case may be, and the judgment of such court shall be final.

Special powers

28. The Company may construct, acquire, charter, navigate and maintain tugs, boats, dredges and other craft for towing logs and for other use in and about the said booms, and also may, for its own use, construct, acquire and operate telegraph, telephone and electric light lines in connection with its business and works upon the Restigouche river.

Issue of bonds.

29. The directors may issue bonds of the Company to the extent of one hundred and fifty thousand dollars par value, which bonds shall be a first lien upon all the plant, property, assets, rights, credits and revenues of the Company and upon all logs being the property of the members of the Company, from year to year handled by the Company while such logs are in the possession of the Company or under its control, and shall be secured thereby. Such bonds shall be for amounts not less than one hundred dollars each, and shall be numbered consecutively, and shall bear such rate of interest, not exceeding seven per cent per annum, as the directors deem advisable, and shall be payable not less than twenty years nor more than thirty years after the issue thereof at such place as is therein mentioned, or the principal of such bonds may be made payable by annual instalments during the currency of the period, not exceeding thirty years, within which the bonds are to be paid, such instalments to be of such amounts that the aggregate amounts of principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of

Terms of bonds.

the other years of such period, and may issue the bonds of the Company for the amounts and payable at the time corresponding with such instalments, together with interest annually or semi-annually. Each bond shall be executed under the corporate seal of the Company and be signed by the president and secretary, and the interest coupon attached thereto shall be signed by the secretary; such bonds shall be actually issued when and as the directors decide, and the needs of the Company require, and may be issued all at one time or from time to time as the directors decide, excepting the bonds reserved for exchange for shares of the capital stock as hereinafter provided, and may be sold, hypothecated or pledged to provide funds for the construction and improvement of the works and plant of the Company. The bonds shall be certified by endorsement thereon of a trust company that the bonds are the bonds of the Company issued under the provisions of this Act. And when such bonds are actually issued bearing the corporate seal of the Company and the signatures of the president and secretary thereof and certified by a trust company as aforesaid they shall be legally executed and issued and shall be binding upon the Company. The duties of the trust company certifying such bonds as the bonds issued under the authority of this Act shall be to certify such bonds to the aggregate amount of one hundred and fifty thousand dollars par value as and when presented by the directors duly executed under the corporate seal of the Company and bearing the signatures of the president and secretary, and the Company shall pay in each year the instalments of principal and interest in accordance with the terms of the said bonds and the coupons thereto attached.

Execution of bonds.

Bonds to be certified by trust company.

Duties of trust company.

30. No owner of shares in the capital stock of the Restigouche Boom Company shall, by reason of being such shareholder, be deemed a member of the Company within the meaning of this Act, or be entitled to vote at any meeting of the Company after the passing of this Act, and all shares of the capital stock are hereby cancelled and extinguished and of no further force or effect, but every such shareholder shall be entitled to receive from the Company and shall accept from the Company bonds of the Company, of the series hereby authorized to be issued at par to the amount of the par value of his shares in the Company in exchange for his certificates for his said shares in the Company, and upon tender of such bonds of the par value of his shares in the Company each shareholder shall surrender and deliver to the Company his certificates for shares in the said the Restigouche Boom Company, and thereupon such certificates for shares shall be cancelled.

Shareholders in Restigouche Boom Company affected.

Cancellation of shares.

Bonds of Company to be accepted in exchange.

Surrender of certificates.

31. In the event of default by the Company for more than thirty days in any year in payment of instalments of principal and interest in accordance with the terms of the bonds of the Company, and the coupons thereto attached, any judge of the Supreme Court of the province of New Brunswick, or any judge of the Superior Court of the province of Quebec, on application of the owner of any such bonds may issue a warrant to the sheriff of the county of Restigouche, in case the appli-

Default in payments of principal and interest on bonds.

Procedure to enforce payment.

cation is made to a judge of the Supreme Court of the province of new Brunswick, or to the sheriff of the county of Bonaventure in case of application to a judge of the Superior Court of the province of Quebec, to levy and make from any of the assets or property of the Company within his bailiwick, a sum sufficient to satisfy the amount in default for such instalment of principal and interest, together with the costs of executing such warrant, and the sheriff to whom the warrant is issued shall execute it as nearly as may be in the same manner as an execution issued upon a judgment obtained in the Supreme Court of New Brunswick or in the Superior Court of Quebec, as the case may be.

R.S., c. 79.

32. *The Companies Act,* wherever applicable, shall apply to the Company.

SCHEDULE.

KNOW ALL MEN by these presents, that we *(description of occupation and residence)* are jointly and severally held and firmly bound unto the Restigouche Log Driving and Boom Company, its successors and assigns, in the sum of ten thousand dollars, to be paid to the said company, its successors and assigns for which payment well and truly to be made we bind ourselves and each of ourselves, our and each of our executors and administrators, firmly by these presents.

Sealed with our seals, and dated the ——— day of ———, 19—.

Whereas the said ——— has purchased from the said company for the driving season of the year one thousand nine hundred and ——— the right, power and duty of driving logs, timber and lumber on the Restigouche river from the mouth of the Kedgwick river and down to the boom limits of the said company, as described in chapter of the statutes of Canada of 1910, intituled "An Act respecting the Restigouche Boom Company, and to change its name to 'The Restigouche Log Driving and Boom Company,'" which purchase has been made under and by virtue of the said Act.

And whereas these presents are executed and delivered as a security for the due performance of the duty of the said ——— in the premises:

Now the condition of the foregoing obligation is such that if the above bounden ——— does well and in a proper manner, during the said driving season, and with all reasonable speed and facility, drive down the logs, timber and lumber from the mouth of the Kedgwick river on the Restigouche river to the said boom limits of the said Restigouche Log Driving and Boom Company, which by the said purchase he became bound to drive, or which the said company could have driven under the said Act if the said purchase or any purchase thereof had not been made, for reason in the said Act set forth (such driving

by the said ———— to be done so as to reasonably make a clean drive thereof) then, and in such case, the foregoing obligation to be void, otherwise in full force.

Signed, sealed and delivered }
in presence of }

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

THE HOUSE OF COMMO
OF CANADA.

BILL 150.

An Act respecting the Restigouche
Company, and to change its
"The Restigouche Log Drivi
Boom Company."

(*Reprinted as amended and reporte*
sub-committee of the Misce
Private Bills Committee.)

(PRIVATE BILL.)

MR. REID,
(Restigou

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

An Act to provide for the adjudication of small claims arising in respect of the operation of the Government Railways.

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 Government Railways Small Claims Act.*

Suit for claims under $200.

2. Subject as hereinafter provided, any claim against His Majesty arising out of the operation of the Intercolonial Railway, and not exceeding in amount the sum of two hundred dollars, for damages alleged to be caused by negligence, or made payable by statute, may be sued for and prosecuted by action, suit or other proceeding in any provincial court having jurisdiction to the said amount over like claims between subjects.

Procedure.

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.

Costs.

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.

Issue and service of process.

3. In any such action, suit or other proceeding His Majesty shall not be cited as defendant, but the process shall be issued against the officers appointed to manage the Intercolonial Railway, who shall be cited by the name and description of the "Government Railways Managing Board," and such process may be served upon any member of the said Board or upon any officer of the Government Railways or other person duly authorized by the said Board to accept service of or to be served with process in such cases.

Defence, rules as to.

2. The said Government Railways Managing 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 the same rules of 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.

4. Any claim by way of set-off or counterclaim 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 said Government Railways Managing 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 counterclaim.

Recovery of judgment.

2. If judgment is given for the said Government Railways Managing Board for any sum of money either as debt, damages or costs, the said Board shall, by its description aforesaid, be entitled to sue out execution, levy and recover the said amount 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.

3. The said Government Railways Managing 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.

5. The provincial court shall, in determining the liability of the Government Railways Managing Board in any such action, suit or proceeding, be governed by the rules and principles of law which should be applied if His Majesty were himself defendant and consented to the jurisdiction of the court; and nothing in this Act shall prejudice or affect any of the rights or prerogatives of the Crown, or be construed to create or impose any liability upon His Majesty or upon the Government Railways Managing Board, or to confer jurisdiction to adjudge or declare any liability or right to recover which could not be adjudged and declared by the Exchequer Court of Canada if this Act had not been passed and if the action, suit or proceeding were instituted and prosecuted in that court upon petition of right.

Existing prerogatives and rights not interfered with.

If provincial court has not jurisdiction, record to be transmitted to Exchequer Court.

6. If any defence or counterclaim pleaded by or on behalf of the said Government Railways Managing Board involves matter beyond the jurisdiction of the provincial court wherein the action, suit or other proceeding is pending, the said court shall not proceed to determine any of the matters in controversy, but shall certify the record in the said action, suit or other proceeding to the Exchequer Court of Canada, and such certified record, together with all the papers and exhibits, shall thereupon be transmitted by the proper officer of the said provincial court to the Registrar of the Exchequer Court of Canada at Ottawa, and the said action, suit or other proceeding shall be thereafter carried on, proceeded with and determined in the Exchequer Court of Canada as if originally instituted in that court by way of petition of right.

Order of Exchequer Court.

7. In the case mentioned in the last preceding section, and in any case upon application of the Attorney General of Canada upon the ground of public interest, the Exchequer Court of Canada may order that any action, suit or proceeding pending in any provincial court under the authority of this Act shall be transferred from such provincial court to the Exchequer Court of Canada; and any such order of the Exchequer Court of Canada shall be served upon the clerk or other officer of the provincial court who shall thereupon transmit the record, together with all the papers and exhibits, to the Registrar of the Exchequer

Court of Canada at Ottawa, and the said action, suit or other proceeding shall thereafter be carried on, proceeded with and determined in the Exchequer Court of Canada as if originally instituted in that court by way of petition of right.

Payment of judgments against Board.

8. The said Government Railways Managing Board may pay out of any moneys appropriated for the Intercolonial Railway any moneys or costs adjudged in any action, suit or other proceeding to be paid by the said Government Railways Managing 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.

151.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMMO
OF CANADA.

BILL 151.

An Act to provide for the adjudi
small claims arising in respec
operation of the Government R

First reading, March 1, 191

MR. G

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 163.

An Act to amend the Volunteer Bounty Act, 1908.

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

1908, c. 67, s. 3 amended. Time extended.

1. Section 3 of *The Volunteer Bounty Act, 1908*, is amended by striking out of the third line thereof the figures "1910" and substituting therefor the words "nineteen hundred and eleven."

S. 4 amended. Entry time extended. Residence.

2. Section 4 of the said Act is amended by striking out of the sixth line thereof the word "ten" and substituting therefor the word "eleven," and by striking out of the eighth and ninth lines thereof the words "said day" and substituting therefor the words "date of entry."

S. 6 amended. Time for taking scrip extended.

3. Section 6 of the said Act is amended by striking out of the ninth line thereof the word "ten" and substituting therefor the word "eleven."

Time for location under certificates in schedule.

4. The time within which the right of location under the bounty certificates mentioned in the Schedule to this Act may be exercised shall not be extended, and if such right of location is not exercised on or before the thirty-first day of December, nineteen hundred and ten, the said bounty certificates shall thereafter be null and void.

Agreements on application for entry confirmed.

5. The agreements to commence residence upon the land applied for within six months from the date of the entry therefor, entered into by each volunteer or his substitute when making application for a land grant under the said Act as required by the order of the Governor in Council of the sixth day of April, nineteen hundred and nine, are hereby confirmed.

SCHEDULE.

Name.	*No. of Bounty Certificate.*
H. T. Piper	5958
W. L. Nisbet	6043
P. C. Croft	6044
H. S. Kingdon	6100
Jas. Grecia	6086
N. F. Bolton	6006
John McLeod	5959
J. C. Franklin	5923
L. E. Harrison	4003

163.

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMM
OF CANADA.

BILL 163.

An Act to amend the Volunteer
Act, 1908.

First reading, March 9, 19

Mr. Oli

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act to amend the Railway Act.

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

1. Subsection 4 of section 275 of *The Railway Act*, as the said subsection is enacted by section 13 of chapter 32 of the statutes of 1909, is amended by inserting at the commencement of the said subsection the words "If so ordered by the Board." R.S., c. 37, s. 275 amended. Rate of speed at crossings.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 174.

An Act to amend the Railway

First reading, March 17, 19

MR. CURRI
(Si

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 175.

An Act to amend the Civil Service Amendment Act, 1908.

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

1908, c. 15. Section added.

1. *The Civil Service Amendment Act, 1908,* is amended by inserting the following section immediately after section 47:—

Salaries of members of civil service may be attached.

"**47A.** All moneys or salaries due or accruing due to any person employed by the Government of Canada shall be liable to attachment in each province of Canada, according to the laws and rules of procedure in force in such province."

2nd Session, 11th Parliament, 9-10 Edw. V

THE HOUSE OF COMMO
OF CANADA.

BILL 175.

An Act to amend the Civil
Amendment Act, 1908.

First reading, March 17, 19

MR. BEAUPA

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 180.

An Act to amend the Royal Military College Act.

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

1. Section 7 of *The Royal Military College Act*, chapter 43 of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:— R.S., c. 43, new s. 7.

"**7.** The salaries, pay and allowances of the Commandant and of the superior and subordinate staffs of the College shall be as fixed from time to time by the Governor in Council." Salaries.

180.

2nd Session, 11th Parliament, 9-10 Edw.

THE HOUSE OF COMM
OF CANADA.

BILL 180.

An Act to amend the Roy
College Act.

First reading, March 21, 1

SIR F. B

OTTAWA
Printed by C. H. PARMELE
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1909-10

[Corrected Copy.]

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

THE HOUSE OF COMMONS OF CANADA.

BILL 180.

An Act to amend the Royal Military College Act.

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

1. Subsection 1 of section 7 of *The Royal Military College Act*, chapter 43 of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:— R.S., c. 43. s. 7 amended.

"7. The salaries, pay and allowances of the Commandant and of the superior and subordinate staffs of the College shall be as fixed from time to time by the Governor in Council; but such salaries, pay and allowances shall not exceed the total sum of sixty thousand dollars." Salaries.

[Corrected Copy.]

180.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 180.

An Act to amend the Royal M
College Act.

First reading, March 21, 1910.

Sir F. Borde

OTTAWA
Printed by C. H. Parmelee
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 181.

An Act to authorize the sale or other disposal of certain public lands, and the acquisition of certain other lands in or in the vicinity of the cities of Toronto and Winnipeg respectively.

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

Sale of Baby Farm authorized.

1. The Governor in Council is hereby given full power and authority to sell and dispose of that piece or parcel of land known as the Baby Farm, situate in the township of York, in the county of York, and province of Ontario, the acquisition of which by His Majesty from the city of Toronto was ratified by chapter 51 of the statutes of 1908.

Application of moneys.

2. The purchase moneys to be received by His Majesty from the purchaser of the said land known as the Baby Farm may be used and applied and are hereby appropriated to and for the purposes of the purchase of a site and the construction of barracks and buildings thereon for the housing of the militia and other military purposes in or in the vicinity of the city of Toronto.

Sale of Winnipeg Rifle Range authorized.

3. The Governor in Council is hereby given full power and authority to sell and dispose of that piece or parcel of land situate in the municipality of Assiniboia, in the province of Manitoba, and now used and known as the Winnipeg Rifle Range.

Application of moneys.

4. The purchase moneys to be received by His Majesty from the purchaser of the said Winnipeg Rifle Range may be used and applied and are hereby appropriated to and for the purpose of the purchase of land for a rifle range in or in the vicinity of the city of Winnipeg, in the province of Manitoba.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 181.

An Act to authorize the sale o
disposal of certain public lands,
acquisition of certain other lan
in the vicinity of the cities of
and Winnipeg respectively.

First reading, March 21, 191

SIR F. Bo

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 182.

An Act respecting the payment of bounties on lead contained in lead-bearing ores mined in Canada, and to promote the production in Canada of zinc.

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

1908, c. 43, s. 1 amended.

Amount of lead bounties.

1. Subsection 2 of section 1 of chapter 43 of the statutes of 1908 is amended by striking out the words "five hundred" in the last line thereof and substituting therefor the words "four hundred and fifty."

Grant in aid of the production of zinc.

2. The Governor in Council may authorize the expenditure of a sum not exceeding fifty thousand dollars for investigating the processes used in the production of zinc, for making experiments, and for any other purpose that may be deemed advisable for the promotion of the production and manufacture in Canada of zinc and zinc products from Canadian ores.

2nd Session, 11th Parliament, 9-10 Edw. V.

THE HOUSE OF COMMO
OF CANADA.

BILL 182.

An Act respecting the payment of
on lead contained in lead-bea
mined in Canada, and to pro
production in Canada of zinc.

First reading, March 21, 19

MR. TEMPL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 184.

An Act to provide for the Testing of Glassware used in connection with Milk Tests.

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 Milk Test Act.* Short title.

2. Every test bottle, pipette and measuring glass used in connection with the testing of milk or cream shall be tested for accuracy of measurement and accuracy of the per cent scale marked thereon, by such persons and at such places as are designated by the Governor in Council, and if found to be accurate shall be ineffaceably marked in the manner provided by regulations made under this Act. Testing and marking of glassware used for milk tests.

2. No other test bottle, pipette or measuring glass shall be so marked, nor shall any unauthorized person mark any test bottle, pipette or measuring glass used in connection with the testing of milk or cream in any manner which would indicate that it is accurate in accordance with this Act or with any regulation made thereunder. Marking of glassware not tested prohibited.

3. No person shall sell or offer to sell any test bottle, pipette, or measuring glass used in connection with the testing of milk or cream unless it has been so tested and marked accurate. Sale of glassware not marked prohibited.

4. No person shall use any test bottle, pipette or measuring glass in connection with the testing or milk or cream, if such testing is for the purpose of determining the value or the relative value of the said milk or cream, unless such test bottle, pipette, or measuring glass has been tested and marked accurate as provided by this Act. Use of glassware not marked prohibited.

5. Nothing in this Act shall apply to burettes or measures used in connection with the Babcock milk test for the measuring of sulphuric acid. Babcock milk test measures excepted.

6. The Governor in Council may make regulations for the operation and enforcement of this Act, and may, by such regulations, establish fees for the verification of the apparatus therein referred to and also provide for the imposition of penalties not exceeding dollars for each offence against this Act or against any regulation made thereunder. Regulations. Fees for verification. Penalties.

When regulations to be enforced.

2. Such regulations shall be in force from the date of their publication in *The Canada Gazette*, or from such other date as is specified in the proclamation in that behalf.

Commencement of Act.

7. This Act shall come into force by proclamation of the Governor in Council.

184.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 184.

An Act to provide for the Test
Glassware use in connection wit
Tests.

First reading, March 22, 191(

MR. FIS

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 185.

An Act respecting the Commission for the Conservation of Natural Resources.

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

Short title to c. 27, 1909.

1. Chapter 27 of the statutes of 1909, intituled "An Act to establish a Commission for the Conservation of Natural Resources," may be cited as *The Conservation Act.*

New s. 7.

2. Section 7 of the said Act is repealed and the following is substituted therefor:—

Place for holding annual meeting.

"**7.** The Commission shall meet annually in the city of Ottawa, or in such other place in Canada as is decided by the Commission or by any committee thereof appointed to decide upon the place of meeting.

Date of meeting.

"2. The annual meeting shall be held on the third Tuesday in January, unless the Commission, by resolution, shall fix another date."

S. 8 amended.

3. Section 8 of the said Act is amended by adding thereto the following subsection:—

Meeting of committee.

"2. The chairman and the chairman of a committee may summon a meeting of such committee at any time or place."

S. 9 amended.

4. Section 9 of the said Act is amended by adding after the word "Commission" in the seventh line thereof the words "The members of the Commission, when attending meetings of the committees of the Commission, shall be repaid their actual reasonable disbursements incurred in travelling to, returning from, and remaining at the meetings, or attending to the business thereof."

Payment of disbursements of members attending committee meetings.

S. 12 amended.

5. Section 12 of the said Act is amended by adding thereto the following subsection:—

Powers of committees.

"2. Any committee of the Commission may, with the approval of the chairman, exercise all the powers conferred upon the Commission by this section."

Section added.

6. The said Act is amended by adding thereto the following section:—

Mailable matter free of postage.

"**14.** All mailable matter addressed to the Commission or to the secretary, at 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."

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

THE HOUSE OF COMMON
OF CANADA.

BILL 185.

An Act respecting the Commission
Conservation of Natural Resourc

First reading, March 22, 1910.

MR. FISH

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 185.

An Act respecting the Commission for the Conservation of Natural Resources.

(Reprinted as amended by the Committee of the Whole House.)

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

1. Chapter 27 of the statutes of 1909, intituled "An Act to establish a Commission for the Conservation of Natural Resources," may be cited as *The Conservation Act.* Short title to c. 27, 1909.

2. Section 7 of the said Act is repealed and the following is substituted therefor:— New s. 7.

"**7.** The Commission shall meet annually in the city of Ottawa, or in such other place in Canada as is decided by the Commission or by any committee thereof appointed to decide upon the place of meeting. Place for holding annual meeting.

"2. The annual meeting shall be held on the third Tuesday in January, unless the Commission, by resolution, shall fix another date." Date of meeting.

3. Section 8 of the said Act is amended by adding thereto the following subsection:— S. 8 amended.

"2. The chairman and the chairman of a committee may summon a meeting of such committee at any time or place." Meeting of committee.

4. Section 9 of the said Act is amended by adding after the word "Commission" in the seventh line thereof the words "The members of the Commission, when attending meetings of the committees of the Commission, shall be repaid their actual reasonable disbursements incurred in travelling to, returning from, and remaining at the meetings, or attending to the business thereof." S. 9 amended. Payment of disbursements of members attending committee meetings.

5. Section 12 of the said Act is amended by adding thereto the following subsection:— S. 12 amended.

"2. Any committee of the Commission may, with the approval of the chairman of the Commission, exercise all the powers conferred upon the Commission by this section." Powers of committees.

6. Section 13 of the said Act is amended by adding thereto the following subsection:— S. 13 amended.

Report to Senate and House of Commons.

"2. In addition to the annual report the Commission shall report from time to time to the Senate or to the House of Commons, through the Speaker thereof, whenever directed to do so by resolution of the Senate or of the House of Commons, as may be."

Section added.

7. The said Act is amended by adding thereto the following sections:—

Mailable matter free of postage.

"**14.** All mailable matter addressed to the Commission or to the secretary, at 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.

Secretary or officials may not—

"**15.** No person appointed as secretary or as officer or clerk under him, or person employed as an employee for the purpose of any special work or investigation, shall, while appointed or employed as aforesaid,—

Purchase or acquire franchises, privileges, mines, lands or timber limits,

"(*a*) purchase, lease, acquire or obtain, on royalty or otherwise, any Dominion or provincial franchises, fishery rights, water powers, water privileges, lands, mines, mineral lands or timber limits, or in any way contract therefor or acquire any interest therein, either for himself or as agent for any other person or corporation;

Locate warrants or scrip,

"(*b*) locate military or bounty land warrants or land scrip, or act as agent of any other person in such behalf;

Disclose information on matters before Commission.

"(*c*) disclose to any person, except to members of the Commission, any discovery made by him or by any of them, or any other information in his possession relating to matters under the control of the Commission, or in relation to their investigations, until such discovery or information has been reported to Parliament.

Forfeiture and penalty.

"**16.** Every person guilty of any violation of any provision in section 15 of this Act shall forfeit to His Majesty all property or interest so acquired or obtained, and shall also incur a penalty of one thousand dollars for each such violation.

Separate offences.

"2. The acquisition of each item of property or interest therein or contract therefor, as aforesaid, shall be deemed a separate violation of the said section.

Recovery and application of penalties.

"3. Such penalties 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."

185.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 185.

An Act respecting the Commission
Conservation of Natural Resour

(*Reprinted as amended by the Comm
the Whole House.*)

MR. FISHE

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 186.

An Act to amend the Irrigation Act.

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

1908, c. 38, s. 13 amended.

1. Subsection 2 of section 13 of chapter 38 of the statutes of 1908 is repealed and the following is substituted therefor:—

Report by Commissioner on proposed drainage works.

"2. Before such approval is given, there shall be filed in the office of the commissioner a general description of the land which it is proposed to drain and the nature and location of the proposed ditch or drain, and the commissioner shall report to the Minister setting forth:—

"(*a*) the effect of the operation of such ditch or drain upon the effectiveness or operation of any works theretofore authorized under *The Irrigation Act*;

"(*b*) the effect of such operation upon irrigation generally and its future development; and,

"(*c*) his own opinion as to the merits of the application.

Plans may be required.

"The Minister may, if he deems it advisable, require the filing of duplicate plans showing the proposed works and the land to be drained."

R.S., c. 61, s. 54 amended.

2. Paragraph (*o*) of section 54 of *The Irrigation Act* is repealed and the following is substituted therefor:—

Power of Minister to secure surveys and estimates.

"(*o*) take such steps as he deems necessary at any time to secure a complete or partial survey of the sources of the water supply for irrigation and other purposes, with an estimate of the extent and location of irrigable lands, and of the site or sites suitable for ponds, basins and reservoirs for water storage, and irrigation canals and ditches, and reserve lands forming such sites from general sale and settlement and dispose thereof by sale or lease to be utilized for the purposes within the purview of this Act. Where any of the lands required for such purposes are not Dominion lands the Governor in Council may acquire title thereto by expropriation, and for this purpose all the provisions of *The Expropriation Act*, which and so far as they are applicable to such acquisition, shall apply as if they were included in this Act."

Expropriation.

R.S., c. 143.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 186.

An Act to amend the Irrigation

First reading, March 23, 191

MR. O

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 187.

An Act to confirm and declare the Rights of the Crown with respect to Water and Water Power and relating to the diversion, acquisition and use of water in the Railway Belt in British Columbia.

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 Railway Belt Water Act.* Short title.

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

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

(*b*) "Railway Belt" means the lands granted to the Crown in the right of Canada by sections 2 and 7 of chapter 14 of the statutes of British Columbia of 1884 for the purpose of constructing and to aid in the construction of the Canadian Pacific Railway; "Railway Belt."

(*c*) "riparian owner" means the person, company or municipality owning or lawfully occupying the land adjoining and bordering upon any lake, river, stream, creek or other waterway within the Railway Belt; "Riparian owner."

(*d*) "works" means and includes all dykes, dams, weirs, flood-gates, measuring devices, breakwaters, drains, ditches, canals, basins, reservoirs, tunnels, bridges, culverts, cribs, embankments, headworks, flumes, aqueducts, pipes, pumps, and all contrivances for holding, carrying or conducting water, and all contrivances for holding or carrying transmission wires, or other works which are authorized to be constructed under this Act. "Works."

3. This Act applies to all lands within the Railway Belt in the province of British Columbia, including the block containing three and one-half million acres in the Peace River district in the said province. Application of Act.

4. The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, spring, creek, ravine, cañon, lagoon, swamp, marsh, or other body of water within the Railway Belt in British Columbia shall, for all purposes, be deemed to be vested in the Crown, unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established, Confirmation to Crown of ownership of all waters.

and also saving the right of every riparian owner to the use of water for domestic purposes as that expression is defined in section 8 of this Act.

Rights to be granted under this Act only.

5. No right to divert or use any water from any river, stream, watercourse, lake, creek, spring, ravine, cañon, lagoon, swamp, marsh, or other body of water within the railway belt in British Columbia shall be granted or acquired otherwise than under the provisions of this Act.

Provision for validating provincial records.

6. The Governor in Council may, upon the recommendation of the Minister, provisionally confirm and validate any instrument professing to grant any right, record, power, privilege or priority for the use of water within the Railway Belt for domestic, irrigation, mining, or other purposes, issued on or after the eighth day of May, one thousand eight hundred and eighty and prior to the tenth day of May, one thousand nine hundred and nine, to any person, company or municipality under the authority of any Act of the province of British Columbia: Provided that any such validating order or confirmation shall be limited to a period not exceeding two years from the date of the coming into force of this Act, and that at and after the expiration of the said period the instrument so provisionally validated and confirmed shall be considered for all purposes as if this Act had not been passed and as if no validating order or confirmation thereunder had taken place.

Proviso.

Regulation governing the issuance of licenses.

7. Subject to the provisions of this Act, the Governor in Council may, on the report of the Minister, make regulations for the issuing of licenses, on such terms and subject to such payments as are provided, for the storing and use of water for domestic purposes, municipal purposes, irrigation, steam, power, mining and the clearing streams for driving logs, and the construction of any works in connection therewith.

License to use water.

8. All licenses to use water shall issue with due regard to the purposes for which required and according to the following priorities, which shall be observed according to the judgment and discretion of the Minister:—

"Domestic purposes."

First:—"domestic purposes," which means and includes household, sanitary and fire protection purposes, the watering of cattle and poultry;

"Municipal purposes."

Second:—"municipal purposes," which means and includes the supply of water to any city, town, village or unincorporated locality for domestic purposes;

"Irrigation purposes."

Third:—"irrigation purposes," which means the use of water for all agricultural and horticultural purposes and the sale or barter of water for such purposes by any person, company or municipality;

"Steam purposes."

Fourth:—"steam purposes," which means and includes water required for the production of steam for working railways, steam factories, and all other purposes save the production of electricity;

Fifth:—"power purposes," which means the use of water for generating power and electricity for any purpose whatever, and includes the storage, transmission, application, distribution and sale or barter of electricity for any purpose whatever; "Power purposes."

Sixth:—"mining purposes," which means and includes the use of water for any purpose in connection with the developing or working of a mine, but does not include the sale or barter of water for any such purposes; "Mining purposes."

Seventh:—clearing, control and use of streams for driving logs. Logs in streams.

9. Any person, company or municipality having a license under this Act to take, divert, store, use, distribute or sell water or electricity generated for any purpose from water-power shall, for any such purpose, within the Railway Belt have all the powers conferred by *The Railway Act* upon railway companies for acquiring and using lands, so far as such powers are applicable to such purpose and are not inconsistent with the provisions of this Act or of any regulations made thereunder. Powers of licensees.

10. The Governor in Council may make regulations for carrying out the spirit, intent, meaning and purpose of this Act, including matters in respect whereof no express or only partial or imperfect provision has been made by this Act. Power to make regulations.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 187.

An Act to confirm and declare the
of the Crown with respect to Wa
Water Power and relating
diversion, acquisition and use o
in the Railway Belt in
Columbia.

First reading, March 23, 191(

MR. OL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Act respecting the National Battlefields at Quebec.

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

1. Section 6 of chapter 57 of the statutes of 1908, intituled *An Act respecting the National Battlefields at Quebec,* is repealed and the following is substituted therefor:— 1908, c. 57. New s. 6.

"**6.** If the purchase of any land or immovable property, or of any interest therein, is authorized under the provisions of this Act, and the commission is unable to agree with the owner as to the purchase, acquisition or transfer thereof, or the price to be paid therefor, or if a person interested therein is incapable of making a deed or conveyance, or if for any other reason the commission deems it advisable to proceed compulsorily, proceedings may be taken under *The Expropriation Act* for the acquisition of the said land, immovable property, or interest therein and for the vesting of the title thereof in the commission; and in any such case, except as herein otherwise provided, all the provisions of *The Expropriation Act* shall, unless there is something repugnant in the subject or context, apply, *mutatis mutandis*, to such lands or immovable property and to the acquisition thereof and to the determination of the compensation and damages. Expropriation. R. S. c. 143.

"2. A plan and description purporting to be signed by the chairman and secretary of the commission shall have the same effect for the purposes of this Act as a plan and description signed by the Minister or deputy minister has under *The Expropriation Act;* and for all purposes of the proceedings authorized by this Act the provisions of *The Expropriation Act* shall, unless there is something repugnant in the subject or context, be construed with the substitution of the commission for His Majesty, for the Crown and for the Minister. Plan and description.

"3. In any case in which land or property is acquired, taken or injuriously affected under the authority of this Act, the Attorney General of Canada may cause an information in the name of His Majesty, upon the relation of the commission, to be exhibited in the Exchequer Court of Canada, and the provisions of *The Expropriation Act* shall, unless there is something repugnant in the subject or context, apply to such information and the proceedings thereunder in the same manner, *mutatis* Information in Exchequer Court.

mutandis, as they apply to the like informations and proceedings on behalf of His Majesty under the said Act: Provided that His Majesty shall not in any case be liable for any compensation, damages, costs or charges incurred in such proceedings, but the relators shall be subject to the payment of such compensation, damages, costs or charges as may be adjudged by the court."

Proviso as to damages.

188.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Act respecting National Battlefields at Quebec.

First reading, March 23, 1910.

MR. AYLESWORT

OTTAWA
Printed by C. H. PARMELEE
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 191.

An Act to provide for further advances to the Harbour Commissioners of Montreal.

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

1. The Governor in Council may from time to time advance and pay to the Corporation of the Harbour Commissioners of Montreal, hereinafter called "the Corporation," in addition to the moneys, if any, heretofore authorized to be advanced to the Corporation by the Governor in Council by any Act, and which have not at the date of the passing of this Act been so advanced, such sums of money, not exceeding in the whole the sum of six million dollars, as are required— $6,000,000 may be advanced to Harbour Commissioners.

(*a*) to pay off and retire debentures of the Corporation of the par value of one hundred thousand dollars maturing in the year one thousand nine hundred and ten; and, To retire debentures;

(*b*) to enable the Corporation to complete the construction of the terminal facilities of the port of Montreal for which plans, specifications and estimates have been approved by the Governor in Council before the passing of this Act, and to construct such additional terminal facilities as are necessary to properly equip the said port. For terminal facilities.

2. 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 complete and to construct the said respective terminal facilities, and to be part of the cost of construction thereof, and the said interest may be paid out of the sum of six million dollars which the Governor in Council is authorized to advance under the provisions of this Act. Interest on debentures, during construction of works, to be charged to capital account.

3. 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. Time limit for construction.

4. No such advances shall be made in respect of terminal facilities unless the plans, specifications and estimates for the works to be performed by the Corporation, and on which Plans of works to be approved.

the money so to be advanced is to be expended, have first been submitted to and approved by the Governor in Council.

Debentures to be deposited with Minister of Finance.

5. 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 on 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 loans.

1896 (1st Sess.), c. 10.

6. The principal and interest of the sums advanced under the authority of this Act to the Corporation shall, subject to the provisions of section 2 of this Act, be paid by the Corporation out of its revenue mentioned in section 8 of chapter 10 of the statutes of 1896 (First Session), and shall be a charge upon the said revenue in the same manner and to the same extent as if the sums so advanced had been borrowed by the Corporation under the said chapter 10.

191.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 191.

An Act to provide for further adv
the Harbour Commissioners of M

First reading, March 23, 19

MR. FIE

OTTAWA
Printed by C. H. Parmelee
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 192.

An Act to amend the Fisheries Act.

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

1. Subsection 4 of section 9 of *The Fisheries Act*, chapter 45 of the Revised Statutes, 1906, is repealed. R.S., c. 45, s. 9 amended.

2. Section 17 of the said Act is repealed and the following is substituted therefor:— New s. 17.

"**17.** The Minister, or any fishery officer duly authorized to do so, shall have power to define the tidal boundary of the estuary fishing for the purposes of this Act." Boundaries of estuary fishing.

3. Section 20 of the said Act is repealed and the following is substituted therefor:— New s. 20.

"**20.** Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between salmon nets or other fishing apparatus, and may prescribe their dimensions and extension; but gill or float nets shall not be used to lengthen, extend or enlarge any other kind of fishery." Space between nets and dimensions of nets.

4. Section 22 of the said Act is repealed. S. 22 repealed.

5. Section 30 of the said Act is repealed. S. 30 repealed.

6. Subsection 5 of section 47 of the said Act is repealed and the following is substituted therefor:— S. 47 amended.

"5. No net or other device shall be so used as entirely to obstruct the passage of fish to or from any of the waters of Canada by any of the ordinary channels connecting such waters, or to prevent their passage to and from accustomed resorts for spawning and the increasing of their species; provided that the Minister may authorize the placing and maintaining of screens, or other obstructions, in streams to prevent the escape of fish held for breeding purposes." No net or device to prevent passage of fish. Screens to prevent escape.

7. Subsection 14 of section 47 of the said Act is repealed and the following is substituted therefor:— S. 47 amended.

"14. From the time of low water nearest six of the clock in the afternoon of every Saturday to the time of low water nearest six of the clock in the forenoon of every Monday, in tidal waters, and from six of the clock in the afternoon of every Saturday until six of the clock in the forenoon of the following Monday, in non-tidal waters, all sedentary fishing stations and weirs, and Free passage of fish from Saturday, p.m., to Monday, a.m.

all pound and trap-nets, seines, gill-nets and other apparatus used for catching fish, whether under license or not, shall be so raised or adapted as to admit of the free passage of fish through, by, or out of such apparatus, or be so effectively closed as to completely obstruct and prevent the entrance of fish into such apparatus, whether under license or not."

New s. 48.

8. Section 48 of the said Act is repealed and the following is substituted therefor:—

Purse seines.

"**48.** No one shall use a purse seine for the capture of fish in any of the waters of Canada; provided that the Minister may issue special licenses for the use of purse seines for the taking of salmon in such waters of the province of British Columbia as are specified in such licenses."

New s. 50.

9. Section 50 of the said Act is repealed and the following is substituted therefor:—

Fishguards in B.C., Man., Sask., Alta., N.W.T. and Yukon.

"**50.** 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, 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.

Structure of fish guards.

"2. Such fish guard shall have meshes or holes not more than three-eighths of an inch in diameter, and shall be built and maintained by the owner of such ditch, channel or canal, subject to the approval of the Minister or of such officer as he may appoint to examine it.

Duty of owner to keep in repair.

"3. The owner of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed, and the passage of fish into the ditch, channel or canal prevented."

New s. 51.

10. Section 51 of the said Act is repealed and the following is substituted therefor:—

Permit required to catch, trade in or export fish for manure.

"**51.** No one shall catch, fish for, take, buy, sell, possess or export any fish for the purpose of converting it into manure, guano or fertilizer, or for the manufacture or conversion of such fish into oil or manure or other fertilizing product, except under authority of a special permit or license granted by the Minister for the taking and utilization of certain fishes specified in such permit or license."

Section added.

11. The said Act is amended by inserting the following section immediately after section 69:—

Standard size of oyster barrel.

"**69A.** The standard size of the barrel in which oysters are sold, bartered or trafficked in shall measure seventeen inches in diameter at the top and bottom, nineteen inches in diameter at the bung level, and twenty-eight inches in height."

12. Section 78 of the said Act is repealed and the following is substituted therefor:— New s. 78.

"**78.** Every owner or manager of a lobster factory or canning establishment in Canada who fails to send to the Minister, through the inspector of fisheries for the district, not later than the thirty-first day of May in each year, a true return of,— Failure of owner or manager of lobster factory to send returns to Minister.

"(*a*) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

"(*b*) the number of persons employed in such factory or canning establishment, distinguishing the sexes;

"(*c*) the number of cases of lobsters packed during the twelve months which ended on the thirty-first day of March previous; and,

"(*d*) such other details and particulars as are required by the Minister,

shall be liable to a penalty not exceeding four hundred dollars and costs."

13. Section 92 of the said Act is repealed and the following is substituted therefor:— New s. 92.

"**92.** All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation made under it, or of any international regulation, and any fish or other marine animal taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation under it, or of any international regulation, and all other fish, shellfish or marine animal otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to His Majesty, and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace." Confiscation of all fishing property used and all fish taken, bought, or sold, in violation of Act.

14. Section 94 of the said Act is repealed and the following is substituted therefor:— New s. 94.

"**94.** Except as herein otherwise provided, every one who violates any provision of this Act, or any regulation made under it, shall be liable to a penalty of not more than one thousand dollars, and, in default of payment, to imprisonment for a term not exceeding three months, and any fishery officer or justice of the peace may grant a warrant of distress for the amount of such penalty and costs." Penalties not otherwise provided for.

15. The Governor in Council may, by proclamation, bring into force the international regulations prepared by the International Fisheries Commission appointed under the treaty signed at Washington on the eleventh day of April, one thousand nine hundred and eight, between Great Britain and the United States concerning the fisheries in waters contiguous to Canada and the United States. International fishery regulations may be brought into force.

2. The Governor in Council may make regulations to secure the due enforcement of the international regulations, and may prescribe penalties for the violation of such regulations or of the international regulations, but no such penalty shall exceed the Regulations by Governor in Council.

Penalties for violation.

sum of one thousand dollars and costs, or in default of payment imprisonment for a term not exceeding six months, or in the case of a continuous offence the sum of twenty dollars and costs for each day the offence continues.

Publication.

3. The international regulations and all proclamations and regulations issued or made under this section shall be published in *The Canada Gazette* and shall also be laid before both Houses of Parliament within ten days after the publication thereof if Parliament is then sitting, and if Parliament is not then sitting, then within ten days after the next meeting thereof.

To be laid before Parliament.

192.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 192.

An Act to amend the Fisheries Act

First reading, March 23, 1910.

MR. TEMPLEMA

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 193.

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:—

1. Section 2 of *The Meat and Canned Foods Act*, chapter 27 of the statutes of 1907, is amended as follows:— 1907, c. 27, s. 2 amended.

By repealing paragraphs (*a*) and (*c*) thereof and substituting therefor the following paragraphs respectively:— Interpretation.

"(*a*) 'carcasses' means the carcasses of cattle, sheep, swine, goats, game or poultry." "Carcasses."

"(*c*) 'export' means export out of Canada, or out of any province to any other province thereof;" "Export."

By adding thereto the following paragraph:—

"(*h*) 'a farmer' is a person whose recognized occupation is that of farming, and who slaughters only such animals as are fed by him on his own premises." "Farmer."

2. Subsection 2 of section 3 of the said Act is amended by striking out all the words after the word "inspection" in the third line thereof. S. 3 amended. Inspection of animals.

3. Section 5 of the said Act is amended by striking out all the words between the word "premises" in thet hird line and the word "shall" in the fourth line thereof. S. 5 amended. Slaughter of animals.

4. Section 6 of the said Act is amended by striking out the word "the" in the second line thereof and substituting therefor the word "an." S. 6 amended. Marks on healthy carcases.

5. Section 7 of the said Act is amended by striking out the word "the" in the seventh line thereof and substituting therefor the word "an." S. 7 amended. Inspection of meat products.

6. Section 10 of the said Act is amended by adding after the word "transportation" in the second line thereof the words "for food purposes." S. 10 amended. Sale of unhealthy meat.

7. Section 12 of the said Act is amended by striking out the words " in the British or foreign markets" in the thirteenth line thereof and substituting therefor the words "in foreign markets or in the markets of the United Kingdom." S. 12 amended. Inspection and marking of packages.

S. 14 amended.

Inspection of sanitary conditions.

8. Subsection 1 of section 14 of the said Act is repealed and the following is substituted therefor:—

"**14.** An inspection and close supervision of the sanitary conditions of all establishments shall be maintained, and they shall be conducted, under such conditions, sanitary and otherwise, as may be prescribed by the regulations."

S. 16 amended.

Exporter to furnish required proof as to inspection.

9. Subsection 1 of section 16 of the said Act is amended by adding at the end thereof the following:—"Every person offering any carcass, or portion or product thereof, for export, or exporting such carcass, portion or product, shall furnish such proof as is required by the regulations as to whether the articles so offered for export, or exported, are subject to inspection or not."

New s. 18.

Tampering with marks.

10. Section 18 of the said Act is repealed and the following is substituted therefor:—

"**18.** Every person who, without authority, wilfully and wrongfully uses or imitates any mark, tag, label or certificate placed on or attached to any article in accordance with the provisions of this Act or of any regulation made thereunder, and every person who wilfully and wrongfully removes, alters, effaces or obliterates, or causes to be removed, altered, effaced or obliterated, wholly or partially, any such mark, tag, label or certificate, shall incur a penalty of one hundred dollars."

New s. 21.

Inspector's certificate as evidence.

11. Section 21 of the said Act is repealed and the following is substituted therefor:—

"**21.** The certificate of an inspector or other officer appointed under this Act, or any mark applied under this Act, shall, for the purposes of this Act, be prima facie evidence of the matter which it purports to establish."

New s. 22.

Inspector's power of entry and examination of books and papers.

12. Section 22 of the said Act is repealed and the following is substituted therefor:—

"**22.** Any inspector or other officer appointed under this Act may, at any time, for the purpose of carrying into effect any provision of this Act, enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck, horse-box or other vehicle used for the carriage of articles subject to the provisions of this Act, and may require to be produced for inspection, or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading or other papers, but shall, if required, state in writing the grounds for his action in so doing."

S. 31 repealed.

13. Section 31 of the said Act is repealed.

193.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS OF CANADA.

BILL 193.

An Act to amend the Meat and Canned Foods Act.

First reading, March 30, 1910.

MR. FISHER

OTTAWA
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THE HOUSE OF COMMONS OF CANADA.

BILL 194.

An Act to amend the Militia Pension Act.

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

1. *The Militia Pension Act*, chapter 42 of the Revised Statutes, 1906, is amended by inserting the following sections immediately after section 6:— R.S., c. 42 amended. Sections added.

"**6A.** Time served in the Royal Northwest Mounted Police may also be included in the term of service of an officer for the purposes of this Act. Officer's service in R.N-W. Mounted Police reckoned.

"2. In such case the yearly deduction of five per cent upon average pay under this Act from any pension shall be reduced by the average yearly deduction from the officer's salary or pay as a police officer made under and for the purposes of Part II of *The Royal Northwest Mounted Police Act*, or made under and for the purposes of *The Civil Service Superannuation Act*, or under Part I of *The Civil Service Superannuation and Retirement Act*. Deduction reduced. R.S., c. 91. R.S., 1886, c. 18. R.S., c. 17.

"**6B.** The following times may also be included in the term of service of an officer for the purposes of this Act:— Officer's service reckoned.

"(*a*) Time served with the military forces in South Africa in any one or more of the years 1899, 1900, 1901 and 1902, and the time during which the officer was invalided but remained on full pay on account of wounds, injuries or disease suffered or contracted on such service; South Africa.

"(*b*) Time served by an officer of the Canadian Militia with the South African Constabulary; South African Constabulary.

"(*c*) Time served with the Third (special service) Battalion of the Royal Canadian Regiment of Infantry at Halifax; R.C.R. at Halifax.

"(*d*) Time served with the Yukon Field Force in any one or more of the years 1898, 1899 and 1900; and. Yukon Field Force.

"(*e*) Half the time served in the Active Militia other than the force, if he has served at least ten years in the force: Provided, however, that the time to be credited to an officer under this paragraph for Active Militia service shall in no case exceed ten years; and provided further that if an officer's pension is increased by reason of this paragraph, then, in addition to the deductions mentioned in section 8 of this Act, such pension shall be subject to an annual deduction for a number of years equal to the number of years added to his service under the authority Active militia.

of this paragraph, such deduction to be equivalent to five per cent of the pay which the officer was receiving at the time of his retirement from the force."

2. Subsection 2 of section 12 of the said Act is amended by adding at the end thereof the following: "and in the case of such non-commissioned officers and men as have been or may hereafter be transferred from His Majesty's regular forces to the permanent force under arrangements made between His Majesty's Government and His Majesty's Canadian Government as to the pensioning of such non-commissioned officers and men."

S. 12 amended.

Militiamen transferred from regulars to permanent force.

3. The said section 12 is further amended by adding thereto the following subsection:—

S. 12 further amended.

"3. The following times may also be included in the term of service of a militiaman for the purposes of this Act:—

Militiaman's service reckoned.

"(*a*) Time served with the military forces in South Africa in any one or more of the years 1899, 1900, 1901 and 1902;

South Africa.

"(*b*) Time served with the South African Constabulary;

South African Constabulary.

"(*c*) Time served with the Third (special service) Battalion of the Royal Canadian Regiment of Infantry at Halifax;

R.C.R. at Halifax.

"(*d*) Time served with the Yukon Field Force in any one or more of the years 1898, 1899 and 1900;

Yukon Field Force.

"(*e*) Time served in the employment of the Government of Canada in connection with the militia stores of Canada prior to the oganization of the Ordnance Stores Corps."

Militia stores.

194.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 194.

An Act to amend the Militia Pensio

First reading, March 31, 1910

SIR F. BORDE

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

THE HOUSE OF COMMONS OF CANADA.

BILL 195.

An Act respecting the Currency.

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 Currency Act, 1910.* Short title.

DENOMINATIONS AND STANDARDS.

2. The denominations of money in the currency of Canada, shall be dollars, cents and mills,—the cent being one hundredth part of a dollar, and the mill one tenth part of a cent. Denominations in currency.

3. *The standard for gold coins of the currency of Canada shall be such that of one thousand parts by weight, nine hundred shall be of fine gold and one hundred of alloy; and the standard for silver coins of such currency shall be such that of one thousand parts by weight nine hundred and twenty-five shall be of fine silver and seventy-five of alloy.* Standard for gold and silver coins.

COINS.

4. *Gold, silver and bronze coins, struck by the authority of the Crown for circulation in Canada, of the respective denominations mentioned in the Schedule to this Act, and of the standard weight and fineness therein set out, shall be equal to and pass current for the respective sums in the currency of Canada following, to wit: for twenty dollars, ten dollars, five dollars, two and one-half dollars, fifty cents, twenty-five cents, ten cents, five cents and one cent.* Value and currency of standard gold, silver and bronze coins.

2. *In the making of such coins a remedy (or variation from the standard weight and fineness specified in the Schedule hereto) shall be allowed of an amount not exceeding the amount specified in that schedule.* Remedy allowance.

3. *If any coin of gold, silver, or bronze, but of any other denomination than that of the coins mentioned in the Schedule hereto, is hereafter coined under the provisions of this Act, such coin shall be of the same fineness as is fixed for coins of like material by that schedule, and shall be of a weight bearing the same proportion to the weight specified in that schedule as the denomination of such coin bears to the denominations or denomination of coin of like* Standard fineness and weight of coins of other denominations.

Remedy allowance.

Gold coin.

material mentioned in that schedule; and in the making of such coin a remedy shall be allowed of such amount as, having regard to the remedy assigned in that schedule to coins of like material, may be fixed and determined by proclamation under this Act; and such coin, if of gold, shall be subject to such provision as to least current weight as may be fixed and determined by proclamation under this Act, regard being had to the least current weight assigned in that schedule to the respective gold coins mentioned therein.

Coins to be made at Ottawa Branch.

Proviso.

5. *All coins of the currency of Canada which may be made pursuant to the provisions of this Act shall, subject to any regulations and conditions which may be made by the Master of His Majesty's Royal Mint in England, be coined at the Ottawa Branch of the Royal Mint; but if for any reason such coins cannot be made at the said branch mint as required, the Governor in Council may authorize the making of such coins at His Majesty's Royal Mint or at any other branch thereof.*

Purchase of bullion.

6. *The Minister of Finance may from time to time issue out of the Consolidated Revenue Fund such sums as may be necessary for the purchase of bullion in order to provide supplies of coin for the public service.*

Application of sums received.

7. *The sums received in payment for coin produced from bullion purchased under the next preceding section shall be paid into the Consolidated Revenue Fund.*

LEGAL TENDER.

Tender of payment in coin of standard weight to be legal tender.

8. *A tender of payment of money, if made in coins which have been made in accordance with the provisions of this Act, and have not been called in under any proclamation made in pursuance of this Act, and have not become diminished in weight, by abrasion through ordinary and legitimate use, so as to be of less weight than the current weight, that is to say, than the weight (if any) specified as the least current weight in the Schedule hereto, or less than such weight as may be declared by any proclamation made in pursuance of this Act, shall be a legal tender,—*

Gold.

(a) in the case of gold coins, for a payment of any amount;

Silver.

(b) in the case of silver coins, for a payment of an amount not exceeding ten dollars, but for no greater amount;

Bronze.

(c) in the case of bronze coins, for a payment of an amount not exceeding twenty-five cents, but for no greater amount.

Payment of notes in silver.

2. The holder of the notes of any person to the amount of more than ten dollars shall not be bound to receive more than that amount in such silver coins in payment of such notes, if presented for payment at one time, although any of such notes is for a less sum.

Paper currency.

3. *Nothing in this Act shall prevent any paper currency which under any Act or otherwise is a legal tender from being a legal tender.*

British sovereign and gold coins to be legal tender.

9. *The British sovereign of the weight and fineness prescribed by the laws of the United Kingdom at the date of the passing of t s Act, and which is not of less weight than the current weight specified as the least current weight at which it is a legal tender in the United*

Kingdom, shall pass current and be a legal tender in Canada for four dollars and eighty-six cents and two-thirds of a cent of the currency of Canada; and any other gold coins made at His Majesty's Royal Mint or at any branch thereof, and current in the United Kingdom, being a multiple or division of the sovereign shall, subject to corresponding current weight specifications, pass current and be a legal tender in Canada for proportionate sums in the currency of Canada.

Foreign gold coins.

10. The Governor in Council may, by proclamation, from time to time, fix the rates at which any foreign gold coins of the description, date, weight and fineness mentioned in such proclamation shall pass current and be a legal tender in Canada: Provided that until it is otherwise ordered by any such proclamation the gold coins of the United States of America hereinafter mentioned, *that is to say the half eagle or five dollar piece,* the eagle or ten dollar piece *and the double eagle or twenty dollar piece, coined after the eighteenth day of January, one thousand eight hundred and thirty seven,* and while the standard of fineness for gold coins then fixed by the laws of the said United States remains unchanged, and weighing *respectively one hundred and twenty-nine grains,* two hundred and fifty-eight grains, *and five hundred and sixteen grains, subject to the provisions of the laws of the said United States with respect to such coins as to tolerance or remedy and as to the reduction in weight by abrasion through ordinary and legitimate use below the said respective weights, in so far as such provisions prescribe the conditions under which the said coins shall be a legal tender in the said United States, and so long as such coins shall be receivable at their nominal value by the Treasury of the said United States and its offices,* shall pass current and be a legal tender in Canada for *five dollars,* ten dollars *and twenty dollars, respectively,* in the currency of Canada.

Proviso as to gold coins of United States.

Certain coins of certain provinces, and of Canada prior to this Act, to be legal tender.

11. The silver, copper or bronze coins heretofore struck by authority of the Crown for circulation in the provinces of Ontario, Quebec and New Brunswick under the Acts at the time in force in the said provinces respectively, *and such silver, copper or bronze coins, as before the passing of this Act, have been struck by the same authority for circulation in Canada under the Acts at the time in force in Canada,* shall be current and a legal tender throughout Canada at the rates in the said currency of Canada assigned to them respectively by the said Acts, and under the like conditions and provisions.

No other coins to be legal tender.

12. No other silver, copper or bronze coins than those which the Crown has heretofore caused to be struck or may hereafter cause to be struck for circulation in Canada, or in some province thereof, shall be a legal tender in Canada.

Proof of date and country of coins.

13. The stamp of the year on any foreign coin made current by this Act, or any proclamation issued under it, shall establish *prima facie* the fact of its having been coined in that year; and the stamp of the country on any foreign coin shall establish *prima facie* the fact of its being of the coinage of such country.

Mutilated or defaced coin not legal tender.

14. *No coin which has been bent or mutilated, or has been defaced by the stamping or engraving thereon of any name, word, or mark, whether such coin is or is not thereby diminished or and lightened, and no coin which has in any way been reduced in weight, except by abrasion through ordinary and legitimate use, shall pass current or be a legal tender.*

ACCOUNTS, DEBTS AND OBLIGATIONS.

Public accounts and statements to be in currency.

15. All public accounts throughout Canada shall be kept in the currency of Canada; and in any statement as to money or money value, in any indictment or legal proceeding, the same shall be stated in such currency.

Accounts, contracts, etc., from July 1st, 1871.

2. *Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter and thing relating to money, or involving the liability to pay any money, which was made, executed or entered into, done or had on or subsequent to the first day of July, one thousand eight hundred and seventy one, and before the coming into force of this Act, shall be deemed to have been and be, so far as anything remains to be or may be executed, done or had thereunder, as if the same was originally made, executed, done or had according to the coins made for circulation in Canada and which are legal tender in Canada in pursuance of this Act, unless the same was made, executed, entered into, done or had according to the currency of Great Britain or of some British possession or of some foreign state.*

Proviso.

All accounts, contracts, etc., to be in currency.

3. *Every contract, sale, payment, bill, note instrument, and security for money, and every transaction, dealing, matter and thing whatever relating to money, or involving the payment of or the liability to pay any money, which is made, executed or entered into, done or had, shall be made, executed, entered into, done and had according to the coins made for circulation in Canada and which are current and legal tender in pursuance of this Act, unless the same be made, executed, entered into, done or had, according to the currency of Great Britain or of some British possession or some foreign state.*

Proviso.

Sums mentioned in Acts to be deemed currency.

16. All sums mentioned in dollars and cents in *The British North America Act, 1867*, and in all Acts of the Parliament of Canada shall, unless it is otherwise expressed, be understood to be sums in the currency of Canada.

Payments in Nova Scotia from July 1st, 1871, to be in currency.

17. All sums of money payable on and after the first day of July, one thousand eight hundred and seventy-one, to the Crown, or to any person, under any Act or law in force in Nova Scotia, passed before the said day, or under any bill, note, contract, agreement or other document or instrument, made before the said day in and with reference to that province, or made after the said day out of Nova Scotia and with reference thereto, and which were intended to be, and but for such alteration would have been payable in the currency of Nova Scotia, as fixed by law previous to the fourteenth day of April, one thousand eight hundred and seventy-one, shall hereafter be represented and payable, respectively,

by equivalent sums in the currency of Canada, that is to say, for every seventy-five cents of Nova Scotia currency, by seventy-three cents of the currency of Canada, and so in proportion for any greater or less sum; and if in any such sum there is a fraction of a cent in the equivalent in the currency of Canada, the nearest whole cent shall be taken.

Payment of debts in B.C. and P.E.I. to be in currency.

18. Any debt or obligation contracted before the first day of July, in the year one thousand eight hundred and eighty one, in the currency then lawfully used in the province of British Columbia, or in the province of Prince Edward Island, shall, if payable thereafter, be payable by an equivalent sum in the currency of Canada.

DOMINION AND BANK NOTES.

Dominion and bank notes to be issued in currency only.

19. No Dominion note or bank note payable in any other currency than the currency of Canada shall be issued or re-issued by the Government of Canada, or by any bank (*except as otherwise provided by The Bank Act*), and all such notes issued before the first day of July one thousand eight hundred and seventy-one which are outstanding and legal obligations shall be redeemed, or notes payable in the currency of Canada shall be substituted or exchanged for them.

Face value of notes to be deemed currency.

2. *The respective sums for which Dominion notes and bank notes, now in circulation issued on or after the first day of July, one thousand eight hundred and seventy-one, and before the coming into force of this Act, purport to be obligations to pay, shall be deemed to be sums in the currency of Canada as by this Act established.*

POWERS OF THE GOVERNOR IN COUNCIL.

Powers of Governor in Council to deal with dimensions, designs, denominations, remedy, weight, redemption and calling in of coins.

20. *The Governor in Council may from time to time by proclamation do all or any of the following things:—*

(*a*) *Determine the dimensions of and designs for any coin;*

(*b*) *In addition to the denominations of coins mentioned in the Schedule hereto, determine the denominations of other coins to be coined and, subject to the provisions of this Act, the remedy and least current weight therefor;*

(*c*) *Diminish the amount of remedy allowed by the Schedule hereto in the case of any coin;*

(*d*) *Determine the weight, not being less than the weight (if any) specified in the Schedule hereto, below which a coin, when diminished in weight by abrasion through ordinary and legitimate use, is not to be deemed a current or legal tender;*

(*e*) Make regulations under which the Minister of Finance may redeem silver, copper or bronze coins issued for circulation in Canada which by reason of abrasion through *ordinary and legitimate use* are no longer fit for circulation;

(*f*) *Call in coins of any date or denomination;*

(*g*) *Revoke or alter any proclamation previously made.*

Publication in *Canada Gazette*.

2. *Every such proclamation shall be published in The Canada Gazette and shall thereupon come into operation on the date of such publication, and shall have effect as if it were enacted in this Act.*

EXAMINATION AND TEST OF COINS.

Appointments of assay commissioners.

21. *For the purpose of ascertaining that coins of the currency of Canada issued from the Ottawa Branch of the Royal Mint have been coined in accordance with the provisions of this Act, the Governor in Council shall nominate and appoint competent persons, not less than three, who shall meet at least once in each year, as assay commissioners, to examine and test, in the presence of the proper officers of the Ottawa Branch of the Royal Mint and of the officers attending pursuant to any regulations made hereunder, the fineness and weight of the coins reserved for this purpose.*

Regulations for examination and test.

2. *The Governor in Council may, from time to time, make regulations respecting the proceedings at and the conduct of such examination and test, and all matters incidental thereto, and in particular respecting the following matters, namely,—*

(a) the time and place of examination and test;

(b) the setting apart out of the coins issued by the said branch mint of certain coins for examination and test; and the custody and production of the coins so set apart, and the production of the standard weights and trial plates hereinafter mentioned;

(c) the attendance of one or more officers of the Department of Finance and of one or more officers of the Department of Inland Revenue thereat;

(d) the recording and publication of the findings of the commissioners as the result of such examination and test, and the proceedings (if any) to be taken in consequence thereof.

Effect of regulations.

3. *Every such regulation shall come into operation on the date therein in that behalf mentioned, and shall have effect as if it were enacted in this Act, but may be revoked or altered by any subsequent regulation under this section.*

Dominion standard troy ounce to be standard of weight.

22. *The Dominion standard troy ounce, made of platinum-iridium now in the custody of the Minister of Inland Revenue, shall be the standard for regulating the weight of such currency, and the Minister of Inland Revenue shall cause weights of each denomination of coin made under this Act to be made and duly verified, and these weights, when approved by the Governor in Council, shall be the standard weights for determining the justness of the weight of and for weighing such coin.*

Weights to be verified and approved.

Standard weights and multiples to be procured.

2. *The Minister of Inland Revenue shall, for the purpose of such examination and test, procure such standard weights, multiples and divisions in weight of such standard troy ounce, and such balances as may be necessary for the purpose of such examination and test.*

Trial plates to be made.

3. *The Minister of Inland Revenue shall from time to time, when necessary, cause trial plates of pure gold and of pure silver to be made and duly verified, and such trial plates shall be used for determining the justness of the gold and silver coins examined and tested under the provisions hereof.*

Custody of weights and plates.

4. *Such standard weights and trial plates shall, except as may be provided by any regulations made hereunder, be in the custody of the Minister of Inland Revenue, to be kept in such place and in such manner as the Minister of Inland Revenue may direct.*

EXPENSES INCIDENT TO ADMINISTRATION.

23. *The costs, charges and expenses incident to the carrying out of the provisions of this Act, including the examination and test, procuring standard weights, trial plates and balances, shall be payable out of the Consolidated Revenue Fund.*

Payment of expenses.

WHEN COUNTERFEIT OR DIMINISHED COIN TO BE BROKEN.

24. Every officer employed in the collection of the revenue in Canada shall cut, break or deface, or cause to be cut, broken or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin which is tendered to him in payment of any part of the revenue of Canada.

Revenue officers to destroy counterfeit and diminished coin.

REPEAL.

25. *The Currency Act, chapter 25 of the Revised Statutes, 1906, is repealed.*

R.S., c. 25 repealed.

SCHEDULE.

Denomination of coin.	Standard weight.	Least current weight.	Standard fineness.	Remedy allowance.	
				Weight per piece.	Millesimal fineness.
	Grains.	Grains.		Grains.	
Gold—					
Twenty dollar	516	513·42	Nine-tenths fine gold, one tenth alloy; or millesimal fineness, 900	·50	1
Ten dollar	258	256·71		·40	1
Five dollar	129	128·355		·25	1
Two and one-half dollar	64·5	64·178		·20	1
Silver—					
Fifty cent	180	.....	Thirty-seven fortieths fine silver, three fortieths alloy; or millesimal fineness, 925.	1·00	4
Twenty-five cent	90	.....		·60	4
Ten cent	36	.....		*2·50	4
Five cent	18	.....		†3·00	4
Bronze—					
Cent	87·5	.....	Mixed metal, copper, tin and zinc	‡140·00	.....

* This remedy is on a group of one dollar's worth, ten pieces.
† This remedy is on a group of one dollar's worth, twenty pieces.
‡ This remedy is on a group of eighty pieces weighed against a weight of one pound avoirdupois.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMM
OF CANADA.

BILL 195.

An Act respecting the Curre

First reading, April 4, 191(

MR. FIELD

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 197.

An Act to amend the Post Office Act.

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

1. Section 29 of *The Post Office Act*, chapter 66 of the Revised Statutes, 1906, is repealed. R. S., c. 66 amended.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 197.

An Act to amend the Post Offic

First reading, April 6, 1910

MR. LEM

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 198.

An Act to amend the Industrial Disputes Investigation Act, 1907.

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

1907, c. 20, s. 13 amended. Oath of office.

1. Section 13 of *The Industrial Disputes Investigation Act, 1907*, is amended by adding after the word "peace" in the third line thereof the words "or other person authorized to administer an oath or affirmation."

S. 15 amended.

2. Subparagraph (*b*) of paragraph 2 of section 15 of the said Act is repealed and the following is substituted therefor:—

Statutory declaration to accompany application for appointment of Board.

"(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations."

Declaration by officers of trade union.

Section 16 amended.

3. Paragraph (3) of section 16 of the said Act is amended by adding at the end thereof the following: "or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee."

Signatures to application and declaration.

New s. 51.

4. Section 51 of the said Act is repealed and the following is substituted therefor:—

Remuneration of members of Board.

"**51.** The members of a Board shall be remunerated for their services as follows:—

"(*a*) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(*b*) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board."

Section 57 amended.

5. Section 57 of the said Act is amended as follows: by striking out of the third and fourth lines thereof the words "and in every case where a dispute has been referred to a Board" and substituting therefor the words "and in the event of such intended change resulting in a dispute;" by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employees" in the sixth line thereof.

Relation of parties pending proceedings.

198.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 198.

An Act to amend the Industrial D
Investigation Act, 1907.

First reading, April 7, 1910.

MR. KIN

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 199.

An Act respecting Licenses to Fishing Vessels.

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

Conditions upon which licenses to fishing vessels shall be issued.

1. The collector of customs at any port in Canada where any vessel of Canadian register is registered, upon the oath of the managing owner or ship's husband that such vessel is engaged, or about to engage, in the Atlantic fisheries of Canada, and that the owners are all British subjects; and upon the oath of the master of such vessel that he is a British subject; and that such vessel, if granted a license, shall not, while it continues in force, be employed in any manner whereby the revenue of Canada may be defrauded; and upon request thereto by the master, managing owner, or ship's husband of such vessel, shall issue to such vessel a fishing license.

Term of license.

2. The said license shall continue in force until the first day of December following the date of issue, unless previously cancelled, as hereinafter provided.

Provisions of license.

3. The said license shall state—

(*a*) the number, date and duration of the license;

(*b*) the name and official title of the officer issuing it;

(*c*) the port at which it was issued;

(*d*) the official number of the vessel;

(*e*) the measurements of the vessel and the crew space, and the number of decks and masts;

(*f*) the names of the captain, managing owner or ship's husband and other owners of the vessel;

(*g*) the year the vessel was built;

(*h*) the name and style of the vessel;

(*i*) that the vessel will not be employed in any other trade than the Atlantic fisheries of Canada.

Trade in which fishing vessels may engage.

4. No licensed fishing vessel shall engage in any trade whereby the revenue of Canada shall be defrauded, or in any other trade than the Atlantic fisheries of Canada (which shall include the fisheries of the bays and straits of the Atlantic coasts of Canada) during the continuance of the said license.

Penalty for violation.

2. Any master or owner violating the provisions of this section shall be liable to a penalty of dollars in addition to any other penalty imposed by law.

Fee.

5. A fee of dollars shall be payable to the collector of customs on the issuance of the said license.

Annual renewal of license.

6. The said license may be renewed annually—

(*a*) upon the oaths required by section 1 of this Act being made;

(*b*) upon the endorsement on the said license by the collector of customs at the port of issue, if presented for renewal within ten days after its expiration;

(*c*) upon payment of a fee of .

Endorsement upon register.

7. The collector of customs shall upon issuing a license, forthwith endorse upon the vessel's register the fact that such license was issued, stating the date thereof and the number of the license; and the cancellation of a license shall be endorsed in like manner.

Record of licenses and numbers.

Copies for Minister.

8. The collector of Customs shall keep a record of all licenses issued or renewed by him, and the said licenses shall be numbered consecutively in a book to be kept for the purpose, and he shall transmit to the Minister of Marine and Fisheries on the first days of March, June, September and December in each year particulars of the licenses which have been so granted and renewed by him, and of such licenses as have been given up or cancelled.

199.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 199.

An Act respecting Licenses to Fish
Vessels.

First reading, April 8, 1910.

MR. JAMES

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 200.

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:—

1. Subsection 1 of section 16 and subsection 1 of section 96 of *The Customs Act*, chapter 48 of the Revised Statutes, 1906, are amended by adding after the word "vessel" in the first lines thereof, respectively, the words "except licensed fishing vessels registered in Canada." R. S. c. 48, ss. 16 and 96 amended. Report of masters.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 200.

An Act to amend the Customs A

First reading, April 8, 1910.

MR. JAMES

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA. 203

BILL UU.

An Act respecting The Essex Terminal Railway Company.

Preamble.

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

1902, c. 62.
1904, c. 76.
1906, c. 93.

1902, c. 62, new s. 4.

1. Section 4 of the Act incorporating the Company, chapter 62 of the Statutes of 1902, is hereby repealed, and the following is substituted therefor:—

Capital stock increased.

"**4.** The capital stock of the Company shall be four hundred thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed".

1902, c. 62, new s. 6.

2. Section 6 of the said Act is hereby repealed, and the following is substituted therefor:—

Annual meeting.

"**6.** The annual meeting of the shareholders shall be held on the third Tuesday in January, in each year".

1902, c. 62, new s. 9.

3. Section 9 of the said Act is hereby repealed, and the following is substituted therefor:—

Issue of securities.

"**9.** The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile of single track of the railway and branches, with an additional amount of ten thousand dollars per mile of double track, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed".

Special powers.

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

Vessels.

(*a*) construct, acquire, charter, operate and dispose of steam and other vessels, and may enter into agreements with owners of vessels, boats and ferries for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected therewith;

Warehousing.

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

Extension of time for completion of railway.

5. The Company may complete its railway and put it in operation within five years after the passing of this Act, and if the said railway is not completed and put in operation within the said period, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Repeal of former time limit.

6. Section 2 of chapter 93 of the Statutes of 1906 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

No 3 UU

An Act respecting The Essex T
Railway Company.

Received and read a first time,

Thursday, 3rd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. Ross,
(Mid

OTTAWA
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1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 204.

An Act to authorize the erection of certain wharves and buildings in the Harbour of Saint John.

WHEREAS by chapter 60 of the statutes of 1910 of New Brunswick the city of Saint John, in the province of New Brunswick, was authorized to convey to Frederick C. Durant of the city of Philidelphia, in the Commonwealth of Pennsylvania, one of the United States, the lands hereinafter particularly described, and it is desirable that such conveyance should also be authorized by an Act of the Parliament of Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. N.B., 1910, c. 60.

1. The city of Saint John is hereby authorized to convey to the said Frederick C. Durant, a certain tract of land and land covered with water situate in the said city, bounded as follows:— on the north by the prolongation westerly of the south line of Sheffield street, on the east by the westerly line of Charlotte street, on the south by the ballast wharf property of the Government of Canada, and on the west by the harbour line of the said city. Conveyance by city of St. John to F. C. Durant authorized.

2. The said Frederick C. Durant, his heirs or assigns, are hereby authorized, upon such conveyance being made, to erect on the said land so conveyed by the said city as aforesaid, or on land adjacent thereto, on his or their acquiring title thereto, a sugar refinery, and for such purpose to erect buildings, wharves, docks and all necessary improvements at any place on the said land to the eastward of the harbour line of the said city. Erection of buildings, wharves, etc. authorized.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 204.

An Act to authorize the erection of
wharves and buildings in the hark
Saint John.

First reading, April 13, 1910.

MR. PUGS

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M.
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 205.

An Act to amend the Civil Service Act.

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

1. This Act may be cited as *The Civil Service Amendment Act, 1910.* Short title.

2. Sections 4, 16 to 26, both inclusive, 32 to 37, both inclusive, 40, 41, 43, 46, 61 to 78, both inclusive, 80, 82, 84, 85, 90, 91, 94, 97, 98 and 99 of *The Civil Service Act* are repealed, so far as concerns the Outside Service, other than that portion of the Outside Service defined by paragraph (*b*) of section 4 of the said Act. R.S., c. 16 amended as to Outside Service.

2. Sections 30 and 42 of the said Act are repealed as to the Inside Service, and as to the Outside Service other than that portion of the Outside Service defined by the said paragraph (*b*) of section 4. Ss. 30, 42 repealed. Exception.

3. Section 21 of the said Act is repealed and the following is substituted therefor:— New s. 21.

"**21.** The preliminary and qualifying examinations shall be held at the times and places specified under the regulations of the Civil Service Commission for the ordinary competitive examinations." Time and place of examinations.

4. Subsection 1 of section 50 of the said Act is amended by adding thereto the following:— S. 50 amended.

"Provided that an officer shall not be transferred from the Outside Service to the Inside Service under the authority of this section unless he has served for a period of three years in the Outside Service, and no transfer shall be made to the Third Division of the Inside Service." Transfer from Outside to Inside service.

5. Section 50 of the said Act is further amended by adding thereto the following subsection:— S. 50 amended.

"4. No transfer shall be made, under the authority of this section, to the Inside Service except upon report of the deputy head that the duties performed in the Outside Service by the officer to be transferred are such as, if performed in the Inside Service, would entitle him to the position to which he is to be transferred, and that he is qualified for the duties of such position." Conditions of transfer.

Temporary transfer from Outside to Inside service.

6. Any officer or employee in the Outside Service may, by order in council, be transferred to any position in the Inside Service for a period not exceeding six months, but he shall, during such period, notwithstanding his duties in the Inside Service, remain subject to the law relating to Outside Service.

Temporary clerks for decennial census.

7. Special competitive examinations may be held by the Civil Service Commission, in accordance with regulations in that behalf made by the Commission and approved by the Governor in Council, for ascertaining the qualifications of persons to be employed as temporary clerks for the compilation of any decennial census, and the successful competitors may be employed temporarily for the duties aforesaid for any period not exceeding three years.

Examinations and period of service.

Census clerks ineligible for other work.

2. During such term of service such temporary clerks shall not be eligible for any employment other than the compilation of the decennial census, and they shall not be entitled by reason of service in the compilation of the census to any further employment.

To receive annual increase.

3. Such temporary clerks shall be eligible for annual statutory increase as provided by section 37 of *The Civil Service Amendment Act, 1908*.

R.S., c. 16, Sch. B amended.

8. That part of Schedule B of *The Civil Service Act* which relates to Customs is amended by striking out the figures and word "300 to 4,000," opposite to the word "Collectors," and substituting therefor the figures and word "300 to 4,500."

Sch. B amended.

9. That part of the said Schedule B which relates to Inland Revenue is repealed and the following is substituted therefor:—

"INLAND REVENUE.

Salaries of Inland Revenue officials.

"Inspectors	Salary	from	$2,000	to	$3,000
"Provided that inspectors of special manufactories may receive a salary not exceeding in the aggregate $3,200.					
"Collectors	"		600	to	2,800
"Deputy collectors	"		400	to	2,000
"Accountants	"		800	to	1,800
"Special class excisemen (chief officers in charge of distilleries)	"		1,600	to	2,200
"Special class excisemen (other than the foregoing)	"		1,500	to	1,600
"First, second and third class excisemen,	"		700	to	1,500
"Probationary excisemen			600		
"Stenographers and typewriters	"		400	to	700
"Messengers	"		400	to	800

"Provided that deputy collectors who have passed the special class examination may receive an additional salary not to exceed two hundred dollars per annum; and provided further that special class excisemen and other officers connected with the

survey of important manufactories may receive an additional salary not exceeding in any one case three hundred dollars per annum."

10. That part of the said Schedule B which relates to Post Office is amended by striking out the heading "*Post Office Inspectors and Assistant Post Office Inspectors*" and the next following six paragraphs, and substituting therefor the following:— Sch. B amended.

"*Post Office Inspectors, Assistant Post Office Inspectors, and Superintendents of the Railway Mail Service.*

"The salary of a post office inspector, on appointment, shall be two thousand five hundred dollars, with increases of one hundred dollars per annum up to a maximum of three thousand five hundred dollars. If the salary of any post office inspector is at present less than two thousand five hundred dollars it shall forthwith be increased to that minimum. Salaries of post office inspectors and superintendents.

"The salary of an assistant post office inspector, on appointment, shall be one thousand six hundred dollars, with increases of one hundred dollars per annum up to a maximum of two thousand five hundred dollars. If the salary of any assistant post office inspector is at present less than one thousand six hundred dollars it shall forthwith be increased to that minimum.

"The salary of a superintendent of the railway mail service, on appointment, shall be one thousand six hundred dollars, with annual increases of one hundred dollars up to a maximum of two thousand five hundred dollars. If the salary of any such superintendent is at present less than one thousand six hundred dollars it shall forthwith be increased to that minimum.

"Any post office inspector, assistant post office inspector, or superintendent of the railway mail service who has been, for the period of one year, in receipt of the maximum salary of his class, as heretofore established, shall be eligible for the increase of salary under this Act from the first day of April, one thousand nine hundred and ten, and, if he has served for any less period than one year at such maximum salary, he shall be eligible for the increase as soon as he has completed one year's service at such maximum salary."

11. The said Schedule B is further amended by striking out all the words under the heading "*Assistant Postmasters*" and substituting therefor the following:— Salaries of assistant postmasters.

"Class 1. When postage collections exceed $800,000.. $2,800.

"Class 2. When postage collections are from $500,000 to $800,000..$2,600.

"Class 3. When postage collections are from $250,000 to $500,000..$2,400.

"Class 4. When postage collections are from $150,000 to $250,000..$2,200.

"Class 5. When postage collections are from $80,000 to $150,000..$2,000.

"Class 6. When postage collections are from $60,000 to $80,000..$1,800.

"Class 7. When postage collections are from $40,000 to $60,000..$1,600.

"Class 8. When postage collections are from $20,000 to $40,000..$1,400.

"Class 9. When postage collections are less than $20,000.. $1,100 to $1,400, as the Postmaster General determines."

Clerks in outside post offices brought under Act.

12. When it has been determined by the Governor in Council that any post office not under *The Civil Service Act* is to be brought under the said Act, any clerk or other employee then employed in such office, and who has been continuously employed for a period of two years immediately preceding the date on which the office is brought under the said Act, shall be considered as eligible for appointment under this Act, irrespective of age and without having to pass the Civil Service Examination, and such clerk or employee may be paid the same salary as he had theretofore received in such office; provided that such salary shall not exceed the maximum salary of the class in the Civil Service to which he is appointed.

Date when increases take effect.

13. The salaries and increases provided by sections 9, 10 and 11 of this Act shall be payable as from the first day of April, one thousand nine hundred and ten.

1908, c. 15, new s. 4.

Inside service.

14. Subsection 1 of section 4 of *The Civil Service Amendment Act, 1908*, is repealed and the following is substituted therefor:—

"**4.** Sections 5 to 26, both inclusive, sections 28 to 37, both inclusive, and sections 39 and 40 of this Act apply only to the Inside Service."

S. 18 amended. Fiscal year.

15. Subsection 5 of section 18 of the said Act is amended by inserting the word "fiscal" before the word "year" in the last line thereof, and by adding thereto the following subsection:—

Selections to fill vacancies.

"6. The Commission may select for any office or employment any person who is a successful competitor for a higher office or employment; provided that no such selection shall be made to the prejudice of any person on the list of successful competitors for such lower office or employment."

S. 21 amended.

Third division.

16. Section 21 of the said Act is amended by adding thereto the following subsection:—

"2. No appointment shall be made under this section to the Third Division."

S. 22 amended.

No age limit for messengers.

17. Section 22 of the said Act is amended by adding thereto the following:—

"Provided that no qualification as to age shall be required in the case of appointment to the position of messenger."

S. 22 amended.

Temporary messengers, etc.

18. The said section 22 is further amended by adding thereto the following subsection:—

"2. Any person who has satisfied the Commission in the respects aforesaid may be appointed or employed temporarily in any of the said positions."

19. Subsection 3 of section 23 of the said Act is repealed and the following is substituted therefor:— S. 23 amended.

"3. No such temporary clerk shall be employed for more than six months in any fiscal year." Temporary clerks.

20. Section 31 of the said Act is repealed and the following is substituted therefor:— New s. 31.

"**31.** The salary of a temporary clerk shall be the minimum salary of the grade or division for which he has successfully competed: Provided that the salary of a temporary clerk employed under section 23 of this Act may be the minimum salary authorized for subdivision B of the Third Division, or the minimum salary authorized for subdivision B of the Second Division, having regard to the duties required of him, subject in either case to be increased as authorized by section 33 of this Act." Salaries of temporary clerks.

21. Section 38 of the said Act is repealed and the following is substituted therefor:— New s. 38.

"**38.** In the absence of special authority of Parliament no payment additional to the salary authorized by law shall be made to any deputy head, officer, clerk or employee permanently employed in the Civil Service in respect of any service hereafter to be rendered by him, whether in the discharge of his ordinary duties of office or of any other duties which may be imposed upon him, or which he may undertake or volunteer to discharge or otherwise perform; and no vote expressed to be made generally, though qualified by the words "notwithstanding anything in *The Civil Service Act,*" or words to the like effect, shall be deemed to authorize such a payment: Provided, however, that nothing in this section is intended to prohibit the payment to any officer, clerk or employee in the Outside Service of a separate annual salary from each of two or more departments or distinct branches of the public service in respect of separate duties performed in the Outside Service for each of such departments or branches respectively, if one of such salaries is not sufficient to compensate him for his whole time, and if the aggregate salaries do not exceed reasonable compensation for the discharge of all the duties so performed; and provided further that nothing in this section shall affect the operation of section 46 of this Act." No additional payment to permanent officers for any service. Proviso as to annual salaries from several departments to officers in Outside Service.

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

THE HOUSE OF COMMONS
OF CANADA.

BILL 205.

An Act to amend the Civil Service A

First reading, April 13, 1910.

MR. FISHE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 206.

An Act respecting Escheats.

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 Escheats Act.* Short title.

2. Where His Majesty The King, in his right of Canada, is entitled to any land or other real or personal property by reason of the person last seised or entitled thereto having died intestate and without lawful heirs the Attorney General of Canada may cause possession thereof to be taken in the name of His Majesty, or if possession is withheld may exhibit an information in the Exchequer Court for the recovery thereof. Escheat. Recovery of possession of property.

3. The Governor in Council may make a grant of any real or personal property which now is or hereafter may become the property of His Majesty as hereinbefore mentioned, or any part thereof or any interest therein,— Grants of property escheated.

(*a*) to any person who in the opinion of the Governor in Council had a legal or moral claim upon the previous owner, or a just or natural right or claim to succeed to his property or to any part thereof;

(*b*) to carry into effect any disposition thereof which the Governor in Council believes the previous owner may have intended;

(*c*) to reward any person making discovery of such property to His Majesty.

4. Any such grant may be made without actual entry or taking possession of such property, and if possession is withheld the person to whom such grant is made may institute proceedings for the recovery thereof in any court of competent jurisdiction. Recovery of possession.

206.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE HOUSE OF COMMO
OF CANADA.

BILL 206.

An Act respecting Escheats

First reading, April 13, 191

MR. AYLESW

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 207.

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, s. 8 amended.

1. Section 8 of *The Judges Act*, chapter 138 of the Revised Statutes, 1906, is hereby amended by striking out the paragraph relating to the judges of the Superior Court of the province of Quebec whose residences are fixed at Montreal or Quebec (including the judge to whom the district of Terrebonne is assigned), and substituting therefor the following:—

Quebec Judges.

	" Per annum.
"Twenty-one puisne judges of the said Court, whose residences are fixed at Montreal or Quebec (including the Judge to whom the district of Terrebonne is assigned), each.....	$7,000."

New s. 11. Manitoba Judges.

2. Section 11 of the said Act, as enacted by section 1 of chapter 25 of the statutes of 1907, is repealed and the following is substituted therefor:—

"*Manitoba.*

"**11.** The salaries of the judges of the Court of Appeal and of the Court of King's Bench of the province of Manitoba, shall be as follows:—

	" Per annum.
"The Chief Justice of the Court of Appeal.....	$8,000
"Three Puisne judges of the said Court, each ..	7,000
"The Chief Justice of the Court of King's Bench..	7,000
"Four Puisne judges of the said Court, each ...	6,000."

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 207.

An Act to amend the Judges Act.

First reading, April 13, 1910.

MR. AYLESWORT

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 208.

An Act to provide for the payment of Bounties on Crude Petroleum.

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 Petroleum Bounty Act, 1909.* Short title.

2. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of a bounty of one and one-half cent per imperial gallon on all crude petroleum, having a specific gravity not less than .8235 at 60 degrees by Fahrenheit's thermometer produced from wells in Canada or from shales or other substances mined in Canada on and after the day on which this Act comes into force,—the said bounty to be paid to the producer of the petroleum, to the owner or occupier of the soil through which it is mined or won, or to such other person interested, or injuriously affected by the mining operations or works, as the Governor in Council by regulation approves. Bounty on petroleum.

3. The Minister of Trade and Commerce shall be charged with the administration of this Act, and may, subject to the approval of the Governor in Council, make such regulations as he deems necessary respecting the payment of the said bounties. Administration and regulations.

4. *The Petroleum Bounty Act, 1908,* chapter 52 of the statutes of 1908, is repealed. 1908, c. 52 repealed.

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

THE HOUSE OF COMMON
OF CANADA.

BILL 208.

An Act to provide for the paymen
Bounties on Crude Petroleum.

First reading, April 14, 1910.

MR. GRAH

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 209.

An Act to amend the Canada Temperance Act.

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

1. Paragraph (*g*) of section 2 of *The Canada Temperance Act*, chapter 152 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 152, s. 2 amended.

"(*g*) as respects the province of British Columbia, "county" means every county into which the province of British Columbia is divided by the "Counties Definition Act," chapter 51 of the Revised Statutes of British Columbia, and amending Acts, or other Act of the Legislature of British Columbia dividing the province into counties, and includes every town, township, village and other division or municipality except a city municipality within the territorial limits of such county; and "city municipality" means any city municipality or city as defined by the "Municipal Clauses Act," chapter 32 of the statutes of British Columbia of 1906 or any amendment thereof, or by any Act substituted therefor." "County" in B.C. "City."

2. Subsection 2 of section 7 of the said Act is repealed and the following is substituted therefor:— S. 7 amended.

"2. In the province of British Columbia, in any land registry office or in any sheriff's office in the county or in the city to which it relates." Deposit of notice in B.C.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE HOUSE OF COMMONS
OF CANADA.

BILL 209.

An Act to amend the Canada Tempe
Act.

First reading, April 15, 1910.

MR. MURI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 212.

An Act to amend the Government Annuities Act, 1908.

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

1. Section 3 of chapter 4 of the statutes of 1909 is repealed. 1909, c. 4 amended.

2nd Session, 11th Parliament, 9-10 Edw. VI.

THE HOUSE OF COMMO
OF CANADA.

BILL 212.

An Act to amend the Governm
Annuities Act, 1908.

First reading, April 20, 191(

MR. FIEL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 217.

An Act to amend the Prisons and Reformatories Act.

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

1. Sections 139, 140, 141 and 142 of *The Prisons and Reformatories Act*, chapter 148 of the Revised Statutes, 1906, are repealed and the following sections are substituted therefor:— R.S., c. 148 amended.

139. If any boy or girl, who, at the time of his or her trial, appears to the court to be under the age of sixteen years, is convicted of any offence for which a sentence of imprisonment for a period of three months or longer may be imposed upon an adult convicted of the like offence, the court before which such boy or girl is convicted may, if satisfied that a due regard for the material and moral welfare of the boy or girl manifestly requires that he or she should be committed to some reformatory or industrial home for boys or girls in the province of Manitoba, sentence the boy or girl to be imprisoned in any such reformatory or industrial home duly established as such by and under the authority of the Legislature of the said province or approved as such reformatory or industrial home by proclamation of the Lieutenant Governor in Council under the said authority for such term as the court thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence, and may further sentence such boy or girl to be kept in such reformatory or industrial home for an indefinite time after the expiration of such fixed term: Provided that the whole period of confinement in such reformatory or industrial home shall not exceed five years from the commencement of the imprisonment. Boys and girls under 16 years. Term of imprisonment. Proviso.

140. If any boy or girl apparently under the age of sixteen years, is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of not less than fourteen days, any judge of any one of the superior courts, or any judge of the county court of the judicial district in which the conviction is had, may examine and inquire into the circumstances of the case and conviction, and may, as an additional sentence for such offence, when he considers that the material and moral welfare of the boy or girl so requires, sentence such boy or girl to be sent either forthwith or at the expiration of his or her imprisonment in such gaol, to any such reformatory or indus- Additional imprisonment in a reformatory or industrial home.

trial home, to be there detained for the purpose of his or her industrial and moral education, for an indefinite period, not exceeding in the whole five years from the commencement of his or her imprisonment in the common gaol.

Period of detention.

141. Every boy or girl so sentenced shall be detained in the reformatory or industrial home until the expiration of the fixed term, if any, of his or her sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereof and to any regulations made as hereinbefore provided, be detained in the reformatory or industrial home for a period not to exceed five years from the commencement of his or her imprisonment, for the purpose of his or her industrial and moral education.

In Manitoba, females convicted may be sent to a reformatory or industrial home.

142. If any girl or woman is convicted in Manitoba of any offence under *The Criminal Code* of Canada for which a sentence of imprisonment for a period of three months or longer may be imposed, and the court before which such girl or woman is convicted is satisfied that a due regard for the material and moral welfare of the girl or woman manifestly requires that she should be committed to some reformatory or industrial home for girls or women in the province, then such court may, notwithstanding any provisions of *The Criminal Code* as to the duration of the term of imprisonment for such offence, sentence the girl or woman to be imprisoned in any such reformatory or industrial home in Manitoba duly established as such by and under the authority of the legislature of the province, or approved as such reformatory or industrial home by proclamation of the Lieutenant Governor in Council under such authority, for such term as the court thinks fit, not exceeding in all three years.

Imprisonment of offenders until sent to reformatory or industrial home.

143. A copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or other magistrate by whom any woman or boy or girl is sentenced to confinement in the reformatory or industrial home, shall be a sufficient authority to the sheriff, constable or other officer who is directed, verbally or otherwise, so to do, to convey such woman or boy or girl to such reformatory or industrial home, or to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain such woman or boy or girl until some person, lawfully authorized, requires the delivery of such woman or boy or girl for removal to the reformatory or industrial home.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 217.

An Act to amend the Prisons and Reformatories Act.

First reading, April 25, 1910.

MR. AYLESWO

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to amend the Government Railways Act.

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

1. Section 61 of *The Government Railways Act*, as that section is enacted by chapter 31 of the statutes of 1908, is amended by repealing the proviso in subsection 2 of the said section, and substituting therefor the following:— R.S., c. 36, s. 61 amended.

"Provided that if it is shown that modern and efficient appliances have been used, and that the officers and servants of His Majesty have not been guilty of any negligence in the working of the railway locomotive by which the fire was started, or in respect of the requirements of subsection 1 of this section, the total amount of compensation recoverable under this subsection shall not exceed five thousand dollars, and it shall be apportioned among the parties who suffered the loss, as the court or judge determines; provided, also, that if there is any insurance existing on the property destroyed or damaged the total amount of damages sustained by any claimant in respect of the destruction of or damage to such property shall, for the purposes of this subsection, be reduced by the amount accepted or recovered by, or for the benefit of, such claimant in respect of such insurance; and provided further that His Majesty shall not be liable by reason of anything in any policy of insurance or by reason of the payment of any moneys thereunder." Liability of His Majesty for fire from locomotives. Compensation. Insurance.

2. Nothing in this Act shall affect pending litigation. Litigation pending.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to amend the Government Railways Act.

First reading, May 2, 1910.

MR. GRAHAM

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909-10

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

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

An Act to amend the Customs Tariff, 1907.

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

1. Schedule A to *The Customs Tariff, 1907*, is amended by striking out tariff items 94, 99, 109, 112, 180, 228, 234, 287, 318, 366, 604, 634 and 711, the several enumerations of goods and the classification of goods referred to as not enumerated, respectively, and the several rates of duties of Customs, set opposite each of the said items, and substituting therefor the following:— 1907, c. 11, Sch. A amended.

Tariff items.

Tariff Item.		British Preferential Tariff.	Intermediate Tariff.	General Tariff.
94	Dates and figs, dried, per one hundred pounds.....	40 cents.	55 cents.	55 cents.
99	Prunes and dried plums, unpitted; raisins and dried currants, per pound.....	½ cent.	⅔ cent.	⅔ cent.
109	Almonds, walnuts, Brazil nuts, pecans and shelled peanuts, n.o.p., per pound.....	1¾ cents.	2 cents.	2 cents.
112	Nuts of all kinds, n.o.p., per pound.....	1¾ cents.	2 cents.	2 cents.
180	Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, decalcomania transfers of all kinds, engravings or prints or proofs therefrom, and similar works of art, n.o.p.; blue prints, building plans, maps and charts, n.o.p.....	15 p.c.	22½ p.c.	22½ p.c.
228	Soap powders, powdered soap, mineral soap, and soap, n.o.p.	22½ p.c.	32½ p.c.	32½ p.c.
234	Perfumery, including toilet preparations, non-alcoholic, viz. hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin.....	25 p.c.	32½ p.c.	32½ p.c.

Tariff Item.		British Preferential Tariff.	Intermediate Tariff.	General Tariff.
287	Tableware of china, porcelain, white granite or ironstone....	15 p.c.	27½ p.c.	27½ p.c.
318	Common and colourless window glass.....	7½ p.c.	12½ p.c.	12½ p.c.
366	Watch actions and movements, and parts thereof, finished or unfinished, including winding bars and sleeves.....	10 p.c.	12½ p.c.	12½ p.c.
604	Dongola, cordovan, calf, sheep, lamb, kid or goat, kangaroo, alligator, and all leather, dressed, waxed, glazed or further finished than tanned, n.o.p.; harness leather, and chamois skin.....	12½ p.c.	15 p.c.	15 p.c.
634	Feathers and manufactures of feathers, n.o.p.; artificial feathers, fruits, grains, leaves and flowers suitable for ornamenting hats.....	20 p.c.	27½ p.c.	27½ p.c.
711	All goods not enumerated in this schedule as subject to any other rate of duty, and not otherwise declared free of duty, and not being goods the importation whereof is by law prohibited.....	15 p.c.	17½ p.c.	17½ p.c.
	Provided that duty shall not be deemed to be provided for by this item upon dutiable goods mentioned as n.o.p. in any preceding tariff item. Provided further that when the component material of chief value in any non-enumerated article consists of dutiable material enumerated in this schedule as bearing a higher rate of duty than is specified in this tariff item, such non-enumerated articles shall be subject to the highest duty which would be chargeable thereon if it were composed wholly of the component material thereof of chief value, such component material of chief value being that component material which shall exceed in value any other single component material in its condition as found in the article.			

Commencement of Act.

Application.

2. This Act shall be deemed to have come into operation on the thirty first day of March, one thousand nine hundred and ten, and to apply and to have applied to all goods mentioned in the preceding section imported or taken out of warehouse for consumption on or after that day, and to have also applied to such goods previously imported for which no entry for consumption was made before that day.

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

THE HOUSE OF COMMO
OF CANADA.

BILL 233.

An Act to amend the Customs T
1907.

First reading, May 3, 1910.

MR. FIEL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

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

THE SENATE OF CANADA.

BILL A.

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

New matter is shown by italics.

An Act respecting Insurance.

SHORT TITLE.

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

INTERPRETATION.

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

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

(*b*) "Superintendent" means the Superintendent of Insurance; "Superintendent."

(*c*) "company" means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance; "Company."

(*d*) "Canadian company" means a company incorporated or legally formed in Canada, for the purpose of carrying on the business of insurance in Canada, and which has its head office therein; "Canadian company."

(*e*) "agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated; "Agent."

(*f*) "agency" or "chief agency" means the principal office or place of business of the company in Canada; "Chief agency."

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

(*h*) "Canadian policy" or "policy in Canada," as regards life insurance, means a policy *or an annuity contract* issued by any company licensed under this Act to transact the business of life insurance in Canada, in favour of any person or persons resident in Canada at the time when such policy was issued; "Canadian policy." "Policy in Canada."

(*i*) "Canadian policy" or "policy in Canada," as regards fire and inland marine insurance, means a policy of insurance on any

property within Canada, issued by any company licensed under this Act to transact the business of fire or inland marine insurance;

"License." (*j*) "license" includes certificate of registration;

"Policy." (*k*) "policy" includes a certificate of membership relating in any way to life insurance and any other written contract of insurance whether contained in one or more documents;

"President." (*l*) "president", as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof;

"Secretary." (*m*) "secretary" means and includes the officer by whom the usual duties of a secretary are performed;

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

"Accident insurance." (*o*) "accident insurance" means insurance against bodily injury and death by accident, including *loss or damage from accident or injury suffered by an employee or other person for which the person injured is liable; and the insurance of personal property other than plate or other glass against accidental damage or loss by reason of any cause except by fire or perils of navigation;*

"Plate glass insurance." (*p*) "plate glass insurance" means insurance against the breakage of plate or other glass, either local or in transit;

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

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

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

"Burglary insurance." (*t*) *"burglary insurance" means insurance against loss or damage by burglary, theft, or house-breaking;*

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

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

"Automobile insurance." (*w*) *"automobile insurance" means insurance against accidental bodily injury or death to its driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insur-*

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

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

(*y*) "annual statement," in the case of companies incorporated or legally formed elsewhere than in Canada and licensed under this Act, includes both the statement of the Canadian business and of the general business of the company required by this Act to be made; "Annual statement."

(*z*) "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 in Canada."

(*aa*) "policyholder," as respects life insurance, when used in reference to the person to whom a tender is made by the Minister, as hereinafter provided, upon a company which ceases to do business applying for a release of deposits, means the person to whom the policy is issued and with whom the contract for insurance is made, and includes the assignee of such person. "Policyholder."

(*bb*) *"officer" means and includes the manager, secretary, treasurer, actuary and any other person designated as "officer" by the by-laws of the company.* "Officer."

APPLICATION OF ACT.

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

(*a*) *to any contract of ocean marine insurance effected in Canada by any company authorized to carry on within Canada the business of ocean marine insurance;* Ocean marine insurance.

(*b*) to any policy of life insurance in Canada, issued previously to the twenty-second day of May, one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or, Policies prior to 22nd May, 1868.

(*c*) to any company incorporated by an Act of the legislature of the late province of Canada, or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such province; or, Companies under provincial Acts.

(*d*) to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively; or, Societies.

(*e*) to any association for the purpose of life insurance formed in connection with any society or association and exclusively from its members, and which insures on the assessment system only the lives of such members exclusively; or, Associations in connection.

(*f*) to any society or organization exempted, under this section, by the Treasury Board from the provisions of this Act. Exempted societies.

What societies may be exempted.

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

Companies incorporated by provincial legislatures.

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

Societies or associations may avail themselves of the Act.

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

PART I.

GENERAL.

License.

Business not to be carried on without license.

4. No company or person, except as hereinafter provided, shall accept any risk or issue any policy of fire or inland marine insurance, or policy of life insurance, or grant any annuity on a life or lives, or receive any premium, or carry on any business of life or fire or inland marine insurance, in Canada, and *no company* shall prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in insolvency relating to such business, without obtaining a license from the Minister to carry on such business in Canada.

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

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

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

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

8. Subject to the right of renewal of licenses granted previously to the eleventh day of August, one thousand eight hundred and ninety-nine, a license shall not be granted to a company to carry on the business of life insurance in combination with any other branch of insurance. *Provided that any life insurance company within the legislative power of the Parliament of Canada, and any other life insurance company licensed under this Act whose charter authorizes it, may, under the authority of its license to transact life insurance, issue life policies, including in the same policy insurance against disability caused by accident or sickness, but the amount of such disability insurance shall not exceed the premiums payable or accruing on such life and disability policy during the period of disability insured against, 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.* License not granted for life and other insurance to same company. Proviso.

2. A license may be granted to a company to carry on— Combined classes.

(*a*) *fire insurance, cyclone or tornado insurance, inland marine insurance and inland transportation insurance; or,* Four classes.

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

(*c*) *accident insurance, sickness insurance, plate glass insurance, steam boiler insurance and automobile insurance; or,* Five classes.

(*d*) *guarantee insurance, bond insurance, credit insurance and burglary insurance.* Four classes.

3. Excluding the business of life insurance and the business of fire insurance, a license may, on the report and recommendation of Combined classes.

the Superintendent, approved by the Treasury Board, be granted to a company—

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

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

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

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

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

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

License not granted where charter authorizes excess of classes.

9. Subject to the right of renewal of licenses granted previously to the eleventh day of August, one thousand eight hundred and ninety-nine, a license shall not be granted to a company which is by its charter authorized or empowered to carry on classes or branches of insurance greater in number or variety than those for which a license could be granted under the provisions of the last preceding section: Provided that any company incorporated elsewhere than in Canada, *regardless of its corporate powers,* having a paid-up wholly unimpaired capital of at least three hundred thousand dollars if authorized among other classes of business to transact the business of fire insurance, and of at least one hundred thousand dollars if not so authorized; and,

Exception.

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

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

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

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

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

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

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

Amount of excess.

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

License to provincial company.

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

No license to individual underwriters.

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

Exception as to associations formed on Lloyds plan.

What contracts may be included in one policy.

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

Deposits.

Deposit of securities with Minister.

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

In case of foreign company.

2. Every company incorporated or legally formed elsewhere than in Canada, carrying on the business of fire or of inland

marine insurance or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities, the sum of one hundred thousand dollars.

In case of limited license.

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

Securities, permissible.

15. All such deposits, *and all other deposits required under the provisions of this Act*, may be made by any company—

(*a*) in securities of *or guaranteed by* the Dominion of Canada, or in securities of *or guaranteed by* any province of Canada; *or in securities of or guaranteed by the United Kingdom or any British colony;*

(*b*) *if such company is incorporated in any foreign country, in securities of or guaranteed by the government of such country.*

Valuation.

2. The value of such securities shall be estimated at their market value, not exceeding par at the time when they are deposited.

Accepting other securities.

16. If any other than the aforesaid securities are offered as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board directs..

Further deposit if value declines.

2. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the Minister may notify the company to make such further deposit as will ensure the *accepted* value of all the securities deposited by the company being equal to the amount which it is required by this Act to deposit.

Failure to make.

3. On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its license..

Further deposit at option of company.

17. Any company licensed under this Act may, at any time, deposit in the hands of the Minister any further securities beyond the sum herein required to be deposited.

How dealt with.

2. Any such further securities so deposited in the hands of the Minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the sum required to be deposited by such company, and as if the same had been part of the sum so required to be deposited.

Withdrawal of excess.

18. If at any time it appears that a company has on deposit with the Minister a sum in excess of the amount required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interest of the company's Canadian policyholders will not be prejudiced thereby, and upon the giving of such notice, and the exercise of such other precautions as may seem expedient, authorize the withdrawal of the amount of such excess or such portion thereof as may be deemed advisable: Provided that such withdrawal may be authorized without the giving of any notice.

Notice of withdrawal.

Deficiency of assets—fire and inland

19. If it appears from the annual statements or from an examination of the affairs and condition of any company carry-

ing on the business of fire or inland marine insurance, that the re-insurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and on its failure so to do within sixty days after being notified, he shall withdraw its license. marine insurance. Failure to make good.

20. Subject to the power and duties hereinafter vested in and imposed upon the Treasury Board in relation to the withdrawal of a company's license or for limiting a time for making good a deficiency of assets, if it appears from the annual statements, or from an examination, as provided for by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policy-holders in Canada, including matured claims, and the full reserve or reinsurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit in the hands of the Minister, the company shall be called upon by the Minister to make good the deficiency; and on its failure *to make the same good (up to the date of making good)* within sixty days after being so called upon, he shall withdraw its license. Deficiency of assets—life insurance. Failure to make good.

2. If any such company as is mentioned in this and the last preceding section is incorporated or legally formed elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of all deposits which the company has made with the Minister under the provisions of this Act, and of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada, *or in a trust company incorporated by or under the authority of an Act of the Parliament of Canada or of the legislature of one of the provinces thereof*, appointed by the company and approved by the Minister. Assets in case of foreign company.

3. The trust deed shall first be approved by the Minister, *who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act*, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the *accepted* value of the assets held by them shall not fall below the value required by this section: *Provided that such accepted value shall not be greater than ninety per cent of the market value, and in no case greater than the par value thereof.* Trust deeds and dealing with assets.

4. *Trustees other than trust companies such as above described shall not hereafter be approved by the Minister in any case.* Trust companies as trustees.

5. In case any such life insurance company gave written notice to the Minister before the thirty-first day of March, one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section 17 of *The Consolidated Insurance Act, 1877*, the foregoing requirements of this section shall not apply to policies issued by such company previously to that date. 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, Decreasing deposit.

1871, c. 9.

one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with sections 4 and 5 of chapter 9 of the statutes of 1871, intituled *An Act to amend the Act respecting Insurance Companies;* and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advisable shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty thousand dollars required by this Act.

Handing over interest on securities.

21. So long as the conditions of this Act are satisfied by any company, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding-up of the company or the distribution of its assets, is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due.

Documents to be filed.

Filing of documents.

22. Every company shall, before the issue of a license to it, file in the office of the Superintendent—

Copy of charter.

(*a*) a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof: *Provided that any such document which would be admitted as evidence in a court of law shall be deemed to be sufficiently verified within the meaning of this clause;*

Power of attorney.

(*b*) a power of attorney from the company to its agent in Canada, under the seal of the company, if it has a seal, and signed by the president and secretary or other proper officers thereof, in presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the company held by the officers signing such power of attorney shall be sworn to or affirmed by the officers signing such power of attorney or affirmed by some person cognizant of the facts necessary in that behalf; and,

Statement of condition and affairs.

(*c*) a statement, in such form as is required by the Minister, of the condition and affairs of such company on the thirty-first day of December next preceding, or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement.

Contents of power of attorney.

23. Such power of attorney shall—

(*a*) declare at what place in Canada the head office, or chief agency of such company is or is to be established; and

(*b*) expressly authorize such attorney to receive service of process in all suits and proceedings against such company in any province in Canada, in respect of any liabilities incurred by the company therein, and to receive from the Minister and the Superintendent all notices which

the law requires to be given, or which it is thought advisable to give; and,

(*c*) declare that service of process for or in respect of such liabilities and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company, to all intents and purposes whatsoever.

Change of chief agent.

24. Whenever any such company changes its agent or agency in Canada, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned.

Declaration in annual statement.

2. Every company shall, at the time of making the annual statement 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 companies carrying on the business of life insurance, such *annual* statements shall be in the form A in the schedule to this Act, with suitable changes made therein in the case of companies carrying on business on the assessment plan, and the said statements shall be deposited in the office of the Superintendent within two months after the first day of January in each year.

Half yearly statement of securities.

2. *There shall also be prepared half yearly, as of the last days of December and June in each year after the first day of January, one thousand nine hundred and eleven, by the same officers, under their oaths, and deposited in the office of the Superintendent within fifteen days after the said last days of December and June in each year respectively, a statement in the form A1 in the schedule to this Act, showing in detail all bonds, stocks, debentures and other securities bought and all loans made, except on mortgages and policies, during the half year terminating on the date as of which such statement is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon and the price paid therefor, and in the case of loans made except on mortgages of real estate or insurance policies, particulars in detail of securities therefor, and showing also in detail all such securities sold or disposed of during the said half year, specifying similarly the amounts, dates of issue and maturity and par value thereof, the value in account thereof, the rate of interest payable thereon and the price or consideration received therefor.*

Foreign companies.

3. In the case of companies incorporated or legally formed elsewhere than within Canada, a statement shall similarly be prepared, in the form A1, half yearly by the trustees in whom assets are vested in trust for the company for the purposes of this Act, and similarly

deposited half yearly in the office of the Superintendent, showing similarly all dealings during the preceding half year with the trust assets. The half yearly statements in this subsection mentioned shall be verified by the oath of one or more of the trustees, and in case a trust corporation is sole trustee or one of the trustees such half yearly statements may be verified by the manager and secretary or other principal officers of such trust corporation.

Form of statement.

4. The half yearly statements mentioned in the two preceding subsections, the blank forms for which shall be supplied by the Superintendent, shall be embodied by him by way of appendix or otherwise in the annual report prepared by him for the Minister.

Fire and inland marine companies.

5. In the case of companies carrying on the business of fire or inland marine insurance, such *annual* statement shall be in the form B in the schedule to this Act.

Other companies.

6. In the case of companies carrying on business other than life, fire or inland marine insurance, such *annual* statement shall be in the said form B as nearly as circumstances will permit, necessary changes only being made therein.

Statements to be sworn.

7. Such *annual* statement shall be sworn to, in the form C in the schedule to this Act, before some person duly authorized to administer oaths in any legal proceeding, *and such half yearly statements shall, in like manner, be sworn to in the form C1 in the said schedule.*

Minister or Superintendent may change forms.

8. The Minister *or the Superintendent* may, from time to time, make such changes in the form of such statements *whether such changes are of general application or are, in the opinion of the Minister or Superintendent, necessary to meet the circumstances of any particular case, as the Minister or Superintendent may deem best adapted to elicit any information deemed necessary or expedient: Provided, however that any such change made by the Superintendent shall be subject to alteration or cancellation by the Minister.*

Form of statements during 1910.

9. Subject to any provision of this Act with reference to the preparation and filing of annual or other statements, and subject also to the right of the Minister or the Superintendent to vary the forms thereof, such statement shall, for the business of the year one thousand nine hundred and ten be in the same form as is required at the date of the passing of this Act, and thereafter the schedules to this Act shall come into full force and effect.

Statements by foreign and other companies.

32. Every company incorporated or legally formed elsewhere than in Canada, licensed under this Act, and every company which is subject to the provisions of this Act shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statement shall, as to the Canadian business of such company, be the same, so far as applicable, as is required of Canadian companies; and, as to its general business, shall be in such form as such company is required by law to furnish to the government of the country in which its head office is situated.

Form in case of foreign company.

2. Where such company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders.

Idem.

3. In the event of no such statement being submitted to such members or shareholders, then such statement shall show in concise form the assets and liabilities of the company at such balancing day, and the income and expenditure of the company for the year ending on such balancing day.

To be deposited with Superintendent.

4. The *annual* statements mentioned in the last preceding section, and the statements of Canadian business provided for in this section, shall be deposited in the office of the Superintendent on the first day of January next following the date at which the condition and affairs of the company are thereby shown, or within two months thereafter.

Forms supplied.

5. The blank forms of the statements of the Canadian business shall be supplied by the Superintendent.

Time for depositing.

33. The statement of general business provided for in the last preceding section shall be deposited in the office of the Superintendent within thirty days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June, nor shall it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown.

General statement.

Variation.

To be verified on oath.

34. Such statements shall, as to the Canadian business, be verified by the oath of the company's agent in Canada; and, as to the general business, be verified by the oath of the president, vice-president or managing director, and the secretary, *manager* or actuary of the company.

Records and documents to be kept by chief agent.

35. *Such company shall keep at the agency in Canada records and documents sufficient to enable the agent to prepare and furnish* the required statement of Canadian business, and such that the said statement may be readily verified therefrom: Provided that in the case of any company having in Canada in addition to such agent, one or more general agents reporting to the head office, and not to such agent, it shall be sufficient for *the company* to keep on file at the agency, in addition to the necessary records and documents relating to the business transacted by or through such agent, annual statements of the business transacted by each such general agent, duly verified by the oath of each such general agent, and such additional records and documents, transmitted through the company's head office as shall, taken together, show the company's entire Canadian business: *Provided further that the Superintendent shall be at liberty, if he considers it necessary or desirable so to do, to visit the head office of the company, and there to examine the books, records, vouchers, receipts and other documents of such company relating to its business within Canada, for the purpose of checking and verifying the said statement of such business and the schedules or other documents relating to or forming part thereof, and shall have power to make all necessary corrections in said statement,*

Fewer required in some cases.

Examination of books at head office in foreign country.

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.

2. The said annual statements of the business of such general agents shall, when kept on file as aforesaid, be made up to the thirty-first day of December in each year, and blank forms for such statements shall, on application, be furnished by the Superintendent.

Time up to which annual statements are made.

36. *Every life insurance company shall deposit in the office of the Superintendent not later than the first day of April in each year a gain and loss exhibit which shall show the sources of the increase and decrease in the surplus of the company during the year covered by the last annual statement in accordance with the requirements contained in blank forms supplied by the Superintendent: Provided that in the case of British companies, such exhibit may form a portion of and be deposited at the same time as the statement of general business above required to be deposited under the provisions of section 33 of this Act: Provided further that any such British company may furnish such gain and loss exhibit at the time when the periodical investigation of such company is made; and in the event of the interval between two periodical investigations being greater than one year, such company may furnish a gain and loss exhibit which may be based upon an approximation.*

Gain and loss exhibit.

2. *This section shall not apply to companies not actively engaged in the transaction of new business.*

Exception.

Superintendent and his duties.

37. The Governor in Council may appoint an officer, to be called the Superintendent of Insurance, who shall have the rank of a deputy head of a department, *and all the powers, rights and privileges of a deputy head so far as regards matters relating to or arising out of the administration of this Act,* [and such officer shall be paid such salary, not exceeding five thousand dollars per annum, as the Governor in Council may from time to time fix and determine.]

Rank and powers of Superintendent.

2. The Superintendent shall act under the instructions of the Minister, and shall examine and report to the Minister, from time to time, upon all matters connected with insurance, as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs.

To act under Minister.

38. The Superintendent shall keep a record of the several documents required to be filed by each company in the superior courts of Canada, under this Act, and shall—

Duties of Superintendent.

(*a*) enter in a book, under the heading of such company, the securities deposited on its account with the Minister, naming in detail the several securities, their par value, *their date of maturity,* and value at which they are received as deposit; *and such book shall be left open to public inspection;*

Securities.

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;

Record of.

(*c*) keep a record of the licenses as they are issued;

Visit head office.

(*d*) visit *personally, or cause a duly qualified member of his staff to visit*, the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision.

Annual report.

(*e*) prepare for the Minister, from the said statements, an annual report, showing the full particulars of each company's business, together with an analysis of each branch of insurance, with each company's name, giving items, classified from the statement made by each company.

Inspection visits to companies.

39. If the Superintendent, after a careful examination into the condition and affairs and business of any company licensed to transact business in Canada, from the annual or other statements furnished by such company to the Minister or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such company and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the chief agency of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions.

Officers of companies to open books for inspection.

2. The officers or agents of such company shall cause their books to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power.

Examination under oath.

3. For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of such company relative to its business.

Report of visits.

40. A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company, after such investigation.

Special report to Minister

2. A special report shall be communicated in writing to the Minister, stating the Superintendent's opinion as to the standing and financial position of every company so visited, and all other matters desirable to be made known to the Minister.

Report when assets become insufficient.

41. If it appears to the Superintendent that the assets of any company are insufficient to justify its continuance of business, *having regard to the requirements of sections 14 to 20 inclusive of this Act*, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Minister.

2. If the Minister, after full consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the Superintendent in the opinion so expressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the license of such company. Governor in Council may suspend license of company.

3. Such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business. Effect of suspension.

42. Once in every five years, or oftener at the discretion of the Minister, the Superintendent shall himself value *by the net premium method*, or procure to be so valued under his supervision, all the policies of life insurance of Canadian companies, and the Canadian policies of life insurance companies other than Canadian companies, licensed under this Act to transact the business of life insurance in Canada. Valuation of policies of life insurance in Canada.

2. Such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, be based on the British Offices Life Tables, 1893, O^{M} (5), and on a rate of interest of three and one-half per cent per annum; and as to policies issued prior to the said date, and bonus additions or profits declared in respect thereof, such valuation shall, until the first day of January, one thousand nine hundred and ten, be based on the said mortality table and a rate of interest of four and one-half per cent per annum; and on and after the said last mentioned date, shall, until the first day of January, one thousand nine hundred and fifteen, be based on the said mortality table, and a rate of interest of four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, be based on the said mortality table, and a rate of interest of three and one-half per cent per annum. Basis of valuation.

3. *It shall be allowable for any Canadian company, in preparing its statement of liabilities, to deduct from the value of its policies, as ascertained in accordance with sub-section 2 of this section, an amount ascertainable in the manner following, namely: in the case of any policy, the net annual premium upon which is not less than the corresponding net annual premium for a whole life insurance with uniform premiums throughout life, the difference between the said whole life premium and the corresponding net premium for a one-year term insurance shall constitute the amount to be deducted as aforesaid in respect of such policy at the date of its issue; such difference, however, to be diminished each year by an equal proportion so that upon the payment of the fifth annual premium, the value of the policy shall be the value as ascertained in accordance with subsection 2 of this section.* Deduction from value of policies.

Every such company, whether it avails itself or not of the provisions of this subsection, shall set forth in its annual statement, hereinbefore referred to, the value of its policies as ascertained in accordance with subsection 2 hereof, the amount allowable by this subsection as a deduction therefrom, and such other information in respect thereto as the Superintendent may deem necessary. Annual statement to contain value of policies and deductions.

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.*

Valuation of industrial policies.

6. *Subsections 3 and 5 of this section shall not apply to the business of industrial insurance. Whole life industrial policies and endowment industrial policies maturing at age 80 or any higher age shall be valued upon the following basis, viz.:—policies issued in any calendar year shall be valued at the end of such calendar year as if then just issued and at the end of succeeding calendar years as if in force, one, two, three or more entire years as the case may be.*

Report to Treasury Board.

43. If it appears to the Superintendent that the liabilities of any Canadian life insurance company, including matured claims and the full reserve or reinsurance value for outstanding policies estimated or computed on the basis mentioned in the last preceding section, exceed its assets, he shall report the fact to the Treasury Board; and the Treasury Board, after full consideration of the matter and after a reasonable time has been given to the company to be heard by the board, may,—

Withdrawal of license Continuation on terms.

(*a*) forthwith withdraw the company's license; or,

(*b*) upon such terms and conditions as the board deems proper, limit a time, not exceeding three years, within which such company shall make good the deficiency, during which term the company's license shall be continued.

Failure to comply with terms.

2. Upon the company's failure to make good such deficiency within the time so limited, its license shall be withdrawn: Provided that if the company's liabilities exceed its assets by twenty per cent or upwards, its license shall be forthwith withdrawn.

Valuators may be appointed.

44. For the purpose of carrying out the provisions of the last preceding section, the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuators or other persons as the Board deems proper, to value and appraise the company's liabilities and assets, and report upon its condition and its ability, or otherwise, to meet its engagements.

Inquiries from company and reply.

45. For the purpose of carrying out the provisions of this Act, the Superintendent is hereby authorized and empowered to address any inquiries to any insurance company licensed under this Act, or to the president, manager, actuary or secretary thereof, in relation to its assets, investments, liabilities, doings, or condition, or any other matter connected with its business or transactions, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. *The Superintendent may in his discretion embody in his annual report to the Minister the inquiries made by him under this subsection and the answers thereto.*

Suspension of license for violation of Act.

2. *In the case of any violation of any of the provisions of this Act by a company licensed thereunder to carry on business within Canada, or in the case of failure to comply with any of the provisions of its charter or Act of incorporation by any Canadian company so licensed, it shall be the duty of the Superintendent to report the same to the Minister, and thereupon the Minister may, in his discretion, withdraw the company's license or may refuse to renew the same or may suspend the same for such time as he may deem proper.*

Issue of unauthorized policy a violation.

3. *The issue by a company of policies not authorized by its license shall be deemed a violation of the provisions of this Act within the meaning of the preceding subsection.*

Examination at head office of foreign company.

46. The Minister may, from time to time, instruct the Superintendent to visit the head office of any company licensed under this Act and incorporated or legally formed elsewhere than in Canada, and to examine into the general condition and affairs of such company.

Company refusing examination.

2. If such company declines to permit such examination, or refuses to give any information desired for such purpose in its possession or control, its license shall be withdrawn by the Minister.

Office Expenses.

Contributions of certain companies towards office expenses.

47. Every company licensed under this Act, and every company transacting life insurance business under this Act, having ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, and having before that date given written notice to that effect to the Minister, shall annually contribute a sum in proportion to the gross premiums received by it in Canada during the previous year, towards defraying the expenses of the office of the Superintendent, which shall be paid upon the demand of the Superintendent.

Officers and Clerks.

Appointment of officers and clerks.

48. The Governor in Council may, from time to time, appoint such officers and clerks under the Superintendent, as are necessary for the purpose of this Act.

Superintendent or officers not to be interested in any company.

49. The Superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested as a shareholder in any insurance company doing business in Canada or licensed under this Act.

Annual Report.

Annual report to be laid before Parliament.

50. The Minister shall lay the Superintendent's annual report before Parliament within thirty days after the commencement of each session thereof.

Change of Head Office, and Date of Annual Meeting.

Company may,

51. Notwithstanding anything contained in its Act of incorporation, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may—

By by-law of shareholders.

(*a*) if the company has no members other than shareholders entitled to vote, by by-law passed and approved of by the votes of shareholders, representing at least two thirds in value of the subscribed capital of the company, present or represented at a special general meeting duly called for considering the by-law; or,

By by-law 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 life insurance company which is within the legislative power of the Parliament of Canada may amalgamate its property and business with those of any other such life insurance company or may transfer all or any portion of its policies to or reinsure the same in any other such company, and may transfer its property and business or any part thereof to any other such company, or may reinsure the policies or any portion thereof of any other such company, or may purchase and take over the business and property or any portion thereof of any other such company, and such companies are hereby authorized to enter into all contracts and agreements necessary to such amalgamation, transfer or reinsurance upon compliance with the conditions hereinafter in this section set forth.*

By life companies.

2. *Any life insurance company which is within the legislative power of the said Parliament is hereby authorized to enter into an agreement or agreements with any other life insurance company which has power to make the same; to reinsure the policies or any portion thereof of such other company; or to purchase and take over the business or property or any portion thereof of such other company.*

Sanction of Treasury Board.

3. *When an agreement for any such amalgamation, transfer or reinsurance has been entered into, the directors of the companies*

which are parties to such agreement may apply by petition to the Treasury Board to sanction and confirm the same, and the Treasury Board, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, or giving them an opportunity to be so heard, may confirm the same if it is satisfied that no sufficient objection to the arrangement has been established.

Notice of application to Board.

4. Before any such application is made to the Treasury Board notice thereof together with—

(a) a statement of the nature and terms of the amalgamation, transfer or reinsurance as the case may be; and,

(b) an abstract containing the material facts embodied in the agreement under which such amalgamation, transfer or reinsurance is proposed to be effected; and,

(c) copies of the actuarial or other reports upon which such agreement is founded,

shall in case of transfer or reinsurance be served on the shareholders and on the holders of all policies other than industrial policies of the transferred or reinsured company.

Service on policyholder.

Such notice and documents shall be served by being transmitted through the post office directed to the registered or other known address of each such shareholder and policyholder, and within such period that they may be delivered in due course of delivery thirty days at least before the day appointed for the hearing of the application.

Agreement open to inspection.

The agreement under which such amalgamation, transfer or reinsurance is proposed to be effected shall be open to the inspection of the policyholders and shareholders at the principal office of the company or companies for a period of thirty days after the issue of the abstract herein provided for.

Publication of notice.

5. A copy of such notice shall also be published in The Canada Gazette *at least thirty days before the application is made.*

Opposition by policyholders.

6. The Treasury Board shall not sanction any amalgamation, transfer or reinsurance in any case in which it appears to the Board that the policyholders representing one-fifth or more of the total amount assured in any company which it is proposed to amalgamate, or in any company the business of which it is proposed to transfer or reinsure, dissent from such amalgamation, transfer or reinsurance.

No company with impaired capital to amalgamate

7. No company which has an impaired capital shall be permitted to amalgamate its business with, transfer its business to, or re-insure its business in any other company if the capital of the combined companies after such amalgamation, or of the continuing company after such transfer or re-insurance, shall be impaired, the policy and annuity liabilities of the combined or continuing company being calculated on the basis prescribed in subsections 2, 4 and 6, respectively, of section 42 of this Act.

Deposit of documents after completion of amalgamation, etc

8. When an amalgamation takes place between any companies, or when the business of one company is transferred to or reinsured in another company, the combined company or the continuing company, as the case may be, shall within ten days from the date of the completion of the amalgamation, transfer or reinsurance, deposit with the Superintendent the following documents, that is to say:—

(a) Certified copies of the statements of the assets and liabilities of the companies concerned in such amalgamation, transfer or reinsurance; and

(b) *A statement of the nature and terms of the amalgamation, transfer or reinsurance; and*

(c) *A certified copy of the agreement under which such amalgamation, transfer or reinsurance is effected; and*

(d) *Certified copies of the actuarial or other reports upon which such agreement is founded; and,*

(e) *A declaration under the hands of the president and manager of each company that to the best of their knowledge and belief every payment made or to be made to any person whatsoever on account of the said amalgamation, transfer or reinsurance is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any of the parties to the amalgamation, transfer or reinsurance.*

Sanction of Treasury Board essential.

9. *No company shall amalgamate with another company, transfer its business to or reinsure its business in another company unless such amalgamation, transfer or reinsurance is sanctioned by the Treasury Board in accordance with this section.*

Proviso.

Provided, however, that this section shall not apply to the contracts of reinsurance made by companies in the ordinary course of their business.

Reinsurance by unlicensed company.

10. *Subsections 4, 5 and 6 of this section shall not apply to the reinsurance by a Canadian company of the business of a company which is not and never has been licensed to transact business in Canada.*

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. All bonuses, prizes and rewards, and all increased or additional commissions or compensations of any sort based upon the volume of any new business, or upon the aggregate of policies written or paid for, are prohibited. Save that a company may make a sliding scale contract with an agent for a term not less than one year to give a commission or remuneration reasonably based upon the volume of the business of the agent for the year or for each year of the contract.*

Advances to agents.

54. *No such life insurance company, and no person, firm or corporation on its behalf, shall make any loan or advance without adequate security, to any person, firm or corporation soliciting or undertaking to solicit applications for insurance; nevertheless advances may be made to any such person, firm or corporation for travelling expenses or against commissions or other compensation in respect of premiums for the first year of insurance but not in respect of premiums for the second or subsequent years.*

2. *This section shall not apply to expenses incurred in the business of industrial insurance.*

Salaries of officers and agents.

55. *No salary, compensation or emolument shall be paid to any director of any Canadian life insurance company unless authorized by a vote of the shareholders. No salary compensation, or emolu-*

ment shall be paid to any officer or trustee of any such company, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless such payment is first authorized by a vote of the board of directors.

Salary agreement, for not more than 10 years.

56. *No Canadian life insurance company shall make any agreement with any of its officers, trustees, employees or agents to pay for any services, rendered or to be rendered, any salary, compensation or emolument extending beyond a period of ten years from the date of such agreement.*

Commissions to agents only.

57. *No Canadian life insurance company shall make any contract with any director, trustee, officer, employee or servant of the company, save such agents as are employed to solicit insurance, to pay any compensation or reward whatever by way of commissions in respect of the business of the company or any portion thereof: Provided, however, that this subsection shall not apply to insurance personally solicited and secured outside of office hours by any employee or servant not being a director, trustee or officer of the company.*

Pension fund may be created.

2. *For the purpose of conducting the affairs of the company in the most efficient manner in the interest of the policy-holders and shareholders, the directors may make by-laws providing for the creation of a staff pension fund, but such by-laws shall before becoming effective be submitted to and be approved of at an annual meeting of the company or at a special general meeting of the members thereof, notice of the intention to consider such by-laws having been in either case duly given.*

Investments.

Uniform powers of investment.

58. *The powers of lending and investment prescribed by this Act shall be the powers of lending and investment of all companies licensed to carry on the business of life insurance in Canada, and which are within the legislative power of the Parliament of Canada. With respect to companies incorporated or legally formed elsewhere than wthin Canada and licensed to carry on such business in Canada, all assets and investments which under section 20 of his Act may be vested in trust for the company for the purposes of this Act in two or more persons resident in Canada, or in a Canadian trust company, shall be of the classes of investment permitted by this Act to Canadian companies.* Repeal of wider powers.

Any provision in any Special Act or elsewhere conferring upon any company within the legislative power of the Parliament of Canada any other or wider powers of loaning and investment is hereby repealed.

Disposal of unauthorized securities within 5 years.

2. *Any Canadian company having on hand or vested in trustees in trust for the company at the date of the coming into force of this Act, any loans or invest ents or securities representing the same, which such company was not legally authorized to make or acquire at the time such loans or investments were made or such securities acquired, shall absolutely dispose of and realize the same within five years after this Act comes into force, unless such loans or investments are then valid and competent under the provisions of this Act.*

By foreign companies.

3. Any company other than a Canadian company having vested in trustees pursuant to section 20 of this Act at the date of the coming into force of this Act any securities or investments which but for this section would have been valid and competent but, which, by reason thereof are not valid and competent shall within five years after this Act comes into force withdraw the same from the hands of its said trustees and replace them with securities such as are provided for in subsection 1 of this section.

Extension of time.

4. The Governor in Council on the report of the Minister may for good cause shown enlarge the respective times mentioned in the two preceding subsections for dealing with the securities vested in the company or in the trustees as required by the said subsections for any term not exceeding one year.

Commencement of section.

5. This section shall take effect on the first day of January, one thousand nine hundred and eleven.

Investment of company's funds.

59. *Any life insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof, in the purchase of,—*

In government securities.

(*a*) *The debentures, bonds, stocks or other securities of or guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom, or of any colony or dependency thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business;*

Bonds secured by mortgage.

(*b*) (i) *The bonds of any company which bonds are secured by a mortgage to trustees or a trust corporation, or otherwise, upon real estate or other assets, of such company; or,*

Debentures.

(ii) *The debentures or other evidences of indebtedness of any company, which has been doing business for a term of not less than three years prior to the date of such investments, provided default shall not have been made by such company in the interest payments upon its debentures or other evidences of indebtedness within the said period of three years prior to such investment; or,*

Preferred stock.

(iii) *The preferred or guaranteed stocks of any company which has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of such preferred or guaranteed stocks; or,*

Common stock.

(iv) *The common stocks of any such company upon which regular dividends of at least four per cent per annum have been paid for the seven years next preceding the purchase of such stocks: Provided that not more than twenty per cent of the common stocks and not more than twenty per cent of the total issue of the stocks of any company shall be purchased by any such life insurance company, and that no company shall be permitted to invest in its own shares or in the shares of another life insurance company; or,*

Real estate mortgages.

(*c*) *Ground rents or mortgages on real estate in Canada, or elsewhere where the company is carrying on its business, provided that the amount paid for any such mortgage shall in*

no case exceed sixty per cent of the value of the real estate covered by such mortgage; or,

(*d*) *Life or endowment policies or contracts issued by the company or by any other life insurance company licensed to transact business in Canada.* Life policies.

2. Any such life insurance company may lend its funds or any portion thereof on the security of— Lending funds.

(*a*) *any of the bonds, debentures, stocks or other securities mentioned in the preceding subsection; or,*

(*b*) *real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the company is carrying on business: Provided, however, that no such loan shall exceed sixty per cent of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit a company from accepting as part payment for real estate sold by it, a mortgage thereon for more than sixty per cent of the sale price of such real estate.*

3. The Treasury Board may authorize the acceptance by a company in payment or part payment for securities sold by it, of bonds, stocks or debentures not fulfilling the foregoing requirements of this section. Other securities authorized by Treasury Board.

4. No such life insurance company shall loan any of its funds to any director or officer thereof except on the security of the company's own policies. No loan to director or officer.

5. This section shall take effect on the first day of January, one thousand nine hundred and eleven. When section in force.

60. *Any such life insurance company may deposit outside of Canada such portion of its funds as is necessary or desirable for the maintenance of any foreign branch or branches; provided that such deposit in any foreign country for all branches therein shall not exceed by more than one hundred thousand dollars Canadian currency the sum which is required to be deposited by the foreign law, or the amount of the reserves on the policies of such company in such foreign country, whichever is the greater. Every such company shall at all times retain in Canada and under its own control assets of a market value at least equal to the amount of its total liabilities to its policyholders in Canada and of such assets an amount at least equal to two-thirds of its said total liabilities in Canada, shall consist of investments in or loans upon Canadian securities.* Deposits outside Canada.

2. All the securities of every such company other than such as are referred to in subsection 1 of this section shall be held at the head office of the company or elsewhere in Canada. Securities to be held in Canada.

61. *Except for the* bonâ fide *purpose of protecting investments previously made by it no such life insurance company shall, nor shall its directors or officers or any of them on its behalf, under colour of an investment of the company's funds, or otherwise, directly or indirectly be employed, concerned or interested in the formation or promotion of any other company.* Interest of officers in other companies.

62. *No such life insurance company shall subscribe to or participate in or employ the funds of the company in any underwriting* Underwriting restricted.

for the purchase or sale of securities or property of any kind, nor shall any director or officer, except for the bonâ fide *purpose of protecting investments already made by the company, enter into any transaction for such purchase or sale on account of said corporation, jointly with any other person, firm or corporation: Provided that this section shall not be deemed to prohibit the subscription in manner aforesaid for bonds or securities permitted by this Act as a* bonâ fide *permanent investment on behalf of any such company.*

Exception as to permanent investments.

Investment by companies other than life companies.

63. Any insurance company, other than a life insurance company, which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof, in the purchase of any of the bonds, stocks, debentures, or other securities in which a life insurance company is by this Act hereinbefore authorized to invest its funds, except annuity contracts, or life, endowment or other policies of life insurance, or may lend its funds, or any portion thereof, on the security of any of such bonds, stocks, debentures or other securities aforesaid, except annuity contracts, or life, endowment or other policies of life insurance as aforesaid.

Deposits outside of Canada.

Securities to be held in Canada.

2. Any such company may deposit outside of Canada such portion of its funds and securities as is necessary to the maintenance of any foreign branch or branches: Provided that all other securities of such company shall be held at the head office of the company or elsewhere in Canada.

Additional security to secure repayment of liabilities.

64. Any company which derives its corporate powers or any of them from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may take any additional securities of any nature to further secure the repayment of any liability thereto, or to further secure the sufficiency of any of the securities in or upon which such company is by this Act authorized to invest or lend any of its funds.

Securities, how taken.

65. Such securities may be taken and accepted either in the name of the company or in the name of any officer of the company or other person in trust for the company.

Terms, manner and amount of loans.

66. Any loan by this Act authorized to be made may be on such terms and conditions, and in such manner and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the directors from time to time determine.

Company may hold real estate.

67. Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may hold such real estate as *is required for its actual use and occupation or such as may reasonably be required for the natural expansion of its business (including such as having been lawfully acquired is vested in it at the time of the passing of this Act) or such as* is *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or

Limitation as to time.

judgments recovered: Provided 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.

Forfeiture of lands.

2. Any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by such company for a longer period than twelve years without being disposed of, shall be *liable to be* forfeited to His Majesty for the use of Canada: Provided that:—

Notice of intention.

(a) No such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the company by the Minister of the intention of His Majesty to claim the forfeiture; and

Company may sell before forfeiture is effected.

(b) *The company may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of the property free from liability t forfeiture.*

Statement as to lands.

3. It shall be the duty of such company to give the Minister when required a full and correct statement of all lands at the date of such statement held by the company, or in trust for it, and subject to the foregoing provisos.

Appraisement of real estate by direction of Superintendent.

68. *If upon an examination of the assets of a Canadian company or in the case of a company incorporated or legally formed elsewhere than in Canada and licensed under this Act, the assets in Canada of such company as defined in subsection 2 of section 20 of this Act, it appears to the Superintendent, or if he has any reason to suppose, that the value placed by the company upon the real estate owned by it or any parcel thereof is too great, he may either require such company to procure an appraisement of such real estate by one or more competent valuators, or may himself procure such appraisement at the company's expense and the appraised value, if it varies materially from the return made by the company, may be substituted in the annual report prepared for the Minister by the Superintendent. If, upon such examination, it appears to the Superintendent, or if he has any reason to suppose that the amount secured by mortgage upon any parcel of real estate together with the interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient security for such loan and interest, he may in like manner require the company to procure an appraisement thereof, or may himself at the company's expense procure such appraisement, and if from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, he may write off such loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such security, in no case to exceed such appraised value, and may insert such reduced amount in his said annual report.*

Special audit of books by direction of Superintendent.

2. *If upon any examination of a Canadian company's affairs it appears to the Superintendent for any reason desirable that a complete and thorough audit of the books of the company should be made or if a company makes a written request for such audit,*

the Superintendent may nominate a competent accountant who shall, under the direction of the Superintendent, make a special audit of the company's books, accounts and securities and report thereon to the Superintendent in writing verified by the oath of such accountant. The expenses of such special audit shall be borne by the company and the auditor's account therefor when approved in writing by the Superintendent shall be conclusive and shall be payable by the company forthwith.

Penalties and Forfeitures.

Default in depositing with Superintendent annual statement.

69. Every company which makes default in depositing in the office of the Superintendent the annual *and other* statements herein provided for, *including the gain and loss exhibit mentioned in section 36 hereof*, shall incur a penalty of ten dollars for each day during which such default continues.

Penalty.

Recovery of penalty.

2. All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the office of the Superintendent.

Suspension of license in default of payment.

3. If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the license of such company to be suspended or withdrawn as is deemed expedient, and until such penalties are paid, the license of such company shall not on expiry be renewed.

Penalty for

70. *Except as provided in section 139 of this Act, every person who—*

Delivering policy.

(*a*) *solicits insurance for or delivers any policy of insurance or interim or renewal receipt of; or,*

Collecting premium.

(*b*) *except only on policies of life insurance issued to persons not resident in Canada at the time of issue, collects any premium in respect of any policy of; or,*

Carrying on insurance business.

(*c*) *inspects any risk or adjusts any loss or carries on any business of insurance on behalf of*

any individual underwriter or underwriters or any insurance company, without the license provided for by this Act in that behalf or after such license has been revoked or suspended; and

Doing business after suspension.

2. *Every person who after publication in the Canada Gazette of notice of the suspension or cancellation of the license of any company or Lloyds Association of individual underwriters, delivers any policy of insurance, collects any premiums, inspects any risk, adjusts any loss, or transacts any business of insurance on behalf of such company or Lloyds Association of individual underwriters; and*

Officers of assessment insurance companies.

3. (*a*) *Every director, manager, agent, or other officer of any assessment life insurance company subject to the provisions of Part II of this Act which carries on business without being licensed or registered; and*

Agents.

(*b*) *Every person who transacts any business of insurance on behalf of any such company which so carries on business without being licensed or registered; and*

Persons using application or policy.

(*c*) *Every director, manager, agent, or other officer of such company, and every other person transacting business on behalf of any such company, who circulates or uses any applica-*

tion, policy, certificate, circular or advertisement on which the words Assessment System *are not printed as required by Part II of this Act;*

shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for a first offence, be liable to a penalty not exceeding fifty dollars and costs, and not less than twenty dollars and costs, and in default of payment, to imprisonment with or without hard labour for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment with hard labour for a term not exceeding six months and not less than three months. Penalty.

71. All informations or complaints for any of the aforesaid offences shall be made or laid in writing within one year after the commission of the offence. Limitation of actions.

72. Every assessment life insurance company which neglects to print the words *Assessment System* on any policy, application, circular or advertisement, as required by Part II of this Act, and Assessment Company to print certain words on policies, etc.

2. Every company which—

(*a*) carries on, without receiving the license required by Part IV. of this Act, any business of insurance for the carrying on of which a license is by Part IV. of this Act required; or Carrying on business without license under Part IV.

(*b*) carries on any such business after any such license received has been revoked,— After revocation.

shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for every offence be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs. Penalty.

73. *One-half of any pecuniary penalty specified in the preceding sections of this Act when recovered shall belong to His Majesty and the other half thereof to the informer.* Application of penalty.

74. Every assessment life insurance company, obtaining the exemption provided for by Part II. of this Act, which fails to make attested returns of its condition and affairs when called for by the Superintendent, as required by Part II. of this Act, and every officer of any such company whose duty it is to make such attested returns, shall, for each day during which such failure continues, be liable to a penalty of ten dollars. Assessment company failing to make attested returns. Penalty.

75. Notwithstanding anything hereinbefore mentioned, in case of any contract entered into or any certificate of membership or policy of insurance issued before the twentieth day of July, one thousand eight hundred and eighty-five, by any assessment life insurance company, assessments may be made and collected, and claims paid, and all business connected therewith transacted without any penalty being incurred. Contracts prior to 20th July, 1885. No penalty.

Voting by Proxy.

Voting by proxy: companies other than life.

76. *The provisions of this section shall extend and apply to every company other than a life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, and also to every mutual insurance company within the legislative power of the Parliament of Canada.*

Application.

2. The said provisions shall so extend and apply, notwithstanding anything to the contrary in any special Act relating to such companies or in any by-law or by-laws thereof.

Proxy must be shareholder.

3. At all meetings at which holders of shares in the capital stock or guarantee capital, policyholders, or members are entitled to vote, they may respectively vote by proxy and every proxy must be himself a shareholder, policyholder or member and entitled to vote.

Proxy must be used within 3 months of execution.

4. An instrument of proxy shall not be valid unless executed within three months prior to the meeting at which the same is to be used or at any adjournment of such meeting, and may be revoked by the giver thereof at any time prior to its being used.

Investments—Annual Report.

Permissible investments only to be allowed as assets.

77. *In his annual report prepared for the Minister under the provisions of paragraph (e) of section 38 of this Act, the Superintendent shall allow as assets only such of the investments of the several companies as are authorized by this Act, or by their Acts of incorporation or by the general Acts applicable to such investments.*

Superintendent's correction of annual statements.

2. In his said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and shall be at liberty to increase or diminish the liabilities of such companies to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office thereof in Canada, or otherwise.

Appeal to Exchequer Court.

3. An appeal shall lie in a summary manner from the ruling of the Superintendent as to the admissibility of any asset so disallowed by him, or as to any item or amount so added to liabilities, or as to any correction or alteration made in any statement, or as to any other matter arising in the carrying out of the provisions of this Act, to the Exchequer Court of Canada, which court shall have power to make all necessary rules for the conduct of appeals under this section.

The same.

4. For the purposes of such appeal the Superintendent shall at the request of the company interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless and until reversed or modified by the said court.

Expiry of Charters.

Charter expires unless license obtained.

78. Unless otherwise provided in any special Act passed by the Parliament of Canada after the twenty-eighth day of April, one thousand eight hundred and seventy-seven, incorporating any insurance company, such special Act and all Acts amending

Time limit.

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.

Reduction and Increase of Capital.

79. *The directors of any company which derives its corporate powers from an Act of the Parliament of Canada or which is subject to the legislative power of the said Parliament, may, subject to the proviso hereinafter contained, in the event of its paid-up capital being impaired, at any time and from time to time, after being duly authorized and empowered by a resolution approved by the votes of shareholders representing at least two-thirds of all the subscribed stock of the company at a special general meeting duly called for considering such resolution, pass a by-law for writing off the said paid-up capital any amount which they have been so authorized and empowered by the shareholders as aforesaid to write off such paid-up capital, but no part of its assets shall be distributed to its shareholders: Provided, however, that the paid-up capital shall not be reduced,—* Reduction of capital by by-law.

(a) below the minimum amount fixed by the Company's Act of incorporation as necessary to be paid up before the company can commence business, or, Proviso as to reduction of paid up capital.

(b) in case no such amount is fixed by such Act of incorporation, then below the amount fixed by this Act or by the Treasury Board in pursuance of section 141 of this Act as the company's deposit on obtaining a license.

2. The capital of a company shall be deemed to be impaired when its assets, exclusive of its paid-up capital, are less than its liabilities calculated according to the requirements of this Act. When capital is deemed impaired.

3. Such by-law shall declare the par value of the shares of the stock so reduced and the capital stock of the company shall be reduced by the amount of the reduction in the paid-up portion thereof. Declaration in by-law.

4. The liability of the shareholders shall remain the same as if no reduction had been made in the paid-up capital stock of the company. Liability of shareholders.

80. *The directors may—*

(a) from time to time out of the profits of the company, by declaring a stock dividend or bonus or otherwise, increase the paid-up capital thereof to an amount not exceeding the amount or amounts by which the same may have been reduced under the provisions of the last preceding section, and thereafter the paid-up capital and the capital stock and each share shall represent the aggregate of the amount to which it has been so reduced and the amount of such increase so declared as aforesaid; or, Increase of capital.

(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 Issue of new stock.

dispose of the same, at not less than par, in such manner as they think most beneficial to the company. The nominal value of the shares of new stock so issued shall be the same as the nominal value of the shares of the reduced paid-up capital stock.

Enlargement of license on authority of Treasury Board.

81. *Any company which is within the legislative power of the Parliament of Canada, being at the time this Act goes into effect licensed to carry on business in Canada pursuant to* The Insurance Act, *may upon being authorized by a by-law made by the directors and confirmed at a general meeting of the company duly called for that purpose and upon making such further deposit and complying with such terms and conditions as may be fixed and prescribed by the Treasury Board upon the report of the Superintendent, carry on such kind or kinds of insurance within the limits set forth in section 8 of this Act, as may be authorized by the license to be from time to time issued to the company pursuant to the provisions herein contained.*

Form of Act of incorporation.

82. *An Act of incorporation of an insurance company in the form F in the schedule to this Act shall confer upon the company thereby incorporated all the powers, privileges and immunities and shall subject it to all the liabilities and provisions in this Act applicable thereto.*

PART II.

LIFE INSURANCE.

Application of Part.

Life nsurance.

83. This Part applies only to life insurance companies, and to other insurance companies carrying on life and other insurance, in so far only as relates to the life insurance business of such companies.

Policies.

Policy deemed whole contract.

84. *From and after the first day of January, one thousand nine hundred and eleven, every policy delivered in Canada by any life insurance company under the legislative jurisdiction of the Parliament of Canada or licensed to carry on the business of life insurance within Canada shall be deemed to contain the whole contract between the parties and no provision shall be incorporated therein by reference to rules, by-laws, application, or any other writing, unless they are endorsed upon or attached to the policy when issued.*

Agent, etc., of company not to be agent of insured.

85. *No officer, agent, employee or servant of such life insurance company nor any person soliciting insurance, whether an agent of the company or not, shall be deemed to be for any purpose whatever the agent of any person insured in respect of any question arising out of the contract of insurance between such person insured and the company.*

Estimates orbidden.

86. *After the first day of January, one thousand nine hundred and eleven, no such life insurance company, and no officer, director*

or agent thereof shall issue or circulate, or cause or permit to be issued or circulated in Canada any estimate, illustration or statement of the dividends or shares of surplus expected to be received in respect of any policy issued by it.

87. *No such life insurance company shall make or permit any distinction or discrimination in favour of individuals between the insured of the same class and equal expectation of life and holding policies of the same year of issue 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 valuable consideration or inducement whatever not specified in the contract of insurance; nor shall any person knowingly receive as such inducement any such rebate of premium or other such special favour, advantage, benefit, consideration or inducement; nor shall any such company or any officer, agent, solicitor or representative thereof give, sell or purchase as such inducement, or in connection with such insurance, any stocks, bonds, or other securities of any insurance company or other corporation, association or partnership.* **Rebates, discrimination, etc., forbidden.**

2. Each company shall deposit and keep deposited with the Superintendent a copy of its established rates for all plans of insurance, such rates in the ordinary branch, as distinguished from the industrial branch, being based upon an insurance of one thousand dollars, and shall be applicable to insurance for that amount and pro rata *for greater amounts.*

3. This section shall not apply to re-insurance contracts nor to acts done in pursuance of agreements made relative to policies issued prior to the passing of this Act. **Exception in cases prior to Act.**

88. *Each and every person violating the provisions of the last preceding section shall for a first offence be liable to a penalty of double the amount of the annual premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such annual premium, but in no case less than two hundred and fifty dollars.* **Penalty for rebating, etc.**

2. Every director or manager or other officer of any life insurance company within the legislative jurisdiction of the Parliament of Canada or licensed under the Insurance Act to carry on the business of life insurance who violates or knowingly consents to or permits the violation of the provisions of the next preceding section by any agent, officer, employee or servant of the company shall be liable to a penalty of five hundred dollars. **Penalty for permitting rebates, etc.**

3. The penalties provided for in this section shall be recoverable in any Court of competent civil jurisdiction at the suit of **Rebates, etc., and disposal of penalty.**

any person suing as well for His Majesty as for himself. One-half of any such penalty shall, when recovered, be applied towards payment of the expenses of the office of the Superintendent and the other half to the person suing.

Offenders not to be indemnified out of funds of company.

4. No such director, manager, agent, officer, employee or other servant shall be indemnified either in whole or in part either in respect of the penalty or of any costs out of the funds of the company.

Quinquennial distribution of surplus.

89. *Except as provided in section 90 of this Act every such life insurance company, anything in its special Act or elsewhere to the contrary notwithstanding, shall provide in every participating policy issued or delivered within Canada on or after the first day of January, one thousand nine hundred and eleven, that the proportion of the surplus accruing upon such policy shall be ascertained and distributed at intervals not greater than quinquennially.*

Surplus under deferred dividend policies.

90. *In the event of a company issuing, on and after the first day of January, one thousand nine hundred and eleven, policies which provide for the distribution of surplus or profits at less frequent intervals than quinquennially, and known as deferred dividend policies, such company shall, with respect to such policies, ascertain and apportion at least once in every five years, reckoning from the date of the policies, to each class thereof, the share in such surplus or profits to which such class is equitably entitled, and the total sum of the shares so ascertained and apportioned shall, like the reserve or reinsurance fund, be and constitute a liability of the company, and shall be charged and carried in its accounts accordingly until it has been actually distributed and paid to the policyholders entitled thereto.*

Option of policyholder.

91. *Except in the case of a term or an industrial policy, thet share of surplus allotted to any policy issued on or after the firse day of January, one thousand nine hundred and eleven, shall, at th- option of the holder of the policy, be payable in cash, or be appli cable to the payment of any premium or premiums upon said policy or to the purchase of a paid-up addition thereto; and, in the case of a term policy shall, at the holder's option, be payable in cash, or be applicable to the payment of premiums: Provided, however, that the option of the holder of a policy once exercised shall, except with the consent of the company, remain in force during the whole of the existence of the policy.*

Notice to policyholder.

92. *Such company shall, in all cases where the insured has not elected in his application 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.

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.*

Proceedings to be instituted by Attorney General. R.S.C. 144.

2. Proceedings may at the request or with the consent of the Superintendent be instituted by the Attorney General of Canada under The Winding-up Act—

(a) against any Canadian company licensed under this Act for the making of a winding-up order under said Act, to wind up the business of such company, or

(b) against any company other than a Canadian company licensed under this Act for an order for the winding-up of its Canadian affairs and the distribution of the Canadian assets of such company pursuant to said Act.

Proceedings during continuance of license.

3. The proceedings mentioned in the preceding subsection may be instituted during the continuance of the license of the company upon any ground upon which such an order may be made under the provisions of said Winding-up Act, *other than Part III. thereof, or after the company has become subject to the provisions of said* Winding-up Act, *pursuant to section 161 of the said Part III.*

Form of policy to be approved.

95. *On and after the first day of January, one thousand nine hundred and eleven, no policy of life insurance shall be delivered in Canada by any company licensed under this Act until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent; and unless it contains in substance the following provisions:—*

Days of grace for payment of premiums.

(a) That the insured is entitled to a grace of thirty days within which the payment of any premium other than that of the first year may be made, subject at the option of the company to an interest charge not in excess of six per cent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace

the policy shall continue in full force; but in the event of the policy becoming a claim during the said period of grace and before the overdue premium or the deferred premiums, if any, of the current policy year are paid, the amount of such premiums with interest on any overdue premium may in settlement of the claim be deducted from the sum insured;

Incontestability after 2 years

(*b*) *That the insured may, without the consent of the company, engage in the active service of the militia of Canada, notice thereof, however, to be given by or on behalf of the insured to the company within ninety days after the date of his so engaging in such service and such extra premium to be paid during the continuance of such service as the company shall fix in pursuance of the terms of the policy.*

(*c*) *That, subject to the provisions of paragraph (e) of this subsection, the policy shall be incontestable after not later than two years from its date except for fraud, non-payment of premiums, or for violation of the conditions of the policy relating to engaging in military service (other than such as mentioned in the next preceding paragraph) or naval service in time of war without the consent in writing of a duly authorized officer of the company.*

Policy and endorsement to be entire contract.

(*d*) *That the policy and the endorsement thereon shall constitute the entire contract between the parties and that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties and that no such statement shall be used in defence to a claim under the policy unless it is contained in a written application and a copy of such application or such parts thereof as are material to the contract shall be endorsed upon or attached to the policy when issued;*

Age understated.

(*e*) *That if the age of the insured has been under-stated the amount payable under the policy shall be such as the premium would have purchased at the correct age;*

Lapsed policies.

(*f*) *The options as to surrender values, or paid up insurance or extended insurance to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums have been paid;*

Loan on policy.

(*g*) *That after three full annual premiums or their equivalent half-yearly or quarterly premiums have been paid on a policy the company shall loan on the sole security thereof at a rate of interest not exceeding seven per cent per annum a sum not exceeding ninety-five per cent of the surrender value of such policy less any indebtedness to the company in respect thereof; such policy being first deposited with and assigned to the company by an assignment executed by all proper parties and in the form G in the schedule to this Act: Provided, however, that such loan may at the option of the company be deferred for a period not exceeding three months from the time the policyholder applies therefor;*

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;

(*i*) *In case the proceeds of a policy are payable in instalments or as an annuity, a table showing the amounts of the instalment and annuity payments;* Table of instalments.

(*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.* Renewal of policy.

Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term or annuity policies shall to that extent not be incorporated therein. Exceptions.

2. This section shall not, except as relates to the filing with the Superintendent of copies of forms of policies, apply to assessment companies, nor to policies of industrial insurance. Exceptions.

96. *All such life insurance companies, notwithstanding anything to the contrary in any special Act or elsewhere, shall, after the first day of January, one thousand nine hundred and eleven, keep separate and distinct accounts of participating and non-participating business.* Separate accounts of participating and non-participating business.

97. *Every policy issued by any company incorporated or legally formed elsewhere than in Canada in favour of a resident of Canada shall have a clause embodied therein or endorsed thereon to the effect that an action to enforce the obligation of such policy may be validly taken in any Court of competent jurisdiction in the province where the policyholder resides or last resided before his decease and said policy shall not contain any provision inconsistent with such clause.* Action of policyholders against foreign company.

98. *The provisions of this section shall extend and apply to every licensed life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, within the legislative power of the Parliament of Canada.* Companies having capital stock

2. The said provisions shall so extend and apply, notwithstanding anything to the contrary in any special Act relating to such life insurance companies or in any by-law or by-laws thereof. Application.

3. Every such company shall, by by-law passed prior to the first day of October, one thousand nine hundred and ten, determine the number of directors to be elected by the shareholders and by the participating policyholders. respectively, as hereinafter provided, and the number of policyholders' directors so determined shall be at least two-fifths of the total number so to be elected. At the annual meeting held in one thousand nine hundred and eleven, and at each subsequent annual meeting, there shall be elected a board as determined by by-law aforesaid, but such board shall consist of not less than nine nor more than sixteen directors, all of whom shall hold office for one year but shall be eligible for re- Shareholders' and policyholders' directors to be elected.

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.

Qualifications for shareholders' director.

5. No person shall be a shareholders' director unless he holds in his own name and for his own use shares of the capital stock of the company to an amount of at least two thousand five hundred dollars, and has paid all calls due thereon and all liabilities incurred by him to the company.

One vote for each share held.

6. At all general meetings of the company each shareholder present in person or represented by proxy who has paid all calls due upon his shares in the capital stock and all liabilities incurred by him to the company shall have one vote for each share held by him.

Every holder of participating policy of $2,000 a member.

7. Every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards, upon which no premiums are due, whether such person is a shareholder of the company or not, hereinafter called a participating policyholder, shall be a member of the company and be entitled to attend in person or by proxy at all general meetings of the company, but participating policyholders as such shall not be entitled to vote for the election of shareholders' directors. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years, shall be eligible for election as a policyholders' director.

Qualifications for policyholders' director.

Meeting.

8. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.

President.

9. The directors shall elect from among themselves a president and one vice-president or more.

Quorum.

10. At all meetings of directors for the transaction of business a majority shall be a quorum.

Annual meeting.

11. Notice of the annual meeting shall be given by printed notice to each of the shareholders and policyholders entitled to vote, mailed at least thirty days before the day for which the meeting is called, to the addresses of the shareholders and policyholders entitled to vote, respectively, given in the books of the company, and in the case of the annual meeting the notice shall state that in accordance with the provisions of The Insurance Act, *shareholders and policyholders entitled to vote respectively may vote for and elect the number of directors to be by them respectively elected at such annual meeting.*

Voting

12. At the annual meeting no shareholder shall vote for more than the number of shareholders' directors to be elected, and no policyholder shall vote for more than the number of policyholders' directors to be elected.

Instrument of proxy.

13. An instrument of proxy shall not be valid unless executed within three months prior to the meeting at which it is to be used, and unless filed with the secretary of the company at least ten days

before such meeting, and shall be used only at such meeting or any adjournment thereof and may be revoked at any time prior to such meeting.

14. Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and every proxy representing a participating policyholder must be himself a participating policyholder and entitled to vote. Proxies.

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, 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. Renewal of forfeited license.

Companies ceasing to do business and Release of Deposits.

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. Certain companies ceasing to do business. Winding-up old business.

2. The deposit in the hands of the Minister in such case shall be dealt with under the law as it existed previously to the first mentioned date, as if this Act had not been passed. Deposit, how dealt with.

103. When any company licensed under this Act desires to discontinue business and to have its assets in Canada released, and gives written notice to that effect to the Minister, it may, with the consent of the policyholders, procure the transfer of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, as far as practicable. Transfer or surrender of policies by companies wishing to cease business.

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 office of the Superintendent to each of the policyholders named in the said list, whose address is known to him; and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which shall be the same day as that named in the list and notice in form D.

Acceptance must be signified.

2. Any policyholder who does not signify in writing to the Superintendent his acceptance of the amount so tendered, on or before the day named in the said notice, shall be deemed to have refused the same: Provided that the Minister may, at any

time prior to the payment over to the company of the amount so refused, allow any policyholder to signify his acceptance of such amount, and such acceptance, so allowed, shall have the same effect as if made on or before the day named in the said notice. Neglect may be waived.

106. The surrender values to cover which a portion of assets is retained as aforesaid shall be determined by the Superintendent on the basis provided in subsection 2 of section 42 of this Act for the valuation once in every five years, or oftener at the discretion of the Minister, of policies of life insurance; and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus addition, and shall pay the same to the Minister before the latter shall hand over the securities. Surrender, values, how determined. Expenses of valuation.

107. Nothing herein contained shall prevent any policyholder from making special arrangements with the company whereby his policy may be continued in force. Special arrangements.

2. On proof being given of such arrangement, such policy may be omitted or removed from the lists of policies filed with the Minister as aforesaid, and this Act shall thereafter not apply in respect of such policy. Action on proof.

Provincial Company ceasing to do business outside its own Province.

108. *When any company such as described in subsection 3 of section 3 of this Act which has been licensed pursuant to said subsection to transact business throughout Canada, desires to discontinue business outside the province by the legislature of which it is incorporated, and to have its deposit with the Minister released, and gives notice to that effect to the Minister, the company may, with the consent of the policyholders resident outside such province, procure the transfer of the policies held by such policyholders to some company or companies licensed under this Act, or may obtain the surrender of such policies, in either of which cases upon proper and sufficient proof of such transfer or surrender being filed in the office of the Superintendent, the Minister may release and transfer such deposit to the treasurer of such province; or,* Release of deposit to Treasurer of Province on transfer of policies.

2. The company may, with the notice mentioned in the first subsection of this section, file in the office of the Superintendent a resolution of the shareholders of the company authorizing such discontinuance of business and the withdrawal of said deposit, such resolution also to be approved by the votes of four-fifths of the policyholders present in person or by proxy at a meeting of the policyholders duly called for the purpose of considering the same, and may cause the policies in favour of policyholders resident outside of such province to be re-insured with the approval of the Superintendent in some company or companies licensed under this Act or may procure the consent in writing of all such policyholders to such transfer, in which case also, upon proof being filed in the office of the Superintendent of the passing of such resolution and of its approval in manner aforesaid and of the re-insurance of such policies or the written consent of such policyholders, the Release of deposit on reinsurance of policies.

Minister may release and transfer said deposit to the Treasurer of such province.

Rights of policyholders not affected.

3. The transfer of such deposit in manner aforesaid shall not in any way affect, alter, or diminish the rights of the policyholders with respect thereto, which shall remain in all respects the same as if no such transfer had been made.

Reserve necessary to cover liability.

109. In computing or estimating the reserve necessary to be held in order to cover the liability of Canadian companies on their policies, and the liability of companies other than Canadian companies on all Canadian policies, each company may,—

Calculation as to policies after January 1st, 1900.

(*a*) as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding three and a half per cent per annum;

Calculation as to policies prior to January 1st, 1900.

(*b*) as to policies issued prior to the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, until the first day of January, one thousand nine hundred and ten, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one-half per cent per annum; on and after the first day of January, one thousand nine hundred and ten, and until the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding three and one-half per cent per annum.

Calculation after January 1st, 1910.

Calculation after January 1st, 1915.

Minister may cause calculation to be verified.

2. If it appears to the Superintendent that such reserve falls below that computed on the basis provided in this Act, for the valuation once in every five years or oftener at the discretion of the Minister, of policies of life insurance, he shall so report to the Minister, who may thereupon direct the Superintendent to compute on the said basis or to procure to be so computed under his supervision, the reserve aforesaid, and the amount so computed, if, *in the opinion of the Minister*, it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities.

Particulars to be furnished.

3. In such case the company shall furnish to the Superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the Superintendent an amount at the rate of three cents for each policy or bonus addition so computed, which amount he shall pay over to the Minister.

Superintendent required to compute.

4. Any company, instead of itself computing or estimating the reserve aforesaid, may require it to be computed by the Superintendent on the basis referred to in this section, on payment to him of three cents for each policy or bonus addition so computed, which amount the Superintendent shall pay over to the Minister.

Declaration of Profits in case of existing Companies.

110. *In the case of companies heretofore incorporated which have a capital stock and which are within the legislative power of the Parliament of Canada, the directors may, from time to time, set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been distinguished as having been derived from participating policies, (including a share of the profits arising from the sale of securities in the proportion of the reserve on the participating policies to the total reserve), to the extent of not less than ninety per cent thereof; and before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof, which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year, or other period under consideration, upon the mean invested funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.*

Profits from participating policies to be kept distinct from other 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.

Rights of participating policyholders to profits.

Assessment Life Insurance Companies.

111. Sections 112 to 126, both inclusive, of this Act apply to assessment life insurance companies only.

Application.

112. No company shall, without being licensed or registered under this Act, carry on within Canada any business of life insurance by promising to pay on the death of a member of such company, a sum of money solely from the proceeds of assessments or dues collected or to be collected from the members thereof for that purpose.

License or registration of assessment necessary.

113. *After the passing of this Act no company except such as is referred to in subsection 4 of section 3 of this Act, which carries on business of the nature described in the last preceding section, hereinafter referred to as assessment companies, shall be licensed or registered to carry on business thereunder, but licenses to such companies in force at the time of the passing of this Act may nevertheless be from time to time renewed.*

Existing companies.

Exemption of existing companies.

114. *Any such company now licensed, so long as its license continues in force by renewal or otherwise, shall be exempted from the foregoing provisions of this Act relating to the maintenance of the reserve in respect of its policies required of ordinary life insurance companies and from the provisions of sections 13, 36, 42, 84 and 85 thereof.*

Renewal of license necessary.

115. *The license of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from year to year, in the discretion of the Minister.*

Returns of their conditions and affairs.

116. Such companies shall make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the Minister, and the Superintendent shall include such returns in his annual report.

Death claims first charge.

117. Death claims shall be a first charge on all moneys realized from assessments, by any assessment company to which this Act applies, and no deduction shall be made from any such death claims on any account whatsoever.

Use of assessment for such purpose.

2. No portion of any moneys received from assessments by such companies for death claims shall be used for any expense whatever; and every notice of any assessment shall truly specify the cause and purpose thereof.

Application, policy, etc., to contain notice as to reserve.

118. Every application, policy and certificate, issued or used—

(*a*) in Canada by any such company incorporated elsewhere than in Canada;

(*b*) by any such company incorporated or formed in Canada to which this Act applies;

shall have printed thereon, in a conspicuous place, in ink of a colour different from that of the ink used in the instrument, and in large sized type the words:—

"This association is not required by law to maintain the reserve which is required of ordinary life insurance companies."

Promises to pay out of certain funds.

119. Every policy issued or used in Canada by any company referred to in the last preceding section shall contain a promise to pay the whole amount therein mentioned out of the death fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association shall be bound, forthwith and from time to time, to make assessments to an amount adequate, with its other available funds, to pay all obligations created under any such certificate or policy without deduction or abatement.

To be inserted in policy.

2. The condition embodied in this section shall be inserted in every policy issued or delivered by any such company to any person insured in Canada.

Clause stating where action brought.

120. Every policy issued by an assessment company incorporated or legally formed elsewhere than in Canada, in favour of a resident of Canada, shall have a clause embodied therein or endorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken in any court of

competent jurisdiction in the province wherein the policyholder resides or last resided before his decease, and such policy shall not contain any provision inconsistent with such clause.

Companies assuring annuities ineligible for license.

121. No such company shall assure to any of its members a certain annuity, either immediate or deferred, whether for life or a term of years, or any endowment whatever.

Words to be used by assessment companies.

122. The words *Assessment System* shall be printed in large type at the head of every policy and every application for a policy, and also in every circular and advertisement issued or used in Canada in connection with the business of an assessment company.

Notice of intention to maintain a reserve.

123. Any company licensed or registered under this Act to carry on the business of life insurance on the assessment system, which has filed in the office of the Superintendent notice of its intention after the date mentioned in the said notice, to maintain in respect of all policies issued after the said date, in the case of a Canadian company, or in respect of all policies issued in Canada after the said date, in the case of a company other than a Canadian company, the reserve required by this Act to be maintained by ordinary life insurance companies upon contracts of life insurance with fixed and definite premiums, such company shall, with respect to all policies issued after the said date, if a Canadian company, and with respect to all policies issued in Canada after the said date, if a company other than a Canadian company, maintain for the security of the holders of the said policies the said reserve, and comply with all other provisions of this Act applicable thereto, as if it were licensed under this Act *as an ordinary life insurance company.*

Obligation thereafter.

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 asessment life insurance companies, except it shall not assure to any of its members a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Application of deposit.

124. The deposit of any such company in the hands of the Minister, at the date mentioned in the notice in the preceding section referred to, shall be applicable to the policies issued prior to the said date, and shall be dealt with in regard to such policies as if the said notice had not been given.

Deposit compulsory.

2. Any such company shall, at the time of the filing of such notice, make with the Minister such deposits, if any, in respect of the policies to be issued in pursuance of such notice, as the Treasury Board may fix and determine.

Separate and distinct register and books.

125. For the purpose of carrying out the provisions of the two last preceding sections, separate and distinct registers and books of account shall be opened and kept, showing, respectively, all policies issued and business transacted by such company after the date mentioned in the said notice, and all policies issued and business transacted before the said date.

Contents.

2. Such books and registers shall show all assets, liabilities, moneys and securities belonging or appertaining to the said respective portions of such company's business; and the assets and the entire business of the said respective portions shall be kept absolutely separate and distinct.

Reserves or assets not available for liability of company.

3. The reserves or assets applicable to the policies issued by such company after the date mentioned in the said notice shall not be available in any way for any liability of such company arising out of any policy issued by it on the assessment plan.

Application of Act to assessment companies.

126. The provisions of this Act applicable to assessment life insurance companies, other than the provisions contained in the three last preceding sections, shall be applicable to the policies of the company issued prior to the said date, in the same manner and to the same extent as if the provisions contained in the said sections had not been enacted.

PART III.

FIRE AND INLAND MARINE INSURANCE.

Application of Part.

Fire and inland marine.

127. This part applies only to fire and inland marine insurance companies, and to other insurance companies carrying on fire and other insurance, or inland marine and other insurance, in so far only as relates to the fire or inland marine insurance business of such companies.

Forfeiture and Renewal of Licenses.

Licenses forfeited for failure to make deposit or pay claims.

128. Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the Minister of any undisputed claim, arising from loss insured against in Canada, remaining unpaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge, the license of such company may be withdrawn by the Minister.

Renewal under certain conditions.

129. Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the Minister of the failure of the company to pay any undisputed claim or the amount of any final judgment, as provided in the last preceding section, all undisputed claims or final judgments upon or against the company in Canada are paid and satisfied.

Companies ceasing to do Business and Release of Deposits.

Company ceasing business to reinsure.

130. When any company has ceased to transact business in Canada, and has given written notice to that effect to the Minister, it shall insure, on behalf of its Canadian policyholders, all its outstanding risks in some company or companies licensed in Canada, or obtain the surrender of the policies.

Delivery of securities.

2. The securities of such company shall not be delivered to the company until all its outstanding risks are insured to the satisfaction of the Minister.

Application for securities.

131. Upon making application for its securities the company shall file with the Minister a list of all Canadian policyholders

who have not been so reinsured, or who have not surrendered their policies; and it shall at the same time publish in *The Canada Gazette* a notice that it has applied to the Minister for the release of its securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named. **Steps to be taken.**

2. After that day if the Minister, with the concurrence of the Treasury Board is satisfied that the company has ample assets to meet its liabilities to Canadian policyholders, he may order that all the securities be released to it, or that a sufficient amount of them be retained to cover the value of all risks outstanding or respecting which opposition has been filed, and that the remainder be released. **Order for release of securities.**

3. Thereafter from time to time as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid. **Further releases.**

132. When a company has ceased to transact business in Canada after the notice by this Part required has been given, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not reinsured or surrendered, as if such license had not been withdrawn. **Payment of losses after cancellation of license.**

Fire Policies.

133. No fire policy shall be issued for or extend over a longer period than three years. **Duration of fire policies.**

Reserve Liability.

134. *For the purposes of the annual statement required to be furnished to the Superintendent under this Act by any company transacting fire or inland marine insurance, or both, the liability of the company if a Canadian company in respect of all its outstanding unmatured policies, or if a company other than a Canadian company in respect of its outstanding unmatured policies in Canada, shall be eighty per cent of the unearned premiums computed* pro rata *as at the date of such statement: Provided, however, that for the purposes of section 19 and subsection 2 of section 20 of this Act the reinsurance value of the outstanding unmatured Canadian policies of a company other than a Canadian company shall be the full unearned premiums computed* pro rata *as aforesaid.* **Computation for annual statement.**

2. In the case of any such company which transacts a non-hazardous three year business on the premium note system or partly on the cash system and partly on the said premium note system, the liability of such company, for the purposes of such statement, in respect of its premium note business shall be eighty per cent of the unearned portion of the cash received upon and of the balance usually collectable in respect of all outstanding premium notes held by the company computed pro rata *as at the date of such statement, and the amount of such premium notes in excess of the amount so usually collectable thereon shall be regarded as a contingent asset only.* **Premium note business.**

Impairment of Capital and Payment of Dividends.

Assets, minimum amount of.

135. *Every Canadian company licensed to carry on the business of fire insurance or marine insurance, or both, shall at all times maintain assets, allowable as such under the provisions of this Act or of its Act of incorporation or under the general Act applicable to such company, at least equal in value to the total of the unearned premiums upon all its outstanding unmatured policies, calculated* pro rata *for the time unexpired, together with the amount of matured claims and all its other liabilities of every kind.*

Dividend not to impair capital

2. Subject to the provisions of subsection 4 of this section, no dividend shall be paid by any such company while its capital is impaired or while its assets are less than the amount required by the next preceding subsection, nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital.

Penalty.

3. If it appears to the Superintendent that the assets of any such company fall below the requirements of subsection 1 of this section, he shall report the fact to the Treasury Board and shall in said report state whether or not the company appears to him to have failed to comply with the requirements of the next preceding subsection, and the Treasury Board after a full consideration of the matter and after a reasonable time has been given to the company to be heard by them, may:—

(a) Forthwith withdraw the company's license; or

(b) Upon such terms and conditions as they deem proper, limit a time within which such company shall make good the deficiency (the company's license being continued in the meantime) and upon the company's failure to make good such deficiency within the time so limited, its license shall oe withdrawn:—

Provided, however, that if the company's assets are less than the amount fixed by subsection 1 of this section by an amount equal to twenty per cent or upwards of the said unearned premiums calculated as aforesaid, or if the company has failed to comply with the requirements of subsection 2 of this section, its license shall be withdrawn.

Preferential dividends.

4. Where any such company has, prior to the passing of this Act, under the provisions of its Act of incorporation and any amendments thereto, created and issued part of its capital stock as preference stock, giving such preference stock the right to a fixed preferential dividend, the word "capital" in subsection 2 of this section shall be read and construed to mean as to such company its preferred capital exclusively in so far as regards the payment of such preferential dividends: Provided, however, that in the case of any such company the reserve liability for the purposes of this section may, with the approval of the Treasury Board, be calculated until the first day of January, one thousand nine hundred and fifteen, on the basis of not less than sixty per cent of the unearned premiums mentioned in the next preceding section.

"Surplus" defined.

136. *In this section the word "surplus" means the excess of assets over the paid-up capital of the company and all the liabilities of the company, including the reserve for unearned premiums.*

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 commencing with the year one thousand nine hundred and ten, appropriate towards the surplus of such company, at least twenty-five per cent of the profits of the company for the year last past.

Rebating prohibited.

137. *No agent, broker or other person representing or doing business in Canada for any fire insurance company licensed under this Act shall, in any way, directly or indirectly, divide, or offer to divide, his commission or other remuneration with, or give, or offer to give, any part of his commission or other remuneration, or any other matter or thing of value to any person whose property he may be insuring or seeking to insure, or to any person having or claiming or appearing to have any influence or control as to the placing of such insurance, as an inducement to insure with him or in or with a company employing him or represented by him.*

Penalty for rebating, etc.

138. *Every person violating the provisions of the last preceding section shall, for a first offence, be liable to a penalty of double the amount of the premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such premium, but in no case less than two hundred and fifty dollars.*

Penalty for permitting rebates, etc.

2. Every director or manager or other officer of any fire insurance company within the legislative power of the Parliament of Canada, or licensed under the Insurance Act to carry on the business of fire insurance, who violates or knowingly consents to or permits the violation of the provisions of the next preceding section by any agent, officer, employee or servant of the company, shall be liable to a penalty of five hundred dollars.

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 office of the Superintendent 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.

Insurance in unlicensed companies.

139. *Notwithstanding anything herein, any person may insure any property situated within Canada with any foreign unlicensed fire insurance company or underwriters, and may cause or procure the inspection of the risk and adjustment of any loss incurred in respect thereof—*

(1) if, within thirty days after effecting such insurance, he gives notice in writing to the Superintendent of his having effected the same, describing briefly the property insured, and naming the insurer;

(2) *if, for each year in which he holds a policy of any such foreign unlicensed insurer covering property in Canada, he makes a return to the Superintendent setting forth the names of all such unlicensed insurers whose policies covering property in Canada he has held during the period covered by the return, the location and description of the property covered, the amounts of such policies respectively, the net cost to him of the insurance represented by the said policies for the policy year or other shorter term of each policy terminated during the calendar year covered by the return, and the amount received by him from the said insurers in respect of losses under the said policies,—such return to be made by delivering or mailing it in a registered letter addressed to the Superintendent not later than the first day of March in each year, for the year ending on the preceding thirty first day of December;*

[(3) *if he pays to the Minister a sum equal to fifteen per cent of the total net cost to him of all the insurance mentioned in the return referred to in paragraph (2) hereof, but not to exceed in any case fifteen cents for each one hundred dollars of insurance for one year, or a proportionate sum for any longer or shorter period,] and*

(4) *if each of such unlicensed insurers furnishes to the Superintendent, at his request, not later than the day named in paragraph (2) hereof, a statement duly verified in such manner as the Superintendent directs, showing as at the end of the last financial year of such insurer the total assets and total liabilities of such insurer, and the total amount at risk and also the liabilities and amount at risk in Canada, the total income, total expenses and total amount paid for losses during its last preceding financial year, distinguishing between Canada and elsewhere.*

(5) *The preceding paragraphs of this subsection shall not apply to any insurance undertaken prior to the passing of this Act and not extending over a longer period than three years.*

2. Default in compliance with the requirements of paragraphs (1), (2) and (3) of subsection 1 of this section or any of them by the insured shall subject such insured person and his agents and representatives to the penalties provided for in section 70 of this Act as if this section had not been enacted.

3. Default in compliance with the requirements of paragraph (4) of subsection 1 of this section by such unlicensed insurer shall subject such unlicensed insurer and his agents, representatives, inspectors or adjusters to the penalties provided for in section 70 of this Act as if this section had not been enacted.

4. Default in compliance with the requirements of paragraphs (1), (2), (3) and (4) of subsection 1 of this section shall not affect the validity of the insurance contract, which shall be and remain to all intents and purposes in full force as if this section had not been enacted.

5. The Superintendent shall embody in his annual report to the Minister the returns and statements mentioned in this section, or a synopsis thereof.

6. This section shall not apply to nor interfere with contracts of re-insurance made by licensed companies with such unlicensed insurers.

PART IV.

INSURANCE OTHER THAN LIFE, FIRE OR INLAND MARINE.

Licenses.

Application of Part.

140. *This Part applies to companies carrying on business of insurance other than life, fire or inland marine 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.*

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 passing of this Act.*

Directors.

2. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament during the present session thereof, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed during the present session the former shall prevail.

3. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament before the passing of this Act, but which has not yet been licensed, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed prior to the passing of this Act the former shall prevail: Provided, however, that all things lawfully done and all proceedings lawfully taken under the provisions of such special Act prior to the passing of this Act for the organization of the company or otherwise shall be valid and effectual for the purposes intended.

Standard provisions.

145. *Every special Act of the Parliament of Canada passed after the passing of this Act for the incorporation of an insurance company in the form F in the schedule to this Act shall be read as if it contained the provisions hereinafter in this section set forth, and shall be construed having regard thereto.*

Provisional directors.

(1) The persons named as such in the special Act shall be the provisional directors of the company, a majority of whom shall be a quorum for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and secure payments thereon. They shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received on account of the company and may withdraw the same for the purposes of the company only and may do generally what is necessary to organize the company.

Local boards and agencies.

(2) The directors may establish local advisory boards or agencies either within Canada or elsewhere at such times and in such manner as they deem expedient.

Shares.

(3) The capital stock of the company shall be divided into shares of one hundred dollars each.

Increase of capital stock.

(4) The directors may, after the whole authorized capital stock of the company has been subscribed and fifty per cent paid thereon in cash, increase the capital stock from time to time to an amount not exceeding the sum named for that purpose in the special Act; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the members of the company duly called for that purpose.

First meeting of shareholders.

(5) As soon as the amount for that purpose mentioned in the special Act has been subscribed and ten per cent of the said amount has been paid into some chartered bank in Canada the provisional directors shall call a general meeting of the shareholders at some place to be named in the municipality where the head office of the company is situated; at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect the shareholders' directors in the case of a life company, and the ordinary directors in the case of a company other than a life company, as set forth in the next following section.

Calls on shares.

(6) The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice of any call shall be given.

Commencement of business.

(7) The company shall not commence business until at least the amount of stock mentioned for that purpose in the special Act has been subscribed for nor until at least the sum named for that purpose in the said special Act has been paid in cash into the funds of the company to be appropriated only for the purposes of the company under the said special Act: Provided that stock upon which less than ten per cent has been paid in cash by the subscriber shall not be reckoned as part of the stock mentioned in the special Act as necessary to be subscribed, nor shall any sum paid by any shareholder upon the shares subscribed for by him which is less than ten per

cent of the amount subscribed for by such shareholder be reckoned as part of the sum required to be paid thereon as in such special Act provided.

Annual meeting.

(8) A general meeting of the company shall be called at its head office once in each year after the organization of the company and the commencement of business, and at such meeting a statement of the affairs of the company shall be submitted, and special general or extraordinary meetings may at any time be called by any three of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of the meeting.

Re-insurance.

(9) The company may cause itself to be re-insured against any risk undertaken by it, and may re-insure any other company carrying on the same class of business as this company against any risk undertaken by such other company.

Directors, their election, duties and powers.

Two classes of directors.

146. *(a) There shall be in the case of life insurance companies having a capital stock, whether called by the name of capital stock, guarantee fund or any other name, two classes of directors, viz.: directors elected by the shareholders, hereinafter called shareholders' directors, and directors elected by the policyholders, hereinafter called the policyholders' directors; but in the case of companies other than life companies, having a capital stock, there shall be only one class of directors, namely: directors elected by the shareholders, hereinafter called ordinary directors.*

Shareholders' directors.

(b) No person shall be elected a shareholders' director of a life company or an ordinary director of a company other than a life company, unless he is a shareholder owning shares in the capital stock or guarantee capital, as the case may be, absolutely in his own right and not in arrears in respect of any calls thereon and the majority of directors so elected shall at all times be persons resident in Canada and subjects of His Majesty by birth or naturalization.

Directors for other than life company.

(c) In the case of a company other than a life company there shall be elected at the first annual meeting and at each subsequent annual meeting a board of not less than nine nor more than sixteen directors, who shall hold office for one year but shall be eligible for re-election.

Directors of life company.

(d) In the case of a life company there shall be elected at the first annual meeting and at each subsequent annual meeting not less than 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 such life company shall, by by-law passed not less than three months prior to the holding of its third annual meeting after the issue of a license to it under this Act, determine the number of directors to be elected at said annual meeting by the shareholders and participating policyholders respectively, as herein provided, and the number of policyholders' directors so determined shall be at least two-fifths of the total number to be so elected. At the said annual meeting and each subsequent annual meeting there shall be elected a board as determined by by-law as aforesaid, but such board shall consist of not less than nine nor more than sixteen directors, all of whom shall hold office for one year, but shall be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policyholders' directors by the participating policyholders.

Manager may be a director.

(*f*) *The manager of a company may be a director, but no agent or paid officer, other than the manager, shall be eligible to be elected as a director. The words "paid officer" in this paragraph do not include the president and vice-president, or the president and first vice-president if there is more than one vice-president elected under the provisions of paragraph (k) of this section.*

Qualifications for shareholders' director

(*g*) *No person shall be eligible to become a shareholders' director of a life company or an ordinary director of any other company unless he holds in his own name and for his own use shares of the capital stock of the company to the amount of at least two thousand five hundred dollars and has paid in cash all calls due thereon and all liabilities incurred by him to the company.*

One vote for each share held

(*h*) *At all general meetings of a company each shareholder present in person or represented by proxy who has paid in cash all calls due upon his shares and all liability incurred by him to the company shall have one vote for each share held by him.*

Every holder of a participating policy for $2,000 a member

(*i*) *In the case of a life company every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards upon which no premiums are due, whether such person is a shareholder of the company or not, herein called a participating policyholder, shall be a member of the company and be entitled to attend and vote in person or by proxy at all general meetings of the company; but participating policyholders, as such, shall not be entitled to vote for the election of shareholders' directors. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years shall be eligible for election as a policyholders' director. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.*

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*) *Notice of all general meetings shall be given to each of the shareholders and in the case of a life company also to each of the participating policyholders entitled to vote, mailed at least thirty days before the day for which the meeting is called, to the addresses of the shareholders and participating policyholders respectively, given in the books of the company, and in the case of the annual meeting the notice shall state that in accordance with the provisions of* The Insurance Act *shareholders and participating policyholders, respectively, may vote for and elect the number of directors to be by them respectively elected at such annual meeting.*

Voting.

(*n*) *At the annual meeting no shareholders of a company other than a life company shall vote for more than the number of ordinary directors to be elected, and in the case of a life company no shareholder shall vote for more than the number of shareholders' directors to be elected, and no participating policyholder shall vote for more than the number of policyholders' directors to be elected.*

Instruments of proxy.

(*o*) *An instrument of proxy shall not be valid unless executed within three months prior to the meeting at which it is to be used, and unless filed with the secretary of the company at least ten days before*

such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.

(p) Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and every proxy representing a participating policyholder must be himself a participating policyholder and entitled to vote.

(q) Vacancies occurring in the board of directors may be filled for the remainder of the term by the directors from among the qualified shareholders or policyholders as the case may be. Vacancies in board of directors.

(r) If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. Failure to elect directors.

147. The directors may, in all things, administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may, by law, enter into. Powers of directors.

By-laws.

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;

(*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 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. Changing by-laws. Confirmation necessary.

Capital Stock, Calls, and Increase of Capital.

Stock to be personal estate.

150. The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Part, or by the Special Act or the by-laws of the company.

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 any such insurance company unless authorized by a vote of the shareholders. No salary, compensation, or emolument shall be paid to any officer or trustee of any such company, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless such payment is first authorized by a vote of the board of directors.*

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;

(*e*) all transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and, Transfers of stock.

(*f*) the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director, *and distinguishing in the case of a life company between shareholders' directors and policyholders' directors.* Names, addresses and calling of directors.

157. The directors may allow or refuse to allow the entry in any such book or books, of any transfer of stock whereof the whole amount has not been paid. Powers of directors as to entries of transfers.

158. No transfer of stock, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such book or books, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally with the transferrer, to the company and its creditors. Transfer valid only after entry. Exception.

159. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, *and in the case of life companies of the participating policyholders*, at the head office or chief place of business of the company, and every shareholder, creditor or personal representative and participating policyholder may make extracts therefrom. Stock books to be open for inspection.

Offences and Penalties.

160. Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any book required by this Part to be kept by such company, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of an indictable offence, and liable to imprisonment for any term not exceeding two years. Entries falsely made or neglected. 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. Neglect to permit inspection. Penalty.

Shareholders' Liability.

162. Every shareholder shall, until the whole amount of his stock has been paid up, be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor until an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part. Liability of shareholder to creditors.

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 twenty-four hours after he becomes aware of such dividend being declared and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, in the newspaper published nearest thereto, such director may thereby and not otherwise, exonerate himself from such liability.

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 twenty-four hours after he becomes aware of such entry, and is able so to do, enter on the minute book of the board of directors, his protest against such transfer, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate hi..self from such liability.

Exoneration from liability.

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 in case of loans by company to directors or officers.

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.

Liability of directors for wages unpaid.

Limitation as to time.

2. The amount unsatisfied on such execution shall be the amount recoverable with costs from the directors.

Amount recoverable.

Use of Funds.

175. *The* company shall *not* loan any of its funds to any *director or officer thereof, except that a life insurance company may lend to any director or officer thereof on the security of the company's own policies.*

No loan to directors, or officers.

Procedure.

176. The company may enforce payment of all calls and interest thereon, by action in any court of competent jurisdiction.

Enforcement of payments of calls.

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

Form of action.

more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Part.

Service of process on company.

178. Service of any process or notice upon the company may be made by leaving a copy thereof at the head office or chief place of business of the company, with any adult person in charge thereof, or elsewhere with the president or secretary of the company.

Constructive service.

2. If the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper, and such publication shall be deemed to be due service upon the company.

Publication.

Actions against shareholders.

179. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Winding-up Act to apply

180. The company shall be subject to the provisions of any general Act for the winding-up of joint stock companies.

Evidence.

Evidence of by-laws.

181. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts in Canada.

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 shall not form a charge upon or be paid out of the paid-up capital nor from the insurance funds, nor be in any way chargeable directly or indirectly against the policyholders.*

Declaration of Profits.

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*

Surrender value.

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.

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 or 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.

REPEAL.

187. *The Insurance Act, chapter 34 of The Revised Statutes, 1906, and all other Acts and parts of Acts passed by the Parliament of Canada relating to companies within the legislative power of the said Parliament inconsistent with the provisions of this Act are repealed. Provided that the Acts passed by the Parliament of Canada relating to the Supreme Court of the Independent Order of Foresters, The Grand Council of the Catholic Mutual Benefit Association of Canada, and the Canadian Order of the Woodmen of the World shall not be affected by the provisions of this Act.*

Repeal.

Exceptions.

SCHEDULE.

FORM A.

This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of .....

President	Secretary .....
Principal Office	Agent .....
Incorporated	Commenced business in Canada .....
(date)	(date) .....

I.—CAPITAL.	$	cts.
1. Amount of Joint Stock or Guarantee Capital authorized		
2. Amount subscribed for		
3. Amount paid up in cash		

LIST OF SHAREHOLDERS.

NAME.	RESIDENCE.	Amount Susbcribed for.		Amount Paid up in cash.	
		$	cts.	$	cts.

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

As at .....19 . (*Date of filing of Statement.*)

——	$	cts
II.—Assets as per Ledger Accounts.		
1. Value of Real Estate (less encumbrances) held by the Company.....		
(Detailed statement to be given in a separate schedule.)		
2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens.....		
3. The same, second liens.....		
(Detailed statement of loans in 2 and 3 to be given in a separate schedule.)		
4. Amount of loans secured by bonds, stocks or other marketable collaterals.....		
(Par and market value of each such collateral and amount loaned thereon in a separate schedule.)		
5. Amount of loans as above on which interest has been overdue for one year or more previous to statement (*details in a separate schedule*). $.....		
6. Amount of loans made to policyholders on the Company's policies assigned as collaterals.....		
7. Premium obligations on the policies in force, the reserve on each policy being in excess of all indebtedness thereon.....		
8. (*a*) Value in account of bonds, debentures and debenture stocks owned by the Company.....		
(Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.)		
8. (*b*) Value in account of stocks owned by the Company (*details to be given in a separate schedule*).....		
9. Cash at head office.....		
10. Cash in banks (*with details*).....		
11. Bills receivable.....		
12. Agents' ledger balances.....		
13. All other ledger assets (*details in separate schedule*).....		
Total ledger assets.....		
Other Assets.		
14. *Market value of stocks, bonds, debentures, &c., over value in account.		
15. Due from other companies for losses or claims on the Company's policies reinsured.....		
16. Interest due (*with details*)..... $.....		
" accrued (*with details*).....		
Total carried out.....		
17. Rents due..... $.....		
" accrued.....		
Total carried out.....		

	New Premiums.	Renewals.		
18. Gross premiums due and uncollected on policies in force.....	$	$		
Gross deferred premiums on same.....				
Totals.....				
Deduct commission at.....per cent on 'new' and.....per cent on 'renewals'.				
Net amount of outstanding and deferred premiums.....				
Total Assets.....				

*If the total market value of any item of assets is less than the value in account a deduction should here be made.

———	$	cts.
III.—Liabilities.		
1. Amount computed or estimated upon the statutory basis, without regard to allowance permitted by sec. 42, sub-sec. 3, to cover the present value of all policies, reversionary additions, premium reductions, and annuities in force		
Additional reserves voluntarily maintained to bring the total reserves up to the net values by the.....table and.....per cent., (*being the Company's voluntary basis of valuation*)		
Total		
Deduct value of policies reinsured		
Net reserve (*particulars as in Detail* I. A.)		
Deduct amount of allowance permitted by sec. 42, subsec. 3 (*the full statutory allowance being* $....., *as shown in Detail* I. B.)		
Net reserve, less allowance		
2. Present value of amounts not yet due on matured instalment policies		
3. Amount calculated, or otherwise ascertained, and reserved for apportionment to deferred dividend policies (*particulars as called for by Detail* 2)		
4. Claims for death losses:		
(1) Due and unpaid.....$.....		
(2) Adjusted but not due		
(3) Unadjusted but not resisted		
(4) Resisted—in suit		
" not in suit		
5. Claims for matured endowments:		
(1) Due and unpaid.....$.....		
(2) Adjusted but not due		
(3) Unadjusted but not resisted		
(4) Resisted—in suit		
" not in suit		
(*If any of the items in 4 and 5 accrued in previous years state the amounts.*)		
6. (1) Due and unpaid annuity claims.....$.....		
(2) Resisted—in suit		
" not in suit		
7. Surrender values claimable on policies cancelled whose reserves are not included in item 1		
8. Amount of dividends or bonuses to policyholders due and unpaid		
9. Amount of dividends to stockholders due and unpaid		
10. Due on account of office and other expenses		
11. Premiums paid in advance		
12. Due on account of loans		
13. Taxes due and accrued		
14. Balance of shareholders' account		
15. Amount of all other liability of the Company (*with details*)		
16. Total liability		
17. Excess of assets over liabilities		
18. Capital stock paid up		
*19. Surplus above all liabilities and capital		

Shareholders' Account.

	$
1. Balance of Shareholders' Account, 31st December, last year	
2. Interest added during the year	
3. Shareholders proportion of profits	
Total	
4. Amount of dividends paid during the year	
5. Shareholders' proportion of losses upon investments and other similar losses	
Total	
6. Balance of Shareholders' Account at 31st December, this year	

* Show separately the amount of surplus contingently apportioned to deferred dividend policies issued prior to January 1st, 1911.

——	$	cts.
IV.—Income during the Year.		
1. Cash received for First Year Premiums.....$.....		
Less premiums paid for reinsurance.....		
Total net income from First Year's premiums.....$.....		
2. Cash received for renewal premiums.....$.....		
Renewal premiums paid by dividends.....		
Total.....$.....		
Less premiums paid for reinsurance.....		
Total net income from renewal premiums .....$.....		
3. Cash received for single premiums.....$.....		
Single premiums paid by dividends.....		
Total.....$.....		
Less single premiums paid for reinsurance.....		
Total net income from single premiums.....$.....		
4. Cash received for single premiums for life annuities....$.....		
Cash received for annual premiums for life annuities...		
Total.....$.....		
Less premiums paid for reinsurance.....		
Total net income from Life Annuity premiums.....$.....		
5. Total net premium income.....		
6. Cash received for interest or dividends on stock, &c.....		
7. Cash received for rents.....		
*8. Net cash received as profit on securities actually sold.....		
9. Cash received by way of premium upon Capital Stock.....		
10. All other income (*with details*).....		
11. Total.....		
12. Cash received for calls on Capital.....$.....		
Cash received for increased Capital.....		
Total carried out.....		
13. Total cash income during the year.....		

*If a net loss has been sustained upon securities sold, a deduction should here be made

V.—Expenditure during the Year.	$	cts.
1. Cash paid for death losses (including bonus additions, $....) ....$		
Payments on matured instalment policies		
Total ....$		
Deduct reinsured death claims		
Net amount paid for death claims		
2. Cash paid for matured endowments (including bonuses, $.....) ....$		
Payments on matured instalment policies		
Total ....$		
Deduct reinsured endowment claims		
Net amount paid for endowment claims		
3. Total amount paid for death claims and matured endowments		
(If any of the items in 1 and 2 accrued in previous years state the amounts. Also state the amounts of any reversionary bonuses.)		
4. Cash paid to annuitants ....$		
5. Cash (and premium obligations, &c.), paid for surrendered policies		
6. Cash dividends paid to policyholders		
Cash dividends applied in payment of premiums		
Total carried out		
7. Total amount paid to policyholders		
8. Cash paid to stockholders for interest or dividends		
9. Cash paid for taxes, licenses, fees or fines		
10. Cash paid for investment expenses (with details)		
11. General expenses:		
Head Office salaries		
Head Office travelling expenses		
Directors' fees		
Auditors' fees		
Commissions, first year		
Commissions, renewal		
Commission advanced to agents		
Agency salaries		
Agency travelling expenses		
Other agency expenses		
Miscellaneous expenses in detail		
Total expenditure		

Note—*A separate statement is required showing the remuneration of each of the directors, trustees, officers, agents or other employees of the Company, in all cases where such remuneration is equal to or in excess of* $4,000 *giving the name of each such officer. For purposes of such statement, the term 'remuneration' includes salary proper, fees, commission or other payment or allowance, and there should also be shown separately the amount paid to each such person by way of travelling expenses. Where an agent employs subagents to whom a portion of the moneys received by him is paid, a foot-note is to be added to the schedule distinguishing such agents from other agents mentioned therein.*

Synopsis of Ledger Accounts.

	$	
1. Amount of net Ledger Assets, 31st December, last year		
2. Amount of cash income as per IV		
3. Amount of appreciation in ledger values of assets or items written up (*with details*)		
Total		
4. Amount of expenditure as per V		
5. Amounts written off ledger assets not included in V. (*with details*)		
Total		
6. Balance—net ledger assets, 31st December, this year		

In the following items instalment policies and policies with deferred payments should be entered at their commuted value.	$	cts.
VI.—MISCELLANEOUS.		
1. Number of new policies taken during the year and paid for in cash...		
2. Amount of said policies.....		
3. Amount of said policies reinsured in other licensed companies in Canada.....		
4. Number of policies become claims (including matured endowments) during the year.....		
5. Amount of said claims (including matured endowments). $.....		
6. Amount of above claims reinsured in other licensed companies in Canada.....		
Net amount carried out.....		
7. Number of policies in force at date.....		
8. Amount of said policies..... $.....		
Bonus additions thereto.....		
Total..... $.....		
9. Amount of said policies reinsured in other licensed companies in Canada, including $.....bonus additions		
10. Net amount in force at (*date*).....		
11. Number of Life Annuities in force at (*date*).....		
12. Amount of annual payments thereunder..... $.....		

NOTE.—A Gain and Loss Exhibit will also be required, the form thereof to be dete mined by the Superintendent.

VII.—A. EXHIBIT OF POLICIES.

Classification.	1.—Whole Life Policies.		2.—Endowment Policies.		3.—All other Policies.		4.—Bonus Additions.	5.—Total Nos. and Amounts.	
	No.	Amount.	No.	Amount.	No.	Amount.	Amount.	No.	Amount.
		$		$		$	$		$
1. At the end of previous year									
2. New policies issued									
3. Old policies revived									
4. Old, changed and increased									
Totals									
Deduct ceased:									
5. By death									
6. By maturity									
7. By expiry									
8. By surrender									
9. By lapse									
10. By change and decrease									
11. By not taken									
12. Total terminated									
13. Policies in force at end of year									
14. Policies re-insured									

Note.—Instalment policies should be entered and deducted in the above Exhibit of Policies for the commuted value of instalments only. An exhibit similar to the above, is to be furnished for industrial policies.

VII.—B. EXHIBIT OF ANNUITIES.

Classification.	1.—Life Annuities Proper.		2.—Life Annuities arising out of Life Assurance Contracts.	
	No.	Annual Payments.	No.	Annual Payments.
		$		$
1. At the end of previous year				
2. New annuities				
Totals				
Deduct ceased:				
3. By death				
4. By expiry				
5. By				
6. Total terminated				
7. In force at end of year				

LIABILITIES, ITEM I.—

DETAIL 1.

A.—STATEMENT OF ACTUARIAL LIABILITIES OF THE ..... COMPANY.

1. Whole Life Assurances in force:—

(*a*) With Profit Assurances:

	No. of Polices in Force.	Amount in Force.	Value.
Gross number and amounts	.....	$.....	$.....
Less re-insured.....	.....	.....	.....
Net number and amounts.....	.....	$.....	$.....

(*b*) Without Profit Assurances: (*as above*).

2. Endowment Assurances in Force: (*a* and *b as above*).

3. Temporary and other remaining Assurances in Force: (*a* and *b as above*).

4. (*a*) Bonus Additions:

Amount of Bonus additions.	Value.
$.....	$.....

(*b*) Premium Reductions:

Amount per Annum.	Value.
$.....	$.....

5. Life Annuities arising out of Life Assurance Contracts:—

No.	Yearly Amount Payable.	Value.
.....	$.....	$.....

6. Life Annuities Proper:—

No.	Yearly Amount Payable.	Value.
.....	$.....	$.....

(*The gross, reinsured and net figures should be set forth under each head, as indicated in* 1 (*a*). *Basis of valuation for each class of business to be clearly stated*).

B.—Statement Showing Particulars of Policies subject to a net Premium equal to, or greater than the Corresponding Whole Life Premium. *(For purposes of this return, all policies of the same average duration, falling within the above mentioned category may be combined, irrespective of plan).*

Policies in force at date of Return, issued during the Year ended.....19.., Average Duration, one-half Year.

(1.) Age of Issue.	(2.) Amount of Policies.	(3.) Statutory reduction of $O^{m\,(5)}$ 3½ p.c. net reserve (upon amts. in column 2.)
.....	.....	.....
.....	.....	.....
.....	.....	.....
(Columns (2) and (3) to be summed.)		

(Similar tables showing particulars of policies of which the average durations at the date of return are 1½, 2½ and 3½ years, respectively, must be furnished.)

DETAIL 2.

1. Give separately the amounts held to the credit of deferred dividend policies in accordance with the requirements below specified:

Amount Awaiting Distribution.

Year of Issue.	Deferred Dividend Period.			
	5 Years.	10 Years.	15 Years.	20 Years.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

A similar form is to be used with respect to deferred dividend policies issued subsequent to January 1, 1911.

DETAIL 3.

STATEMENT of the Life Insurance and Annuity Business of the.....Company.

1. Set forth the Office Premiums in Force, at the date of this return, at age 20, and at every fifth age thereafter, for each class of insurance and annuity business transacted, distinguishing between *With* and *Without Profit Sections.*

2. Statement respecting profits paid:—

(*a*) Rates of annual dividends declared during the year, for ages of entry 25, 35, 45 and 55, and for all durations under each class of insurance;

(*b*) Rates of dividend declared, at the last previous allotment, upon policies to which profits are distributed at intervals other than yearly, being policies other than upon the deferred dividend plan, specifying age, duration and class as above;

(*c*) Rates of dividend declared upon deferred dividend policies which completed their dividend period during the year, specifying age, duration, and class as above.

(*All three to be accompanied by a definite statement of the method by which such dividends or amounts have been computed.*)

DETAIL 4.

Miscellaneous Statement.

1. Were the policies and annuities valued individually or in groups?

2. How was the valuation age determined (*a*) for assurances? (*b*) for annuities?

3. How were the following classes of policies valued?—

(*a*) Policies issued on lives resident in tropical or sub-tropical countries at rates of premiums greater than the regular Canadian rates;

(*b*) Policies issued at premiums corresponding to ages higher than the true ages;

(*c*) Policies providing for payments at death during certain periods of an amount less than the full amount of insurance;

(*d*) Policies issued at a fixed extra premium, whether payable in one sum or annually.

4. State what provision is made under tropical and sub-tropical policies as regards—

(*a*) surrender values;

(*b*) the surplus credited or allotted to such policies.

5. What reserve, if any, is held under limited and single premium policies on account of prepaid or limited loadings

6. State the general method or principle upon which surplus is distributed as between shareholders and policyholders.

7. State the average rate of interest at which the funds were invested during the year, giving an explanation of how such average rate was computed.

FORM A. 1.

SCHEDULE SHOWING MOVEMENT OF SECURITIES FOR THE SIX MONTHS BEGINNING 1ST DAY OF....19 , AND ENDING... DAY OF....19 .

(*a*) BONDS, STOCKS, AND DEBENTURES PURCHASED.

Description of each kind of Bond, &c.	From whom Purchased.	When Purchased.	Commission paid (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par Value.	Price paid

(*b*) REAL ESTATE PURCHASED.

Description and Location of Property.	From whom purchased.	Date of purchase or of acquisition.	Commission paid (if any).	Price paid, or value at which transferred to Real Estate ac., each parcel separately.

(*c*) COLLATERAL LOANS MADE.

Description of Collateral taken.	To whom made.	Time.	Rate of Interest.	Par Value.	Market Value.	Amount of Loan.

(*d*) [The Total Amount invested in Mortgages during the half year must also be given; and also, separately, the Total Amount Loaned upon Policies.]

(*e*) BONDS, STOCKS AND DEBENTURES SOLD.

Description of Bond.	To whom sold.	When sold.	Commission paid, (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par value.	Value in account.	Price, or other consideration received.

(*f*) REAL ESTATE SOLD.

Short Description of Property.	To whom sold.	Date of purchase, or of acquisition.	Commission paid (if any).	Price paid therefor, or at which carried to Real Estate account.	Value in Account.	Price received for each parcel.

(*g*) COLLATERAL LOANS REPAID.

Description of Collateral released.	By whom paid.	VALUE OF SECURITY RELEASED.		Amount repaid
		Par Value.	Market value.	

(*h*) [The Total Amount of Principal Moneys received upon Mortgages, or Consideration for Mortgages sold during the half year must be given; and, also, separately, the Total Amount of Policy Loans Repaid.]

FORM B.

This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of.....

President.....	Secretary.....
Principal Office.....	Agent.....
Organized or incorporated:	Commenced business in Canada:
(date).....	(date).....

I.—CAPITAL.	$	cts.
1. Amount of Joint Stock or Guarantee Capital authorized.....		
2. Amount subscribed for.....		
3. Amount paid up in cash.....		

LIST OF STOCKHOLDERS.

As at 31st December, 19 .

NAME.	RESIDENCE	Amount Subscribed for.		Amount Paid up in cash	
		$	cts.	$	cts

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

As at.....19 . (*Date of filing of Statement.*)

	$	cts.
II.—Assets as per ledger Accounts.		
1. Value of Real Estate (less encumbrances) held by the Company.....		
(Detailed statement to be given in a separate schedule.)		
2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens.....		
3. The same, second liens.....		
(Detailed statement of loans in 2 and 3 to be given in a separate schedule.)		
4. Amount of loans secured by bonds, stocks or other marketable collaterals.....		
(Par and market value of each such collateral and amount loaned thereon in a separate schedule.)		
5. Amount of loans as above on which interest has been overdue for one year or more previous to statement (*details in a separate schedule*). $.....		
6. Value in account of bonds, debentures and debenture stocks owned by the Company.....		
(Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.)		
7. Value in account of stocks owned by the Company (*details to be given, in a separate schedule*).....		
8. Cash at head office.....		
9. Cash in banks (*with details*).....		
10. All other ledger assets (*details in separate schedule*).....		
Total ledger assets.....		
Other Assets.		
11. *Market value of stocks, bonds, debentures, &c., over value in account.		
12. Interest due (*with details*).....$.....		
" accrued (*with details*).....		
Total carried out.....		
13. Rents due .....$.....		
" accrued		
Total carried out		
14. Agents' Balances and premiums uncollected.....		
15. Bills receivable held by the Company.....		
Amount of same overdue.....$.....		
16. Amount of premium notes on hand on which policies are issued..... $.....		
Deduct amount paid thereon.....		
And deduct amount assessed thereon remaining unpaid.....		
Balance carried out.....		
17. Total assessments on Premium notes.....$.....		
Deduct amount paid thereon.....		
Balance carried out.....		
18. Amount of assessment on Stock notes.....$.....		
Deduct amount paid thereon.....		
Balance carried out.....		
19. All other property belonging to the Company, with a detail thereof in a separate schedule.....		

* If the total market value of any item of assets is less than the value in account, a deduction should here be made.

	$	cts.
20. Gross amount of all the Assets of the Company.....		
21. Amount which should be deducted from the above Assets on account of bad and doubtful debts and securities, viz:— From item No....$.....; No....$.....; No....$.....; No....$.....; No....$.....; No....$..... Total deductions.....		
22. Aggregate amount of all the Assets of the Company, stated at their actual value.....		
NOTE ON ITEMS (6) and (7). If any of these Stocks have any lien upon them for the benefit of any particular class of Policyholders, or if they are deposited with the Government of any State or Country, the fact must be specially stated.		
III.—LIABILITIES.		
(1) LIABILITIES IN CANADA.		
(1) *For Fire Losses in Canada.*		
1. *Net amount of Losses due and yet unpaid.....		
2. (1) " " adjusted but not due.....		
(2) " " claimed but not adjusted.....		
(3) " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.: In suit..... Not in suit.....		
4. †Total net amount of unsettled claims for Fire losses in Canada.....		
(2) *For Inland Navigation Losses in Canada.*		
1. *Net amount of losses in Canada due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed		
3. *Net amount of losses resisted, viz.: In suit..... Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses in Canada.....		
(3) *For Marine (Ocean) Losses in Canada.*		
1. *Net amount of losses in Canada due and yet unpaid.....		
2 (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed		
3. *Net amount of losses resisted, viz.: In suit..... Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) losses in Canada.....		
5. Total net amount as above of unsettled claims for Fire, Inland Navigation and Marine (Ocean) losses in Canada.....		

* After deducting reinsurance and salvage.
† If any of these accrued previous to 19 , state the amounts.

	$	cts.
6. ‡Gross Premiums received and receivable upon all unexpired (not reinsured) Fire risks in Canada, $.....		
Reserve of Unearned Premiums thereon *pro rata* for the period unexpired, $.....		
7. Gross Premiums received and receivable upon all unexpired (not reinsured) Inland Navigation risks, $.....		
Reserve of Unearned Premiums thereon at 50 per cent, $.....		
8. Gross Premiums received and receivable upon all unexpired (not reinsured) Marine (Ocean) risks, $.....		
Reserve of Unearned Premiums thereon at 100 per cent, $.....		
9. Total reserve as above of Unearned Premiums for all outstanding risks in Canada.....		
10. (1) Dividends declared and due, and remaining unpaid.....		
(2) " but not yet due.....		
11. Due and accrued for salaries, rent, advertising, agency and other miscellaneous expenses.....		
12. (1) Amount of money borrowed, stating amount of each loan separately, the security given therefor, and the rate of interest payable ..		
(*Details to be given in separate schedule.*)		
(2) Interest thereon due and unpaid.....		
(3) " accrued but not yet due.....		
13. Amount of all other claims against the Company, with a detailed statement thereof.....		
14. Total amount of all Liabilities in Canada except Capital Stock.....		

(2) LIABILITIES IN OTHER COUNTRIES.

(1) *For Fire Losses in other Countries.*

1. *Net amount of Losses due and yet unpaid.....		
2. (1) " adjusted but not due.....		
(2) " claimed but not adjusted.....		
(3) " reported or supposed, but not claimed.....		
3. *Net amount of Losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Fire Losses.....		

(2) *For Inland Navigation Losses in other Countries.*

1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses..		

* After deducting reinsurance and salvage.

† If any of these accrued previous to 19 , state the amounts.

‡ In cases where the actual amounts to be reserved of the individual Premiums *pro rata* for the time unexpired have not been calculated, the following approximations may be used:

For the total of unexpired policies whose original term was one year or less, reserve one-half of the Gross Premiums.

For the totals of two-year-term policies: unexpired period being one year or less, reserve one-fourth; and unexpired period being more than one year, reserve three-fourths.

For the totals of three-year-term policies: unexpired term being one year or less, reserve one-sixth; unexpired period being more than one year but not more than two years, reserve one-half; unexpired period being more than two years, reserve five-sixths.

Other term policies *pro rata.*

(*Detailed statement to be given in schedule on opposite page.*)

———	$	cts.
(3) *For Marine (Ocean) Losses in other Countries.*		
1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) Losses in other countries.....		
5. Total net amount as above of unsettled claims for Fire, Inland Navigation and Marine (Ocean) losses in other countries.....		
6. Gross premiums received and receivable upon all unexpired Fire risks (not reinsured), $.....		
Reserve of unearned premiums thereon *pro rata* for the period unexpired, $.....		
7. Gross Premiums received and receivable upon all unexpired (not reinsured) Inland Navigation risks, $.....		
Reserve of unearned premiums thereon at 50 per cent, $.....		
8. Gross Premiums received and receivable upon all unexpired (not reinsured) Marine (Ocean) risks, $.....		
Reserve of unearned premiums thereon at 100 per cent, $.....		
9. Total reserve as above of unearned premiums for all outstanding risks.		
10. Due and accrued for salaries, rent, advertising, agency and other miscellaneous expenses.....		
11. (1) Amount of money borrowed, stating amount of each loan separately, the security given therefor, and the rate of interest payable.		
(*Detailed statement to be given in a separate schedule.*)		
(2) Interest thereon due and unpaid.....		
(3) " accrued but not due.....		
12. Amount of all other claims against the Company (with a detailed statement thereof).....		
13. Total amount of all Liabilities in other countries.....		
14. Total amount of Liabilities in all countries except Capital Stock.....		
15. Capital Stock paid up in cash and notes.....		
16. Surplus (if any) beyond all Liabilities and Capital Stock paid up.....		

* After deducting reinsurance and salvage.
† If any of these accrued previous to 19 , state the amounts.

Recapitulation of Fire Risks and Premiums in Force in Canada.

Year Written.	Term.	Gross Amount in Force.	Gross Premiums thereon.	*Amount Reinsured.	*Gross Premiums thereon.	Net Amount in Force.	Gross Premiums thereon.	Fraction Unearned.	Reserve of Unearned Premiums.
		$	$ cts.	$	$ cts.	$	$ cts.		$ cts.
19	One year or less.....							1/2 1/4 3/4 1/3 2/3	
19	Two years.....								
19	Two years.....								
19	Three years.....								
19	Three years.....								
19	Three years.....								
Totals..									

* Reinsurances in licensed companies only to be deducted.

Recapitulation of Fire Risks and Premiums in Force in Other Countries.

Year Written.	Term.	Gross Amount in Force.	Gross Premiums thereon.	Amount Reinsured.	Gross Premiums thereon.	Net Amount in Force.	Gross Premiums thereon.	Fraction Unearned.	Reserve of Unearned Premiums.
		$	$ cts.	$	$ cts.	$	$ cts.		$ cts.
19	One year or less							1/2 1/4 2/4 1/3 2/3 1/2	
19	Two years								
19	Two years								
19	Three years								
19	Three years								
19	Three years								
Totals..									

Fire risks in Canada.

Province.	Net Premiums received.	Net Losses paid.
Ontario		
Quebec		
Nova Scotia		
New Brunswick		
Prince Edward Island		
Manitoba		
British Columbia		
Alberta		
Saskatchewan		
Totals		

Statement of reinsurance of Canadian business in Companies not licensed under the Insurance Act.

———	$	cts.
(1) *Fire risks in Canada.*		
1. Amount of reinsurance premiums in unlicensed companies		
2. Amount of commission thereon		
3. Amount of losses recovered from said companies		
(2) *Inland Marine risks in Canada.*		
1. Amount of reinsurance premiums in unlicensed companies		
2. Amount of commission thereon		
3. Amount of losses recovered from said companies		

IV.—Income.

———	In Canada.		In Other Countries.	
(1) *For Fire Risks.*	$	cts.	$	cts.
1. Gross Premiums unpaid or in the hands of agents 31st December, last year				
2. Gross Premiums written or renewed during the year				
3. Total				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year				
5. Gross cash received for Fire Premiums				
*6. Deduct reinsurance, rebate, abatement and return Premiums				
7. Total net cash received during year for fire Premiums				
(2) *For Inland Navigation Risks.*				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year				
2. Gross Premiums written or renewed during the year				
3. Total				
4. Deduct Gross Premiums unpaid or in hands of agents, 31st December, this year				

IV.—INCOME—*Concluded.*

	In Canada.		In other Countries.	
	$	cts.	$	cts
5. Gross cash received for I. N. Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for I. N. Premiums.....				
(3) *For Marine (Ocean) Risks.*				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year.....				
5. Gross cash received for Ocean Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for Ocean Premiums.....				
8. Total net cash actually received for Premiums in all Countries.....				
9. Received for Interest and Dividends on Stocks, Bonds, &c.....				
10. " Rents.....				
11. Income received from all other sources.....				
(*Detailed statement in a separate schedule.*)				
12. Received for calls on Capital.....$.....				
" increased Capital.....				
Total carried out.....				
13. Aggregate amount of Income actually received during the year in cash.				

* For business in Canada, reinsurances in licensed companies only to be deducted.

V.—EXPENDITURE.

	In Canada.		In other Countries.	
(1) *For Fire Risks.*	$	cts.	$	cts.
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at $..... net).....				
2. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Fire losses.....				
(2) *For Inland Navigation Risks.*				
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at $..... net).....				
2. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Inland Navigation losses.....				

	$	cts.
6. Total net amount paid during the year for Fire and Inland Navigation losses.....		
*7. Total net amount paid during the year for Marine (Ocean) losses, viz.: in Canada, $.....; in other countries, $..... Total.....		
8. Amount of dividends paid during the year, at.....(*rate*).....		
9. Paid or allowed for Commission or Brokerage.....		
10. Paid for Salaries, Fees and all other charges of officials.....		
11. Paid for Taxes.....		
12. All other payments and expenditures ..... (*Detailed statement to be given in a separate schedule.*)		
13. Aggregate amount of actual Expenditure in Cash.....		

* If any of these accrued in previous years, state the amounts.
† For business in Canada, reinsurances in licensed companies only to be deducted.

Synopsis of Ledger Accounts.

——	$	cts.
1. Amount of net Ledger Assets 31st December, last year		
2. Amount of cash income as per IV		
3. Amount of appreciation in ledger values of assets or items written up (*with details*)		
Total		
4. Amount of expenditure as per V		
5. Amount written off ledger assets not included in V (*with details*)		
Total		
6. Balance, net ledger assets 31st December, this year		

VI.—Miscellaneous.

Recapitulation of Fire Risks and Premiums Written or Renewed during the Year 19 .

(1) *In Canada.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon.
19	Less than one year		
19	One year or less		
19	Two years		
19	Three years		
	Totals		

(2) *In Other Countries.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon.
19	Less than one year		
19	One year or less		
19	Two years		
19	Three years		
19	Four years		
19	Five years		
	Totals		

VI.—Miscellaneous.—Risks and Premiums—*Continued.*

	In Canada.				In Other Countries.				Total in all Countries.			
	No.	Amount.	Premiums.		No.	Amount.	Premiums.		No.	Amount.	Premiums.	
(1) *Fire Risks.*		$	$	cts.		$	$	cts.		$	$	c.
1. Policies in force (gross) at date of last statement												
2. Taken during the year—new												
" " renewed												
3. Total												
4. Deduct terminated (including renewed)												
*5. Gross in force at end of year												
†6. Deduct reinsured												
*7. Net in force at (*date*)												
(2) *Inland Marine Risks.*												
1. Policies in force (gross) at date of last statement												
2. Taken during the year												
3. Total												
4. Deduct terminated												
5. Gross in force at end of year												
‡6. Deduct reinsured												
7. Net in force at (*date*)												

* Details to be given in Schedules on pages and .
† Details to be given in Schedules on pages .. and ... For business in Canada, reinsurances in licensed companies only to be deducted.
‡ For business in Canada, reinsurances in licensed companies only to be deducted.

VI.—Miscellaneous.—Risks and Premiums—*Concluded.*

	In Canada.				In Other Countries.				Total in all Countries.			
	No.	Amount.	Premiums.		No.	Amount.	Premiums.		No.	Amount.	Premiums.	
(3) *Marine (Ocean) Risks.*		$	$	cts.		$	$	cts.		$	$	cts.
1. Policies in force (gross) at date of last statement												
2. Taken during the year												
3. Total												
4. Deduct terminated												
5. Gross in force at end of year												
*6. Deduct reinsured												
7. Net in force at (*date*)												

Total No. of Policies in force at date.....; Total net amount in force, $.....: Total premiums thereon, $.....

* For business in Canada, reinsurances in licensed companies only to be deducted.

Real Estate Owned by the Company.

Description of Property.	Date Acquired.	Amount of Incumbrances.		Actual Cost.		Book Value.		Market Value.		Operations During 19 .							
										Expended for Repairs and Improvements on Capital Account.		Gross Income.		Taxes and all running Expenses.		Net Income.	
		$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.

Bonds and Debentures Owned by the Company.

Description.	Date of Maturity.	Interest.		Par Value.		Book Value.		Market Value.		Interest due.		Interest Accrued.	
		Rate.	How Payable.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.

Stocks Owned by the Company.

Description.	No. of Shares.	Rate of Dividend in each of last Three Years.			Par Value.		Book Value.		Rate used to obtain Market Value.	Market Value.	
					$	cts.	$	cts.		$	cts.

Form C.

FORM OF DECLARATION TO ACCOMPANY THE STATEMENT.

Province of }
County of }

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company on the said day of last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively, and they declare that no change or amendment has been made in the Charter, Act of Incorporation, or Articles of Association of the Company, and no change in the Chief Agency or Chief Agent, without the Superintendent having been duly notified of such change or amendment.

Signatures.

Subscribed and sworn to before me this... day of.....A.D. 19 .

Form C1.

VERIFYING HALF YEARLY STATEMENT.

Province of }
County of }

President, and

Secretary of

Company being duly sworn, depose and say,

and each for himself says, that they are the above described officers of the said company, and that according to the best of their knowledge, information and belief the foregoing statement correctly sets forth the information required by the schedule shown in Form A1 hereof, with full and accurate particulars in each case as called for by the said statement during the six months commencing the first day of..... 19....and ending the.....day of.....19....

Signatures.

Subscribed and sworn to before me, at the..... ..... of ..... in the county of..... this....day of.....19 .

NOTE.—*In the case of the half yearly statement required of Trustees, the above form applies with such changes only as are necessary.*

FORM D.

In the matter of the (*here insert name of the company*). Notice is hereby given that the Minister of Finance has, pursuant to the one hundred and fourth and one hundred and fifth sections of *The Insurance Act, 1910,* directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said one hundred and fourth section; and the assets so retained are hereby tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies. A list of such policyholders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policyholder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the day of , A.D. 19 , shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

LIST of policyholders and amounts tendered.

Name.	Address, so far as known.	Amount and Number. of Policies.	Amount. Tendered.

Dated at Ottawa, this day of , A.D. 19 .

(Signed)

Minister of Finance,
Canada.

(Signed)

Superintendent of Insurance.

FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE.
DEPARTMENT OF FINANCE,
OTTAWA, 19 .

In the matter of the (*here insert the name of the company*).

You are hereby notified that the Minister of Finance has, pursuant to the one hundred and fourth section of *The Insurance Act, 1910*, directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued profits, which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said one hundred and fourth section. The assets so retained are tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of A.D. 19 , you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c.,

(Signed)

Superintendent of Insurance.

Name.	Number and Amount of Policy.	Amount Tendered

FORM F.

MODEL BILL

FOR INCORPORATION OF INSURANCE COMPANY.

An Act to incorporate the (*state the name of the Company*).

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (*Insert names of the persons applying for incorporation*) together with such persons as become shareholders in the company, are incorporated under the name of (*state name of company*), hereinafter called "the Company."

2. The persons named in section 1 of this Act (*or as the case may be*) shall be the provisional directors of the Company. (*The name, address and addition of each director must be given.*)

3. The capital stock of the Company shall be..... dollars, which may be increased to.....dollars.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be..... dollars.

5. The Company shall not commence business until..... .....dollars of the capital stock have been subscribed and.....dollars paid thereon.

6. The head office of the Company shall be in the..... of ....., in the province of.....

7. The Company may make contracts of insurance (*state particulars of the kinds of insurance intended to be carried on*).

8. *The Insurance Act, 1910,* shall apply to the Company.

FORM G.

POLICY LOAN AGREEMENT.

This agreement made this.....day of.....19.. between..... of....., hereinafter called "the Company," of the first part, and..... hereinafter called "the Borrower," of the second part.

Whereas the Company has this day made a loan to the Borrower of.....dollars (the receipt of which is hereby acknowledged), upon the security of Policy No..... issued by the Company, and its accumulations, or of any paid-up policy or other policy that may be issued in lieu thereof, now this agreement witnesseth that the said parties, in consideration of the premises, hereby agree as follows:—

1. Interest at the rate of..... per cent per annum shall be paid by the Borrower upon the said loan at the head office of the Company in....., Canada, upon the.....day of.....; the first payment of interest to be made on the.....day of.....19..; Provided, however, that any overdue interest shall, until paid, bear interest at the rate aforesaid.

2. In the event of default in payment of the said interest or of any premium on the said policy, the said policy shall, if the accumulated indebtedness, together with such premium and interest, is equal to or exceeds the cash surrender value of the policy, be deemed to be and shall be in fact surrendered to the Company.

3. In the settlement of any claim or any benefit under the said policy before the said loan with accrued interest have been fully paid, the Company shall be liable for the return of the balance only of the proceeds of the said claim or of the said benefit after deducting the said loan and accrued interest and any other indebtedness to the Company.

4. All the conditions, provisions, limitations and requirements of the said policy, except as herein expressly modified, shall remain in full force.

5. The Borrower has deposited the said policy with the Company as security for the said loan in the terms of this agreement, and covenants and agrees with the Company to abide by and perform all and singular the stipulations, conditions, provisions, limitations and agreements contained in this agreement and in the said policy.

6. Any other policy issued by the Company in substitution of the said Policy No..... shall be deposited with the Company and be retained by the Company as security for the said loan on the terms of this agreement.

7. The Borrower may repay the said loan with accrued interest at any time, and on payment as aforesaid of the said loan with accrued interest and all other indebtedness in respect of the said policy the Company will return the said policy and this agreement shall be deemed to be cancelled.

The Borrower hereby certif that.....over the age of twenty-one years.

In witness whereof the Borrower ha hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of	
.....	.....
Name of Witness.	..... (L.S.).. *Beneficiary sign here.*
.....	
Address of Witness.	.....
.....	..... (L.S.)
Occupation of Witness.	*Assured sign here.*

[*An affidavit of the due execution by all proper parties to the loan agreement may be required by the Company.*]

2nd Session, 11th Parliament, 9 Edw. VII., 1

THE SENATE OF CANADA.

BILL

A

An Act respecting Insurance.

Received and read a first time,

Wednesday, 17th November, 19(

Second reading,

Friday, 19th November, 1909.

The Right Honourable
SIR RICHARD CARTWRIGHT
G.C.M

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

FIRST REPRINT.

Bill reprinted as amended, and reported on 8th March, 1910, by The Committee on Banking and Commerce.

The amendments made by The Committee on Banking and Commerce are shown—

By an asterisk * at the beginning and end, when a section, subsection, or words have been substituted for others;

By three asterisks *** when the amendment is by the omission of words;

By a line of asterisks across the page, when a section or subsection has been struck out altogether and nothing substituted.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL A.

NOTE.—*The part of subsection 1 of section 37 and paragraph 3 of subsection 1 of section 139, which are shown within square brackets, do not form part of this Bill. They are printed for information only and will be struck out before the Bill is passed by the Senate. It is intended to introduce them in the House of Commons.*

New matter is shown by italics.

An Act respecting Insurance.

SHORT TITLE.

1. This Act may be cited as *The Insurance Act, 1910.* Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— 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 and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance; "Company."

(*e*) "Canadian company" means a company incorporated or legally formed in Canada, for the purpose of carrying on the "Canadian company."

business of insurance in Canada, and which has its head office therein;

"Chief agency." (*f*) "agency" or "chief agency" means the principal office or place of business of the company in Canada;

"Agent." (*g*) "agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated;

"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 company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof;

"Secretary." (*j*) "secretary" means and includes the officer by whom the usual duties of a secretary are performed;

"Annual statement." (*k*) "annual statement," in the case of companies incorporated or legally formed elsewhere than in Canada and licensed under this Act, includes both the statement of the Canadian business and of the general business of the company required by this Act to be made;

"License." (*l*) "license" includes certificate of registration;

"Policy." (*m*) "policy" includes a certificate of membership relating in any way to life insurance and any other written contract of insurance whether contained in one or more documents;

(*n*) "Canadian policy" or "policy in Canada," as regards fire and inland marine insurance, means a policy of insurance on any property within Canada, issued by any company licensed under this Act to transact the business of fire or inland marine insurance;

"Canadian policy." "Policy in Canada." (*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.

"Accident insurance." (*r*) "accident insurance" means insurance against bodily injury and death by accident, including *loss or damage from accident or injury suffered by an employee or other person for which the person *insured* is liable; and the insurance of personal property other than plate or other glass against accidental damage or loss by reason of any cause except by fire or perils of navigation;*

"Automobile insurance." (*s*) "*automobile insurance*" *means insurance against accidental bodily injury or death to its driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insur-*

ance against loss or damage to an automobile by accident, burglary or theft;

(*t*) *"bond insurance" means guaranteeing the validity and legality of bonds issued by any province of Canada or by any city, county, town, village, school district, municipality or other civil division of any such province or by any private or public corporation;* "Bond insurance."

(*u*) *"burglary insurance" means insurance against loss or damage by burglary, theft, or house-breaking;* "Burglary insurance."

(*v*) **"explosion insurance" means insurance against damage to property of any kind caused by the explosion of natural or other gas.** "Explosion insurance."

(*w*) "guarantee insurance" means the guaranteeing of the fidelity of persons in positions of trust, *public or private, guaranteeing and becoming security for the due performance of any contract or agreement or of the duties of any office; executing bonds in legal actions and proceedings;* "Guarantee insurance."

(*x*) *"industrial insurance" means life insurance, the premiums for which are payable at shorter intervals than quarterly, and "industrial policies," means policies of life insurance whereon the premiums are so payable; but this paragraph shall not apply to life insurance undertaken by companies licensed under section 113 of this Act, nor to policies issued by such companies;* "Industrial insurance."

(*y*) "inland marine insurance" means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbour of Montreal; "Inland marine insurance."

(*z*) "inland transportation insurance" means insurance against loss or damage to goods, wares, merchandise or property of any kind, including matter transmitted by mail, in transit otherwise than by water, from place to place in Canada; "Inland transportation insurance."

(*aa*) "plate glass insurance" means insurance against the breakage of plate or other glass, either local or in transit; "Plate glass insurance."

(*bb*) "sickness insurance" means insurance against loss through illness not ending in death, or disability not arising from accident or old age; "Sickness insurance.

(*cc*) *"sprinkler leakage insurance" means the insuring of any goods or premises against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water-pipes, or plumbing and its fixtures;* "Sprinkler leakage insurance."

(*dd*) *"steam boiler insurance" means insurance upon steam boilers and pipes, engines and machinery connected therewith or operated thereby, against explosion, rupture and accident and against personal injury or loss of life, and against destruction of or damage to property resulting therefrom;* "Steam boiler insurance."

APPLICATION OF ACT.

3. The provisions of this Act shall not apply— Application of Act.

(1) *to any contract of * * * marine insurance effected in Canada by any company authorized to carry on within Canada the *said* business;* * * * nor— Ocean marine insurance.

(2) **except as hereinafter provided** *shall its provisions apply—

(*a*) to any policy of life insurance in Canada, issued previously to the twenty-second day of May, one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or, Policies prior to 22nd May, 1868.

Companies under provincial Acts.

(*b*) to any company incorporated by an Act of the legislature of the late province of Canada, or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such province; or,

Societies.

(*c*) to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively; or,

Associations in connection.

(*d*) to any association for the purpose of life insurance formed in connection with any society or association and exclusively from its members, and which insures on the assessment system only the lives of such members exclusively; or,

Exempted societies.

(*e*) to any society or organization exempted, under this section, by the Treasury Board from the provisions of this Act; and—

*(3) *upon the passing of this Act licenses for the transaction of the business of inland marine insurance shall become inoperative and void and thereafter no company shall be required to obtain a license for the transaction of that branch of insurance, notwithstanding anything to the contrary in its Act of incorporation contained.**

What societies may be exempted.

2. Upon its being established to the satisfaction of the Treasury Board that the occupation of the members of any society or organization of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the granting of life, accident, sickness or disability insurance to the members thereof exclusively, is of such a hazardous nature that the members of such society or organization are either wholly unable to obtain insurance in the licensed insurance companies or are able to obtain it only to a limited extent and upon payment of very high premiums, the Treasury Board may exempt from the provisions of this Act such society or organization or any association for the purpose of life, accident, sickness or disability insurance, or any one or more of such kinds of insurance formed in connection with such society or organization and exclusively from its members, and which insures such members exclusively.

Companies incorporated by provincial legislatures.

3. Any company incorporated by an Act of the legislature of the late province of Canada or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated and which is within the exclusive control of the legislature of such province, may, by leave of the Governor in Council, avail itself of the provisions of this Act on complying with the provisions thereof; and if it so avails itself the provisions of this Act shall thereafter apply to it, and such company shall thereafter have the power of transacting its business of insurance throughout Canada.

Societies or associations may avail themselves of the Act.

4. Any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the

members thereof exclusively, or any association for the purpose of life insurance on such system only formed in connection with any such society or association and exclusively from its members, and which insures the lives of such members exclusively, may apply to the Minister to be allowed to avail itself of the provisions of Part II of this Act, and upon such application being assented to, such society or association shall cease to be exempt from the application of this Act.

PART I.

GENERAL.

License.

Business not to be carried on without license.

4. *In Canada, except as otherwise provided by this Act, no company *or underwriters or other* person shall *solicit* or accept any risk, or issue *or deliver* any receipt or policy of * * * insurance, or grant any annuity on a life or lives, or collect or receive any premium, or *inspect any risk, or adjust any loss*, or carry on any business of insurance, or prosecute or maintain any suit, action or proceeding, or file any claim in insolvency relating to such business, *unless it be done by or on behalf of a company or underwriters holding a license from the Minister.**

Deposit for license.

5. The Minister, as soon as any company applying for a license has deposited in his hands the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall, subject to the provisions hereinafter contained, issue the license.

Name of company.

6. Before issuing a license to a company, the Minister must be satisfied that the corporate name of the company is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith or otherwise on public grounds objectionable.

Form of license.

7. The license shall be in such form as is, from time to time, determined by the Minister, and shall specify the business to be carried on by the company, *the provinces of Canada to which it applies (where a license limited as to territory is granted), and any other particular limitation or condition which may be deemed proper.*

Duration.

2. The license shall expire on the thirty-first day of March in each year, but shall be renewable from year to year, *subject, however, to any qualification or limitation which is considered expedient; provided that such license may be from time to time renewed for any term less than a year.*

License not granted for life and other insurance to same company.

Proviso.

8. Subject to the right of renewal of licenses granted previously to the eleventh day of August, one thousand eight hundred and ninety-nine, a license shall not be granted to a company to carry on the business of life insurance in combination with any other branch of insurance. *Provided that any life insurance company within the legislative power of the*

Parliament of Canada, and any other life insurance company licensed under this Act whose charter authorizes it, may, under the authority of its license to transact life insurance, issue life policies, including in the same policy insurance against disability caused by accident or sickness, but the amount of such disability insurance shall not exceed the premiums payable or accruing on such life and disability policy during the period of disability insured against, but in case of total and permanent disability the company may, at the request of the insured, and without further payment of premiums, pay, in full settlement of the policy, and as a substitute for all other benefits and privileges thereunder, a total and permanent disability benefit not exceeding the sum insured under the said policy.

Combined classes.

2. A license may be granted to a company to carry on—

Four classes.

(*a*) *fire insurance, *explosion insurance,* cyclone or tornado insurance, * * * and inland transportation insurance; or,*

Five classes.

(*b*) *fire insurance, cyclone or tornado insurance, sprinkler leakage insurance in connection only with fire contracts made by the company, weather insurance and hail insurance; or,*

Five classes.

(*c*) *accident insurance, sickness insurance, plate glass insurance, steam boiler insurance and automobile insurance; or,*

Four classes.

(*d*) *guarantee insurance, bond insurance, credit insurance and burglary insurance.*

Combined classes.

3. Excluding the business of life insurance and the business of fire insurance, a license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company—

Five classes.

(*1*) *to carry on accident insurance, sickness insurance and three other classes of insurance in this section mentioned; or,*

Four classes.

(*2*) *to carry on four of the classes of insurance in this section mentioned.*

Combined classes.

4. Excluding the business of life insurance a license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company—

Four classes.

(i) *to carry on one or more classes of insurance in this section mentioned, in combination with one or more classes of insurance not in this section mentioned, not, however, exceeding, except as authorized by subsection 5 of this section, four classes in all;*

Four classes.

(ii) *to carry on four classes of insurance not in this section mentioned.*

Minor branches.

5. A license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company to carry on one or more minor branches of insurance in addition to those hereinbefore enumerated or authorized, or on the like report and recommendation, one or more minor branches may be substituted for a like number of branches so enumerated or authorized, or such an addition and substitution may be combined.

License not granted where charter authorizes excess of classes.

9. Subject to the right of renewal of licenses granted previously to the eleventh day of August, one thousand eight hundred and ninety-nine, a license shall not be granted to a company which is by its charter authorized or empowered to carry on classes or branches of insurance greater in number or variety than those for which a license could be granted under

the provisions of the last preceding section: Provided that any company incorporated elsewhere than in Canada, *regardless of its *greater* corporate powers,* Exception.

(1) which has a paid-up wholly unimpaired capital of at least three hundred thousand dollars if authorized among other classes of business to transact the business of fire insurance, and of at least one hundred thousand dollars if not so authorized; and,

(*a*) which holds over and above all liabilities estimated according to the existing Dominion Government standard, a rest or surplus fund equal to at least twenty per cent of such paid-up capital, and the market value of whose stock is at a premium of at least twenty per cent; and

(*b*) which has carried on successfully for a period of at least five years the business for which the license is sought *or which, having a paid-up wholly unimpaired capital of at least five hundred thousand dollars, has carried on successfully the business for which such license is sought for such shorter period as the Minister deems sufficient;* and

(*c*) if the business for which a license is sought consists only of one class of insurance, or of such classes as may for the purpose of a license be combined under the provisions of the last preceding section; or,

(*d*) which while not in all respects complying with the requirements of the foregoing paragraphs of this proviso, does not materially fall short thereof in any essential particular; or

(2) which is a subsidiary company of a company duly licensed under this Act and whose insurance contracts are guaranteed by the company whose subsidiary it is, the latter being also liable for all the liabilibies of every kind of such subsidiary company;

shall be deemed eligible for and entitled to such license upon depositing, keeping and maintaining assets in Canada *as defined by subsections 2 and 3 of section 20 of this Act,* to the amount in the next following section specified.

10. Such assets so required to be deposited, kept and maintained by the company for which the license is asked shall be, to the extent the Treasury Board on the report of the Superintendent shall fix or determine, in excess of the amount which would be required if such company's charter powers were limited to the purpose for which such license is so asked. Deposit of assets to be in excess as fixed by Treasury Board.

2. Such excess shall, in the case of a company applying for a license to transact fire insurance or life insurance, be not less than fifty thousand dollars, and, in case of any other company, not less than ten thousand dollars, and in no case more than two hundred thousand dollars. Amount of excess.

11. *By leave of the Governor in Council a license may, on such terms and conditions and subject to such limitations as are determined by the Treasury Board on the report of the Superintendent, be granted to any such company as is mentioned in sub-paragraph (c) of paragraph (1) of subsection 1 of section 3 of this Act, *regardless of the greater corporate powers of such company, and* License to provincial company.

*such license shall authorize the transaction of only one of the classes of business authorized by the charter or Act of incorporation of such company, or, if more than one then such as may be combined under the provisions of section 8 of this Act.**

No license to individual underwriters.

Exception as to associations formed on Lloyds plan.

12. *Except as in this section provided, no license shall be granted to any individual underwriter or underwriters to carry on any kind of insurance business: Provided that associations of individuals formed upon the plan known as Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized to transact insurance other than life insurance in Canada in like manner and upon the same terms and conditions as insurance companies; such associations to be in all respects subject to the provisions of this Act, except that the statements required by this Act to be filed in the office of the Superintendent may be verified in such manner as the Superintendent shall direct and prescribe.*

What contracts may be included in one policy.

13. *Contracts of accident and sickness insurance or contracts of fire, *explosion* and inland transportation insurance may be included in one policy, but in all other cases contracts of insurance for each class which a company is licensed to transact shall be in separate and distinct policies.*

Deposits.

Deposit of securities with Minister.

14. Every company carrying on the business of life insurance and every Canadian company carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities as are hereinafter specified in that behalf, the sum of fifty thousand dollars.

In case of foreign company.

2. Every company incorporated or legally formed elsewhere than in Canada, carrying on the business of fire or of inland marine insurance or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities, the sum of one hundred thousand dollars.

In case of limited license.

3. Where a license limited to one or more of the provinces of Canada is granted, the Treasury Board on the report of the Superintendent may authorize the acceptance of an initial deposit less in amount than in this section provided.

Securities, permissible.

15. All such deposits, *and all other deposits required under the provisions of this Act,* may be made by any company—

(*a*) in securities of *or guaranteed by* the Dominion of Canada, or in securities of *or guaranteed by* any province of Canada; *or in securities of or guaranteed by the United Kingdom or any British colony;*

(*b*) *if such company is incorporated in any foreign country, in securities of or guaranteed by the government of such country.*

Valuation.

2. The value of such securities shall be estimated at their market value, not exceeding par at the time when they are deposited.

16. If any other than the aforesaid securities are offered as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board directs.. Accepting other securities.

2. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the Minister may notify the company to make such further deposit as will ensure the *accepted* value of all the securities deposited by the company being equal to the amount which it is required by this Act to deposit. Further deposit if value declines.

3. On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its license.. Failure to make.

17. Any company licensed under this Act may, at any time, deposit in the hands of the Minister any further securities beyond the sum herein required to be deposited. Further deposit at option of company.

2. Any such further securities so deposited in the hands of the Minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the sum required to be deposited by such company, and as if the same had been part of the sum so required to be deposited. How dealt with.

18. If at any time it appears that a company has on deposit with the Minister a sum in excess of the amount required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interest of the company's Canadian policy-holders will not be prejudiced thereby, and upon the giving of such notice, and the exercise of such other precautions as may seem expedient, authorize the withdrawal of the amount of such excess or such portion thereof as may be deemed advisable: Provided that such withdrawal may be authorized without the giving of any notice. Withdrawal of excess. Notice of withdrawal.

19. If it appears from the annual statements or from an examination of the affairs and condition of any company carrying on the business of fire or inland marine insurance, that the re-insurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and, on its failure *to make the same good (up to the date of making good),* within sixty days after being notified, he shall withdraw its license. Deficiency of assets—fire and inland marine insurance. Failure to make good.

20. Subject to the power and duties hereinafter vested in and imposed upon the Treasury Board in relation to the withdrawal of a company's license or for limiting a time for making good a deficiency of assets, if it appears from the annual statements, or from an examination, as provided for by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policy-holders in Canada, including matured claims, and the full reserve or reinsurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit Deficiency of assets—life insurance.

in the hands of the Minister, the company shall be called upon by the Minister to make good the deficiency; and on its failure *to make the same good (up to the date of making good)* within sixty days after being so called upon, he shall withdraw its license.

Failure to make good.

Assets in case of foreign company.

2. If any such company as is mentioned in this and the last preceding section is incorporated or legally formed elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of all deposits which the company has made with the Minister under the provisions of this Act, and of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada, *or in a trust company incorporated by or under the authority of an Act of the Parliament of Canada or of the legislature of one of the provinces thereof*, appointed by the company and approved by the Minister.

Trust deeds and dealing with assets.

3. The trust deed shall first be approved by the Minister, *who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act*, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the *accepted* value of the assets held by them shall not fall below the value required by this section: *Provided that such accepted value shall not be greater than ninety per cent of the market value, and in no case greater than the par value thereof.*

Trust companies as trustees.

4. *Trustees other than trust companies such as above described shall not hereafter be approved by the Minister in any case.*

Companies excepted from this section.

1877, c. 42.

5. In case any such life insurance company gave written notice to the Minister before the thirty-first day of March, one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section 17 of *The Consolidated Insurance Act, 1877*, the foregoing requirements of this section shall not apply to policies issued by such company previously to that date.

Decreasing deposit.

1871, c. 9.

6. In any such case the deposit of such company which was in the hands of the Minister on the twenty-eighth day of April, one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with sections 4 and 5 of chapter 9 of the statutes of 1871, intituled *An Act to amend the Act respecting Insurance Companies;* and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advisable shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty thousand dollars required by this Act.

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 company in any province in Canada, in respect of any liabilities incurred by the company therein, and to receive from the Minister and the Superintendent all notices which the law requires to be given, or which it is thought advisable to give; and,

(*c*) declare that service of process for or in respect of such liabilities and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company, to all intents and purposes whatsoever.

Change of chief agent.

24. Whenever any such company changes its agent or agency in Canada, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned.

Declaration in annual statement.

2. Every company shall, at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the agency or agent, without the

Superintendent having been duly notified of such change or amendment.

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 office of the Superintendent within two months after the first day of January in each year.

Half yearly statement of securities.

2. *There shall also be prepared half yearly, as of the last days of December and June in each year after the first day of January, one thousand nine hundred and eleven, by the same officers, under their oaths, and deposited in the *Department* within fifteen days after the said last days of December and June in each year respectively, a statement in the form A1 in the schedule to this Act, showing in detail all bonds, stocks, debentures and other securities bought and all loans made, except on mortgages and policies, during the half year terminating on the date as of which such statement is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon and the price paid therefor, and in the case of loans made except on mortgages of real estate or insurance policies, particulars in detail of securities therefor, and showing also in detail all such securities sold or disposed of during the said half year, specifying similarly the amounts, dates of issue and maturity and par value thereof, the value in account thereof, the rate of interest payable thereon and the price or consideration received therefor.*

Foreign companies.

3. In the case of companies incorporated or legally formed elsewhere than within Canada, a statement shall similarly be prepared, in the form A1, half yearly by the trustees in whom assets are vested in trust for the company for the purposes of this Act, and similarly deposited half yearly in the *Department*, *showing similarly all dealings during the preceding half year with the trust assets. The half yearly statements in this subsection mentioned shall be verified by the oath of one or more of the trustees, and in case a trust corporation is sole trustee or one of the trustees such half yearly statements may be verified by the manager and secretary or other principal officers of such trust corporation.*

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.* * * *

Form of statements during 1910.

9. Subject to any provision of this Act with reference to the preparation and filing of annual or other statements, and subject also to the right of the Minister or the Superintendent to vary the forms thereof, such statement shall, for the business of the year one thousand nine hundred and ten be in the same form as is required at the date of the passing of this Act, and thereafter the schedules to this Act shall come into full force and effect.

Statements by foreign and other companies.

32. Every company incorporated or legally formed elsewhere than in Canada, licensed under this Act, and every company which is subject to the provisions of this Act shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statement shall, as to the Canadian business of such company, be the same, so far as applicable, as is required of Canadian companies; and, as to its general business, shall be in such form as such company is required by law to furnish to the government of the country in which its head office is situated.

Form in case of foreign company.

2. Where such company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders.

Idem.

3. In the event of no such statement being submitted to such members or shareholders, then such statement shall show in concise form the assets and liabilities of the company at such balancing day, and the income and expenditure of the company for the year ending on such balancing day.

To be deposited with Superintendent.

4. The *annual* statements mentioned in the last preceding section, and the statements of Canadian business provided for in this section, shall be deposited in the *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.

33. The statement of general business provided for in the last preceding section shall be deposited in the *Department* within thirty days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June, nor shall

General statement.

it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown. Variation.

34. Such statements shall, as to the Canadian business, be verified by the oath of the company's agent in Canada; and, as to the general business, be verified by the oath of the president, vice-president or managing director, and the secretary, *manager* or actuary of the company. To be verified on oath.

35. *Such company shall keep at the agency in Canada records and documents sufficient to enable the agent to prepare and furnish* the required statement of Canadian business, and such that the said statement may be readily verified therefrom: Provided that in the case of any company having in Canada in addition to such agent, one or more general agents reporting to the head office, and not to such agent, it shall be sufficient for *the company* to keep on file at the agency, in addition to the necessary records and documents relating to the business transacted by or through such agent, annual statements of the business transacted by each such general agent, duly verified by the oath of each such general agent, and such additional records and documents, transmitted through the company's head office as shall, taken together, show the company's entire Canadian business: *Provided further that the Superintendent shall be at liberty, if he considers it necessary or desirable so to do, to visit the head office of the company, and there to examine the books, records, vouchers, receipts and other documents of such company relating to its business within Canada, for the purpose of checking and verifying the said statement of such business and the schedules or other documents relating to or forming part thereof, and shall have power to make all necessary corrections in said statement, in accordance with the information obtained from said books, records and documents; and if such company declines to permit such examination, or refuses to give any information necessary for such purpose in its possession or control, its license may be suspended or withdrawn by the Minister.* Records and documents to be kept by chief agent. Fewer required in some cases. Examination of books at head office in foreign country.

36. The said annual statements of the business of such general agents shall, when kept on file as aforesaid, be made up to the thirty-first day of December in each year, and blank forms for such statements shall, on application, be furnished by the Superintendent. Time up to which annual statements are made.

* * * * * * * * *

Superintendent and his duties.

37. The Governor in Council may appoint an officer, to be called the Superintendent of Insurance, who shall have the rank of a deputy head of a department, *and all the powers, rights and privileges of a deputy head so far as regards matters relating to or arising out of the administration of this Act,* [and such officer shall be paid such salary, not exceeding five thousand dollars per annum, as the Governor in Council may from time to time fix and determine.] Rank and powers of Superintendent.

To act under Minister.

2. The Superintendent shall act under the instructions of the Minister, and shall examine and report to the Minister, from time to time, upon all matters connected with insurance, as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs.

*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;

Record of.

(*c*) keep a record of the licenses as they are issued;

Visit head office.

(*d*) visit *personally, or cause a duly qualified member of his staff to visit,* the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision.

Annual report.

(*e*) prepare for the Minister, from the said statements, an annual report, showing the full particulars of each company's business, together with an analysis of each branch of insurance, with each company's name, giving items, classified from the statement made by each company.

Inspection visits to companies.

39. If the Superintendent, after a careful examination into the condition and affairs and business of any company licensed to transact business in Canada, from the annual or other statements furnished by such company to the Minister or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such company and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the chief agency of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions.

Officers of companies to open books for inspection.

2. The officers or agents of such company shall cause their books to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power.

3. For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of such company relative to its business. Examination under oath.

40. A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company, after such investigation. Report of visits.

2. A special report shall be communicated in writing to the Minister, stating the Superintendent's opinion as to the standing and financial position of every company so visited, and all other matters desirable to be made known to the Minister. Special report to Minister

41. If it appears to the Superintendent that the assets of any company are insufficient to justify its continuance of business, *having regard to the requirements of sections 14 to 20 inclusive of this Act*, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Minister. Report when assets become insufficient.

2. If the Minister, after full consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the Superintendent in the opinion so expressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the license of such company. Governor in Council may suspend license of company.

3. Such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business. **The Superintendent may, however, issue such modified or conditional license as may be necessary for the protection of policyholders.** Effect of suspension.

42. Once in every five years, or oftener at the discretion of the Minister, the Superintendent shall himself value *by the net premium method*, or procure to be so valued under his supervision, all the policies of life insurance of Canadian companies, and the Canadian policies of life insurance companies other than Canadian companies, licensed under this Act to transact the business of life insurance in Canada. Valuation of policies of life insurance in Canada.

2. Such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, be based on the British Offices Life Tables, 1893, $O^{M(5)}$, and on a rate of interest of three and one-half per cent per annum; and as to policies issued prior to the said date, and bonus additions or profits declared in respect thereof, such valuation shall, until the first day of January, * * * one thousand nine hundred and fifteen, be based on the said mortality table, and a rate of interest of four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, be based on the same mortality table, and a rate of interest of three and one-half per cent per annum. Basis of valuation.

3. *It shall be allowable for any Canadian company, in preparing its statement of liabilities, to deduct from the value of* Deduction from value of policies.

its policies, as ascertained in accordance with sub-section 2 of this section, an amount ascertainable in the manner following, namely: in the case of any policy, the net annual premium upon which is not less than the corresponding net annual premium for a whole life insurance with uniform premiums throughout life, the difference between the said whole life premium and the corresponding net premium for a one-year term insurance shall constitute the amount to be deducted as aforesaid in respect of such policy at the date of its issue; such difference, however, to be diminished each year by an equal proportion so that upon the payment of the fifth annual premium, the value of the policy shall be the value as ascertained in accordance with subsection 2 of this section.

Annual statement to contain value of policies and deductions.

Every such company, whether it avails itself or not of the provisions of this subsection, shall set forth in its annual statement, hereinbefore referred to, the value of its policies as ascertained in accordance with subsection 2 hereof, the amount allowable by this subsection as a deduction therefrom, and such other information in respect thereto as the Superintendent may deem necessary.

Valuation of annuity contracts.

4. *In this and the next following section, the word "policies" includes annuity contracts, whether immediate or deferred: Provided, however, that in the valuation of annuity contracts there shall be used the tables of mortality known as the British Offices Select Life Annuity Tables, 1893, male or female according to the sex of the nominee.*

Maximum rate.

5. *No such company shall at any time hereafter, except with the approval of the Treasury Board, increase its policy valuation so that the reserves in respect of all business the premium rates for which have been calculated on the basis of a rate of interest of not less than three and one-half per cent shall be higher than the reserves produced by the use of the said British Offices Life Tables, 1893, $O^{M(5)}$, 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.*

Valuation of industrial policies.

6. *Subsections 3 and 5 of this section shall not apply to the business of industrial insurance * of the character specially dealt with in this subsection.* Whole life industrial policies and endowment industrial policies maturing at age 80 or any higher age shall be valued upon the following basis, viz.:—policies issued in any calendar year shall be valued at the end of such calendar year as if then just issued and at the end of succeeding calendar years as if in force, one, two, three or more entire years as the case may be.*

Report to Treasury Board.

13. If it appears to the Superintendent that the liabilities of any Canadian life insurance company, including matured claims and the full reserve or reinsurance value for outstanding policies estimated or computed on the basis mentioned in the last preceding section, exceed its assets, he shall report the fact to the Treasury Board; and the Treasury Board, after full con-

sideration of the matter and after a reasonable time has been given to the company to be heard by the board, may,—

Withdrawal of license

(*a*) forthwith withdraw the company's license; or,

Continuation on terms.

(*b*) upon such terms and conditions as the board deems proper, limit a time, not exceeding three years, within which such company shall make good the deficiency, during which term the company's license shall be continued.

Failure to comply with terms.

2. Upon the company's failure to make good such deficiency within the time so limited, its license shall be withdrawn: Provided that if the company's liabilities exceed its assets by twenty per cent or upwards, its license shall be forthwith withdrawn.

Valuators may be appointed.

44. For the purpose of carrying out the provisions of the last preceding section, the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuators or other persons as the Board deems proper, to value and appraise the company's liabilities and assets, and report upon its condition and its ability, or otherwise, to meet its engagements.

Inquiries from company and reply.

45. For the purpose of carrying out the provisions of this Act, the Superintendent is hereby authorized and empowered to address any inquiries to any insurance company licensed under this Act, or to the president, manager, actuary or secretary thereof, in relation to its assets, investments, liabilities, doings, or condition, or any other matter connected with its business or transactions, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. *The Superintendent may in his discretion embody in his annual report to the Minister the inquiries made by him under this subsection and the answers thereto.*

Suspension of license for violation of Act.

2. *In the case of any violation of any of the provisions of this Act by a company licensed thereunder to carry on business within Canada, or in the case of failure to comply with any of the provisions of its charter or Act of incorporation by any Canadian company so licensed, it shall be the duty of the Superintendent to report the same to the Minister, and thereupon the Minister may, in his discretion, withdraw the company's license or may refuse to renew the same or may suspend the same for such time as he may deem proper.*

Issue of unauthorized policy a violation.

3. *The issue by a company of policies not authorized by its license shall be deemed a violation of the provisions of this Act within the meaning of the preceding subsection.*

Examination at head office of foreign company.

46. The Minister may, from time to time, instruct the Superintendent to visit the head office of any company licensed under this Act and incorporated or legally formed elsewhere than in Canada, and to examine into the general condition and affairs of such company.

Company refusing examination.

2. If such company declines to permit such examination, or refuses to give any information desired for such purpose in its possession or control, its license shall be withdrawn by the Minister.

Office Expenses.

Contributions of certain companies towards office expenses.

47. Every company licensed under this Act, and every company transacting life insurance business under this Act, having ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, and having before that date given written notice to that effect to the Minister, shall annually contribute a sum in proportion to the gross premiums received by it in Canada during the previous year, towards defraying the expenses of the *Department,* which shall be paid upon the demand of the Superintendent.

Officers and Clerks.

Appointment of officers and clerks.

48. The Governor in Council may, from time to time, appoint such officers and clerks under the Superintendent, as are necessary for the purpose of this Act.

Superintendent or officers not to be interested in any company.

49. The Superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested as a shareholder in any insurance company doing business in Canada or licensed under this Act.

Annual Report.

Annual report to be laid before Parliament.

50. The Minister shall lay the Superintendent's annual report before Parliament within thirty days after the commencement of each session thereof.

Change of Head Office, and Date of Annual Meeting.

Company may,

51. Notwithstanding anything contained in its Act of incorporation, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may—

By by-law of shareholders.

(*a*) if the company has no members other than shareholders entitled to vote, by by-law passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed capital of the company, present or represented at a special general meeting duly called for considering the by-law; or,

By by-law 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.

52. *Any life insurance company which is within the legislative power of the Parliament of Canada may amalgamate its property and business with those of any other such life insurance company or may transfer all or any portion of its policies to or reinsure the same in any other such company, and may transfer its property and business or any part thereof to any other such company, or may reinsure the policies or any portion thereof of any other such company, or may purchase and take over the business and property or any portion thereof of any other such company, and such companies are hereby authorized to enter into all contracts and agreements necessary to such amalgamation, transfer or reinsurance upon compliance with the conditions hereinafter in this section set forth.*

Amalgamation, transfer of business and reinsurance.

2. Any life insurance company which is within the legislative power of the said Parliament is hereby authorized to enter into an agreement or agreements with any other life insurance company which has power to make the same; to reinsure the policies or any portion thereof of such other company; or to purchase and take over the business or property or any portion thereof of such other company.

By life companies.

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.

Sanction of Treasury Board.

4. Before any such application is made to the Treasury Board notice thereof together with—

Notice of application to Board.

(a) a statement of the nature and terms of the amalgamation, transfer or reinsurance as the case may be; and,

(b) an abstract containing the material facts embodied in the 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 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.*

No company with impaired capital to amalgamate.

7. *No company * * * shall be permitted to amalgamate its business with, transfer its business to, or re-insure its business in any other company if the capital of the combined companies after such amalgamation, or of the continuing company after such transfer or re-insurance, shall be impaired, the policy and annuity liabilities of the combined or continuing company being calculated on the basis prescribed in subsections 2, 4 and 6, respectively, of section 42 of this Act.*

Deposit of documents after completion of amalgamation, etc.

8. *When an amalgamation takes place between any companies, or when the business of one company is transferred to or reinsured in another company, the combined company or the continuing company, as the case may be, shall within ten days from the date of the completion of the amalgamation, transfer or reinsurance, deposit with the Superintendent the following documents, that is to say:—*

(*a*) *Certified copies of the statements of the assets and liabilities of the companies concerned in such amalgamation, transfer or reinsurance; and*

(*b*) *A statement of the nature and terms of the amalgamation, transfer or reinsurance; and*

(*c*) *A certified copy of the agreement under which such amalgamation, transfer or reinsurance is effected; and*

(*d*) *Certified copies of the actuarial or other reports upon which such agreement is founded; and,*

(*e*) *A declaration under the hands of the president and manager of each company that to the best of their knowledge and belief every payment made or to be made to any person whatsoever on account of the said amalgamation, transfer or reinsurance is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any of the parties to the amalgamation, transfer or reinsurance.*

Sanction of Treasury Board essential.

9. *No company shall amalgamate with another company, transfer its business to or reinsure its business in another company unless such amalgamation, transfer or reinsurance is sanctioned by the Treasury Board in accordance with this section.*

Proviso.

Provided, however, that this section shall not apply to the contracts of reinsurance made by companies in the ordinary course of their business.

Reinsurance by unlicensed company.

10. *Subsections 4, 5 and 6 of this section shall not apply to the reinsurance by a Canadian company of the business of a company which is not and never has been licensed to transact business in Canada.*

53. *No life insurance company licensed under this Act, nor any person, firm or corporation on its behalf, shall, in respect of its Canadian business, pay or allow to any agent, broker or other person, firm or corporation for procuring an application for life insurance, for collecting any premium thereon or for any other service performed in connection therewith, any compensation other than that which has been determined in advance.* * * * Additional commissions.

54. *No such life insurance company, and no person, firm or corporation on its behalf, shall make any loan or advance without adequate security, to any person, firm or corporation soliciting or undertaking to solicit applications for insurance; nevertheless advances may be made to any such person, firm or corporation for travelling expenses or against commissions or other compensation *to be earned in respect of premiums, but such advances shall not be allowed as assets in the Superintendent's annual report prepared for the Minister.** Advances to agents.

***55.** *No salary, compensation or emolument shall be paid to any director of a Canadian life insurance company for his services as such director unless authorized by a vote of the members in the case of a mutual company, and by a vote of the shareholders and other members, if any, in the case of a company having capital stock. No salary, compensation or emolument shall be paid to any officer or trustee of any such company unless authorized by a vote of the directors, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless the contract (if made after the passing of this Act) under which such amount becomes payable has been approved by the board of directors.** Salaries of officers and agents.

56. *No Canadian life insurance company shall make any agreement with any of its officers *or* trustees,* * * * *to pay for any services, rendered or to be rendered, any salary, compensation or emolument extending beyond a period of *five* years from the date of such agreement.* Salary agreement, for not more than 5 years.

57. *No Canadian life insurance company shall make any contract with any director, trustee, officer, employee or servant of the company, save such agents as are employed to solicit insurance, to pay any compensation or reward whatever by way of commissions in respect of the business of the company or any portion thereof: Provided, however, that this subsection shall not apply to insurance personally solicited and secured outside of office hours by any employee or servant not being a director, trustee or officer of the company.* Commissions to agents only.

2. *For the purpose of conducting the affairs of the company in the most efficient manner in the interest of the policy-holders and shareholders, the directors may make by-laws providing for the creation of a staff pension fund, but such by-laws shall before becoming effective be submitted to and be approved of at an annual meeting of the company or at a special general meeting of the members thereof, notice of the intention to consider such by-laws having been in either case duly given.* Pension fund may be created.

Investments.

Uniform powers of investment.

58. *The powers of lending and investment prescribed by this Act shall be the powers of lending and investment of all companies licensed to carry on the business of life insurance in Canada, and which are within the legislative power of the Parliament of Canada. With respect to companies incorporated or legally formed elsewhere than within Canada and licensed to carry on such business in Canada, all assets and investments which under section 20 of his Act may be vested in trust for the company for the purposes of this Act in two or more persons resident in Canada, or in a Canadian trust company, shall be of the classes of investment permitted by this Act to Canadian companies. Any provision in any Special Act or elsewhere conferring upon any company within the legislative power of the Parliament of Canada any other or wider powers of loaning and investment is hereby repealed.*

Repeal of wider powers.

Disposal of unauthorized securities within 5 years.

*2. Any Canadian company having on hand or vested in trustees in trust for the company at the date of the coming into force of this *section*, any loans or investments or securities representing the same, which such company was not legally authorized to make or acquire at the time such loans or investments were made or such securities acquired, shall absolutely dispose of and realize the same within five years after this *section* comes into force, unless such loans or investments are then valid and competent under the provisions of this Act.*

By foreign companies.

*3. Any company other than a Canadian company having vested in trustees pursuant to section 20 of this Act at the date of the coming into force of this *section* any securities or investments which but for this section would have been valid and competent but, which, by reason thereof are not valid and competent shall within five years after this *section* comes into force withdraw the same from the hands of its said trustees and replace them with securities such as are provided for in subsection 1 of this section.*

Extension of time.

4. The Governor in Council on the report of the Minister may for good cause shown enlarge the respective times mentioned in the two next preceding subsections for dealing with the securities vested in the company or in the trustees as required by the said subsections for any term not exceeding one year.

Commencement of section.

5. This section shall take effect on the first day of January, one thousand nine hundred and eleven.

Investment of company's funds.

59. *Any life insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof, in the purchase of,—*

In government securities.

*(a) The debentures, bonds, stocks or other securities of or guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom, or of any colony or dependency thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business; *or guaranteed by any municipal corporation in Canada*;*

(b) (i) *The bonds of any company which bonds are secured by a mortgage *or hypothee* to trustees or a trust corporation or otherwise, upon real estate or other assets, of such company; or,* Bonds secured by mortgage.

(ii) *The debentures or other evidences of indebtedness of any company, which has been doing business for a term of not less than three years prior to the date of such investments, provided default shall not have been made by such company in the interest payments upon its debentures or other evidences of indebtedness within the said period of three years prior to such investment; or,* Debentures

*(iii) *The preferred stocks of any company which has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of such preferred stocks, or the stocks of any company which are guaranteed by a company which has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of such guaranteed stocks; or,** Preferred stock.

(iv) *The common stocks of any such company upon which regular dividends of at least four per cent per annum have been paid for the seven years next preceding the purchase of such stocks: Provided that not more than *thirty* per cent of the common stocks and not more than *thirty* per cent of the total issue of the stocks of any company shall be purchased by any such life insurance company, and that no company shall be permitted to invest in its own shares or in the shares of another life insurance company; or,* Common stock.

(c) *Ground rents, mortgages *or hypothecs* on real estate in Canada, or elsewhere where the company is carrying on its business, provided that the amount paid for any such mortgage *or hypothec* shall in no case exceed sixty per cent of the value of the real estate covered *thereby;** or Real estate mortgages.

(d) *Life or endowment policies or contracts issued by the company or by any other life insurance company licensed to transact business in Canada.* Life policies

2. Any such life insurance company may lend its funds or any portion thereof on the security of— Lending funds.

(a) *any of the bonds, debentures, stocks or other securities mentioned in the preceding subsection; or,*

(b) *real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the company is carrying on business: Provided, however, that no such loan shall exceed sixty per cent of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit a company from accepting as part payment for real estate sold by it, a mortgage *or hypothec* thereon for more than sixty per cent of the sale price of such real estate.*

*3. *The Treasury Board may authorize the acceptance by a company 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* Other securities authorized by Treasury Board.

*with another company of the company whose securities were so owned.**

No loan to director or officer.

4. No such life insurance company shall loan any of its funds to any director or officer thereof except on the security of the company's own policies.

When section in force.

5. This section shall take effect on the first day of January, one thousand nine hundred and eleven.

Deposits outside Canada.

60. *Any such life insurance company may deposit outside of Canada such portion of its funds *and securities* as is necessary or desirable for the maintenance of any foreign branch or branches; provided that such deposit in any foreign country for all branches therein shall not exceed by more than one hundred thousand dollars Canadian currency the sum which is required to be deposited by the foreign law, or the amount of the reserves on the policies of such company in such foreign country, whichever is the greater. Every such company shall at all times retain in Canada and under its own control assets of a market value at least equal to the amount of its total liabilities to its policyholders in Canada and of such assets an amount at least equal to two-thirds of its said total liabilities in Canada, shall consist of investments in or loans upon Canadian securities.*

Securities to be held in Canada.

*2. All the securities of every such company other than such as are referred to in subsection 1 of this section shall be held at the head office of the company or elsewhere in Canada: *Provided however that in the event of its being necessary to remove any portion of such securities from Canada for the purpose of exchanging the same for other securities authorized under this Act, or for any similar purpose, they may be entrusted for the purpose intended to a responsible person residing outside of Canada.**

Interest of officers in other companies.

61. *Except for the* bonâ fide *purpose of protecting investments previously made by it, *and subject to the approval of the Treasury Board,* no such life insurance company shall, nor shall its directors or officers or any of them on its behalf, under colour of an investment of the company's funds, or otherwise, directly or indirectly be employed, concerned or interested in the formation or promotion of any other company: *Provided that nothing in this Act shall be deemed to prohibit insurance companies investing their funds in securities of a new company as provided in section 59 of this Act.**

Underwriting restricted.

62. *No such life insurance company shall subscribe to or participate in or employ the funds of the company in any underwriting for the purchase or sale of securities or property of any kind, nor shall any director or officer, except for the* bonâ fide *purpose of protecting investments already made by the company, enter into any transaction for such purchase or sale on account of said corporation, jointly with any other person, firm or corporation: Provided that this section shall not be deemed to prohibit the subscription in manner aforesaid for bonds or securities permitted by this Act as a* bonâ fide *permanent investment on behalf of any such company.*

Exception as to permanent investments.

Investment by companies other than life companies.

63. Any insurance company, other than a life insurance company, which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its

funds, or any portion thereof, in the purchase of any of the bonds, stocks, debentures, or other securities in which a life insurance company is by this Act hereinbefore authorized to invest its funds, except annuity contracts, or life, endowment or other policies of life insurance, or may lend its funds, or any portion thereof, on the security of any of such bonds, stocks, debentures or other securities aforesaid, except annuity contracts, or life, endowment or other policies of life insurance as aforesaid.

Deposits outside of Canada.

Securities to be held in Canada.

*2. Any such company may deposit outside of Canada such portion of its funds and securities as is necessary to the maintenance of any foreign branch or branches, but all other securities of such company shall be held at the head office of the company or elsewhere in Canada; *nevertheless the proviso contained in subsection 2 of section 60 of this Act shall apply to such securities.**

Additional security to secure repayment of liabilities.

64. Any company which derives its corporate powers or any of them from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may take any additional securities of any nature to further secure the repayment of any liability thereto, or to further secure the sufficiency of any of the securities in or upon which such company is by this Act authorized to invest or lend any of its funds.

Securities, how taken.

65. Such securities may be taken and accepted either in the name of the company or in the name of any officer of the company or other person in trust for the company.

Terms, manner and amount of loans.

66. Any loan by this Act authorized to be made may be on such terms and conditions, and in such manner and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the directors from time to time determine.

Company may hold real estate.

Limitation as to time.

67. Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may hold such real estate as *is required for its actual use and occupation or such as may reasonably be required for the natural expansion of its business (including such as having been lawfully acquired is vested in it at the time of the passing of this Act) or such as* is *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: *Provided that any such company which transacts business in the United Kingdom may with the consent of the Treasury Board acquire and hold such real estate therein as its directors deem necessary for the use of the company's branch, or the expansion of its business in the said United Kingdom:* Provided further that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, *present or prospective, as hereinbefore in this section mentioned,* and not held by way of security, shall be held by such company or any trustee on its behalf, for a longer period than twelve years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely

sold and disposed of, so that such company shall no longer retain any interest therein, except by way of security.

Forfeiture of lands.

2. Any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by such company for a longer period than twelve years without being disposed of, shall be *liable to be* forfeited to His Majesty for the use of Canada: Provided that:—

Notice of intention.

(a) No such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the company by the Minister of the intention of His Majesty to claim the forfeiture; and

Company may sell before forfeiture is effected.

(b) *The company may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of the property free from liability t forfeiture.*

Statement as to lands.

3. It shall be the duty of such company to give the Minister when required a full and correct statement of all lands at the date of such statement held by the company, or in trust for it, and subject to the foregoing provisos.

Appraisement of real estate by direction of Superintendent.

68. *If upon an examination of the assets of a Canadian company or in the case of a company incorporated or legally formed elsewhere than in Canada and licensed under this Act, the assets in Canada of such company as defined in subsection 2 of section 20 of this Act, it appears to the Superintendent, or if he has any reason to suppose, that the value placed by the company upon the real estate owned by it or any parcel thereof is too great, he may either require such company to procure an appraisement of such real estate by one or more competent valuators, or may himself procure such appraisement at the company's expense and the appraised value, if it varies materially from the return made by the company, may be substituted in the annual report prepared for the Minister by the Superintendent. If, upon such examination, it appears to the Superintendent, or if he has any reason to suppose that the amount secured by mortgage *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.

69. Every company which makes default in depositing in the *Department* the annual *and other* statements herein provided for, * * * shall incur a penalty of ten dollars for each day during which such default continues. Default in depositing with Superintendent annual statement.

2. All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the *Department.* Penalty. Recovery of penalty.

3. If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the license of such company to be suspended or withdrawn as is deemed expedient, and until such penalties are paid, the license of such company shall not on expiry be renewed. Suspension of license in default of payment.

***70.** *Every person who:—* Penalty.

(a) *In Canada, for or on behalf of any individual underwriter or underwriters, or any insurance company not possessed of a license provided for by this Act in that behalf and still in force, solicits or accepts any risk, or grants any annuity or advertises for, or carries on any business of insurance, or prosecutes or maintains any suit, action or proceeding, or files any claim in insolvency relating to such insurance, or, acting as an insurance agent, receives directly or indirectly any remuneration from any British or foreign unlicensed insurance company or underwriters; or, except as provided for in section 139 of this Act, issues or delivers any receipt or policy of insurance, or collects or receives any premium, or inspects any risk, or adjusts any claim; or*

(b) *except only on policies of life insurance issued to persons not resident in Canada at the time of issue, collects any premium in respect of any policy; and*

*every director, manager, agent, or other officer of any assessment life insurance company subject to Part II of this Act, and every other person transacting business on behalf of any such company, who circulates or uses any application, policy, circular or advertisement on which the words "Assessment System" are not printed as repuired by Part II of this Act;**

shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for a first offence, be liable to a penalty not exceeding fifty dollars and costs, and not less than twenty dollars and costs, and in default of payment, to imprisonment with or without hard labour for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment with hard labour for a term not exceeding six months and not less than three months. Penalty.

71. All informations or complaints for any of the aforesaid offences shall be made or laid in writing within one year after the commission of the offence. Limitation of actions.

Assessment Company to print certain words on policies, etc.

72. Every assessment life insurance company which neglects to print the words *Assessment System* on any policy, application, circular or advertisement, as required by Part II of this Act, and

2. Every company which—

Carrying on business without license under Part IV.

(*a*) carries on, without receiving the license required by Part IV. of this Act, any business of insurance for the carrying on of which a license is by Part IV. of this Act required; or

After revocation.

(*b*) carries on any such business after any such license received has been revoked,—

Penalty.

shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for every offence be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs.

Application of penalty.

73. *One-half of any pecuniary penalty specified in the preceding sections of this Act when recovered shall belong to His Majesty and the other half thereof to the informer.*

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

Penalty.

failure continues, be liable to a penalty of ten dollars.

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

No penalty.

transacted without any penalty being incurred.

Voting by Proxy.

Voting by proxy: companies other than life.

76. *The provisions of this section shall extend and apply to every company other than a life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, and also to every mutual insurance company within the legislative power of the Parliament of Canada.*

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, *after the first day of January, 1911,* allow as assets only such of the investments of the several companies as are authorized by this Act, or by their Acts of incorporation or by the general Acts applicable to such investments.*

Superintendent's correction of annual statements.

2. In his said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and shall be at liberty to increase or diminish the liabilities of such companies to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office thereof in Canada, or otherwise.

Appeal to Exchequer Court.

3. An appeal shall lie in a summary manner from the ruling of the Superintendent as to the admissibility of any asset so disallowed by him, or as to any item or amount so added to liabilities, or as to any correction or alteration made in any statement, or as to any other matter arising in the carrying out of the provisions of this Act, to the Exchequer Court of Canada, which court shall have power to make all necessary rules for the conduct of appeals under this section.

The same.

*4. For the purposes of such appeal the Superintendent shall at the request of the company interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless *the Company shall within fifteen days after notice of such ruling serve upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter file its appeal with the registrar of the said court and with due diligence prosecute the same, in which case action on such ruling shall be suspended until the court has rendered judgment thereon.*

Expiry of Charters.

Charter expires unless license obtained.

Time limit.

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.

Reduction and Increase of Capital.

Reduction of capital by by-law.

79. *The directors of any company which derives its corporate powers from an Act of the Parliament of Canada or which is subject to the legislative power of the said Parliament, may, subject to the proviso hereinafter contained, in the event of its paid-up capital being impaired, at any time and from time to time, after being duly authorized and empowered by a resolution approved by the votes of shareholders representing at least two-thirds of all the subscribed*

stock of the company at a special general meeting duly called for considering such resolution, pass a by-law for writing off the said paid-up capital any amount which they have been so authorized and empowered by the shareholders as aforesaid to write off such paid-up capital, but no part of its assets shall be distributed to its shareholders: Provided, however, that the paid-up capital shall not be reduced,—

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 41 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.

Increase of capital

80. *The directors may—*

*(a) from time to time out of *that portion of* the profits of the company *which belongs to the shareholders,* by declaring a stock dividend or bonus or otherwise, increase the paid up capital thereof to an amount not exceeding the amount or amounts by which the same may have been reduced under the provisions of the last preceding section, and thereafter the paid-up capital and the capital stock and each share shall represent the aggregate of the amount to which it has been so reduced and the amount of such increase so declared as aforesaid; or,*

Issue of new stock.

(b) issue new stock to an amount not exceeding the amount of such reduction, which stock shall be first offered at not less than par to the shareholders in proportion to the existing shares held by them; and such offer shall be made by notice specifying the number of shares of new stock to which each shareholder is entitled and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of such time, or on the receipt of an intimation from any shareholder to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same, at not less than par, in such manner as they think most beneficial to the company. The nominal value of the shares of new stock so issued shall be the same as the nominal value of the shares of the reduced paid-up capital stock.

Enlargement of license on authority of Treasury Board.

81. *Any company which is within the legislative power of the Parliament of Canada, being at the time this Act goes into effect licensed to carry on business in Canada pursuant to* The Insurance Act, *may upon being authorized by a by-law made by the directors and confirmed at a general meeting of the company duly called for*

that purpose and upon making such further deposit and complying with such terms and conditions as may be fixed and prescribed by the Treasury Board upon the report of the Superintendent, carry on such kind or kinds of insurance within the limits set forth in section 8 of this Act, as may be authorized by the license to be from time to time issued to the company pursuant to the provisions herein contained.

Form of Act of incorporation.

82. *An Act of incorporation of an insurance company in the form F in the schedule to this Act shall confer upon the company thereby incorporated all the powers, privileges and immunities and shall subject it to all the liabilities and provisions in this Act applicable thereto.*

PART II.

LIFE INSURANCE.

Application of Part.

Life insurance.

83. This Part applies only to life insurance companies, and to other insurance companies carrying on life and other insurance, in so far only as relates to the life insurance business of such companies.

Policies.

Policy deemed whole contract.

84. *From and after the first day of January, one thousand nine hundred and eleven, every policy delivered in Canada by any life insurance company under the legislative jurisdiction of the Parliament of Canada or licensed to carry on the business of life insurance within Canada shall be deemed to contain the whole contract between the parties and no provision shall be incorporated therein by reference to rules, by-laws, application, or any other writing, unless they are endorsed upon or attached to the policy when issued.*

2. This section shall not apply to the business of industrial insurance.

Agent, etc., of company not to be agent of insured.

85. *No officer, agent, employee or servant of such life insurance company nor any person soliciting insurance, whether an agent of the company or not, shall be deemed to be for any purpose whatever the agent of any person insured in respect of any question arising out of the contract of insurance between such person insured and the company.*

Estimates forbidden.

86. *After the first day of January, one thousand nine hundred and eleven, no such life insurance company, and no officer, director or agent thereof shall issue or circulate, or cause or permit to be issued or circulated in Canada any estimate, illustration or statement of the dividends or shares of surplus expected to be received in respect of any policy issued by it.*

Rebates, discrimination, etc., forbidden.

87. *No such life insurance company shall make or permit any distinction or discrimination in favour of individuals between the insured of the same class and equal expectation of life* * * *

in the amount of premiums charged, or in the dividends payable on the policy, nor shall any agent of any such company assume to make any contract of insurance, or agreement as to such contract, whether in respect of the premium to be paid or otherwise, other than as plainly expressed in the policy issued; nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insure, any rebate of premium payable on the policy, or any special favour or advantage in the dividends or other benefits to accrue thereon, or any advantage by way of local or advisory directorship where actual service is not bona fide *performed, or any paid employment or contract for services of any kind, or any * * * inducement whatever *intended to be in the nature of a rebate of premium; *nor shall any person knowingly receive as such inducement any such rebate of premium or other such special favour, advantage, benefit, consideration or inducement; nor shall any such company or any officer, agent solicitor or representative thereof give, sell or purchase as such inducement, or in connection with such insurance, any stocks, bonds, or other securities of any insurance company or other corporation, association or partnership.*

2. Each company shall deposit and keep deposited with the Superintendent a copy of its established rates for all plans of insurance, such rates in the ordinary branch, as distinguished from the industrial branch, being based upon an insurance of one thousand dollars, and shall be applicable to insurance for that amount and pro rata *for greater amounts.*

Exception in cases prior to Act.

3. This section shall not apply to re-insurance contracts nor to acts done in pursuance of agreements made relative to policies issued prior to the passing of this Act.

Penalty for rebating, etc.

88. *Each and every person violating the provisions of the last preceding section shall for a first offence be liable to a penalty of double the amount of the annual premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such annual premium, but in no case less than two hundred and fifty dollars.*

Penalty for permitting rebates, etc.

2. Every director or manager or other officer of any life insurance company within the legislative jurisdiction of the Parliament of Canada or licensed under The Insurance Act to carry on the business of life insurance who violates or knowingly consents to or permits the violation of the provisions of the next preceding section by any agent, officer, employee or servant of the company shall be liable to a penalty of five hundred dollars.

Rebates, etc., and disposal of penalty.

*3. The penalties provided for in this section shall be recoverable in any Court of competent civil jurisdiction at the suit of any person suing as well for His Majesty as for himself. One-half of any such penalty shall, when recovered, be applied towards payment of the expenses of the *Department* and the other half to the person suing.*

Offenders not to be indemnified out of funds of company.

4. No such director, manager, agent, officer, employee or other servant shall be indemnified either in whole or in part either in respect of the penalty or of any costs out of the funds of the company.

Quinquennial distribution of surplus.

89. *Except as provided in section 90 of this Act every such life insurance company, anything in its special Act or elsewhere to the contrary notwithstanding, shall provide in every participating policy issued or delivered within Canada on or after the first day of January, one thousand nine hundred and eleven, that the proportion of the surplus accruing upon such policy shall be ascertained and distributed at intervals not greater than quinquennially.*

Surplus under deferred dividend policies.

90. *In the event of a company issuing, on and after the first day of January, one thousand nine hundred and eleven, policies which provide for the distribution of surplus or profits at less frequent intervals than quinquennially, and known as deferred dividend policies, such company shall, with respect to such policies, ascertain and apportion at least once in every 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.*

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.

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.*

Proceedings to be instituted by Attorney General. R.S.C. 144.

2. *Proceedings may at the request or with the consent of the Superintendent be instituted by the Attorney General of Canada under* The Winding-up Act—

(a) *against any Canadian company licensed under this Act for the making of a winding-up order under said Act, to wind up the business of such company, or*

(b) *against any company other than a Canadian company licensed under this Act for an order for the winding-up of its Canadian affairs and the distribution of the Canadian assets of such company pursuant to said Act.*

Proceedings during continuance of license.

3. *The proceedings mentioned in the preceding subsection may be instituted during the continuance of the license of the company upon any ground upon which such an order may be made under the provisions of* 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.*

Form of policy to be approved.

95. *On and after the first day of January, one thousand nine hundred and eleven, no policy of life insurance shall be delivered in Canada by any company licensed under this Act until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent; and unless it contains in substance the following provisions:—*

Days of grace for payment of premiums.

(a) *That the insured is entitled to a grace of thirty days within which the payment of any premium other than that of the first year may be made, subject at the option of the company to an interest charge not in excess of six per cent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force; but in the event of the policy becoming a claim during the said period of grace and before the overdue premium or the deferred premiums, if any, of the current policy year are paid, the amount of such premiums with interest on any overdue premium may in settlement of the claim be deducted from the sum insured;*

(b) *That the insured may, without the consent of the company, engage in the active service of the militia of Canada, notice thereof, however, to be given by or on behalf of the insured to the company within ninety days after the date of his so engaging in such service and such extra premium to be paid during the continuance of such service as the company shall fix in pursuance of the terms of the policy.* Incontestability after 2 years

(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.*

(d) *That the policy and the endorsement thereon shall constitute the entire contract between the parties and that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties and that no such statement shall be used in defence to a claim under the policy unless it is contained in a written application and a copy of such application or such parts thereof as are material to the contract shall be endorsed upon or attached to the policy when issued;* Policy and endorsement to be entire contract.

(e) *That if the age of the insured has been under-stated the amount payable under the policy shall be such as the premium would have purchased at the correct age;* Age understated.

(f) *The options as to surrender values, or paid up insurance or extended insurance to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums have been paid;* Lapsed policies.

(g) *That after three full annual premiums or their equivalent half-yearly or quarterly premiums have been paid on a policy the company shall loan on the sole security thereof at a rate of interest not exceeding seven per cent per annum a sum not exceeding ninety-five per cent of the surrender value of such policy less any indebtedness to the company in respect thereof; such policy being first deposited with and assigned to the company by an assignment executed by all proper parties and in the form G in the schedule to this Act, *or in such other form as may be approved of by the Superintendent:* Provided, however, that such loan may at the option of the company be deferred for a period not exceeding three months from the time the policyholder applies therefor;* Loan on policy.

(h) *A table showing in figures the surrender and loan values, and the options available under the policy each year upon default in premium payments, until the end of the twentieth year at least of the policy, beginning with the year in which such values and options first become available; the surrender and loan values may be shown on the basis of one thousand dollars of insurance, and the loan values may be shown as a percentage of the surrender values;* Table of surrender and loan values.

(i) *In case the proceeds of a policy are payable in instalments or as an annuity, a table showing the amounts of the instalment and annuity payments;* Table of instalments.

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.*

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, after the first day of January, one thousand nine hundred and eleven, keep separate and distinct accounts of participating and non-participating business.*

Action of policyholders against foreign company.

97. *Every policy issued by any company incorporated or legally formed elsewhere than in Canada in favour of a resident of Canada shall have a clause embodied therein or endorsed thereon to the effect that an action to enforce the obligation of such policy may be validly taken in any Court of competent jurisdiction in the province where the policyholder resides or last resided before his decease and said policy shall not contain any provision inconsistent with such clause.*

Companies having capital stock.

98. *The provisions of this section shall extend and apply to every licensed life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, within the legislative power of the Parliament of Canada.*

Application.

2. The said provisions shall so extend and apply, notwithstanding anything to the contrary in any special Act relating to such life insurance companies or in any by-law or by-laws thereof.

Shareholders' and policyholders' directors to be elected.

*3. Every such company shall, by by-law passed prior to the first day of October, one thousand nine hundred and ten, determine the number of directors to be elected by the shareholders and by the participating policyholders. respectively, as hereinafter provided, and the number of policyholders' directors so determined shall be *at least one-third* of the total number so to be elected. *The company may, by the said by-law, provide that all the directors, of both classes, shall be elected for one, two or three years. If the by-law provides for a two years' or three years' term of office, it may also provide either, (a) that the term of office shall be continuous for all directors of both classes, or (b) that a certain proportion, not less than one-third, of each class, shall retire annually.* At the annual meeting held in one thousand nine hundred and eleven, and at each subsequent annual meeting, there shall be elected a board as determined by by-law aforesaid, but such board shall*

*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.

Qualifications for shareholders' director.

5. No person shall be a shareholders' director unless he holds in his own name and for his own use shares of the capital stock of the company to an amount of at least two thousand five hundred dollars, and has paid all calls due thereon and all liabilities incurred by him to the company.

One vote for each share held.

6. At all general meetings of the company each shareholder present in person or represented by proxy who has paid all calls due upon his shares in the capital stock and all liabilities incurred by him to the company shall have one vote for each share held by him.

Every 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.*

Qualifications for policyholders' director.

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.

Meeting.

8. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.

President.

9. The directors shall elect from among themselves a president and one vice-president or more.

Quorum.

10. At all meetings of directors for the transaction of business a majority shall be a quorum.

Annual meeting

11. 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

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.

* * * * * * * * * *

Instrument of proxy.

13. Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and an instrument of proxy shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary at least ten days before such meeting, and shall be used

*only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.**

Forfeiture and Renewal of Licenses.

Withdrawal of license for non-payment of undisputed claim judgment.

99. Whenever satisfactory proof has been furnished to the Minister of any undisputed claim upon a company, arising on any policy of life insurance in Canada, remaining unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge made to the agent of such company, the Minister may withdraw the license of such company.

Renewal of license.

100. Such license may be renewed if, within thirty days after such withdrawal, such undisputed claim or final judgment upon or against the company is paid and satisfied.

Renewal of forfeited license.

101. When the license of a company carrying on the business of life insurance has been withdrawn by the Minister under any of the foregoing sections of this Act, such license may be renewed, if, within thirty days after such withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister.

Companies ceasing to do business and Release of Deposits.

Certain companies ceasing to do business.

102. In the case of any company which, previously to the twenty-eighth day of April, one thousand eight hundred and seventy-seven, was licensed to transact the business of life insurance in Canada, and which ceased to transact such business before the thirty-first day of March, one thousand eight hundred

Winding-up old business.

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.

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 news apers.

(*b*) The company shall also cause the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister determines;

Notice mailed.

(*c*) A notice in the form E in the schedule to this Act, or to the like effect, shall be sent by mail, postpaid or franked, from the *Department* to each of the policyholders named in the said list, whose address is known to him; and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which shall be the same day as that named in the list and notice in form D.

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.

Provincial Company ceasing to do business outside its own Province.

Release of deposit to Treasurer of Province on transfer of policies.

108. *When any company such as described in subsection 3 of section 3 of this Act which has been licensed pursuant to said subsection to transact business throughout Canada, desires to discontinue business outside the province by the legislature of which it is incorporated, and to have its deposit with the Minister released, and gives notice to that effect to the Minister, the company may, with the consent of the policyholders resident outside such province, procure the transfer of the policies held by such policyholders to some company or companies licensed under this Act, or may obtain the surrender of such policies, in either of which cases upon proper and sufficient proof of such transfer or surrender being filed in the *Department,* the Minister may release and transfer such deposit to the treasurer of such province; or,*

Release of deposit on reinsurance of policies.

*2. The company may, with the notice mentioned in the first subsection of this section, file in the *Department* a resolution of the shareholders of the company authorizing such discontinuance of business and the withdrawal of said deposit, such resolution also to be approved by the votes of four-fifths of the policyholders present in person or by proxy at a meeting of the policyholders duly called for the purpose of considering the same, and may cause the policies in favour of policyholders resident outside of such province to be re-insured with the approval of the Superintendent in some company or companies licensed under this Act or may procure the consent in writing of all such policyholders to such transfer, in which case also, upon proof being filed in the *Department* of the passing of such resolution and of its approval in manner aforesaid and of the re-insurance of such policies or the written consent of such policyholders, the Minister may release and transfer said deposit to the Treasurer of such province.*

Rights of policyholders not affected.

3. The transfer of such deposit in manner aforesaid shall not in any way affect, alter, or diminish the rights of the policyholders with respect thereto, which shall remain in all respects the same as if no such transfer had been made.

109. In computing or estimating the reserve necessary to be held in order to cover the liability of Canadian companies on their policies, and the liability of companies other than Canadian companies on all Canadian policies, each company may,— Reserve necessary to cover liability.

(*a*) as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding three and a half per cent per annum; Calculation as to policies after January 1st, 1900.

(*b*) as to policies issued prior to the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, until * * * the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding three and one-half per cent per annum. Calculation as to policies prior to January 1st, 1900. Calculation after January 1st, 1910.

2. If it appears to the Superintendent that such reserve falls below that computed on the basis provided in this Act, for the valuation once in every five years or oftener at the discretion of the Minister, of policies of life insurance, he shall so report to the Minister, who may thereupon direct the Superintendent to compute on the said basis or to procure to be so computed under his supervision, the reserve aforesaid, and the amount so computed, if, * * * it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities. Minister may cause calculation to be verified.

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 a half per cent loading for expenses is in excess of the premiums receivable in respect of any policies issued after January first, one thousand nine hundred and eleven, the company shall be charged as a separate liability with the value of an annuity the amount of which shall be equal to such excess.** Particulars to be furnished.

4. Any company, instead of itself computing or estimating the reserve aforesaid, may require it to be computed by the Superintendent on the basis referred to in this section, on payment to him of three cents for each policy or bonus addition so computed, which amount the Superintendent shall pay over to the Minister. Superintendent required to compute.

Declaration of Profits in case of existing Companies.

Profits from participating policies to be kept distinct from other profits.

110. *In the case of companies heretofore incorporated which have a capital stock and which are within the legislative power of the Parliament of Canada, the directors may, from time to time, set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been distinguished as having been derived from participating policies, (including a share of the profits arising from the sale of securities in the proportion of the reserve on the participating policies to the total reserve), to the extent of not less than ninety per cent thereof; and before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof, which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year, or other period under consideration, upon the mean invested funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.*

Rights of participating policyholders to profits.

2. The provisions of subsection 1 of this section shall not interfere with the right of the participating policyholders of any such company to share in the profits realized from the non-participating branch of its business in any case in which such policyholders are so entitled under the Acts relating to such company in force at the time of the passing of this Act.

Assessment Life Insurance Companies.

Application.

111. Sections 112 to 126, both inclusive, of this Act apply to assessment life insurance companies only.

License or registration of assessment necessary.

112. No company shall, without being licensed or registered under this Act, carry on within Canada any business of life insurance by promising to pay on the death of a member of such company, a sum of money solely from the proceeds of assessments or dues collected or to be collected from the members thereof for that purpose.

Existing companies.

113. *After the passing of this Act no company except such as is referred to in subsection 4 of section 3 of this Act, which carries on business of the nature described in the last preceding section, hereinafter referred to as assessment companies, shall be licensed or registered to carry on business thereunder, but licenses to such companies in force at the time of the passing of this Act may nevertheless be from time to time renewed.*

114. *Any such company now licensed, so long as its license continues in force by renewal or otherwise, shall be exempted from the foregoing provisions of this Act relating to the maintenance of the reserve in respect of its policies required of ordinary life insurance companies and from the provisions of sections 13, 36, 42, 84 and 85 thereof.* Exemption of existing companies

115. *The license of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from year to year, in the discretion of the Minister.* Renewal of license necessary.

116. Such companies shall make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the Minister, and the Superintendent shall include such returns in his annual report. Returns of their conditions and affairs.

117. Death claims shall be a first charge on all moneys realized from assessments, by any assessment company to which this Act applies, and no deduction shall be made from any such death claims on any account whatsoever. Death claims first charge.

2. No portion of any moneys received from assessments by such companies for death claims shall be used for any expense whatever; and every notice of any assessment shall truly specify the cause and purpose thereof. Use of assessment for such purpose.

118. Every application, policy and certificate, issued or used— Application, policy, etc., to contain notice as to reserve.

(*a*) in Canada by any such company incorporated elsewhere than in Canada;

(*b*) by any such company incorporated or formed in Canada to which this Act applies;

shall have printed thereon, in a conspicuous place, in ink of a colour different from that of the ink used in the instrument, and in large sized type the words:—

"*This association is not required by law to maintain the reserve which is required of ordinary life insurance companies.*"

119. Every policy issued or used in Canada by any company referred to in the last preceding section shall contain a promise to pay the whole amount therein mentioned out of the death fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association shall be bound, forthwith and from time to time, to make assessments to an amount adequate, with its other available funds, to pay all obligations created under any such certificate or policy without deduction or abatement. Promises to pay out of certain funds.

2. The condition embodied in this section shall be inserted in every policy issued or delivered by any such company to any person insured in Canada. To be inserted in policy.

120. Every policy issued by an assessment company incorporated or legally formed elsewhere than in Canada, in favour of a resident of Canada, shall have a clause embodied therein or endorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken in any court of Clause stating where action brought.

competent jurisdiction in the province wherein the policyholder resides or last resided before his decease, and such policy shall not contain any provision inconsistent with such clause.

Companies assuring annuities ineligible for license.

121. No such company shall assure to any of its members a certain annuity, either immediate or deferred, whether for life or a term of years, or any endowment whatever.

Words to be used by assessment companies.

122. The words *Assessment System* shall be printed in large type at the head of every policy and every application for a policy, and also in every circular and advertisement issued or used in Canada in connection with the business of an assessment company.

Notice of intention to maintain a reserve.

123. Any company licensed or registered under this Act to carry on the business of life insurance on the assessment system, which has filed in the office of the Superintendent notice of its intention after the date mentioned in the said notice, to maintain in respect of all policies issued after the said date, in the case of a Canadian company, or in respect of all policies issued in Canada after the said date, in the case of a company other than a Canadian company, the reserve required by this Act to be maintained by ordinary life insurance companies upon contracts of life insurance with fixed and definite premiums, such company shall, with respect to all policies issued after the said date, if a Canadian company, and with respect to all policies issued in Canada after the said date, if a company other than a Canadian company, maintain for the security of the holders of the said policies the said reserve, and comply with all other provisions of this Act applicable thereto, as if it were licensed under this Act *as an ordinary life insurance company.*

Obligation thereafter.

Exemption from assessment provisions.

2. Such company shall, as to such policies, be exempt from all special provisions and conditions imposed by this Act upon asesssment life insurance companies, except it shall not assure to any of its members a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Application of deposit.

124. The deposit of any such company in the hands of the Minister, at the date mentioned in the notice in the preceding section referred to, shall be applicable to the policies issued prior to the said date, and shall be dealt with in regard to such policies as if the said notice had not been given.

Deposit compulsory.

2. Any such company shall, at the time of the filing of such notice, make with the Minister such deposits, if any, in respect of the policies to be issued in pursuance of such notice, as the Treasury Board may fix and determine.

Separate and distinct register and books.

125. For the purpose of carrying out the provisions of the two last preceding sections, separate and distinct registers and books of account shall be opened and kept, showing, respectively, all policies issued and business transacted by such company after the date mentioned in the said notice, and all policies issued and business transacted before the said date.

Contents.

2. Such books and registers shall show all assets, liabilities, moneys and securities belonging or appertaining to the said respective portions of such company's business; and the assets and the entire business of the said respective portions shall be kept absolutely separate and distinct.

3. The reserves or assets applicable to the policies issued by such company after the date mentioned in the said notice shall not be available in any way for any liability of such company arising out of any policy issued by it on the assessment plan. Reserves or assets not available for liability of company.

126. The provisions of this Act applicable to assessment life insurance companies, other than the provisions contained in the three last preceding sections, shall be applicable to the policies of the company issued prior to the said date, in the same manner and to the same extent as if the provisions contained in the said sections had not been enacted. Application of Act to assessment companies.

PART III.

FIRE * * * INSURANCE.

Application of Part.

127. This part applies only to fire * * * insurance companies, and to other insurance companies carrying on fire * * insurance, * * * in so far only as relates to the fire * * * insurance business of such companies. Fire and inland marine.

Forfeiture and Renewal of Licenses.

128. Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the Minister of any undisputed claim, arising from loss insured against in Canada, remaining unpaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge, the license of such company may be withdrawn by the Minister. Licenses forfeited for failure to make deposit or pay claims.

129. Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the Minister of the failure of the company to pay any undisputed claim or the amount of any final judgment, as provided in the last preceding section, all undisputed claims or final judgments upon or against the company in Canada are paid and satisfied. Renewal under certain conditions.

Companies ceasing to do Business and Release of Deposits.

130. When any company has ceased to transact business in Canada, and has given written notice to that effect to the Minister, it shall insure, on behalf of its Canadian policyholders, all its outstanding risks in some company or companies licensed in Canada, or obtain the surrender of the policies. Company ceasing business to reinsure.

2. The securities of such company shall not be delivered to the company until all its outstanding risks are insured to the satisfaction of the Minister. Delivery of securities.

131. Upon making application for its securities the company shall file with the Minister a list of all Canadian policyholders Application for securities.

who have not been so reinsured, or who have not surrendered their policies; and it shall at the same time publish in *The Canada Gazette* a notice that it has applied to the Minister for the release of its securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named.

Steps to be taken.

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.

Duration of fire 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 company other than a Canadian company in respect of its outstanding unmatured policies in Canada, shall be eighty per cent of the unearned premiums computed* pro rata *as at the date of such statement: Provided, however, that for the purposes of section 19 and subsection 2 of section 20 of this Act the reinsurance value of the outstanding unmatured Canadian policies of a company other than a Canadian company shall be the full unearned premiums computed* pro rata *as aforesaid.*

Premium note business.

2. In the case of any such company which transacts a non-hazardous three year business on the premium note system or partly on the cash system and partly on the said premium note system, the liability of such company, for the purposes of such statement, in respect of its premium note business shall be eighty per cent of the unearned portion of the cash received upon and of the balance usually collectable in respect of all outstanding premium notes held by the company computed pro rata *as at the date of such statement, and the amount of such premium notes in excess of the amount so usually collectable thereon shall be regarded as a contingent asset only.*

Impairment of Capital and Payment of Dividends.

135. *Every Canadian company licensed to carry on the business of fire insurance or marine insurance, or both, shall at all times maintain assets, allowable as such under the provisions of this Act or of its Act of incorporation or under the general Act applicable to such company, at least equal in value to the total of the unearned premiums upon all its outstanding unmatured policies, calculated* pro rata *for the time unexpired, together with the amount of matured claims and all its other liabilities of every kind.* **Assets, minimum amount of.**

2. Subject to the provisions of subsection 4 of this section, no dividend shall be paid by any such company while its capital is impaired or while its assets are less than the amount required by the next preceding subsection, nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital. **Dividend not to impair capital.**

3. If it appears to the Superintendent that the assets of any such company fall below the requirements of subsection 1 of this section, he shall report the fact to the Treasury Board and shall in said report state whether or not the company appears to him to have failed to comply with the requirements of the next preceding subsection, and the Treasury Board after a full consideration of the matter and after a reasonable time has been given to the company to be heard by them, may:— **Penalty.**

(a) Forthwith withdraw the company's license; or

(b) Upon such terms and conditions as they deem proper, limit a time within which such company shall make good the deficiency (the company's license being continued in the meantime) and upon the company's failure to make good such deficiency within the time so limited, its license shall be withdrawn:—

Provided, however, that if the company's assets are less than the amount fixed by subsection 1 of this section by an amount equal to twenty per cent or upwards of the said unearned premiums calculated as aforesaid, or if the company has failed to comply with the requirements of subsection 2 of this section, its license shall be withdrawn.

4. Where any such company has, prior to the passing of this Act, under the provisions of its Act of incorporation and any amendments thereto, created and issued part of its capital stock as preference stock, giving such preference stock the right to a fixed preferential dividend, the word "capital" in subsection 2 of this section shall be read and construed to mean as to such company its preferred capital exclusively in so far as regards the payment of such preferential dividends: Provided, however, that in the case of any such company the reserve liability for the purposes of this section may, with the approval of the Treasury Board, be calculated until the first day of January, one thousand nine hundred and fifteen, on the basis of not less than sixty per cent of the unearned premiums mentioned in the next preceding section. **Preferential dividends**

136. *In this section the word "surplus" means the excess of assets over the paid-up capital of the company and all the liabilities of the company, including the reserve for unearned premiums.* **"Surplus" defined.**

2. Subject to the payment of preferential dividends as provided in subsection 4 of section 135, until the surplus of a Canadian **Appropriation of profits for surplus.**

fire insurance company shall equal or exceed the reserve of unearned premiums computed as provided in section 134 on all outstanding unmatured policies in Canada not reinsured, such company shall at the end of each year commencing with the year one thousand nine hundred and ten, appropriate towards the surplus of such company, at least twenty-five per cent of the profits of the company for the year last past.

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.*

Penalty for rebating, etc.

138. *Every person violating the provisions of the last preceding section shall, for a first offence, be liable to a penalty of double the amount of the premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such premium, but in no case less than two hundred and fifty dollars.*

Penalty for permitting rebates, etc.

*2. Every director or manager or other officer of any fire insurance company within the legislative power of the Parliament of Canada or licensed under *this* Act to carry on the business of fire insurance, who violates or knowingly consents to or permits the violation of the next preceding section by any agent, officer, employee or servant of the company, shall be liable to a penalty of five hundred dollars.*

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.

Insurance in unlicensed companies.

***139.** *Notwithstanding anything in this Act contained, any person may insure any property situated in Canada with any British or foreign unlicensed insurance company or underwriters, and may also insure with persons who reciprocally insure for protection only and not for profit; and any property insured or to be insured under the provisions of this section may be inspected and any loss incurred in respect thereof adjusted; provided such insurance is effected outside of Canada and without any solicitation whatsoever directly or indirectly on the part of such company, underwriters or persons by which or whom the insurance is made.**

*2. *Every person so insuring property situated in Canada shall make a return to the Superintendent giving the location and a brief description of the property insured, the amount of the insurance, and whether insured in Lloyds, or some similar association, or in mutuals, reciprocal or other class of insurers, such return to be made by delivering or mailing it in a registered letter addressed to the Superintendent not later than the first day of March in each year for the year ending on the preceding thirty-first day of December.*

*3. *Blank forms for such statements shall be supplied by the Superintendent.*

*4. *Default in compliance with the requirements of paragraph 2 of this section by the insured shall subject him to a penalty of ten dollars for each day during which default continues recoverable and applicable in the manner prescribed in subsection 2 of section 69 of this Act.*

PART IV.

INSURANCE OTHER THAN LIFE OR FIRE * * *

Licenses.

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.*

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 passing of this Act.*

Directors.

2. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament during the present session thereof, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed during the present session the former shall prevail.

3. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament before the passing of this Act, but which has not yet been licensed, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed prior to the passing of this Act the former shall prevail: Provided, however, that all things lawfully done and all proceedings lawfully taken under the provisions of such special Act prior to the passing of this Act for the organization of the company or otherwise shall be valid and effectual for the purposes intended.

Standard provisions.

145. *Every special Act of the Parliament of Canada passed after the passing of this Act for the incorporation of an insurance company in the form F in the schedule to this Act shall be read as if it contained the provisions hereinafter in this section set forth, and shall be construed having regard thereto.*

Provisional directors.

(1) The persons named as such in the special Act shall be the provisional directors of the company, a majority of whom shall be a quorum for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and secure payments thereon. They shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received on account of the company and may withdraw the same for the purposes of the company only and may do generally what is necessary to organize the company.

Local boards and agencies.

(2) The directors may establish local advisory boards or agencies either within Canada or elsewhere at such times and in such manner as they deem expedient.

Shares.

(3) The capital stock of the company shall be divided into shares of one hundred dollars each.

Increase of capital stock.

(4) The directors may, after the whole authorized capital stock of the company has been subscribed and fifty per cent paid thereon in cash, increase the capital stock from time to time to an amount not exceeding the sum named for that purpose in the special Act; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the members of the company duly called for that purpose.

First meeting of shareholders.

(5) As soon as the amount for that purpose mentioned in the special Act has been subscribed and ten per cent of the said amount has been paid into some chartered bank in Canada the provisional directors shall call a general meeting of the shareholders at some place to be named in the municipality where the head office of the company is situated; at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect the share-

holders' directors in the case of a life company, and the ordinary directors in the case of a company other than a life company, as set forth in the next following section.

Calls on shares.

(6) The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice of any call shall be given.

Commencement of business.

(7) The company shall not commence business until at least the amount of stock mentioned for that purpose in the special Act has been subscribed for nor until at least the sum named for that purpose in the said special Act has been paid in cash into the funds of the company to be appropriated only for the purposes of the company under the said special Act: Provided that stock upon which less than ten per cent has been paid in cash by the subscriber shall not be reckoned as part of the stock mentioned in the special Act as necessary to be subscribed, nor shall any sum paid by any shareholder upon the shares subscribed for by him which is less than ten per cent of the amount subscribed for by such shareholder be reckoned as part of the sum required to be paid thereon as in such special Act provided.

Annual meeting.

(8) A general meeting of the company shall be called at its head office once in each year after the organization of the company and the commencement of business, and at such meeting a statement of the affairs of the company shall be submitted, and special general or extraordinary meetings may at any time be called by any three of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of the meeting.

Re-insurance

(9) The company may cause itself to be re-insured against any risk undertaken by it, and may re-insure any other company carrying on the same class of business as this company against any risk undertaken by such other company.

Directors, their election, duties and powers.

Two classes of directors.

146. *(a) There shall be in the case of life insurance companies having a capital stock, whether called by the name of capital stock, guarantee fund or any other name, two classes of directors, viz.: directors elected by the shareholders, hereinafter called shareholders' directors, and directors elected by the policyholders, hereinafter called the policyholders' directors; but in the case of companies other than life companies, having a capital stock, there shall be only one class of directors, namely: directors elected by the shareholders, hereinafter called ordinary directors.*

Shareholders' directors

(b) No person shall be elected a shareholders' director of a life company or an ordinary director of a company other than a life company, unless he is a shareholder owning shares in the capital stock or guarantee capital, as the case may be, absolutely in his own right and not in arrears in respect of any calls thereon and the majority of directors so elected shall at all times be persons resident in Canada and subjects of His Majesty by birth or naturalization.

Directors for other than life company.

(c) In the case of a company other than a life company there shall be elected at the first annual meeting and at each subsequent annual meeting a board of not less than nine nor more than sixteen directors, who shall hold office for one year but shall be eligible for re-election.

Directors of life company.

(*d*) *In the case of a life company there shall be elected at the first *and second annual meetings* not less than five nor more than nine shareholders' directors, who shall hold office for one year but shall be eligible for re-election.*

Number and composition of board of directors.

(*e*) *Every * * * life company shall, by by-law passed not less than three months prior to the holding of its third annual meeting after the issue of a license to it under this Act, determine the number of directors to be elected at said annual meeting by the shareholders and participating policyholders respectively, as herein provided, and the number of policyholders' directors so determined shall be at least *one-third* of the total number to be so elected. *The company may, by the said by-law, provide that all the directors, of both classes, shall be elected for one, two or three years. If the by-law provides for a two years' or three years' term of office, it may also provide either, (*a*) that the term of office shall be continuous for all directors of both classes, or (*b*) that a certain portion, not less than one-third, of each class, shall retire annually.* At the said annual meeting and each subsequent annual meeting there shall be elected a board as determined by by-law as aforesaid, but such board shall consist of not less than nine nor more than *fifteen* directors, all of whom shall * * * be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policyholders' directors by the participating policyholders.*

Manager may be a director.

(*f*) *The manager of a company may be a director, but no agent or paid officer, other than the manager, shall be eligible to be elected as a director. The words "paid officer" in this paragraph do not include the president and vice-president, or the president and first vice-president if there is more than one vice-president elected under the provisions of paragraph (k) of this section.*

Qualifications for shareholders' director.

(*g*) *No person shall be eligible to become a shareholders' director of a life company or an ordinary director of any other company unless he holds in his own name and for his own use shares of the capital stock of the company to the amount of at least two thousand five hundred dollars and has paid in cash all calls due thereon and all liabilities incurred by him to the company.*

One vote for each share held

(*h*) *At all general meetings of a company each shareholder present in person or represented by proxy who has paid in cash all calls due upon his shares and all liability incurred by him to the company shall have one vote for each share held by him.*

Every holder of a participating policy for $2,000 a member

(*i*) *In the case of a life company every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards upon which no premiums are due, whether such person is a shareholder of the company or not, herein called a participating policyholder, shall be a member of the company and be entitled to attend and vote in person or by proxy at all general meetings of the company; but participating policyholders, as such, shall not be entitled to vote for the election of shareholders' directors. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years shall*

be eligible for election as a policyholders' director. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.

(j) The election of directors shall be by ballot. Elections.

(k) The directors shall elect from among themselves a president and one vice-president or more. President.

(l) At all meetings of directors for the transaction of business a majority of the board shall be a quorum. Quorum.

(m) Notice of all general meetings shall be given to each of the shareholders and in the case of a life company also to each of the participating policyholders entitled to vote, mailed at least thirty days before the day for which the meeting is called, to the addresses of the shareholders and participating policyholders respectively, given in the books of the company, and in the case of the annual meeting the notice shall state that in accordance with the provisions of The Insurance Act *shareholders and participating policyholders, respectively, may vote for and elect the number of directors to be by them respectively elected at such annual meeting.* Notice of meetings.

(n) At the annual meeting no shareholders of a company other than a life company shall vote for more than the number of ordinary directors to be elected, and in the case of a life company no shareholder shall vote for more than the number of shareholders' directors to be elected, and no participating policyholder shall vote for more than the number of policyholders' directors to be elected. Voting.

*(o) Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and * * * an instrument of proxy shall not be valid unless executed within three months prior to the meeting at which it is to be used, and unless filed with the secretary of the company at least ten days before such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.* Proxies. Instruments of proxy.

(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 of 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;

Dividends. (*b*) the declaration and payment of dividends;

Officers. (*c*) the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration;

Meetings. (*d*) the time and place for the holding of the annual meeting of the company, the calling of meetings, regular and special of the directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings;

Penalties (*e*) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and,

Generally. (*f*) the conduct, in all other particulars, of the affairs of the company.

Changing by-laws. **149.** The directors may, from time to time, repeal, amend, or re-enact any such by-law: Provided that every such by-law, repeal, amendment or re-enactment unless in the meantime confirmed at a general meeting of the company duly called for that purpose shall only have force until the next annual

Confirmation necessary. meeting of the company and in default of confirmation thereat shall from the time of such default cease to have force or effect.

Capital Stock, Calls, and Increase of Capital.

Stock to be personal estate. **150.** The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Part, or by the Special Act or the by-laws of the company.

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 book or books, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally with the transferrer, to the company and its creditors.

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.

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.

Penalty.

Neglect to permit inspection.

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.

Penalty.

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.

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.

Estate 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 hi self 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,

Limitation as to time.

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.

2. The amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. Amount recoverable.

Use of Funds.

175. *The* company shall *not* loan any of its funds to any *director or officer thereof, except that a life insurance company may lend to any director or officer thereof on the security of the company's own policies.* No loan to directors, or officers.

Procedure.

176. The company may enforce payment of all calls and interest thereon, by action in any court of competent jurisdiction. Enforcement of payments of calls.

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. Form of action.

178. Service of any process or notice upon the company may be made by leaving a copy thereof at the head office or chief place of business of the company, with any adult person in charge thereof, or elsewhere with the president or secretary of the company. Service of process on company.

2. If the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper, and such publication shall be deemed to be due service upon the company. Constructive service. Publication.

179. Any description of action may be prosecuted and maintained between the company and any shareholder thereof. Actions against shareholders.

180. The company shall be subject to the provisions of any general Act for the winding-up of joint stock companies. Winding-up Act to apply

Evidence.

181. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts in Canada. Evidence of by-laws.

Books of company *prima facie* evidence.

182. All books required by this Part to be kept by the secretary or by any other officer of the company charged with that duty shall, in any suit or proceeding be, as against the company or against any shareholder, *prima facie* evidence of all facts purporting to be therein stated.

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 a percentage on capital stock or fixed in bulk and shown on the face of the form of the stock subscription contract,* and shall not form a charge upon or be paid out of the paid-up capital nor from the insurance funds, nor be in any way chargeable directly or indirectly against the policyholders.*

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

2. The sums so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the company and the insured.

To be inserted in policy.

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to.

Liens.

4. Until the policyholder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted.

Policy to be continued in force.

*PART VI.

**Penalties for offences not otherwise provided for.*

***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.

2. Such company or person shall also, in addition to such penalty, be liable to any person injured by such matter, act or thing, or by such omission, for all damages sustained thereby.

Liability for damages.

3. All such penalties shall be recoverable and enforceable, 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.

REPEAL.

***188.** *The Insurance Act*, chapter 34 of the Revised Statutes, 1906, except sections 49, 51, 52 and 71 thereof is hereby repealed on the day of the passing of this Act.

Repeal.

2. The said sections 49, 51, 52 and 71 are hereby repealed on the first day of January, 1911.

3. All other Acts and parts of Acts passed by the Parliament of Canada which relate to companies within the legislative power of the said Parliament, and are inconsistent with the provisions of this Act, are hereby repealed on the day of the passing of this Act, except such as relate specifically to the following corporations, namely:—

Exception.

The Supreme Court of the Independent Order of Foresters;

The Grand Council of the Catholic Mutual Benefit Association of Canada;

The Canadian Order of the Woodmen of the World.

SCHEDULE.

FORM A.

This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of .....

President	Secretary .....
Principal Office	Agent .....
Incorporated	Commenced business in Canada .....
(date)	(date) .....

I.—CAPITAL.	$	cts.
1. Amount of Joint Stock or Guarantee Capital authorized		
2. Amount subscribed for		
3. Amount paid up in cash		

LIST OF SHAREHOLDERS.

NAME.	RESIDENCE.	Amount Susbcribed for.		Amount Paid up in cash.	
		$	cts.	$	cts.

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

As at .....19 . *(Date of filing of Statement.)*

	$	cts.
II.—Assets as per Ledger Accounts.		
1. Value of Real Estate (less encumbrances) held by the Company.....		
(*Detailed statement to be given in a separate schedule.*)		
2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens.....		
3. The same, second liens.....		
(*Detailed statement of loans in 2 and 3 to be given in a separate schedule.*)		
4. Amount of loans secured by bonds, stocks or other marketable collaterals.....		
(*Par and market value of each such collateral and amount loaned thereon in a separate schedule.*)		
5. Amount of loans as above on which interest has been overdue for one year or more previous to statement (*details in a separate schedule*). $.....		
6. Amount of loans made to policyholders on the Company's policies assigned as collaterals.....		
7. Premium obligations on the policies in force, the reserve on each policy being in excess of all indebtedness thereon.....		
8. (*a*) Value in account of bonds, debentures and debenture stocks owned by the Company.....		
(*Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.*)		
8. (*b*) Value in account of stocks owned by the Company (*details to be given in a separate schedule*).....		
9. Cash at head office.....		
10. Cash in banks (*with details*).....		
11. Bills receivable.....		
12. Agents' ledger balances.....		
13. All other ledger assets (*details in separate schedule*).....		
Total ledger assets.....		
Other Assets.		
14. *Market value of stocks, bonds, debentures, &c., over value in account.		
15. Due from other companies for losses or claims on the Company's policies reinsured.....		
16. Interest due (*with details*).....$.....		
" accrued (*with details*).....		
Total carried out.....		
17. Rents due.....$.....		
" accrued.....		
Total carried out.....		

	New Premiums.	Renewals.		
18. Gross premiums due and uncollected on policies in force.....	$	$		
Gross deferred premiums on same.....				
Totals.....				
Deduct commission at.....per cent on 'new' and.....per cent on 'renewals'.				
Net amount of outstanding and deferred premiums.....				
Total Assets.....				

*If the total market value of any item of assets is less than the value in account a deduction should here be made.

——	$	cts.
III.—Liabilities.		
Amount computed or estimated upon the statutory basis, without regard to allowance permitted by sec. 42, sub-sec. 3, to cover the present value of all policies, reversionary additions, premium reductions, and annuities in force		
Additional reserves voluntarily maintained to bring the total reserves up to the net values by the.....table and.....per cent., (*being the Company's voluntary basis of valuation*)		
Total		
Deduct value of policies reinsured		
Net reserve (*particulars as in Detail* I. A.)		
Deduct amount of allowance permitted by sec. 42, subsec. 3 (*the full statutory allowance being* $....., *as shown in Detail* I. B.)		
Net reserve, less allowance		
2. Present value of amounts not yet due on matured instalment policies		
3. Amount calculated, or otherwise ascertained, and reserved for apportionment to deferred dividend policies (*particulars as called for by Detail* 2)		
4. Claims for death losses:		
(1) Due and unpaid.....$		
(2) Adjusted but not due		
(3) Unadjusted but not resisted		
(4) Resisted—in suit		
" not in suit		
5. Claims for matured endowments:		
(1) Due and unpaid.....$		
(2) Adjusted but not due		
(3) Unadjusted but not resisted		
(4) Resisted—in suit		
" not in suit		
(*If any of the items in 4 and 5 accrued in previous years state the amounts.*)		
6. (1) Due and unpaid annuity claims.....$		
(2) Resisted—in suit		
" not in suit		
7. Surrender values claimable on policies cancelled whose reserves are not included in item 1		
8. Amount of dividends or bonuses to policyholders due and unpaid		
9. Amount of dividends to stockholders due and unpaid		
10. Due on account of office and other expenses		
11. Premiums paid in advance		
12. Due on account of loans		
13. Taxes due and accrued		
14. Balance of shareholders' account		
15. Amount of all other liability of the Company (*with details*)		
16. Total liability		
17. Excess of assets over liabilities		
18. Capital stock paid up		
*19. Surplus above all liabilities and capital		

Shareholders' Account.

	$
1. Balance of Shareholders' Account, 31st December, last year	
2. Interest added during the year	
3. Shareholders proportion of profits	
Total	$
4. Amount of dividends paid during the year	$
5. Shareholders' proportion of losses upon investments and other similar losses	
Total	$
6. Balance of Shareholders' Account at 31st December, this year	$

* Show separately the amount of surplus contingently apportioned to deferred dividend policies issued prior to January 1st, 1911.

———	$	cts.
IV.—Income during the Year.		
1. Cash received for First Year Premiums.....$.....		
Less premiums paid for reinsurance.....		
Total net income from First Year's premiums.....$.....		
2. Cash received for renewal premiums.....$.....		
Renewal premiums paid by dividends.....		
Total.....$.....		
Less premiums paid for reinsurance.....		
Total net income from renewal premiums .....$.....		
3. Cash received for single premiums.....$.....		
Single premiums paid by dividends.....		
Total .....$.....		
Less single premiums paid for reinsurance.....		
Total net income from single premiums.....$.....		
4. Cash received for single premiums for life annuities....$.....		
Cash received for annual premiums for life annuities...		
Total.....$.....		
Less premiums paid for reinsurance.....		
Total net income from Life Annuity premiums.....$.....		
5. Total net premium income.....		
6. *Gross* Cash received for interest or dividends on stock, &c.....		
7. *Net* Cash received for rents.....		
*8. Net cash received as profit on securities actually sold.....		
9. Cash received by way of premium upon Capital Stock.....		
10. All other income (*with details*).....		
11. Total.....		
12. Cash received for calls on Capital.....$.....		
Cash received for increased Capital.....		
Total carried out.....		
13. Total cash income during the year.....		

*If a net loss has been sustained upon securities sold, a deduction should here be made

V.—Expenditure during the Year.	$	cts.
1. Cash paid for death losses (including bonus additions, $....)....$		
Payments on matured instalment policies		
Total....$		
Deduct reinsured death claims		
Net amount paid for death claims		
2. Cash paid for matured endowments (including bonuses, $....)....$		
Payments on matured instalment policies		
Total....$		
Deduct reinsured endowment claims		
Net amount paid for endowment claims		
3. Total amount paid for death claims and matured endowments		
(If any of the items in 1 and 2 accrued in previous years state the amounts. Also state the amounts of any reversionary bonuses.)		
4. Cash paid to annuitants....$		
5. Cash (and premium obligations, &c.), paid for surrendered policies		
6. Cash dividends paid to policyholders		
Cash dividends applied in payment of premiums		
Total carried out		
7. Total amount paid to policyholders		
8. Cash paid to stockholders for interest or dividends		
9. Cash paid for taxes, licenses, fees or fines		
10. Cash paid for investment expenses (with details)		
11. General expenses:		
Head Office salaries		
Head Office travelling expenses		
Directors' fees		
Auditors' fees		
Commissions, first year		
Commissions, renewal		
Commission advanced to agents		
Agency salaries		
Agency travelling expenses		
Other agency expenses		
Miscellaneous expenses in detail		
Total expenditure		

* * * * * * * * * * * *

Synopsis of Ledger Accounts.

	$
1. Amount of net Ledger Assets, 31st December, last year	
2. Amount of cash income as per IV	
3. Amount of appreciation in ledger values of assets or items written up (*with details*)	
Total	$
4. Amount of expenditure as per V	$
5. Amounts written off ledger assets not included in V. (*with details*)	
Total	$
6. Balance—net ledger assets, 31st December, this year	$

In the following items instalment policies and policies with deferred payments should be entered at their commuted value.	$	cts.
VI.—MISCELLANEOUS.		
1. Number of new policies taken during the year and paid for in cash...		
2. Amount of said policies.....		
3. Amount of said policies reinsured in other licensed companies in Canada.....		
4. Number of policies become claims (including matured endowments) during the year.....		
5. Amount of said claims (including matured endowments). $.....		
6. Amount of above claims reinsured in other licensed companies in Canada.....		
Net amount carried out.....		
7. Number of policies in force at date.....		
8. Amount of said policies..... $.....		
Bonus additions thereto.....		
Total..... $.....		
9. Amount of said policies reinsured in other licensed companies in Canada, including $.....bonus additions		
10. Net amount in force at (*date*).....		
11. Number of Life Annuities in force at (*date*).....		
12. Amount of annual payments thereunder..... $.....		

* * * * * * * * * * * *

VII.—A. EXHIBIT OF POLICIES.

Classification.	1.—Whole Life Policies.		2.—Endowment Policies.		3.—All other Policies.		4.—Bonus Additions.	5.—Total Nos. and Amounts.	
	No.	Amount.	No.	Amount.	No.	Amount.	Amount.	No.	Amount.
		$		$		$	$		$
1. At the end of previous year									
2. New policies issued									
3. Old policies revived									
4. Old, changed and increased									
Totals									
Deduct ceased:									
5. By death									
6. By maturity									
7. By expiry									
8. By surrender									
9. By lapse									
10. By change and decrease									
11. By not taken									
12. Total terminated									
13. Policies in force at end of year									
14. Policies re-insured									

Note.—Instalment policies should be entered and deducted in the above Exhibit of Policies for the commuted value of instalments only. An exhibit, similar to the above, is to be furnished for industrial policies.

VII.—B. EXHIBIT OF ANNUITIES.

Classification.	1.—Life Annuities Proper.		2.—Life Annuities arising out of Life Assurance Contracts.	
	No.	Annual Payments.	No.	Annual Payments.
		$		$
1. At the end of previous year				
2. New annuities				
Totals				
Deduct ceased				
3. By death				
4. By expiry				
5. By				
6. Total terminated				
7. In force at end of year				

LIABILITIES, ITEM I.—

DETAIL 1.

A.—STATEMENT OF ACTUARIAL LIABILITIES OF THE ..... COMPANY.

1. Whole Life Assurances in force:—

(*a*) With Profit Assurances:

	No. of Polices in Force.	Amount in Force.	Value.
Gross number and amounts	.....	$.....	$.....
Less re-insured.....	.....	.....	.....
Net number and amounts.....	.....	$.....	$.....

(*b*)Without Profit Assurances: (*as above*).

2. Endowment Assurances in Force: (*a* and *b as above*).

3. Temporary and other remaining Assurances in Force: (*a* and *b as above*).

4. (*a*) Bonus Additions:

Amount of Bonus additions.	Value.
$.....	$.....

(*b*) Premium Reductions:

Amount per Annum.	Value.
$.....	$.....

5. Life Annuities arising out of Life Assurance Contracts:—

No.	Yearly Amount Payable.	Value.
.....	$.....	$.....

6. Life Annuities Proper:—

No.	Yearly Amount Payable.	Value.
.....	$.....	$.....

(*The gross, reinsured and net figures should be set forth under each head, as indicated in* 1 (*a*). *Basis of valuation for each class of business to be clearly stated*).

B.—Statement Showing Particulars of Policies subject to a net Premium equal to, or greater than the Corresponding Whole Life Premium. (*For purposes of this return, all policies of the same average duration, falling within the above mentioned category may be combined, irrespective of plan*).

Policies in force at date of Return, issued during the Year ended.....19.., Average Duration, one-half Year.

(1.) Age of Issue.	(2.) Amount of Policies.	(3.) Statutory reduction of $O^{m(5)}$ 3½ p.c. net reserve (upon amts. in column 2.)
.....	.....	.....
.....	.....	.....
.....	.....	.....
(Columns (2) and (3) to be summed.)		

(Similar tables showing particulars of policies of which the average durations at the date of return are 1½, 2½ and 3½ years, respectively, must be furnished.)

DETAIL 2.

1. Give separately the amounts held to the credit of deferred dividend policies, *together with the amount of insurance in force,* in accordance with the requirements below specified:

Amount Awaiting Distribution.

Year of Issue.	Deferred Dividend Period.			
	5 Years.	10 Years.	15 Years.	20 Years.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

A similar form is to be used with respect to deferred dividend policies issued subsequent to anuary 1, 1911.

DETAIL 3.

STATEMENT of the Life Insurance and Annuity Business of the.....Company.

1. Set forth the Office Premiums in Force, at the date of this return, at age 20, and at every fifth age thereafter, for each class of insurance and annuity business transacted, distinguishing between *With* and *Without Profit Sections*.

2. Statement respecting profits paid:—

(*a*) Rates of annual dividends declared during the year, for ages of entry 25, 35, 45 and 55, and for all durations under each class of insurance;

(*b*) Rates of dividend declared, at the last previous allotment, upon policies to which profits are distributed at intervals other than yearly, being policies other than upon the deferred dividend plan, specifying age, duration and class as above;

(*c*) Rates of dividend declared upon deferred dividend policies which completed their dividend period during the year, specifying age, duration, and class as above.

(*All three to be accompanied by a definite statement of the method by which such dividends or amounts have been computed.*)

DETAIL 4.

Miscellaneous Statement.

1. Were the policies and annuities valued individually or in groups?

2. How was the valuation age determined (*a*) for assurances? (*b*) for annuities?

3. How were the following classes of policies valued?—

   (*a*) Policies issued on lives resident in tropical or sub-tropical countries at rates of premiums greater than the regular Canadian rates;

   (*b*) Policies issued at premiums corresponding to ages higher than the true ages;

   (*c*) Policies providing for payments at death during certain periods of an amount less than the full amount of insurance;

   (*d*) Policies issued at a fixed extra premium, whether payable in one sum or annually.

4. State what provision is made under tropical and sub-tropical policies as regards—

   (*a*) surrender values;

   (*b*) the surplus credited or allotted to such policies.

5. What reserve, if any, is held under limited and single premium policies on account of prepaid or limited loadings

6. State the general method or principle upon which surplus is distributed as between shareholders and policyholders.

7. State the average rate of interest at which the funds were invested during the year, giving an explanation of how such average rate was computed.

FORM A. 1.

SCHEDULE SHOWING MOVEMENT OF SECURITIES FOR THE SIX MONTHS BEGINNING 1ST DAY OF....19 , AND ENDING... DAY OF....19 .

(*a*) BONDS, STOCKS, AND DEBENTURES PURCHASED.

Description of each kind of Bond, &c.	From whom Purchased.	When Purchased.	Commission paid (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par Value.	Price paid

(*b*) REAL ESTATE PURCHASED.

Description and Location of Property.	From whom purchased.	Date of purchase or of acquisition.	Commission paid (if any).	Price paid, or value at which transferred to Real Estate ac., each parcel separately.

(*c*) COLLATERAL LOANS MADE.

Description of Collateral taken.	To whom made.	Time.	Rate of Interest.	Par Value.	Market Value.	Amount of Loan.

(*d*) [The Total Amount invested in Mortgages during the half year must also be given; and also, separately, the Total Amount Loaned upon Policies.]

(*e*) BONDS, STOCKS AND DEBENTURES SOLD.

Description of Bond.	To whom sold.	When sold.	Commission paid, (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par value.	Value in account.	Price, or other consideration received.

(*f*) REAL ESTATE SOLD.

Short Description of Property.	To whom sold.	Date of purchase, or of acquisition.	Commission paid (if any).	Price paid therefor, or at which carried to Real Estate account.	Value in Account.	Price received for each parcel.

(*g*) COLLATERAL LOANS REPAID.

Description of Collateral released.	By whom paid.	VALUE OF SECURITY RELEASED.		Amount repaid
		Par Value.	Market value.	

(*h*) [The Total Amount of Principal Moneys received upon Mortgages, or Consideration for Mortgages sold during the half year must be given; and, also, separately, the Total Amount of Policy Loans Repaid.]

FORM B.

This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of.....

President.....	Secretary.....
Principal Office.....	Agent.....
Organized or incorporated:	Commenced business in Canada:
(date).....	(date).....

I.—CAPITAL.	$	cts.
1. Amount of Joint Stock or Guarantee Capital authorized.....		
2. Amount subscribed for.....		
3. Amount paid up in cash.....		

LIST OF STOCKHOLDERS.

As at 31st December, 19 .

NAME.	RESIDENCE	Amount Subscribed for.		Amount Paid up in cash	
		$	cts.	$	cts

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

As at.....19 . (*Date of filing of Statement.*)

———	$	cts.
II.—Assets as per ledger Accounts.		
1. Value of Real Estate (less encumbrances) held by the Company.....		
(Detailed statement to be given in a separate schedule.)		
2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens.....		
3. The same, second liens.....		
(Detailed statement of loans in 2 and 3 to be given in a separate schedule.)		
4. Amount of loans secured by bonds, stocks or other marketable collaterals.....		
(Par and market value of each such collateral and amount loaned thereon in a separate schedule.)		
5. Amount of loans as above on which interest has been overdue for one year or more previous to statement (*details in a separate schedule*). $.....		
6. Value in account of bonds, debentures and debenture stocks owned by the Company.....		
(Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.)		
7. Value in account of stocks owned by the Company (*details to be given, in a separate schedule*).....		
8. Cash at head office.....		
9. Cash in banks (*with details*).....		
10. All other ledger assets (*details in separate schedule*).....		
Total ledger assets.....		
Other Assets.		
11. *Market value of stocks, bonds, debentures, &c., over value in account.		
12. Interest due (*with details*).....$.....		
" accrued (*with details*).....		
Total carried out.....		
13. Rents due .....$.....		
" accrued		
Total carried out		
14. Agents' Balances and premiums uncollected.....		
15. Bills receivable held by the Company.....		
Amount of same overdue.....$.....		
16. Amount of premium notes on hand on which policies are issued..... $.....		
Deduct amount paid thereon.....		
And deduct amount assessed thereon remaining unpaid.....		
Balance carried out.....		
17. Total assessments on Premium notes.....$.....		
Deduct amount paid thereon.....		
Balance carried out.....		
18. Amount of assessment on Stock notes.....$.....		
Deduct amount paid thereon.....		
Balance carried out.....		
19. All other property belonging to the Company, with a detail thereof in a separate schedule.....		

* If the total market value of any item of assets is less than the value in account, a deduction should here be made.

	$	cts.
20. Gross amount of all the Assets of the Company.....		
21. Amount which should be deducted from the above Assets on account of bad and doubtful debts and securities, viz:— From item No....$.....; No....$.....; No....$.....; No....$.....; No....$.....; No....$.....; No....$..... Total deductions.....		
22. Aggregate amount of all the Assets of the Company, stated at their actual value.....		
NOTE ON ITEMS (6) and (7). If any of these Stocks have any lien upon them for the benefit of any particular class of Policyholders, or if they are deposited with the Government of any State or Country, the fact must be specially stated.		
III.—LIABILITIES.		
(1) LIABILITIES IN CANADA.		
(1) *For Fire Losses in Canada.*		
1. *Net amount of Losses due and yet unpaid.....		
2. (1) " " adjusted but not due.....		
(2) " " claimed but not adjusted.....		
(3) " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.: In suit..... Not in suit.....		
4. †Total net amount of unsettled claims for Fire losses in Canada.....		
(2) *For Inland Navigation Losses in Canada.*		
1. *Net amount of losses in Canada due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed		
3. *Net amount of losses resisted, viz.: In suit..... Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses in Canada.....		
(3) *For Marine (Ocean) Losses in Canada.*		
1. *Net amount of losses in Canada due and yet unpaid.....		
2 (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed		
3. *Net amount of losses resisted, viz.: In suit..... Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) losses in Canada.....		
5. Total net amount as above of unsettled claims for Fire, Inland Navigation and Marine (Ocean) losses in Canada.....		

* After deducting reinsurance and salvage.
† If any of these accrued previous to 19 , state the amounts.

——	$	cts.
6. ‡Gross Premiums received and receivable upon all unexpired (not re-insured) Fire risks in Canada, $.....		
Reserve of Unearned Premiums thereon *pro rata* for the period unexpired, $.....		
7. Gross Premiums received and receivable upon all unexpired (not reinsured) Inland Navigation risks, $.....		
Reserve of Unearned Premiums thereon at 50 per cent, $.....		
8. Gross Premiums received and receivable upon all unexpired (not reinsured) Marine (Ocean) risks, $.....		
Reserve of Unearned Premiums thereon at 100 per cent, $.....		
9. Total reserve as above of Unearned Premiums for all outstanding risks in Canada.....		
10. (1) Dividends declared and due, and remaining unpaid.....		
(2) " but not yet due.....		
11. Due and accrued for salaries, rent, advertising, agency and other miscellaneous expenses.....		
12. (1) Amount of money borrowed, stating amount of each loan separately, the security given therefor, and the rate of interest payable ..		
(Details to be given in separate schedule.)		
(2) Interest thereon due and unpaid.....		
(3) " accrued but not yet due.....		
13. Amount of all other claims against the Company, with a detailed statement thereof.....		
14. ‡Total amount of all Liabilities in Canada except Capital Stock.....		
(2) LIABILITIES IN OTHER COUNTRIES.		
(1) *For Fire Losses in other Countries.*		
1. *Net amount of Losses due and yet unpaid.....		
2. (1) " adjusted but not due.....		
(2) " claimed but not adjusted.....		
(3) " reported or supposed, but not claimed.....		
3. *Net amount of Losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Fire Losses.....		
(2) *For Inland Navigation Losses in other Countries.*		
1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses..		

* After deducting reinsurance and salvage.

† If any of these accrued previous to 19 , state the amounts.

‡ In cases where the actual amounts to be reserved of the individual Premiums *pro rata* for the time unexpired have not been calculated, the following approximations may be used:

For the total of unexpired policies whose original term was one year or less, reserve one-half of the Gross Premiums.

For the totals of two-year-term policies: unexpired period being one year or less, reserve one-fourth; and unexpired period being more than one year, reserve three-fourths.

For the totals of three-year-term policies: unexpired term being one year or less, reserve one-sixth; unexpired period being more than one year but not more than two years, reserve one-half; unexpired period being more than two years, reserve five-sixths.

Other term policies *pro rata*.

(Detailed statement to be given in schedule on opposite page.)

	$	cts.
(3) *For Marine (Ocean) Losses in other Countries.*		
1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) Losses in other countries.....		
5. Total net amount as above of unsettled claims for Fire, Inland Navigation and Marine (Ocean) losses in other countries.....		
6. Gross premiums received and receivable upon all unexpired Fire risks (not reinsured), $.....		
Reserve of unearned premiums thereon *pro rata* for the period unexpired, $.....		
7. Gross Premiums received and receivable upon all unexpired (not reinsured) Inland Navigation risks, $.....		
Reserve of unearned premiums thereon at 50 per cent, $.....		
8. Gross Premiums received and receivable upon all unexpired (not reinsured) Marine (Ocean) risks, $.....		
Reserve of unearned premiums thereon at 100 per cent, $.....		
9. Total reserve as above of unearned premiums for all outstanding risks		
10. Due and accrued for salaries, rent, advertising, agency and other miscellaneous expenses.....		
11. (1) Amount of money borrowed, stating amount of each loan separately, the security given therefor, and the rate of interest payable.		
(*Detailed statement to be given in a separate schedule.*)		
(2) Interest thereon due and unpaid.....		
(3) " accrued but not due.....		
12. Amount of all other claims against the Company (with a detailed statement thereof).....		
13. Total amount of all Liabilities in other countries.....		
14. Total amount of Liabilities in all countries except Capital Stock.....		
15. Capital Stock paid up in cash and notes.....		
16. Surplus (if any) beyond all Liabilities and Capital Stock paid up.....		

* After deducting reinsurance and salvage.
† If any of these accrued previous to 19 , state the amounts.

Recapitulation of Fire Risks and Premiums in Force in Canada.

Year Written.	Term.	Gross Amount in Force.	Gross Premiums thereon.	*Amount Reinsured.	*Gross Premiums thereon.	Net Amount in Force.	Gross Premiums thereon.	Fraction Unearned.	Reserve of Unearned Premiums.
		$	$ cts.	$	$ cts.	$	$ cts.		$ cts.
19	One year or less.....							$\frac{1}{2}$	
19	Two years.....							$\frac{1}{4}$	
19	Two years.....							$\frac{3}{4}$	
19	Three years.....							$\frac{1}{6}$	
19	Three years.....							$\frac{1}{2}$	
19	Three years.....							$\frac{5}{6}$	
Totals..									

* Reinsurances in licensed companies only to be deducted.

Recapitulation of Fire Risks and Premiums in Force in Other Countries.

Year Written.	Term.	Gross Amount in Force.	Gross Premiums thereon.	Amount Reinsured.	Gross Premiums thereon.	Net Amount in Force.	Gross Premiums thereon.	Fraction Unearned.	Reserve of Unearned Premiums.
		$	$ cts.	$	$ cts.	$	$ cts.		$ cts.
19	One year or less.....							1/2	
19	Two years.....							1/4	
19	Two years.....							3/4	
19	Three years.....							1/6	
19	Three years.....							1/2	
19	Three years.....							5/6	
Totals..									

Fire risks in Canada.

Province.	Net Premiums received.	Net Losses paid.
Ontario		
Quebec		
Nova Scotia		
New Brunswick		
Prince Edward Island		
Manitoba		
British Columbia		
Alberta		
Saskatchewan		
Totals		

Statement of reinsurance of Canadian business in Companies not licensed under the Insurance Act.

———	$	cts.
(1) *Fire risks in Canada.*		
1. Amount of reinsurance premiums in unlicensed companies		
2. Amount of commission thereon		
3. Amount of losses recovered from said companies		
(2) *Inland Marine risks in Canada.*		
1. Amount of reinsurance premiums in unlicensed companies		
2. Amount of commission thereon		
3. Amount of losses recovered from said companies		

IV.—Income.

———	In Canada.		In Other Countries.	
(1) *For Fire Risks.*	$	cts.	$	cts.
1. Gross Premiums unpaid or in the hands of agents 31st December, last year				
2. Gross Premiums written or renewed during the year				
3. Total				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year				
5. Gross cash received for Fire Premiums				
*6. Deduct reinsurance, rebate, abatement and return Premiums				
7. Total net cash received during year for fire Premiums				
(2) *For Inland Navigation Risks.*				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year				
2. Gross Premiums written or renewed during the year				
3. Total				
4. Deduct Gross Premiums unpaid or in hands of agents, 31st December, this year				

IV.—INCOME—*Concluded.*

	In Canada.		In other Countries.	
	$	cts.	$	cts
5. Gross cash received for I. N. Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for I. N. Premiums.....				
(3) *For Marine (Ocean) Risks.*				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year.....				
5. Gross cash received for Ocean Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for Ocean Premiums.....				
8. Total net cash actually received for Premiums in all Countries.....				
9. Received for Interest and Dividends on Stocks, Bonds, &c.....				
10. " Rents.....				
11. Income received from all other sources.....				
(*Detailed statement in a separate schedule.*)				
12. Received for calls on Capital.....$.....				
" increased Capital.....				
Total carried out.....				
13. Aggregate amount of Income actually received during the year in cash.				

* For business in Canada, reinsurances in licensed companies only to be deducted.

V.—EXPENDITURE.

	In Canada.		In other Countries.	
(1) *For Fire Risks.*	$	cts.	$	cts.
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at $..... net).....				
2. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Fire losses.....				
(2) *For Inland Navigation Risks.*				
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at $..... net).....				
2. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....$..... †Also amount received for reinsurances from other Companies..				
Total deductions (*carried out*)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Inland Navigation losses.....				

	$	cts.
6. Total net amount paid during the year for Fire and Inland Navigation losses.....		
*7. Total net amount paid during the year for Marine (Ocean) losses, viz.: in Canada, $.....; in other countries, $..... Total.....		
8. Amount of dividends paid during the year, at.....(*rate*).....		
9. Paid or allowed for Commission or Brokerage.....		
10. Paid for Salaries, Fees and all other charges of officials.....		
11. Paid for Taxes.....		
12. All other payments and expenditures ..... (*Detailed statement to be given in a separate schedule.*)		
13. Aggregate amount of actual Expenditure in Cash.....		

* If any of these accrued in previous years, state the amounts.
† For business in Canada, reinsurances in licensed companies only to be deducted

Synopsis of Ledger Accounts.

———	$	cts.
1. Amount of net Ledger Assets 31st December last year.....		
2. Amount of cash income as per IV.....		
3. Amount of appreciation in ledger values of assets or items written up (*with details*).....		
Total.....		
4. Amount of expenditure as per V.....		
5. Amount written off ledger assets not included in V (*with details*).....		
Total.....		
6. Balance, net ledger assets 31st December, this year.....		

VI.—Miscellaneous.

Recapitulation of Fire Risks and Premiums Written or Renewed during the Year 19 .

(1) *In Canada.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon.
19	Less than one year.....		
19	One year or less.....		
19	Two years.....		
19	Three years.....		
	Totals.....		

(2) *In Other Countries.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon.
19	Less than one year.....		
19	One year or less.....		
19	Two years.....		
19	Three years.....		
19	Four years		
19	Five years.....		
	Totals.....		

VI.—Miscellaneous.—Risks and Premiums—*Continued.*

	In Canada.				In Other Countries.				Total in all Countries.			
	No.	Amount.	Premiums.		No.	Amount.	Premiums.		No.	Amount.	Premiums.	
(1) *Fire Risks.*		$	$	cts.		$	$	cts.		$	$	
1. Policies in force (gross) at date of last statement												
2. Taken during the year—new												
" " renewed												
3. Total												
4. Deduct terminated (including renewed)												
*5. Gross in force at end of year												
†6. Deduct reinsured												
*7. Net in force at (*date*)												
(2) *Inland Marine Risks.*												
1. Policies in force (gross) at date of last statement												
2. Taken during the year												
3 Total												
4. Deduct terminated												
5. Gross in force at end of year												
‡6. Deduct reinsured												
7. Net in force at (*date*)												

* Details to be given in Schedules on pages and .
† Details to be given in Schedules on pages .. and ... For business in Canada, reinsurances in licensed companies only to be deducted.
‡ For business in Canada, reinsurances in licensed companies only to be deducted.

VI.—Miscellaneous.—Risks and Premiums—*Concluded.*

	In Canada.				In Other Countries.				Total in all Countries.			
	No.	Amount.	Premiums.		No.	Amount.	Premiums.		No.	Amount.	Premiums.	
(3) *Marine (Ocean) Risks.*		$	$	cts.		$	$	cts.		$	$	cts.
1 Policies in force (gross) at date of last statement.....												
2. Taken during the year.....												
3. Total.....												
4. Deduct terminated.....												
5. Gross in force at end of year.....												
*6. Deduct reinsured.....												
7. Net in force at (*date*).....												

Total No. of Policies in force at date.....; Total net amount in force, $.....: Total premiums thereon, $.....

* For business in Canada, reinsurances in licensed companies only to be deducted.

Real Estate Owned by the Company.

Description of Property.	Date Acquired.	Amount of Incumbrances.		Actual Cost.		Book Value.		Market Value.		Operations During 19 .							
										Expended for Repairs and Improvements on Capital Account.		Gross Income.		Taxes and all running Expenses.		Net Income.	
		$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.

Bonds and Debentures Owned by the Company

Description.	Date of Maturity.	Interest.		Par Value.		Book Value.		Market Value.		Interest due.		Interest Accrued.	
		Rate	How Payable.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.

Stocks Owned by the Company.

Description.	No. of Shares.	Rate of Dividend in each of last Three Years.			Par Value.		Book Value.		Rate used to obtain Market Value.	Market Value.	
					$	cts.	$	cts.		$	cts

Form C.

FORM OF DECLARATION TO ACCOMPANY THE STATEMENT.

Province of }
County of }

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company on the said day of last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively, and they declare that no change or amendment has been made in the Charter, Act of Incorporation, or Articles of Association of the Company, and no change in the Chief Agency or Chief Agent, without the Superintendent having been duly notified of such change or amendment.

Signatures.

Subscribed and sworn to before me this... day of.....A.D. 19 .

Form C1.

VERIFYING HALF YEARLY STATEMENT.

Province of }
County of }

President, and

Secretary of

Company being duly sworn, depose and say,

and each for himself says, that they are the above described officers of the said company, and that according to the best of their knowledge, information and belief the foregoing statement correctly sets forth the information required by the schedule shown in Form A1 hereof, with full and accurate particulars in each case as called for by the said statement during the six months commencing the first day of..... 19....and ending the.....day of.....19....

Signatures.

Subscribed and sworn to before me, at the..... ..... of ..... in the county of..... this....day of.....19 .

NOTE.—*In the case of the half yearly statement required of Trustees, the above form applies with such changes only as are necessary.*

FORM D.

In the matter of the (*here insert name of the company*). Notice is hereby given that the Minister of Finance has, pursuant to the one hundred and fourth and one hundred and fifth sections of *The Insurance Act, 1910,* directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said one hundred and fourth section; and the assets so retained are hereby tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies. A list of such policyholders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policyholder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the day of , A.D. 19 , shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

LIST of policyholders and amounts tendered.

Name.	Address, so far as known.	Amount and Number. of Policies.	Amount. Tendered.

Dated at Ottawa, this day of , A.D. 19 .

(Signed)

Minister of Finance, Canada

(Signed)

Superintendent of Insurance.

FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE.
DEPARTMENT OF FINANCE,
OTTAWA, 19 .

In the matter of the (*here insert the name of the company*).

You are hereby notified that the Minister of Finance has, pursuant to the one hundred and fourth section of *The Insurance Act, 1910*, directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued profits, which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said one hundred and fourth section. The assets so retained are tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of A.D. 19 , you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c.,

(Signed)

Superintendent of Insurance.

Name.	Number and Amount of Policy.	Amount Tendered

FORM F.

MODEL BILL

FOR INCORPORATION OF INSURANCE COMPANY.

An Act to incorporate the (*state the name of the Company*).

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (*Insert names of the persons applying for incorporation*) together with such persons as become shareholders in the company, are incorporated under the name of (*state name of company*), hereinafter called "the Company."

2. The persons named in section 1 of this Act (*or as the case may be*) shall be the provisional directors of the Company. (*The name, address and addition of each director must be given.*)

3. The capital stock of the Company shall be..... dollars, which may be increased to.....dollars.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be..... dollars.

5. The Company shall not commence business until..... .....dollars of the capital stock have been subscribed and.....dollars paid thereon.

6. The head office of the Company shall be in the..... of ....., in the province of.....

7. The Company may make contracts of insurance (*state particulars of the kinds of insurance intended to be carried on*).

8. *The Insurance Act, 1910,* shall apply to the Company.

Form G.

Policy Loan Agreement.

This agreement made this.....day of.....19.. between..... of....., hereinafter called "the Company," of the first part, and..... hereinafter called "the Borrower," of the second part.

Whereas the Company has this day made a loan to the Borrower of.....dollars (the receipt of which is hereby acknowledged), upon the security of Policy No..... issued by the Company, and its accumulations, or of any paid-up policy or other policy that may be issued in lieu thereof, now this agreement witnesseth that the said parties, in consideration of the premises, hereby agree as follows:—

1. Interest at the rate of..... per cent per annum shall be paid by the Borrower upon the said loan at the head office of the Company in....., Canada, upon the.....day of.....; the first payment of interest to be made on the.....day of.....19..; Provided, however, that any overdue interest shall, until paid, bear interest at the rate aforesaid.

2. In the event of default in payment of the said interest or of any premium on the said policy, the said policy shall, if the accumulated indebtedness, together with such premium and interest, is equal to or exceeds the cash surrender value of the policy, be deemed to be and shall be in fact surrendered to the Company.

3. In the settlement of any claim or any benefit under the said policy before the said loan with accrued interest have been fully paid, the Company shall be liable for the return of the balance only of the proceeds of the said claim or of the said benefit after deducting the said loan and accrued interest and any other indebtedness to the Company.

4. All the conditions, provisions, limitations and requirements of the said policy, except as herein expressly modified, shall remain in full force.

5. The Borrower has deposited the said policy with the Company as security for the said loan in the terms of this agreement, and covenants and agrees with the Company to abide by and perform all and singular the stipulations, conditions, provisions, limitations and agreements contained in this agreement and in the said policy.

6. Any other policy issued by the Company in substitution of the said Policy No..... shall be deposited with the Company and be retained by the Company as security for the said loan on the terms of this agreement.

7. The Borrower may repay the said loan with accrued interest at any time, and on payment as aforesaid of the said loan with accrued interest and all other indebtedness in respect of the said policy the Company will return the said policy and this agreement shall be deemed to be cancelled.

The Borrower hereby certif that.....over the age of twenty-one years.

In witness whereof the Borrower ha hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of	
	.....
.....	..... (L.S.)..
Name of Witness.	*Beneficiary sign here.*
.....	
Address of Witness.	.....
.....	..... (L.S.)
Occupation of Witness.	*Assured sign here.*

[*An affidavit of the due execution by all proper parties to the loan agreement may be required by the Company.*]

FIRST REPRINT.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909

THE SENATE OF CANADA.

BILL

A

An Act respecting Insurance.

Reprinted as amended, and reported on 8th March, 1910, by the Committee on Banking and Commerce

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909-10

2nd Session, 11th Parliament, 9 Edward VII., 1909.

THE SENATE OF CANADA.

BILL B.

An Act to amend The Act respecting the Protection of Navigable Waters.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. *The Navigable Waters Protection Act*, Chapter 115 of *The Revised Statutes, 1906*, is hereby amended by inserting the following section immediately after section 19 thereof:— R.S., 1906, c. 115. New section.

"**19A.** No person shall throw or deposit, or cause or permit to be thrown or deposited, any sewage, offal, or refuse animal or vegetable matter of any kind whatsoever, into any river, stream or other water, any part of which is navigable or which flows into any navigable water." Prohibition of deposit, &c., of sewage, offal, &c., in navigable water.

2nd Session, 11th Parliament, 9 Edward VI

THE SENATE OF CANAD

BILL

B

An Act to amend The Act respect
Protection of Navigable Wat

Received and read a first time,
Thursday, 25th November, 19
Second reading,
Wednesday, 1st December, 19

Honourable Mr. Belc

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent
1909-10

2nd Session, 11th Parliament, 9 Edward VII., 1909.

THE SENATE OF CANADA.

BILL C.

An Act to amend The Exchequer Court Act.

Preamble. R.S., 1906, c. 140.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 20 amended. Jurisdiction as to claims for death or injury on public works.

1. Paragraph (*c*) of section 20 of *The Exchequer Court Act*, chapter 140 of *The Revised Statutes, 1906*, is hereby amended by inserting after the word "on" in the second line thereof the words "or arising on or in connection with."

Act to be retroactive.

2. This Act shall be held to have come into force on the 23rd June, 1887.

2n d Session, 11th Parliament, 9 Edward VI

THE SENATE OF CANAD

BILL

159 C

An Act to amend The Excheque
Act.

Received and read a first time,
Friday, 26th November, 1909
Second reading,
Wednesday, 1st December, 19

Honourable Mr. Belc

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent
1909-10

2nd Session, 11th Parliament, 9 Edward VII., 1909.

THE SENATE OF CANADA.

BILL D.

An Act to provide for the incorporation of Railway Companies.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Any number of persons, not fewer than seven, of the full age of twenty-one years, who desire to be incorporated for the purposes of constructing, maintaining and operating a railway which is within the legislative jurisdiction of the Parliament of Canada, may, by agreement in writing, form themselves into an association for those purposes, and, upon complying with the provisions of this Act, may obtain letters-patent creating them and their successors a corporation with all the powers and privileges, and subject to all the obligations and restrictions contained in *The Railway Act* and in any other general Act relating to railways. Formation of association. R.S., c. 37.

2. The agreement of association shall contain the following particulars:— Contents of agreement.

(*a*) the proposed name of the corporation, which name shall not be that of any other known company, incorporated or unincorporated, or any name likely to be mistaken therefor, nor otherwise, on grounds of public policy or convenience, objectionable, and shall end with the words "Railway Company;" Name of corporation.

(*b*) the terminal points of the proposed railway, and, as nearly as may be estimated, its length in miles; Termini.

(*c*) the proposed route, with the name of each county, city, town, village, and municipality through, into or near which it is proposed to build the railway; Route.

(*d*) the gauge of the railway, which shall be four feet, eight inches and one-half of an inch; Gauge.

(*e*) the amount of the capital stock of the corporation, which shall not be less than ten thousand dollars for each mile of the estimated length of the railway, and shall be divided into shares of one hundred dollars each; Capital. Shares.

(*f*) the number of shares of capital stock which each associate agrees to take; but an associate shall not be bound by such agreement to pay more than ten per cent upon such shares unless the corporation is duly created; Subscribed shares.

(*g*) the place where the head office of the corporation is to be; Head office.

Provisional directors.

(*h*) the names, residences, occupations and post office addresses of at least seven persons to act as provisional directors. These must be subscribers to the agreement and a majority of them resident in Canada; they may fill any vacancy occurring among their number; and shall appoint a secretary and a treasurer who shall hold office until their successors are appointed by the corporation if created; the same person may be appointed both secretary and treasurer;

Secretary and Treasurer.

(*i*) The name, residence, occupation and post office address of the secretary and of the treasurer of the association.

Execution of agreement.

2. The agreement shall be signed with the full name of and be sealed by each associate, who shall, opposite his signature, state his residence, occupation and post office address, and the place and date of his signature. Each signature shall be duly witnessed by one witness, whose full name, residence and occupation shall be stated.

Notice of agreement.

3. Before proceeding to examine and survey the route of the proposed railway the provisional directors shall cause notice of the agreement of association to be given as follows:—

By publication in official and local newspapers.

(1) By publication of a copy thereof, at least once a week for six consecutive weeks,—

(*a*) in *The Canada Gazette*, and

(*b*) the official Gazette of any province in which the proposed railway or any part thereof is to be constructed; and

(*c*) in at least one newspaper in each city, town or village through, into or near which the proposed railway is to be constructed, and in which there is a newspaper published.

By letter.

(2) By sending by registered letter a copy of the agreement of association to the clerk of each country or district council, and of each city, town, village or other municipal corporation, which may be specially affected by the construction or operation of the proposed railway.

English and French.

2. In the provinces of Quebec and Manitoba, the notice shall be given in both the English and French languages.

Proof.

3. A statutory declaration by the secretary of the association that any provision of this section has been duly complied with shall be *prima facie* proof of such compliance.

Examination and survey.

4. After the notice required by section 3 of this Act has been duly given, the directors may cause an examination and survey of the route of the proposed railway to be made; and for that purpose they or their agents may enter upon any lands along or adjacent to such route, and do all things necessary.

Damages and compensation therefor.

2. In the exercise of the powers granted by this section as little damage as possible shall be done and full compensation shall be made to all persons interested for all damages by the exercise of such powers.

Plan, profile, report and estimate of cost.

5. The provisional directors shall cause to be made by a competent engineer, from actual examination and survey, a plan profile, report and estimate of cost, on such scales and containing such information and in such detail, as may be required by regulations in that behalf to be made by the Board of Railway

Commissioners for Canada, or as may be required by special order of the Board made when necessary.

2. The plan, profile, report and estimate shall contain generally all necessary information as to— Information to be given thereby.

(*a*) the character of the country through which the proposed railway is to pass and the feasibility of the proposed route;

(*b*) the proposed gradients;

(*c*) all existing railways and highways to be crossed and the mode of crossing proposed in each case;

(*d*) all rivers, streams and watercourses, to be crossed or diverted, specially distinguishing such as are navigable waters, and giving in each case the nature and estimated cost of the proposed bridge, tunnel, ferry or other means of crossing, or of the proposed diversion;

(*e*) the kind and amount of excavation, embankment, masonry and other sorts of work;

(*f*) full information as to the manner of constructing the proposed railway and the standard to be adopted therefor both as to its construction and equipment.

(*g*) everything necessary to enable the Board of Railway Commissioners for Canada to determine whether the certificate provided for by this Act should be granted by the Board.

6. Within twelve months after the last publication of the notice of agreement of association the provisional directors may apply to the Board of Railway Commissioners for Canada for a certificate that the public interest requires that a railway should be constructed as proposed in the agreement of association. Application to Board of Railway Commissioners for certificate.

2. With such application there shall be submitted to the Board— What to be submitted.

(*a*) the original agreement of association, and as many copies thereof as the Board may require;

(*b*) proof, in such form as the Board may require, that the preceding provisions of this Act have been complied with;

(*c*) proof that responsible persons have in good faith subscribed the amount of capital stock required by this Act, and that at least twenty-five per cent on the amount so subscribed has been actually paid in cash into some chartered bank in Canada to the credit of the association to be used only for the purposes of the agreement of association;

(*d*) proof that the necessary notice has been published and given ar required by this Act;

(*e*) the plan, profile, report and estimate of cost required by this Act;

(*f*) a statutory declaration, made by at least the majority of the provisional directors and by the secretary of the association, as to the truth of all essentials required by this Act and that it is in good faith intended by the association to locate, construct, maintain, equip and operate the railway on the proposed route.

Powers to Board.

3. The Board may order such further information or proof of any alleged fact to be afforded as in its discretion may be requisite.

Form and verification.

4. Any information or proof required by this Act or by the Board in pursuance of this Act shall be given in such form, and shall be verified in such way, by statutory declaration or otherwise, as the Board may prescribe either by general regulation or by special order.

Requirements for issue of certificate.

7. If the Board is satisfied—

that the requirements of this Act, and of all regulations and orders made under this Act by the Board, have been complied with as regards all matters preliminary to the making of the application and as regards the application; and—

that the amount mentioned in the next preceding section of this Act has been paid in good faith as required by that section, and that such further amount has been so paid as in the opinion of the Board is necessary to pay all damages, immediate or consequential, caused by the laying out or building of the railway or by the taking of any lands or material therefor; and—

that sufficient security has been given, by bond or otherwise, that the said amount shall not be withdrawn for any purposes other than those of the agreement of association; and—

that the construction and operation of the proposed railway will be in the public interest;

Issue of certificate.

the Board shall issue a certificate setting forth that the provisions of this Act have been complied with and recommending that the associates be incorporated under this Act, under such name, with such powers, and subject to such provisions, as the Board may, in pursuance of this Act, determine.

Refusal of certificate.

8. If the Board is not so satisfied, it shall refuse to issue such certificate, but the associates may within one year from such refusal apply again for a certificate.

Matters to be settled by the Board.

9. Before issuing the certificate the Board shall determine all such matters relating to the following subjects as are not provided for by *The Railway Act*—

R.S., c. 37.

Corporators. (*a*) the persons to be incorporated;

Name. (*b*) the corporate name to be given to the corporation;

Directors. (*c*) the provisional directors;

Capital. (*d*) the capital stock;

Head office. (*e*) the head office;

Annual meeting. (*f*) the annual meeting of the corporation;

Route. (*g*) the route of the proposed railway, as to which the Board may impose such conditions and restrictions as the Board deems advisable in the interest of the public or of any municipality.

Municipalities.

The route fixed by the Board may include such lines, branches or spurs within municipalities as may be necessary for carrying on the corporation's business; but no such line, branch or spur shall be located or constructed without the consent of the proper municipal authority, who in giving such consent may impose such conditions and restrictions as to the location, construction or use

thereof as are agreed upon between the provisional directors, or the directors, and the municipal authority; and the corporation shall be liable to the municipality for all damage or loss caused to the municipality by such location, construction or use, or by the negligence or default of the corporation, its agents or workmen;

(*h*) the amount of bonds, debentures or other securities which may be issued. This shall be fixed at a certain rate per mile of the railway, and such issue shall be authorized to be made only in proportion to the length of railway constructed or under contract to be constructed, and on the express condition that all moneys realized from such issue shall be used for no other purpose than the construction, equipment, maintenance and operation of the railway, and that if by any court of competent jurisdiction it is found that this condition has not been fulfilled, that court shall order the corporation to pay an amount equal to the moneys so diverted from their proper use, which amount shall be paid into the consolidated revenue fund of Canada; Issue of securities.

(*i*) the other railway companies with which, if it so desires, the corporation may, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, enter into agreements for any of the purposes specified in section 361 of that Act. Agreements with other companies.

10. When in the opinion of the Board it would be for the public interest that the powers hereinafter mentioned, or any of them, should be conferred upon the corporation, and that such powers are necessary for the effectual carrying on of the business of the corporation as a common carrier, the Board may also determine whether and to what extent any or all of such powers should be conferred upon the corporation, that is to say, powers for— Additional powers.

(*a*) the acquisition, chartering, maintenance and operation of steam and other vessels in connection with the undertaking of the corporation; and the construction, acquisition and disposal of wharves, docks, elevators, warehouses and all other structures and buildings necessary for such purposes; Vessels, &c.

(*b*) the construction, maintenance and operation of structures and works for the development of power of any kind, and for the conversion of power so obtained into any other form of power, heat, light or electricity, and for the utilization of power, heat, light or electricity obtained by such development or conversion, in and for the purposes of the business of the corporation, Development and utilization of power.

(*c*) the operation of the telegraph and telephone lines of the corporation for the transmission of messages for the public; the collection of tolls for such transmission, subject to approval of such tolls by the Board, and to revision thereof from time to time by the Board; and, for the purposes of such operation and transmission, the making of contracts with any companies having telegraph or telephone powers, and the connection of the Operation of telegraph and telephone lines for public.

lines of the corporation with the lines of such companies, or their lease to such companies;

Issue of securities on property other than railway.

(*d*) the issue by the corporation of bonds, debentures or other securities, charged upon any property of the corporation other than the railway.

Issue of letters patent of incorporation.

11. If the provisional directors fyle with the Secretary of State the certificate issued by the Board of Railway Commissioners for Canada, and if the proper fees as set forth in the Schedule to this Act have been paid, the Secretary of State shall forthwith cause to be issued under his seal of office, letters patent incorporating the association according to the tenour of the certificate.

Application of R.S., c. 37.

12. *The Railway Act* and all amendments thereof, except in so far as modified by this Act, shall apply to every corporation created under this Act, and to every railway constructed, maintained or operated under the authority of this Act.

Interpretation.

2. The expressions "Special Act" and "Act authorizing the construction of the railway," wherever used in *The Railway Act* and its amendments, shall include letters patent issued under this Act.

Prohibition of amalgamation and pooling with competitors.

13. No corporation created under this Act shall amalgamate with, or enter into any agreement for making a common fund or pooling earnings or receipts with, or leasing any part of its line to, any other railway company owning a parallel or competing line. Every such amalgamation or arrangement shall be null and void.

Exception.

2. The provisions of this section shall not extend to arrangements made under section 364 of *The Railway Act*, as to interchange of traffic, running rights and the other purposes authorized by that section.

Extensions of existing railways.

14. When any railway company is incorporated by an Act of the parliament of Canada, or its undertaking is declared to be a work for the general advantage of Canada, any extension of the railway of such company not heretofore authorized shall be subject to the provisions of this Act with respect to notice and to the submission to the Board of the plan, profile, report and estimate provided for in section 5 of this Act.

Powers of Board.

2. Upon the Board being satisfied that all the requirements of this Act and of *The Railway Act* applicable thereto have been complied with, the board may fix the amount of securities which the company may issue on the said extension, and may give such other powers provided for by this Act as it deems necessary, and may thereupon grant a certificate that public necessity demands the construction of the railway applied for, and that all the provisions of this Act and of *The Railway Act* and all regulations of the board have been complied with.

Certificate.

Fyling.

3. The applicants may thereupon file the said certificate with the Secretary of State, who shall, upon the payment of the proper fees, grant letters patent under his seal authorizing the construction of the railway.

Letters Patent.

15. Excepting as in the next preceding section provided nothing in this Act shall apply to any railway company incorporated before the passing of this Act. As to existing companies.

16. This Act may be cited as *The Railway Companies Incorporation Act, 1910.* Short title.

SCHEDULE.

NOTE.—*It is intended to add the schedule of fees at a future stage of the Bill.*

2nd Session, 11th Parliament, 9 Edward VII.,

THE SENATE OF CANADA

BILL

D

An Act to provide for the Incorporati
Railway Companies.

Received and read a first time,

Friday, 26th November, 1909.

Second reading,

Wednesday, 1st December, 1909

Honourable Mr. DAVIS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909-10

BILL AS PASSED FEBRUARY 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL E.

An Act respecting The St. Clair and Erie Ship Canal Company.

WHEREAS The St. Clair and Erie Ship Canal Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1899, c. 128; 1900, c. 119; 1902, c. 98; 1904, c. 122; 1906, c. 158; 1908, c. 153.

1. The St. Clair and Erie Ship Canal Company may, within two years after the passing of this Act, commence the construction of its undertaking and expend ten per cent of the amount of its capital stock thereon; and may, within five years after the passing of this Act, complete the said undertaking and put it in operation; and if, within the said periods respectively, the said undertaking is not so commenced and such expenditure is not so made, or the said undertaking is not so completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said undertaking as then remains uncompleted. Extension of time for construction of undertaking. 1908, c. 153.

2. Section 21 of chapter 128 of the statutes of 1899, as amended by chapter 119 of the statutes of 1900, is hereby further amended by substituting for the words "ten million dollars," in the third line of the said section, the words "twelve million five hundred thousand dollars." 1899, c. 128, s. 21, and 1900, c. 119 amended. Bonding powers increased.

3. Section 2 of chapter 128 of the statutes of 1899, is hereby amended by striking out the words "D. Farand Henry, of the city of Detroit, in the state of Michigan," "Horatio C. Boultbee, of the city of Toronto," and "C. A. Youmans, of the town of Neillsville, in the state of Wisconsin," and substituting therefor 1899, c. 128, s. 2 amended. Incorporators and provisional directors.

offices may be established wherever the Executive Committee may from time to time determine. offices.

2nd Session, 11th Parliament, 9 Edward VII.,

THE SENATE OF CANADA

BILL

D

An Act to provide for the Incorporati
Railway Companies.

Received and read a first time,

Friday, 26th November, 1909.

Second reading,

Wednesday, 1st December, 1909

Honourable Mr. DAVIS.

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL F.

An Act to incorporate The Congregational Union of Canada.

WHEREAS the voluntary association known as "The Congregational Union of Canada" has by its petition represented that it is the General Assembly of the representatives of the Congregational Denomination of the Dominion of Canada, and is desirous of being incorporated; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The members of the voluntary association mentioned in the preamble, together with all persons who hereafter become members of the corporation hereby created, are hereby incorporated under the name of "The Congregational Union of Canada," hereinafter called "the Union." Incorporation. Corporate name.

2. The objects of the Union shall be— Objects.

(*a*) To promote, throughout Canada and elsewhere, evangelical religion in connection with the Congregational Denomination.

(*b*) To cultivate brotherly affection and co-operation in everything relating to the interests of that denomination.

(*c*) To establish, throughout Canada and elsewhere, correspondence with the churches of that denomination and with similar bodies within and outside Canada.

(*d*) To obtain accurate statistical information concerning religious matters, especially those concerning the Congregational denomination.

(*e*) To hold consultations and meetings on all matters on and connected with the cause of religion.

(*f*) To receive, invest and administer such property, real or personal, as may at any time be lawfully given or entrusted to the Union.

3. The head office of the Union shall be at the city of Toronto, in the province of Ontario, but may be changed by the Union from time to time to any other place in Canada; and branch offices may be established wherever the Executive Committee may from time to time determine. Head office. Branch offices.

Powers.

Real and personal property.

Limitations to holding of real property.

Provincial laws respecting real property to apply.

Borrowing powers.

Securities.

Constitution and by-laws.

Conduct of business. Officers, etc.

Amalgamation with similar associations.

Missions, etc., etc.

4. The Union shall have power, for the objects aforesaid:—

(*a*) To acquire by purchase, lease, deed or trust, or otherwise take, receive and hold grants, devises, bequests and gifts of real and personal property, for any estate or interest therein, either absolutely or in trust; and to use, sell and dispose thereof; and to invest, change, and reinvest, and to apply the proceeds and revenue of such property for the purposes for which the Union is incorporated by this Act: Provided, however, that the annual value of the real property held by or in trust for the Union shall not at any time exceed the sum of five hundred thousand dollars: and Provided that the Union shall, within ten years after the acquisition of any real property, or of any estate or interest therein, sell or otherwise dispose of so much thereof as is not required for the use, occupation or other like purposes of the Union; Provided, also, that the exercise of the powers above mentioned shall be subject to the laws respecting the acquisition and holding of real property by religious corporations in force at the time in the province of Canada in which such real estate is situate, so far as such laws apply to the Union.

(*b*) To borrow money for all lawful purposes of the Union upon the property of the Union, and to grant all ordinary and necessary securities and mortgages for its loans.

(*c*) To establish, and from time to time alter, any such constitution and by-laws as it deems fit, provided the same be not contrary to law.

(*d*) To adopt any steps or methods not contrary to law and to appoint and revoke all agents, officers and trustees it may deem proper.

(*e*) To receive into the Union or to affiliate, or to amalgamate with, all such associations having religious or charitable objects as it deems proper, and to provide in any lawful way it deems proper for the administration of their business and property in the same manner as its other property.

(*f*) To establish and contribute to such missions, churches, branches, offices, colleges, schools, agencies, societies, newspapers, and other institutions as it may deem advisable.

Executive Committee.

5. The affairs of the Union shall be managed by a general board called the Executive Committee, elected as the Union may determine, and until such election the members of the executive committee of the existing voluntary association shall have the powers of the Executive Committee to be elected under this Act.

2nd Session, 11th Parliament, 9-10 Edward V

THE SENATE OF CANA

142 **BILL**

F

An Act to incorporate The Congre
Union of Canada.

Received and read a first time,

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Second reading,

Tuesday, 18th January, 1910.

Honourable Mr. Gil

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL G.

An Act to incorporate The Merchants' Bank of Canada Pension Fund.

Preamble.

WHEREAS the following officers of the Merchants' Bank of Canada, namely, Sir H. Montagu Allan, of Montreal, president; Edward Feild Hebden, of Montreal, general manager; Thomas Edward Merrett, of Montreal, superintendent of branches; Daniel Charles Macarow, of Montreal, manager; William McNab Ramsay, of New York in the United States of America, agent at New York; and John McCready Kilbourn, of Montreal, secretary, have by their petition set forth that it is desirable that provision should be made to enable the employees of the said bank to establish a pension fund for their benefit and that of their families and to enable the said bank to make payments to the said fund under subsection 2 of section 18 of *The Bank Act*; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., 1906, c. 29.

Incorporation.

1. Sir H. Montagu Allan, E. F. Hebden, T. E. Merrett, D. C. Macarow, W. M. Ramsay and J. McC. Kilbourn and all the employees of The Merchants' Bank of Canada from time to time, except such as may be ineligible or excluded by virtue of the by-laws thereof, are hereby constituted a body politic and corporate under the name of "The Merchants' Bank of Canada Pension Fund," hereinafter called "the corporation."

Corporate name.

Head office.

2. The corporation shall have its principal office at Montreal.

Contributions of the Bank.

3. The Merchants' Bank of Canada may pay and the corporation may receive such sums as the bank may contribute under subsection 2 of section 18 of *The Bank Act* towards any pension fund.

Funds.

4. The corporation may receive such sums of money as may be paid in by any employee of the Bank under any regulation or by-law hereafter made by the corporation and also gifts or contributions from any other corporation or person.

Property to be held in trust to provide pensions.

5. The property of the corporation shall be held in trust by it for the purpose of providing pensions for employees or ex-employees of The Merchants' Bank of Canada or their widows and children in such amounts and under such terms and con-

ditions as may be determined from time to time by the directors of the corporation.

Investment of funds.

6. The funds of the corporation may be invested by the board of directors from time to time in any or all of the following securities:—

(1) real estate or mortgages or hypothecs secured upon real estate;

(2) bonds or debentures of any incorporated company secured by a deed of trust on the assets of the company by which the bonds or debentures are issued;

(3) debentures of any municipal corporation in the Dominion of Canada;

(4) the public securities of the Dominion of Canada or of any province thereof or of the United States of America or of any state thereof;

(5) any stock of any corporation or company, if such stock is quoted upon the stock list of the Montreal Stock Exchange or of the New York Stock Exchange and has been so quoted for more than two years previous to any investment therein by the corporation, and if there has been paid thereon during such time not less than four and a half per cent on the par value of the shares.

Disposal of investments.

7. Any investment of the corporation may be disposed of from time to time by the board of directors as the board may see fit, and the proceeds of any such disposal may be reinvested by the board as provided by this Act.

Directors.

8. Sir H. Montagu Allan, E. F. Hebden, T. E. Merrett, D. C. Macrow, W. M. Ramsay and J. McC. Kilbourn shall be the first board of directors and they and their respective successors in their said offices shall continue *ex officio* to constitute said board.

First general meeting.

9. The General Manager of the Merchants' Bank of Canada for the time being shall forthwith after the passing of this Act cause a notice to be sent in such manner as he may deem fit of a special general meeting of the corporation to be held at such time and place and so soon thereafter as may be convenient.

Returns.

10. The corporation shall at all times when required by the Governor in Council or by either House of Parliament, make a full and complete return of its property, receipts and expenditures for such periods and with such details and other information as may be required.

By-laws.

11. The board of directors generally may make such by-laws as are necessary for the government of the corporation, the appointing of its officers, the continuing of its business, the investment of its funds, the distribution thereof among the employees or the ex-employees or their widows and children and for the determining of their respective rights in and to the funds of the corporation or any part thereof and the forfeiture of their rights thereto, the rights of any employee to vote at any meeting, and generally for such purposes incidental to the carrying on of

the corporate existence and purpose as they may deem expedient.

12. The following sections only of *The Companies Act* shall apply to the corporation, namely sections 123, 124 and 174, which sections shall be read as if the word "Company" meant the corporation. Application of R.S.C. 1906, c. 79, Part II.

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAI

BILL

133

G

An Act to incorporate The Me
Bank of Canada Pension Fu

Received and read a first time,

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Second reading,

Tuesday, 18th January, 1910.

Honourable Mr. B

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL H.

An Act respecting certain patents of Henry Alexander Wise Wood.

Preamble.

WHEREAS Henry Alexander Wise Wood, of the city of New York, in the state of New York, one of the United States of America, has, by his petition, represented that he is the holder and owner of certain patents issued under the seal of the Patent Office, namely, patent number 67,752, dated 15th June, 1900, for improvements in automatic stereotype plate casting and finishing machinery; number 77,383, dated 16th September, 1902, for improvements in stereotype printing plate making machines; number 96,118, dated 21st November, 1905, for improvements in curved stereotype printing press plate casting apparatus; number 103,164, dated 22nd January, 1907, for improvements in stereotype printing plate casting apparatus; number 111,598, dated 28th April, 1908, for improvements in machines for finishing and cooling stereotype plates; and number 111,599, dated 28th April, 1908, for improvements in gravity shaving and cooling machines for stereotype plates; and whereas the said Wood has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner to receive fees, &c., and grant extension of Patent No. 77,383.

1. Notwithstanding anything in *The Patent Act*,, chapter 69 of *The Revised Statutes*, 1906, or in the patents mentioned in the preamble, the Commissioner of Patents may receive from the holder of patent number 77,383 petitions for certificates of payment of further fees and the usual fee for one term or more of the said patent, and may grant and issue to such holder certificates of payment of further fees, provided for by section 23 of the said chapter, granting extensions of the term or duration of the said patents, in as full and ample a manner as if the application therefor had been duly made within the first six years from the date of issue of the said patent.

Power to Commissioner to receive applications and make orders as to granting licenses for construction, use and sale.

2. Notwithstanding anything in *The Patent Act* aforesaid, or in the patents mentioned in the preamble, the Commissioner of Patents may, within six months of the passing of this Act, receive from the holder of the said patents applications asking that the said patents, instead of being subject to the conditions with respect to the construction and manufacture of the patented inventions as set out in 38 of the said Act, shall be subject

R.S., 1906, c. 69, ss. 38 44.

to the conditions as to licenses set forth in paragraphs (*a*) (*b*) (*c*) and (*d*) of section 44 of said Act, and upon any such application duly made the Commissioner may make any such order as he might make under the said section 44.

Power to Commissioner to grant extensions of time for importation.

3. Notwithstanding anything in *The Patent Act* aforesaid, or in the patents mentioned in the preamble, the Commissioner of Patents may within six months of the passing of this Act, receive from the holder of the said patents applications for the grant of extensions of time, not exceeding twelve months, within which to import the said inventions into Canada and may grant such extensions as provided in section 40 of the said Act.

R.S., 1906, c. 69, s. 40.

Patents validated conditionally.

4. Notwithstanding anything in *The Patent Act* aforesaid or in the patents mentioned in the preamble, the said patents are declared not to have become null and void nor to have ceased and determined under paragraphs (*a*) and (*b*) of section 38 of the said Act, and shall not become null and void nor cease and determine for six months after the passing of this Act, if within such period of six months, application for further relief is made to the Commissioner of Patents and such relief is granted or the conditions of the said Act are otherwise complied with.

Protection of rights acquired as against the holder of the patents.

5. If any person, other than any licensee, has in the period between the expiry of six years from the date of the said patent number 77,383 and the 28th November, 1909, or in the period between the date at which any of the patents mentioned in the preamble may have become invalidated by any default under section 38 of *The Patent Act* aforesaid and the 28th November, 1909, commenced to manufacture, use or sell in Canada, any of the patented inventions covered by the said patents respectively, such person may continue to manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed; but this provision shall not extend to any person who, without the consent of the holder of the said patents, commenced the construction or manufacture of any of the said inventions before the expiry of the patent relating thereto, or before the date at which default under the said section 38 may have occurred with respect thereto.

2nd Session, 11th Parliament, 9-10 Edw. VII.

THE SENATE OF CANADA

BILL

H

An Act respecting certain patent
Henry Alexander Wise Wood.

Received and read a first time,

Friday, 14th January, 1910.

Second reading,

Wednesday, 19th January, 1910

Honourable Mr. Beleou

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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL I.

An Act respecting The Northern Empire Railway.

Preamble.

1908, c. 138.

WHEREAS The Northern Empire Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction.

R.S., 1906, c. 37, s. 150.

1. The Northern Empire Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made, or if the said railway is not so completed and put in 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.

2nd Session, 11th Parliament, 9-10 Edw. VII.

THE SENATE OF CANAD

BILL

154 I

An Act respecting The Northern
Railway Company.

Received and read a first time,

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Second reading,

Wednesday, 19th January, 191

Honourable Mr. TA

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL J.

An Act for the relief of George Robert Buttonshaw.

Preamble.

WHEREAS George Robert Buttonshaw, of the town of Bowmanville, in the province of Ontario, sand-cutter, has by his petition alleged, in effect, that on the second day of December, A.D. 1891, at the parish church in the parish of Pett, in the county of Sussex, in that part of Great Britain and Ireland called England, he was lawfully married to Rosina Maude Horn, a spinster; that his legal domicile was then in the parish of Winchelsea, in the said county of Sussex; that in the year 1903 he left England and came to and became domiciled in Canada and that his legal domicile is now in Canada; that at the said town of Bowmanville, on or about the seventeenth day of December, A.D. 1904, she committed adultery with one Herbert Sargeant of the said town of Bowmanville; and since then of divers occasions, at the city of Toronto, in the province of Ontario, has committed adultery with the said Sargeant; that she is now residing at the said city of Toronto; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between George Robert Buttonshaw and Rosina Maude Horn, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Robert Buttonshaw may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Rosina Maude Horn had not been solemnized.

560

2nd Session, 11th Parliament, 9-10 Edw. VII.

THE SENATE OF CANAD

BILL

117 J

An Act for the relief of George Ro
Buttonshaw.

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Second reading,

Wednesday, 19th January, 19

Honourable Mr. Camp

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL K.

An Act respecting The Erie, London and Tillsonburg Railway Company.

Preamble.

1906, c. 90.
1908, c. 106.

WHEREAS The Erie, London and Tillsonburg 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 the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction.

1908, c. 106.

1. The Erie, London and Tilsonburg Railway Company may, within two years after the passing of this Act, commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon; and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made, or if the said railway is not so completed and put in 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 of former limit of time.

2. Chapter 106 of the statutes of 1908 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

137 K

An Act respecting The Erie, Londo
Tillsonburg Railway Company

Received and read a first time,
Friday, 14th January, 1910.
Second reading,
Wednesday, 19th January, 191(

Honourable Mr. Cor

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL L.

An Act respecting the Bay of Quinté Railway Company.

Preamble.

WHEREAS The Bay of Quinté Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1896 (1 Sess.) c. 15.
1900, c. 50.
1902, c. 40.
1905, c. 61.

Powers for branch from Bridgewater to Actinolite Mines.

1. The Bay of Quinté Railway Company may construct and operate a branch of its railway, from a point at or near the village of Bridgewater in the township of Elzevir in the county of Hastings, for a distance of fifteen miles, more or less, in a north-easterly direction, to a point at or near the Actinolite Mines in the township of Kaladar in the county of Addington; and the said branch shall be commenced within two years and finished and put in operation within five years after the passing of this Act; and if the said branch is not commenced and is not finished and put in operation within the said periods respectively the power to construct the said branch shall cease and be null and void as respects so much thereof as then remains uncompleted.

1905, c. 61, s. 1.

Extension of time for other lines.

2. The other lines of railway which the said Company has been authorised to construct shall be finished and put in operation within five years after the passing of this Act, otherwise the powers for the construction thereof granted to the said company by Parliament shall cease and be null and void as respects so much of the said other lines of railway as then remains uncompleted.

1896 (1 Sess.) c. 15, ss. 4, 6.
1902, c. 40, s. 3.
1905, c. 61, s. 2.

Repeal of former time limit.

3. Chapter 61 of the statutes of 1905 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAD

BILL

139

L

An Act respecting The Bay of
Railway Company.

Received and read a first time,

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Second reading,

Tuesday, 25th January, 1910,

Honourable Mr. Pc

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL M.

An Act to regulate the Transportation of Intoxicating Liquors.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. No person shall, except as in this Act specially provided, by himself, his clerk or agent,— Shipping and carriage of intoxicating liquors made unlawful in certain cases.

(*a*) ship, bring, carry, or cause to be sent, shipped, brought or carried, any intoxicating liquor to or into any province, county, municipality, city, or town in Canada in which the sale of intoxicating liquor for beverage purposes is prohibited either by Dominion or Provincial statute; or— In certain places.

(*b*) deliver to any consignee or other person, or store, warehouse or keep for delivery in any such province, county, municipality, city or town as aforesaid, any intoxicating liquor; or— Delivery and storage in such places.

(*c*) ship, bring, carry, or cause to be sent, shipped, brought or carried to or into any such province, county, municipality, city or town as aforesaid, any intoxicating liquor under any other name, or in packages bearing any other label than that of the liquor contained therein, or in packages not having the name of the liquor contained therein plainly labelled and marked on the outside; or— False or misleading description of liquor or package.

(*d*) deliver to any consignee or other person, or store, warehouse or keep for delivery in any such province, county, municipality, city or town as aforesaid, any intoxicating liquor under any other name or in packages having any other label than that of the name of the liquor contained therein or in packages not having the name of the liquor therein contained plainly labelled and marked on the outside. The same. Delivery or storage.

Provided always that nothing in this Act shall prohibit the vendors who are legally appointed by the Provincial Government from importing for medicinal purposes. Importation for medicinal purposes.

2. No Act done in violation of this Act, shall be rendered lawful by reason of any license of any description. License of no effect.

3. Paragraphs (*a*) and (*b*) of section 1 of this Act shall not apply to any intoxicating liquor not exceeding five gallons sent, shipped, brought or carried to any person or persons for his or their personal or family use in their own homes, unless it be so Exception for personal and family use.

sent, shipped, bought or carried to be paid for in such province county, municipality, city or town—

(*a*) to the person delivering the same, his clerk or agent; or—

(*b*) to a person who within a term of five years has been convicted of the violation of the Dominion or Provincial statute regarding the sale of liquor; or—

(*c*) during the thirty days immediately preceding a Dominion or Provincial election.

Penalties for violation of Act.

4. Every one who by himself, his clerk, servant or agent, in violation of section 1 of this Act,—

(*a*) sends, ships, brings or carries, or causes to be sent, shipped, brought or carried, or delivers to any consignee or other person, or stores, warehouses or keeps for delivery, to, into or in any province, county, municipality, city or town, any intoxicating liquor; or—

(*b*) sends, ships, brings or carries, or causes to be sent, shipped, brought or carried, or delivered to any consignee or other person, or stores, warehouses or keeps for delivery, to, into or in any province, municipality, city or town, any intoxicating liquor, under any other name, or in packages bearing any other label than that of the name of the liquor contained therein, or in packages not having the name of the liquor therein contained plainly labelled and marked on the outside.

shall on summary conviction before any judge, police or stipendiary magistrate, or two justices of the peace for the province, county, municipality, city or town in which the offence is committed, be liable to a penalty for the first offence of not less than one hundred dollars or to imprisonment for a term not exceeding four months with or without hard labour, and for a second offence to a penalty of not less than two hundred dollars or imprisonment for a term not exceeding six months with or without hard labour, and for a third and every subsequent offence to imprisonment for a term not exceeding six months with or without hard labour.

Penalty for accessory.

5. Every one who, in violation of this Act, in the employment or on the premises of another so sends, ships, brings or carries, or causes to be sent, shipped, brought or carried, or delivers to any consignee or other person, or stores, warehouses, or keeps any intoxicating liquor, or packages containing intoxicating liquors, not so labelled, shall on summary conviction be liable to the same penalty as the principal.

Interpretation "intoxicating liquor."

6. In this Act the expression "intoxicating liquor" shall include all spirituous or malt liquors, and all combinations of liquors, and drinkable liquids, which are intoxicating, and also all malt beer and other liquids containing over three per cent of alcohol by volume.

Place of prosecution.

7. Prosecutions for any offence under this Act may be brought and carried on and a conviction had in the city or town or other municipality from which any intoxicating liquor is sent, shipped, brought or carried as aforesaid, or in the city, town or other

municipality to or into or which such intoxicating liquor is so sent, brought, shipped, delivered, stored or warehoused.

Forfeiture.

8. All intoxicating liquors with respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages, or other receptacles of any kind in which such liquors are contained shall be forfeited.

Search warrant.

9. If it is proved upon oath before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is stored, warehoused or kept for delivery, in violation of this Act, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, such officer may grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, for such intoxicating liquor, and if the same or any part thereof is there found, to bring the same before him.

Forms.

2. Any information under this section may be in the form A in the schedule to this Act, and any search warrant under this section may be in the form B in the said schedule.

SCHEDULE.

Form A.

Information to obtain a search warrant.

Canada.
Province of
District (*or county, or as the case may be*) of

The information of K. L. of in the said district (*or* county, *or as the case may be*) of , yeoman, (*or other occupation*) taken this day of in the year of Our Lord before me, W. S., esquire, a magistrate having the power of two justices of the peace in and for the said district (*or* county, *or as the case may be*) of , who saith that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is stored (*or* is warehoused *or* is kept for delivery) in violation of the Act entitled "An Act to regulate the Transportation of Intoxicating Liquors," in the dwelling house (*or* store, etc.) of P. Q., of , in the said district (*or* county, *or as the case may be*) (*here add the cause of suspicion*). Wherefore he prays that a search warrant may be granted him to search the dwelling house (*etc.*,) of the said P. Q. as aforesaid for the said intoxicating liquor.

Sworn (*or* affirmed) on the day and year first above mentioned at in the said district (*or* county, *or as the case may be*) of before me.

(*signature*) W. S.,
Recorder (*or* Police Magistrate *or as the case may be*) of .

FORM B.

Form of Search Warrant.

Canada
Province of
District (*or* county, *or as the case may be*) of .

To all or any of the constables or other peace officers in the district (*or* county, *or as the case may be*) of .

Whereas K. L., of the of in the said district (*or* county, *or as the case may be*) yeoman, hath this day made oath before the undersigned, a magistrate having the power of two justices of the peace in and for the said district (*or* county, *or as the case may be*) of that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is stored (*or* is warehoused, *or* is kept for delivery), in violation of the Act entitled "An Act to regulate the Transportation of Intoxicating Liquors," in the dwelling house (*or* store, *etc.*) of one P. Q., of , in the said district (*or* county, *or as the case may be*) of .

These are therefore, in the name of Our Sovereign Lord the King, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said dwelling house (*or* store, *etc.*) of the said P. Q. and there diligently search for the said intoxicating liquor; and if the same or any part thereof shall be found upon such search that you bring the intoxicating liquor so found and also all barrels, kegs, cases, boxes, packages, and other receptacles of any kind whatsoever containing the same before me to be disposed of and dealt with according to law.

Given under my hand and seal at in the said district (*or* county, *or as the case may be*) of this day of in the year of Our Lord,

(Seal) W. S.,
Recorder (*or* Police Magistrate *or as the case may be*) of .

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAD

BILL

M

An Act to regulate the Transporta
Intoxicating Liquors.

Received and read a first time,
Tuesday, 25th January, 1910.
Second reading,
Friday, 28th January, 1910.

Honourable Sir RICHARD SCOTT

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL N.

An Act for the relief of Hope Eileen Moreland Drinkle.

Preamble.

WHEREAS Hope Eileen Moreland Drinkle, presently residing at the city of Winnipeg, in the province of Manitoba, wife of John Clarence Drinkle, of the city of Saskatoon, in the province of Saskatchewan, furniture dealer and real estate agent, has by her petition alleged, in effect, that they were lawfully married on the first day of June, A.D. 1904, at the city of St. Paul, State of Minnesota, one of the United States of America, she then being Hope Eileen Moreland Burnham, spinster; that the legal domicile of the said John Clarence Drinkle was then and is now in Canada; that at the city of Toronto, in the province of Ontario, during the period between the second and tenth days of March, A.D. 1908, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, 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 Hope Eileen Moreland Burnham and John Clarence Drinkle, 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 Hope Eileen Moreland Burnham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Clarence Drinkle had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANAD

BILL

134

N

An Act for the relief of Hope Moreland Drinkle.

Received and read a first time,

Thursday, 27th January, 191(

Second reading,

Tuesday, 1st February, 1910.

Honourable Mr. Dou

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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL O.

An Act for the relief of Frederick Joseph Gustin McArthur.

Preamble.

WHEREAS Frederick Joseph Gustin McArthur, of the city of Winnipeg, in the province of Manitoba, Barrister-at-Law, has by his petition alleged, in effect, that on the seventh day of January, A.D. 1903, at the town of Seaforth, province of Ontario, he was lawfully married to Mary Ann Soole; that she was then of the said town of Seaforth, a spinster; that his legal domicile was then and is now in Canada; that at the residence of one William Morrison near the village of Bordon, in the province of Saskatchewan, during the period between the twenty-second day of April, A.D. 1909 and the fourteenth day of August, A.D. 1909, she lived with the said William Morrison as wife with husband and thereby committed adultery, and was so living with the said William Morrison on the said fourteenth day of August, A.D. 1909; that he has not connived at nor 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 Frederick Joseph Gustin McArthur and Mary Ann Soole, 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 Frederick Joseph Gustin McArthur may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Mary Ann Soole had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANAI

BILL

140

()

An Act for the relief of Frederick Gustin McArthur.

Received and read first time,

Tuesday, 1st February, 1910.

Second reading,

Thursday, 3rd February, 191

Honourable Mr. W

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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL P.

An Act for the relief of Jessie Maud Mary Maxwell.

Preamble.

WHEREAS Jessie Maud Mary Maxwell, presently residing at the city of Port Arthur, in the province of Ontario, wife of Robert William Maxwell, formerly of the said city of Port Arthur, in the province of Ontario, painter, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of February, A.D. 1906, at the said city of Port Arthur, she then being Jessie Maud Mary Skippen, spinster, that the legal domicile of the said Robert William Maxwell was then and is now in Canada; that at the town of Kenora, in the province of Ontario, on or about the sixth day of October. A.D. 1906, he committed adultery with a woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and 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 Jessie Maud Mary Skippen and Robert William Maxwell, 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 Jessie Maud Mary Skippen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert William Maxwell had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

144

P

An Act for the relief of Jessie M
Maxwell.

Received and read a first time,

Thursday, 3rd February, 19

Second reading,

Thursday, 10th February, 1

Honourable Mr. Ed

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2nd Session, 11th Parliament, 9 Edward VII., 1909.

THE SENATE OF CANADA.

BILL Q.

An Act respecting The Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

1887, c. 88.
1889, c. 79.
1891, c. 95.
1896 (1 Sess.) c. 22.
1905, c. 114.

WHEREAS The Kingston, Smith's Falls and Ottawa Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended.

1905, c. 114.

1. Notwithstanding anything contained in chapter 114 of the statutes of 1905, or in any of the Acts mentioned in the schedule to that chapter, The Kingston, Smith's Falls and Ottawa Railway Company may, within two years after the passing of this Act, commence the construction of the railway authorized by the Acts relating to the Company and expend thereon fifteen per cent of the capital stock; and may, within five years after the passing of this Act, complete and put in operation the said railway; and if the said railway is not so completed and such expenditure is not so made, or if the said railway is not so completed within the said respective periods, the powers of construction granted by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Repeal of former limitations of time for construction.

2. The following enactments are hereby repealed:—

Year.	Chapter.	Extent of Repeal.
1889	79	Section 2.
1891	95	Section 1.
1896 (1st Session)	22	The whole Act.
1905	114	The whole Act.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

146

Q

An Act respecting The Kingston, Sr
Falls and Ottawa Railway Compa

Received and read a first time,

Thursday, 3rd February, 1910.

Second reading,

Thursday, 10th February, 1909.

Honourable Mr. DERBYSHI

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL R.

An Act to incorporate The Montreal, Kapitachuan and Rupert's Bay Railway Company.

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. H. A. Fortier, advocate, of the city of Hull, in the province of Quebec, the Reverend Joseph A. Grenier, of Mont-Laurier in the said province, Joseph T. Marchant, Clement Robillard, L. J. Tarte, Arthur Berthiaume, Louis Payette, Louis A. Lapointe and Godfroy Langlois, all of the city of Montreal in the said province, together with such other persons as become shareholders in the company are hereby incorporated under the name of "The Montreal, Kapitachuan and Rupert's Land Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital.

3. The capital stock of the Company shall be fifteen million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Head office.

4. The head office of the Company shall be in the city of Montreal, in the county of Hochelaga, in the province of Quebec.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first day of 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 on the St. Lawrence River, in the county of Hochelaga, in the province of Quebec, northerly, through the counties of Maisonneuve, Laval, Two Mountains, Argenteuil, Labelle and Pontiac, to reach a point at or near L'Orignal Rapids, thence to a point at or near Kapitachuan Lake to cross and connect with the main line of The Grand Trunk Pacific Railway Company, and thence to Rupert's Bay.

Issue of securities.

8. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being

2nd Session, 11th Parliament, 9-10 Edw.

THE SENATE OF CAN

BILL

167

R

An Act to incorporate The Kapitachuan and Rupert's Ba Company.

Received and read first time,

Thursday, 3rd February, 1

Second reading,

Tuesday, 8th February, 19

Honourable Mr.

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL S.

An Act to incorporate The Retail Merchants' Association of Canada.

WHEREAS the persons named in section 1 of this Act are members of a voluntary association known as "The Retail Merchants' Association of Canada," and have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. J. W. Watson, J. O. Gareau, W. U. Boivin, O. Lemire, A. Rouleau, J. P. Gervis, A. S. Lavallée, E. P. Ronayne, C. R. La-Salle, O. P. Demontigny, J. G. A. Filion, J. E. Tremble, J. E. W. Lecours, P. Leduc, J. D. A. Godbout, M. Albert, P. Daoust, J. A. Labonté, A. Leniel, J. D. Boileau, J. A. Doré, A. Sarrazin, J. I. Lussier, Arthur Leger, Joseph Versailles, François Martineau, O. Normandin, J. A. Beaudry, all of the city and district of Montreal, in the province of Quebec; P. J. Coté, T. Béland, L. E. Martel, L. F. Falardeau, J. P. Bertrand, all of the city and district of Quebec, in the said province; L. A. Bayley, of the city of Sherbrooke, in the said province; L. F. Herbert, of the city of Lachine, in the district of Montreal, in the said province; Alb. Gervais, of the town of Joliette, in the said province; John Hargreaves, G. J. S. Leger, S. R. Hanna, H. Russell, W. Dineen, R. W. Dockeray, W. Mann, R. E. Walker, G. M. Petrie, S. Corrigan, F. C. Higgins, George Good, A. M. Hobberlin, E. S. Coryell, M. Moyer, John Willmot, F. Fuerst, E. M. Trowern, A. Adamson, E. R. Reynolds, R. H. Pill, J. A. Johnson, J. I. I. Anderson, W. Fegan, J. S. Bond, A. Britnell, all of the city of Toronto, in the province of Ontario; H. C. Ellis, H. Watters, F. Ford, all of the city of Ottawa, in the province of Ontario; Adam Ballentine and G. S. Klein, of the city of Hamilton, in the province of Ontario; B. W. Ziemann, of Preston, in the province of Ontario; A. L. Geen, of the city of Belleville, in the province of Ontario; C. S. Kelly, of the city of Guelph, in the province of Ontario; A. M. Patterson, of Brockville, in the province of Ontario; Robert Fair, of Peterborough, in the province of Ontario; G. Hamilton, of Galt, in the province of Ontario; all merchants of Canada, together with such other persons as become members of the association, are hereby incorporated under the name of "The Retail Merchants' Association of Canada," hereinafter called "the Association." Incorporation. Corporate name.

Objects.

2. The objects of the Association shall be—

(*a*) the promotion of the industrial and commercial interests of the retail merchants of Canada;

(*b*) the collection and publication of information and statistics relating to or concerning such interests;

(*c*) the arbitration and settlement of trade disputes arising between any of its members;

(*d*) the procuring and furnishing to its members information as to the solvency of persons who deal with any of its members; and

(*e*) generally, all such other lawful objects for promoting the trade interests of its members as may from time to time be determined by the Association.

By-laws.

3. The Association may make by-laws for:—

(*a*) the administration, management and control of the property, business and other affairs of the Association;

(*b*) the conditions of membership in the Association;

(*c*) the election, appointment, functions, duties and remuneration of all directors, officers, agents and servants of the Association;

(*d*) the appointment of committees and their duties;

(*e*) the calling of meetings, regular or special, of the Association or of committees;

(*f*) the fixing of the necessary quorum and procedure in all things at such meetings;

(*g*) the organization of local branches of the Association in any part of any province in Canada, and the definition of the constitution, government, powers and functions of every such branch, but so as to not exceed the powers of the Association itself under this Act;

(*h*) generally, for the carrying out of the objects and purposes of the Association.

Head office.

4. The head office of the Association shall be at the city of Toronto, in the province of Ontario, but may be changed from time to time, by by-law of the Association, to any other place in Canada.

Board of directors.

5. The property, business and affairs of the Association shall be administered by a board of directors composed of such of the officers as are designated by by-law together with so many members of the Association from each province of Canada as are so designated.

Real property.

Limit as to value.

6. The Association may receive, acquire, accept and hold real property by gift, purchase, devise, bequest, lease or otherwise, for the purposes of the Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes: Provided, however, that the annual value of the real estate held by the Association shall not exceed the sum of fifty thousand dollars.

Acquisition of assets of existing association.

7. The Association may acquire the assets of the said voluntary association, and in case of such acquisition the Association shall assume all the liabilities of the said voluntary association.

8. If authorized thereto by by-law the board of directors may, from time to time, for the purposes of the Association, make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the officer thereto authorized by the by-laws of the Association or countersigned by the proper officer of the Association, shall be binding upon the Association, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and it shall not be necessary in any case to have the seal of the Association affixed to any such note or bill. Promissory notes and bills.

2. No officer of the Association so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority. Liability of officers in respect of notes and bills.

9. Until altered or repealed in accordance with the provisions of this Act the existing constitution and by-laws of the said voluntary association, in so far as they are not contrary to law or the provisions of this Act, shall continue to be the constitution and by-laws of the Association. The present directors and officers of the said voluntary association shall continue to be the directors and officers of the Association until replaced by others under the provisions of this Act. Constitution and by-laws of existing association continued till altered.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

210 S

An Act to incorporate The
Merchants' Association of Ca

Received and read a first time,

Thursday, 3rd February, 191

Second reading,

Tuesday, 8th February, 191

Honourable Mr.

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL T.

An Act for the relief of Archibald Laurie.

Preamble.

WHEREAS Archibald Laurie, of the city of Quebec, in the province of Quebec, advocate, has by his petition alleged, in effect, that on the thirty-first day of January, A.D. 1893, at the said city of Quebec, he was lawfully married to Amelia Jane McCaghey, that she was then of the said city of Quebec, a spinster; that his legal domicile was then and is now in Canada; that at the city of Quebec, in the province of Quebec, on or about the twenty-ninth day of August, A.D. 1909, she committed adultery with George H. Parke, doctor of medicine; 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 Archibald Laurie, and Amelia Jane McCaghey, 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 Archibald Laurie may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Amelia Jane McCaghey had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

147 T

An Act for the relief of Archibald

Received and read a first time,

Friday, 4th February, 1910.

Second reading,

Thursday, 10th February, 19

Honourable Mr. Gi

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1909-10

BILL AS PASSED FEBRUARY 25, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL U.

An Act to incorporate The Northern Quebec Colonization 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. Napoleon Drouin, Joseph Picard and Walter Ray, all of the city of Quebec, Paul Tourigny, of the town of Victoriaville in the province of Quebec, and James B. Phillips, of the town of Haileybury, in the province of Ontario, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Northern Quebec Colonization Railway Company", hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby 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 Quebec, in the province of Quebec.

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,—

(*a*) from a point at or near Tadousac, at the mouth of the Saguenay River in the province of Quebec; thence running in a westerly direction along the north shore of the Saguenay River by the most feasible route to a point at or near Lake St. John; thence in a north-westerly direction by the most feasible route to a point between Lake Chibougamau and Lake Mistassini; thence in a north-westerly direction by the most feasible route to Hannan Bay, in the province of Ontario;

(*b*) from a point at or near Lake Chibougamau or Lake Mistassini, thence in a southerly direction by the most feasible route to Weymontachi, a point on the Transcontinental Railway in the province of Quebec.

Special powers. Vessels.

8. The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Buildings.

Transmission and delivery of power and electricity.

9. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric and other power or energy, and transmit and deliver the same to any place in the district through which the railway is authorized to be built, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor: but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

R.S., c. 37.

Consent of municipalities owning electric plant.

2. The Company shall not sell, dispose of , or distribute electric power or energy within, or for use within, the limits of any municipality which owns and operates its own electric lighting or power plant, without the consent, expressed by by-law, of the council of such municipality.

Consent of municipalities required for telegraph and telephone lines upon highways, etc.

10. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

R.S., c. 126.

Issue of securities.

11. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

147

T

An Act for the relief of Archibald

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Second reading,

Thursday, 10th February, 19

Honourable Mr. GI

OTTAWA
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1909-10

only in proportion to the length of railway constructed or under contract to be constructed.

Issue of securities for other purposes than railway.

12. In addition to the securities authorized by section 11 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or representd by proxy, from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the acquisition or construction of any of such vessels or such works, other than the railway, as the Company is authorized to acquire, construct or operate; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels or works in respect of which they are issued.

Agreements with other companies.

R.S., c. 37.

13. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Commissioners of the National Transcontinental Railway, the Grand Trunk Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Quebec Railway Company and the Quebec and Montmorency Railway Company, or any of them.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

147 T

An Act for the relief of Archibald

Received and read a first time,

Friday, 4th February, 1910.

Second reading,

Thursday, 10th February, 19

Honourable Mr. GIL

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL V.

An Act to amend The Dominion Lands Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Section 16 of *The Dominion Lands Act* is amended by adding the following proviso thereto:— 1908, c. 20, s. 16 amended.

"provided that if an entrant for a homestead within any area, in any of the provinces or territories to which this Act applies, which has been selected and set aside by the Governor in Council upon the recommendation of the Minister as suitable for tree culture, or in the event of the death of the entrant his legal representative, proves, in the same manner that fulfilment of the other conditions of homestead entry have to be proved, as in this Act is provided, that at the date of his application for the issue of letters patent for such homestead, there are not less than one thousand healthy trees growing upon such homestead, which such entrant or his legal representative planted thereon and each of which is then not less than one to two inches at its base, the same shall be accepted in lieu of one-half of the cultivation that would otherwise have to be proved to have been done to the lands comprising such homestead." Conditions of issue of letters patent for homestead. Cultivation of tree-bearing area.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE SENATE OF CANADA.

BILL

V

An Act to amend the Dominion Lands

Received and read a first time,

Friday, 11th February, 1910.

Second reading,

Wednesday, 16th February, 191(

Honourable Mr. Dav

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL W.

An Act respecting The Ottawa, Brockville and St. Lawrence Railway Company.

Preamble. 1900, c. 71; 1902, c. 88; 1904, c. 109; 1906, c. 137; 1908, c. 140.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended.

1. The construction of the railway of The Ottawa, Brockville and St. Lawrence Railway Company may be commenced and fifteen per cent of the capital stock expended thereon within two years after the sixteenth day of June, one thousand nine hundred and ten, and the said railway may be completed and put in operation within five years after the sixteenth day of June, one thousand nine hundred and ten; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not made, or is not completed and put in operation, the powers of construction conferred on the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1908, c. 140, s. 2 repealed.

2. Section 2 of chapter 140 of the statutes of 1908 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

160

W

An Act respecting The Ottawa, Broc
and St. Lawrence Railway Compa

Received and read a first time,

Wednesday, 16th February, 191

Second reading,

Tuesday, 22nd February, 1910.

Honourable Mr. DERBYSH

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL X.

An Act to incorporate The Protectorate Life Assurance Company of Canada.

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. George Samuel May, manufacturer, Charles Hopewell, contractor, George Thomas Brown, insurance broker, Oliver Edwards Culbert, barrister-at-law, and J. Ogle Carss, barrister-at-law, all of the city of Ottawa in the province of Ontario, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "The Protectorate Life Assurance Company" hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act, together with such persons, not exceeding eight, as they associate with them shall be the provisional directors of the Company, a majority of whom shall be a quorum; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon; and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

Capital stock.

3. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each.

Head office.

4. The head office of the Company shall be in the city of Ottawa, in the province of Ontario.

Local boards.

2. The directors may, from time to time, establish local advisory boards or agencies, either within Canada or elsewhere.

First general meeting.

5. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and twenty per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Ottawa, at which meeting the shareholders present or

represented by proxy, who have paid not less than twenty per cent of the amount of shares subscribed for by them, shall elect nine directors, hereinafter called "shareholders' directors."

Election of shareholders directors.

Qualification.

2. No person shall be a shareholders' director unless he holds in his own name, and for his own use, at least twenty-five shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Election of policy-holders directors.

6. In addition to the shareholders' directors, at the third annual meeting of the Company, and thereafter at each annual meeting, there shall be elected by the participating policy-holders from among their number six directors who are not shareholders and who are hereinafter called "policy-holders' directors."

Qualification.

2. Every person, whether he is or is not a shareholder in the Company, whose life is insured under a policy or policies of the Company, for one thousand dollars or upwards, who has paid all premiums then due thereon, and is by the terms of his policy entitled to participate in profits, is referred to in this Act as a holder of a participating policy, and shall be a member of the Company and be entitled to attend and vote, in person or by proxy, at all general meetings of the Company; and every holder of a participating policy of the Company for a sum of not less than one thousand dollars, exclusive of bonus additions or profits, shall be entitled to one vote; but such policy-holders shall not be entitled, as such, to vote for the election of shareholders' directors. Every proxy representing a participating policy-holder must be himself a participating policy-holder and entitled to vote, and any such participating policy-holder who is not a shareholder shall be eligible for election as a policy-holders' director.

Proxies.

Joint meetings.

3. The policy-holders' directors shall meet with the shareholders' directors and shall have a vote upon all business matters.

Quorum.

7. At all meetings of the directors a majority of them shall be a quorum for the transaction of business.

President and Vice-presidents.

8. The directors shall elect from among themselves a president of the Company and one or more vice-presidents.

Calls on stock.

9. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given; provided that the Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of the capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

No subscription reckoned if less than ten per cent paid in cash.

2. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be reckoned as part of the amount of capital stock required to be subscribed under this Act.

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed by such shareholder shall be reckoned as part of the said sixty-two thousand five hundred dollars required to be paid under subsection 1 of this section. No payment reckoned if less than ten per cent subscribed is paid in cash.

10. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at its head office, and at such meeting a statement of the affairs of the Company shall be submitted. Annual meeting. Statement.

11. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior thereto, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situated; and every such notice given after section 6 hereof becomes operative, shall intimate that participating policyholders may, in accordance with the provisions of this Act, vote for and elect six directors. Notice of annual meeting.

12. At each general meeting of the Company, each shareholder present or represented by proxy, who has paid all calls due upon his shares shall have one vote for each share held by him. Every holder of a proxy representing a shareholder shall be himself a shareholder entitled to vote. Voting. Proxies.

13. The Company may effect contracts of life insurance with any person, and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and generally carry on the business of life insurance in all its branches and forms. Business of Company.

14. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company; but the annual value of such property held in any province of Canada, shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars. Power to hold real property.

15. The directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other scources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared. Distribution of profits.

Paid-up policies to be issued in certain cases.

16. Whenever any holder of a policy, other than a term or natural-premium policy, has paid three or more annual premiums thereon and fails to pay further premiums, or desires to surrender the policy, the premiums paid shall not be forfeited; but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as may occur, or to receive extended insurance under the policy for a period proportionate to such cash surrender value.

Cash surrender value and duration to be inserted in policy.

2. The sum so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the Company and the insured.

Liens to be accounted for.

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to.

Cash surrender value to be applied to policy.

4. Until the policy-holder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the Company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted.

Application of R.S., c. 79.

17. Part II of The Companies Act, except sections 125, 134, 135, 141, 158, 159, 165, and 168 thereof shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of this Act or of *The Insurance Act*, or of any general Act relating to Insurance passed during the present session of Parliament: Provided, however, that the Company may make loans to his shareholders or policy-holders, not being directors, on the securities mentioned in *The Insurance Act*.

R.S., c. 34.

Proviso as to loans.

Application of general Acts relating to insurance.

18. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

2nd Session, 11th Parliament, 9-10 Edw. VII.

THE SENATE OF CANAD

1909

BILL

X

An Act to incorporate The Prot
Life Assurance Company of Can

Received and read a first time,

Wednesday, 16th February, 19

Second reading,

Tuesday, 22nd February, 1910

Honourable Mr. Derbys

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL Y.

An Act to amend The Government Annuities Act, 1908.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Government Annuities Amendment Act, 1910.* Short title.

2. Section 2 of *The Government Annuities Act, 1908*, is amended by striking out the words "or who has contracted for the purchase of" in the second line of paragraph (*c*), and by adding the following paragraph to the said section:— 1908, c. 5, s. 2 amended.

"(*d*) 'purchaser' means any person who has contracted for the purchase of an annuity." "Purchaser" defined.

3. Section 4 of the said Act is repealed and the following is substituted therefor:— New s. 4.

"**4.** His Majesty, represented and acting by the Minister, may, subject to the provisions of this Act and of any order in council made under the authority of this Act, contract with any person for the sale,— Sale of annuities authorized.

"(*a*) of an immediate or deferred annuity to any person domiciled in Canada,—

(i) for the life of the annuitant;

(ii) for a term of years certain, not exceeding twenty years, provided the annuitant shall so long live;

(iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period shall be the longer;

"(*b*) of an immediate or deferred annuity to any two persons domiciled in Canada during their joint lives, and with or without continuation to the survivor."

4. Section 5 of the said Act is amended by striking out the words "such person" in the first line thereof and substituting therefor the words "The purchaser." S. 5 amended. Payments by purchaser.

5. Subsection 1 of section 6 of the said Act is amended by striking out the words "such person" in the first line thereof and substituting therefor the word "purchaser." S. 6 amended. Purchase by depositor.

2. Subsection 3 of the said section is amended by inserting after the word "that" in the thirteenth line thereof the words Purchase for employees.

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAD

BILL

155

Y

An Act to amend The Govern
Annuities Act, 1908.

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Second reading,

Tuesday, 22nd February, 191

Right Honourable
SIR RICHARD CARTWRIGHT, G.C

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL Z.

An Act for the relief of Bernard Shea.

Preamble.

WHEREAS Bernard Shea, of the city of Toronto, in the province of Ontario, merchant, has by his petition alleged, in effect, that on the thirteenth day of October, A.D. 1903, at the said city of Toronto, he was lawfully married to Emma Cairns, that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that in the year A.D. 1904, she deserted him without just cause; that at the city of Toronto, in the province of Ontario, in or about the month of October, A.D. 1909, she was living as a common prostitute and was an inmate of a house of ill-fame in the said city and then and there committed adultery with divers men whose names are unknown; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings 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 Bernard Shea and Emma Cairns, 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 Bernard Shea may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Emma Cairns had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

148

Z

An Act for the relief of Bernard

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Wednesday, 16th February, 1

Second reading,

Friday, 18th February, 1910.

Honourable Mr. I

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BILL AS PASSED FEBRUARY 24, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL AA.

An Act for the relief of Clara Louise Holden.

Preamble.

WHEREAS Clara Louise Holden, presently residing at the city of Toronto, in the province of Ontario, wife of Clarence Lorne Holden, formerly of the said city of Toronto, has by her petition alleged, in effect, that they were lawfully married on the fifth day of January, A.D. 1899, at the said city of Toronto; she then being Clara Louise Ramsay, spinster; that the legal domicile of the said Clarence Lorne Holden was then and is now in Canada; that at the city of Toronto, in the province of Ontario, in or about the month of July, A.D. 1906, and at divers other times in the summer of 1906, he frequented a certain house of ill fame and there committed adultery with various women whose names are unknown; that subsequently, on or about the fifteenth day of April, A.D. 1907, he deserted her and their infant child and has not since then contributed to the support of his said wife and child; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the 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 Clara Louise Ramsay and Clarence Lorne Holden, 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 Clara Louise Ramsay may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Clarence Lorne Holden had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

148

Z

An Act for the relief of Bernard

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Second reading,

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Honourable Mr. I

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL BB.

An Act respecting The Sovereign Trust Company.

Preamble. 1906, c. 163.

WHEREAS The Sovereign Trust 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:—

Name of Company changed. 1906, c. 163, s. 1.

1. The name of The Sovereign Trust Company, hereinafter called "the Company," is hereby changed to "The Federal Trust Company;" but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Head office.

2. The head office of the Company shall be at the city of Vancouver, in the province of British Columbia.

Declaration as to continuance of powers.

3. Chapter 163 of the statutes of 1906, except section 18 thereof, and the rights, powers and privileges conferred upon the Company by the said chapter shall, notwithstanding anything contained in the said chapter, be deemed to have continued and to be in full force and effect.

1906, c. 163, s. 18 repealed.

2. Section 18 of chapter 163 of the statutes of 1906 is hereby repealed.

Forfeiture of rights for non-user.

4. The rights, powers and privileges granted by the said chapter 163 and by this Act shall expire and cease to be in force at the end of two years from the passing of this Act unless the Company goes into actual operation within such two years.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANAD

BILL

161 BB

An Act respecting The Sovereign
Company.

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Thursday, 17th February, 191

Second reading,

Tuesday, 22nd February, 1910

Honourable Mr. R

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL CC.

An Act to incorporate The Nipigon-Albany Canal and Transportation Company.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. George Alexander Graham, contractor, Gaylen Rupert Duncan, engineer; George McDonald, gentleman; George A. Knowlton, and William Arthur Dowler, barrister, all of the city of Fort William, in the district of Thunder Bay, together with such other persons as become shareholders in the Company are hereby incorporated under the name of "The Nipigon-Albany Canal and Transportation Company," hereinafter called "the Company."

Declaration.

2. The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Provisional directors.

3. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be two million dollars. No one call thereon shall exceed ten per cent of the shares subscribed.

Head office.

5. The head office of the Company shall be at the city of Fort William, in the district of Thunder Bay.

Directors.

6. The number of the directors shall be not less than five, nor more than nine, one or more of whom may be paid directors.

Undertaking and route.

7. The Company may lay out, excavate, construct, erect, develop, maintain and operate a water way and system of connecting and supply channels, canals, lift locks and transportation route; and may execute all works necessary or incidental thereto, from Nipigon Bay, on Lake Superior, *via* Nipigon River and the lakes therein, Lake Nipigon and the most feasible route northerly from Lake Nipigon to the Albany River, and *via* the Albany River and the lakes therein, to James Bay; and for such purposes may—

Utilization, &c., of waterways, rivers, &c.

(*a*) utilise, deepen, widen and alter the course of the waterways, rivers and streams in the route of the said undertaking, or connecting with or adjacent to the waterways, rivers or streams utilized therefor;

Accessory works.

(*b*) construct, acquire, erect, maintain, use and operate locks, dams, tow-paths, reservoirs, branches, feeding sources and channels, ditches, trenches, drains, aqueducts, booms, slides, tramways, roadways, trails, bridges, carrying, forwarding and propelling systems and appliances, and all structures, works, apparatus, appliances and machinery required for or which may be deemed of advantage in the full development of the undertaking of the Company.

Vessels, structures, and plant.

8. The Company may also, for the purposes of its undertaking and in connection therewith,—

(*a*) construct, acquire, use and operate, and sell, lease or otherwise dispose of vessels, boats, dredges, rafts, towing appliances and every kind of craft, means and appliancesfor carrying or hauling on, or propelling through water, construction and maintenance plants, shops, stores, wharves, docks, terminals, storage and handling plants and elevators;

Use of Company's works by other parties.

Disposal of water.

Supply of power.

(*b*) enter into agreements for the use, by individuals, firms, companies or corporations, of any of its works or appliances; and use, sell, lease or otherwise dispose of water brought into or through any channel, conduits, forebays or canals, for the said canal and waterway, or channels or works, but which may be used for other purposes; and may use, sell, lease, or otherwise dispose of any hydraulic, electrical or other kind of power developed by or made available by or in connection with the undertaking of the Company, when and to the extent the same may not be required for the purposes of the Company;

Hotels, parks, &c.

(*c*) build, acquire, or lease buildings and grounds for hotels, parks, restaurants or houses of entertainment, along the route of the undertaking, and carry on all such business in connection therewith as is necessary or expedient for the comfort or convenience of travellers or tourists, and may lease any part of such buildings or grounds for any such purposes.

Telegraph and telephone lines.

9. The Company may, subject to the provisions of *The Railway Act*, construct, and operate telegraph and telephone lines upon and along the line of its undertaking, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to any such companies, and may operate such telegraph lines, the whole or any part thereof, by wireless telegraph or otherwise.

Tolls.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

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. R.S., c. 126.

10. The Company may, along its route and in connection with its undertaking, carry on an express business, and subject to the provisions of *The Railway Act*, levy and collect tolls therefor. Express business.

11. The Company may, from time to time, ask, demand, take and recover for the use of its waterway, canals and other works along its route, and for the transportation of passengers and goods, and for hauling, towing and propelling along its course, such tolls and charges therefor as may be approved by the Board of Railway Commissioners for Canada. Tolls. Approval.

2. In the event of the non-payment of such tolls the Company may detain the vessels, goods, or things in respect of which such tolls are payable until payment thereof, during which detention the said vessels, goods or things shall be at the risk of the owner; and if the tolls are not paid within a reasonable time, which may from time to time be fixed by the Board of Railway Commissioners for Canada, the Company may sell the said vessels, goods or things, or any part thereof, under such terms and conditions, and subject to such rules and regulations as may from time to time be prescribed or approved by the Board of Railway Commissioners aforesaid. Enforcement of payment.

12. The Company may receive in aid of the construction of the said waterway, canals and other works, from any person or body corporate, municipal or politic, having power to grant the same, any gift or grant of land, money, debentures, property, concession or other benefit of any sort, either with or without conditions, and may enter into any agreement for the carrying out of any such conditions or with respect thereto. Grants in aid of undertaking.

13. If any vessel, raft, timber, or other articles and appliances be sunk or grounded in any part of any of the waterway, canals, or other works constructed and developed by the Company, or in any approach thereto, and if the owner or master thereof neglects or refuses to recover the same, the Company may forthwith proceed to have the same raised or recovered, and may retain possession of the same until the charges and expenses necessarily incurred by the Company in so raising and recovering the same are paid and satisfied, or the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel. Stranded or sunken vessels. Recovery of expenses.

14. All actions and suits for compensation or indemnity for any damages or injury sustained by reason of the construction or operation of the Company's waterway, canals and transportation system shall be commenced within one year after the time when such damage is sustained, or, if there is a continuation of damage, within one year next after the doing or committing of such damage ceases and not afterwards. Limitation of actions for damages caused by construction, &c.

Issue of securities.

15. The Company may issue bonds, debentures, perpetual or terminal stock, or other securities, upon and in respect of the whole or any part, or parts of its undertaking or property, and secure the payment of the said securities by mortgage or other charge upon the whole or such part, or parts, and upon the rents and revenues thereof; but such securities shall not be issued in excess of the cost of the works or property upon or in respect of which the said securities are issued.

Application of The Railway Act, ss. 136-148.

2. The provisions of *The Railway Act* as to the issue of bonds, debentures, perpetual or terminal stocks or other securities, and as to the sale or pledge of the same, and as to mortgages and charges in security therefor, shall, so far as they are applicable thereto, apply to and extend to the Company and its undertaking.

Deposit and approval of plans.

16. The Company shall not commence the erection, construction or excavation of any channel, water course, canal, conduit, lock, diversion, intake, outlet, head-gate, approach dam, dyke, forbay, storage or other work necessary for, or in connection with, any one or more of the works or purposes authorized by this Act, at any, or in connection with any one or more points or any one or more places of such waterway, or system, or any of the works incidental to or made available by the works aforesaid, and which the Company is by this Act authorized to engage in, unless and until plans showing the same and giving the location, dimensions and all necessary information and detail of such work or works or of any one or more of them and of all other works inc dental thereto, have been submitted to and have received the approval of the Minister of Railways and Canals.

Limitation of time for construction.

17. If the construction of the waterway, canals or other works hereby authorized to be executed, or of some one or more of them, or the development of some portion of the said works or system is not commenced within three years after the passing of this Act, or if the said waterway, canals or other works, or some of them, are not finished within eight years after the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the said waterway, canals or other works hereby authorized as then remains uncompleted.

The Railway Act, R.S., c. 37, to apply.

18. *The Railway Act* shall, so far as applicable, and when not inconsistent with the provisions of this Act, apply to the Company and to the undertaking of the Company; and the Company shall have and may exercise, subject to the provisions of *The Railway Act*, all the powers conferred by *The Railway Act* in so far as the said powers are applicable to the Company.

Interpretation. "Company." "Railway."

2. Wherever in *The Railway Act* the word "company" occurs, it shall include the Company hereby incorporated.

3. Wherever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or to the Company, or to

the undertaking of the Company, mean any work authorized by this Act to be constructed.

"Land."

4. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege or easement required by the Company for constructing the waterway, canals or other works authorized by this Act, under, over, through or along any land, without the necessity of acquiring a title in fee simple; and shall also include land covered or partly covered by water.

R.S., c. 79, Part II, excluded.

19. Part II of *The Companies Act* shall not apply to this Act or to the Company hereby incorporated.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1

THE SENATE OF CANADA.

BILL

CC

An Act to incorporate The Nipigon-A
Canal and Transportation Compa

Received and read a first time,

Friday, 18th February, 1910.

Second reading,

Wednesday, 23rd February, 191

Honourable Mr. You

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL DD.

An Act to incor orate The Weyburn Security Bank.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The persons hereinafter named, together with such others as become shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of "The Weyburn Security Bank," hereinafter called "the Bank." Corporation. Corporate name.

2. The capital stock of the Bank shall be one million dollars. Capital stock.

3. The chief office of the Bank shall be at Weyburn, in the province of Saskatchewan. Chief office.

4. Joseph Mergems, Frank B. Moffet, James A. McBride, Herbert M. Morphy and Harvey O. Powell, all of Weyburn in the province of Saskatchewan; and Alexander Simpson and Frank W. Murphy, of Wheaton, Minnesota, shall be the provisional directors of the Bank. Provisional directors.

5. This Act shall, subject to the provisions of section 16 of *The Bank Act*, remain in force until the first day of July in the year one thousand nine hundred and eleven. Duration of charter. R.S.C., c. 29.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANAD

BILL

156 DD

An Act to incorporate The Wey
Security Bank.

Received and read a first time,

Tuesday, 22nd February, 1910.

Second reading,

Thursday, 24th February, 1910

Honourable Mr. Douc

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1909-10

BILL AS PASSED MARCH 8, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL EE.

An Act respecting The Grand Trunk Railway Company of Canada.

WHEREAS The Grand Trunk Railway Company of Canada has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Grand Trunk Railway Company of Canada, hereinafter called the Company, may acquire, hold, guarantee, pledge, sell or otherwise dispose of shares of the capital stock, bonds, debentures or other securities issued by any of the companies named in the schedule to this Act, and for that purpose may utilize any funds of the Company, and upon the acquisition of any such stock, bonds, debentures or other securities may exercise all the powers of holders thereof, and receive and distribute any dividends or interest paid thereon. Power to acquire and deal with securities of certain Terminal companies. 1907, c. 117. 1902, c. 15.

2. This Act may be cited as *The Grand Trunk Act*, 1910. Short title.

SCHEDULE.

(1) The Ottawa Terminals Railway Company, incorporated by chapter 117 of the statutes of Canada, 1907.

(2) The Lachine, Jacques Cartier and Maisonneuve Railway Company, incorporated by chapter 99 of the statutes of the Province of Quebec, 1909.

(3) The Grand Trunk Pacific Terminal Elevator Company, Limited, incorporated by letters patent under the provisions of *The Companies Act*, 1902.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches,— Line of railway described.

(*a*) from a point in or near the city of Ottawa, thence through the townships of Nepean, North Gower and Marlborough, in the

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANAD

BILL

156 DD

An Act to incorporate The Wey
Security Bank.

Received and read a first time,

Tuesday, 22nd February, 1910.

Second reading,

Thursday, 24th February, 1910

Honourable Mr. Dou

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL FF.

An Act to incorporate The Ottawa, Rideau Valley and Brockville Railway Company.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Alfred McDiarmid and Robert E. Elliott, both of the city of Montreal, in the province of Quebec, Frederick A. Heney and Edmund W. Clark, of the township of Nepean, in the province of Ontario, George Elden Kidd and Donald Hector McLean of the city of Ottawa, in the province of Ontario, and William C. Maclaren and James H. Gilmour of the town of Brockville, in the county of Leeds, in the province of Ontario, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Ottawa, Rideau Valley and Brockville Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby constituted the provisional directors of the Company. Should any such provisional directors die or resign before the first election of directors the vacancy may be filled by the remaining provisional directors.

Capital stock.

3. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent of the shares subscribed.

Head office.

4. The head office of the Company shall be in the city of Ottawa, in the province of Ontario.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the third Wednesday in September.

Directors.

6. The number of directors shall not be less than five nor more than seven, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches,—

(*a*) from a point in or near the city of Ottawa, thence through the townships of Nepean, North Gower and Marlborough, in the

county of Carleton, the townships of Oxford, Wolford and Augusta, in the county of Grenville, and the township of Elizabethtown, in the county of Leeds, to a point in or near the town of Brockville, in the county of Leeds;

(*b*) a line of railway, or an extension of the line of railway described in paragraph (*a*) of this section, from the said city of Ottawa, to a point in the city of Hull or in the township of Hull, in the county of Wright, in the province of Quebec, west of the Gatineau River.

Ferry across St. Lawrence River.

8. The Company may, for the purposes of its undertaking, construct, acquire and operate a ferry from a point in or near the town of Brockville, in the county of Leeds, across the St. Lawrence River to a point in or near the town of Morristown, in the state of New York, for the purposes of transporting trains, passengers, goods and merchandise in connection with the business of the Company.

Water powers and electricity.

Transmission.

Supply and sale.

Rates to be approved by Board of Railway Commissioners.

9. In connection with its business and for the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire (but not by expropriation), and develope water-powers, rights, easements and privileges in the vicinity of its railway, and construct, maintain and operate dams, reservoirs, buildings and works for the transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway, vessels and other properties and works, and transmit and deliver the same to any place in the municipalities through which the railway is authorized to be built, and supply, sell or otherwise dispose of any surplus water, electricity, electric or other power not required for the purposes of the Company, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Site of dam to be approved by Minister.

2 No such dam shall be constructed until the site and plans thereof have been submitted to and approved of by the Minister of Public Works.

Special powers.

Vessels.

10. The Company may, for the purposes of its undertaking, build, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers and cargo on all navigable waters in the vicinity of its railway, and may enter into agreements with the owners of such vessels for any of such purposes, and may generally carry on the business of ship owners and carriers by water in connection with its undertaking.

Docks, buildings, etc.

11. The Company may, for the purposes of its undertaking, purchase, lease or otherwise acquire, hold, enjoy and manage such lands, water-lots, wharfs, docks, dock-yards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for such purposes, and may construct any of such works or buildings, and sell or otherwise dispose thereof for the purposes of the Company, and may carry on the business

of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property and may enter into any agreements with any such company respecting the use of any of the property of such company.

Telegraph and telephone lines. R.S., c. 37.

12. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway and establish offices for and undertake the transmission of messages for the public and collect tolls therefor; and for the purposes of operating such lines or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of or may lease its own lines to any such companies.

Contracts with other companies.

Tolls or charges.

2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using of the telegraphs or telephones of the Company until it has been approved of by the Board of Railway Commmissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

3 Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Rai way Act*, shall apply to the telegraph business of the Company.

Issue of securities.

13. The securities issued by the Company shall not exceed thirty-five thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Issue of securities for other purposes than railway.

14. In addition to the securities authorized by section 13 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the construction and acquisition of any of the vessels, properties or works, which the Company is authorized to construct, acquire or operate, other than the railway; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels, properties and works in respect of which they are issued.

Mortgages securing same.

2. For the purposes of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

R.S. c. 37.,

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act*, shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages.

Agreements with other companies.

15. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being The Ottawa Northern and Western Railway Company, The Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, The Canadian Northern Ontario Railway Company, The Canadian Northern Quebec Railway Company, The Canada Atlantic Railway Company, The Ottawa Terminals Railway Company, The Ottawa, Brockville and Saint Lawrence Railway Company, The Brockville, Westport and Sault Ste. Marie Railway Company, The Brockville, Westport and Northwestern Railway Company and The Thousand Islands Railway Company.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

183

BILL

FF

An Act to incorporate The Ottawa Valley and Brockville Railway C

Received and read a first time,

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Second reading,

Tuesday, 1st March, 1910.

Honourable Mr. DERBY

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL GG.

An Act to incorporate The Morrisburg Ferry and Dock Company.

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. Beverley Baruch Tucker, civil engineer, Herbert Henry Bradfield, merchant, Lewis Edwin Murphy, publisher, William Henry McGannon, hotel keeper, all of the village of Morrisburg, in the province of Ontario, and Enos Allison, farmer, of the township of Williamsburg, in the said province, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "The Morrisburg Ferry and Dock Company" hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital. Calls.

3. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent of the shares subscribed.

Head office.

4. The head office of the Company shall be in the village of Morrisburg 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 not be less than three nor more than nine, one or more of whom may be paid directors.

Undertaking described.

7. The Company may, subject to the provisions of *The Railway Act*,—

(*a*) construct, acquire, equip, own, maintain, control and operate, a ferry, for railway cars, engines and trains, across the River St. Lawrence between any point within or near the municipality of the village of Morrisburg, in the county of Dundas, on the north side of the said river, and any point on the said river in the state of New York on the south side of the said river;

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

177 GG

An Act to incorporate The Mor
Ferry and Dock Company

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Second reading,

Tuesday, 1st March, 1910.

Honourable Mr.

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THE SENATE OF CANADA.

BILL HH.

An Act respecting The Calgary and Fernie Railway Company.

Preamble. 1906, c. 71. 1908, c. 89.

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:—

Extension of time for construction. 1908, c. 89.

1. The Calgary and Fernie Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made, or is not completed and put in operation, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Repeal of former time limit.

2. Chapter 89 of the statutes of 1908 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

168

HH

An Act respecting The Calgary and
Railway Company.

Received and read a first time,

Wednesday, 23rd February, 19

Second reading,

Friday, 25th February, 1910.

Honourable Mr. DeVe

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1910.

THE SENATE OF CANADA.

BILL II.

An Act to incorporate Ottawa and Montreal Transmission Company, Limited.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Cameron McPherson Edwards, John Burns Fraser, Russell Gordon Edwards, William Henry Alexander Fraser, Hiram Robinson, Henry Kelly Egan, Robert Lennox Blackburn and Russell Blackburn, all of the city of Ottawa in the province of Ontario, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "Ottawa and Montreal Transmission Company, Limited," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, and shall have all the powers which are conferred upon the directors by this Act and by Part II of *The Companies Act;* and, until otherwise ordered by by-law or resolution of the provisional directors, any five of them may call meetings of the provisional directors, which shall be held in the city of Ottawa at such place and time as they may determine, and the notice of any such meeting shall be signed by the provisional directors calling the same. Provisional directors. Powers. Meetings.

3. The capital stock of the Company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Capital. Shares.

4. The head office of the Company shall be at the city of Ottawa in the province of Ontario, or at such other place as may be fixed by by-law of the Company. Head office.

5. The provisional directors, or any five of them, may, on notice, call a first general meeting of the Company, to be held at a place, to be named in the said notice, in the said city of Ottawa at such time as they determine, for the purposes of— First general meeting.

(*a*) passing or ratifying the by-laws of the Company;

(*b*) electing directors;

(*c*) considering and determining upon any other business of the Company specified in the said notice calling such meeting.

Annual meeting.

6. The annual meeting of the Company shall be held on the second Wednesday of February, at the head office of the Company, or at such other date as is fixed by by-law of the Company.

Directors.

7. The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

Powers.

8. The Company may,—

Right of way along Ottawa River.

(*a*) acquire a right of way thirty feet in width, or of such greater or less width as for the purposes of the Company may be deemed necessary, along or in the vicinity of the northerly shore of the Ottawa River, in the province of Quebec, within or adjacent to each of the counties of Pontiac, Wright, Labelle, Argenteuil, Deux Montagnes, Laval, Jacques Cartier and Hochelaga, to or in the vicinity of Montreal, and with right to cross the Ottawa River to such place or places in Ontario as may be deemed necessary for the objects and purposes of the Company, as well as for branch lines;

Water power.

(*b*) acquire, own, develope, improve, maintain and operate water powers, use, supply and sell water power, for any purpose, by any means of application;

Electricity, etc.

(*c*) generate, by means of water power or otherwise, electricity, heat, light, pneumatic, hydraulic or other power, and any form of energy; and convey, lead or transmit the same by any means; and lease, acquire, use, sell or dispose of such power and energy, and accumulate, generate, transmit and distribute the same as may be deemed advantageous, and subject to the provisions of *The Electricity Inspection Act, 1907;*

1907, c. 14.

Works, etc., for developing and conveying power.

(*d*) construct, maintain and operate all necessary works, dams, wing dams, canals, in-takes, tail races, piers, booms, dykes, channels, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay mains, pipes, cables, wires, baskets or other conductors and connect them with similar lines, either along the lines of the Company's right of way, or at the Company's works or terminals within Canada;

Machinery.

(*e*) manufacture, buy, sell and deal in machinery, engines, hydraulic wheels, motors, electrical apparatus of all kinds and varieties, and supplies therefor;

Lands.

(*f*) Acquire such lands, easements, privileges, water, water rights and licenses as are necessary or advantageous for the purposes of its undertaking;

Other property.

(*g*) acquire, hold, lease and use, alienate and convey all other property, real or personal, that may be deemed useful in connection with any of the works or operations which the Company is authorized to carry on;

Shares in other companies.

(*h*) acquire, hold, deal with and dispose of shares in any other company, any of whose powers are within the scope of those of the Company.

Telegraph and telephone lines.

9. The Company may construct, maintain and operate telegraph and telephone lines in connection with and solely for the purposes of its own works.

Borrowing powers.

10. If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may, from time to time—

Authority.

(*a*) borrow money upon the credit of the Company;

(*b*) limit or increase the amount to be borrowed;

(*c*) issue bonds, debentures or other securities of the Company for sums not less than one hundred dollars each, and pledge, hypothecate or sell the same for such sums and at such prices as may be deemed expedient;

(*d*) hypothecate, mortgage or pledge the real or personal property of the Company or both, to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Company.

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.

Agreements with municipalities.

11. The Company may enter into and carry into effect any agreement with the council or corporation of any municipality for the supply of water power, pneumatic power, electricity, heat, light and other energy, for any purpose or purposes for which the same can be used by such municipality or by any inhabitant thereof, and upon such terms and conditions as may be agreed upon with the Company.

Consent of towns and cities.

12. The Company shall not enter within the limits of any town or city with any transmission line, nor sell nor distribute electrical or other power therein, without the consent of such municipality first obtained and expressed by by-law.

Power to acquire similar business.

13. The Company may purchase, or otherwise acquire, any business within the objects for which the Company is incorporated and any lands, property, privileges, rights, contracts and liabilities appertaining to such business; and may let or sublet any property of the Company; and may sell or otherwise dispose of the business, property or undertaking of the Company, or any part thereof, for such consideration as the Company may think fit, and in particular for shares, debentures or securities of any other Company having objects altogether or in part similar to those of the Company.

Lease.

Sale of company's business.

Consideration.

Right to cross Ottawa River.

14. The Company shall have the right, by such means as it may find most available and desirable, to cross the river Ottawa into the province of Ontario for the construction of its lines, ways and means, and for the supply, sale and transmission of any form of hydraulic, pneumatic or electrical power as supplied by the Company to any persons, companies or parties desirous of using the same.

Time of paid-up stock.

15. The directors of the Company may make and issue as paid up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for

right of way, plant or materials of any kind, and also for the services of contractors and engineers, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Application of R.S., c. 37 for certain purposes.

16. *The Railway Act* so far as it is applicable and not inconsistent with this Act, shall apply to the Company and to its undertaking, with respect to the acquisition of right of way and possession, the determination of compensation and damages, and the construction of telegraphs and telephones authorized by this Act.

Interpretation. "company."

2. Wherever in *The Railway Act* the word "company" occurs, it shall include the Company hereby incorporated.

"land."

3. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege, easement, possession or title required by the Company for constructing or operating the works authorized by this Act under, over or along any lands with or without the necessity of acquiring a title in free simple.

R.S., c. 79, S. 141 excluded.

17. Section 141 of *The Companies Act* shall not apply to the Company.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

178

II

An Act to incorporate Ottawa a
treal Transmission Company, Li

Received and read a first time,

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Second reading,

Tuesday, 1st March, 1910.

Honourable Mr. B

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THE SENATE OF CANADA.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

BILL JJ.

An Act for the relief of James Albert Green.

Preamble.

WHEREAS James Albert Green, of the township of Culross, in the province of Ontario, yeoman, has by his petition alleged, in effect, that on the twentieth day of September, A.D. 1893, at Greenock, in the county of Bruce, province of Ontario, he was lawfully married to Sarah Emilia Sillick, that she was then of the said township of Culross, a spinster; that his legal domicile was then and is now in Canada; that on or about the twenty-eighth day of May, A.D. 1908, she deserted him without cause, and has not since such desertion lived with nor had intercourse with him; that since such desertion she has lived in the neighbourhood of Rapid City, in the province of Manitoba, with one Ernest Whelpton as wife with husband, and was so living on the sixth day of November, A.D. 1909; that on or about the nineteenth day of April, A.D. 1909, she gave birth to a male child of which the said James Albert Green is not the father, that thereby she has committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition 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 James Albert Green and Sarah Emilia Sillick, 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 James Albert Green may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Sarah Emilia Sillick had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

153

JJ

An Act for the relief of James Alb
Green.

Received and read a first time,

Thursday, 24th February, 1910

Second reading,

Tuesday, 1st March, 1910.

Honourable Mr. Fr

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL KK.

An Act respecting The Montreal and Southern Counties Railway Company.

Preamble.

WHEREAS The Montreal and Southern Counties Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1897, c. 56; 1898, c. 78; 1902, c. 78; 1905, c. 129.

Extension of time for completion.

1. The Montreal and Southern Counties Railway Company may, within five years after the passing of this Act, complete and put in operation the line of railway which it was authorized to construct by chapter 56 of the statutes of 1897, as amended by chapter 78 of the statutes of 1898, chapter 78 of the statutes of 1902 and chapter 129 of the statutes of 1905; and if the said railway is not so completed and put in operation within the said period, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Former time limit repealed.

2. Section 3 of chapter 129 of the statutes of 1905 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAD

BILL

169

KK

An Act respecting the Montre
Southern Counties Railway Com

Received and read a first time,

Friday, 25th February, 1910.

Second reading,

Wednesday, 2nd March, 1910.

Honourable Mr. I

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL LL.

An Act for the relief of Alexander Augustus Barthelmes.

Preamble.

WHEREAS Alexander Augustus Barthelmes, of the city of Toronto, in the province of Ontario, manufacturer, has by his petition alleged, in effect, that on the twelfth day of October, A.D. 1894, at the said city of Toronto, he was lawfully married to Catherine Camille Doran; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in or about the month of September, A.D. 1908, she committed adultery with David Foster, of the said city, fruit dealer; that 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 Alexander Augustus Barthelmes and Catherine Camille Doran, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alexander Augustus Barthelmes may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Catherine Camille Doran had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANAI

BILL

162

LL

An Act for the relief of Alexander
Barthelmes.

Received and read a first time,

Friday, 25th February, 1910

Second reading,

Thursday, 3rd March, 1910.

Honourable Mr. DERBY

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL MM.

An Act for the relief of Cecilia Marie Pringle.

Preamble.

WHEREAS Cecilia Marie Pringle, presently residing at the city of Montreal, in the province of Quebec, wife of Robert Edmund Thomas Pringle, of the said city of Montreal, has by her petition alleged, in effect, that they were lawfully married on the 30th day of April, A.D. 1901, at the said city of Montreal, she then being Cecilia Marie Brennan, a spinster; that the legal domicile of the said Robert Edmund Thomas Pringle was then and is now in Canada; that at the said city of Montreal on several occasions during October, November and December, A.D. 1908, he committed adultery with Annie Elliot; that at divers times during the years A.D. 1908 and A.D. 1909, he frequented houses of ill fame in the said city and there committed adultery with various women, to wit, with Sybil Burns in February, A.D. 1909, with a woman whose name is unknown, in May, A.D. 1909, and with Catherine Gillmour in August, A.D. 1909; that she has not connived at nor condoned any of the said acts of adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her 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 Cecilia Marie Brennan and Robert Edmund Thomas Pringle, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Cecilia Marie Brennan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Edmund Thomas Pringle had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

157

MM

An Act for the relief of Cecilia Pringle.

Received and read a first time,

Friday, 25th February, 1910

Second reading,

Wednesday, 2nd March, 191(

Honourable Mr. Ma(

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL NN.

An Act for the relief of Ada Ann Reed.

Preamble.

WHEREAS Ada Ann Reed, presently residing at the city of Toronto, in the province of Ontario, wife of Josiah Langrish Reed, formerly of the said city of Toronto, has by her petition alleged, in effect, that they were lawfully married on the 5th day of May, A.D. 1889, at the Register Office for the district of Portsea Island, in the county of Hants, in the United Kingdom of Great Britain and Ireland; she then being Ada Ann Rossey, spinster; that the legal domicile of the said Josiah Langrish Reed was then in England, but is now in Canada; that at the town of Unalaska, in the district of Alaska, in the United States of America, on divers occasions during the period between the latter part of December, A.D. 1899 and April, A.D. 1901, he committed adultery with an Indian woman, the wife of an Indian chief known as Old Rufe; that she has not connived at nor condoned 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 Ada Ann Rossey and Josiah Langrish Reed, 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 Ada Ann Rossey may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Josiah Langrish Reed had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAI

BILL

158

NN

An Act for the relief of Ada Ann

Received and read a first time,

Friday, 25th February, 1910.

Second reading,

Wednesday, 2nd March, 1910.

Honourable Mr. J

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL OO.

An Act for the relief of Elmore Walker Scott.

Preamble.

WHEREAS Elmore Walker Scott of the city of Toronto, in the province of Ontario, telegraph operator, has by his petition alleged, in effect, that on the twenty-fifth day of July, A.D. 1907, at the said city of Toronto, he was lawfully married to Minnie Tanner; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto on or about the twenty-sixth day of October, A.D. 1909, she committed adultery with one Clifford Hait; that he has not connived at nor condoned the 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 the said petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elmore Walker Scott and Minnie Tanner, 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 Elmore Walker Scott may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Minnie Tanner had not been solemnized.

THE SENATE OF CANA

BILL

165 00

An Act for the relief of Elmore V
Scott.

Received and read a first time,

Tuesday, 1st March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. Y

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL PP.

An Act to incorporate The Catholic Episcopal Corporation of Timiskaming.

Preamble.

WHEREAS the Right Reverend Elie Anicet Latulipe, Bishop of Catenna and Vicar Apostolic of the Catholic Vicariate Apostolic of Timiskaming, which is situated partly in the province of Quebec, partly in the province of Ontario, and partly in the North West Territories, has by his petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. The Right Reverend Elie Anicet Latulipe, Vicar Apostolic of the said Catholic Vicariate Apostolic of Timiskaming, and his successors in the said office, are hereby constituted a corporation under the name of "The Catholic Episcopal Corporation of Timiskaming", hereinafter called "the Corporation", for the purposes of administering the property, business and other temporal affairs of the said Vicariate Apostolic.

Head office.

2. The head office of the Corporation shall be in the town of Haileybury, in the province of Ontario.

Power to make by-laws.

3. The Corporation may, from time to time, make by-laws, not contrary to law, for:—

(*a*) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(*b*) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;

(*c*) the appointment of an executive committee and of special committees, from time to time, for the management of any property, business or temporal affairs of the Corporation;

(*d*) the calling of meetings, regular or special, of the executive committee and of such special committees;

(*e*) the fixing of the necessary quorum and procedure in all things at such meetings;

(*f*) generally, for the carrying out of the objects and purposes of the Corporation.

Power to acquire and hold real property.

4. The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest

therein whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the ecclesiastical, eleemosynary and educational uses and purposes of the Catholic Church within the said Vicariate, or to, for, or in favour of the uses and purposes of any parish, mission, institution, college, school or hospital, connected with, or intended to be connected with, the Catholic Church in the said Vicariate:

Limitation as to value.

2. The annual value of the real property held by or in trust for the Corporation in any province of Canada shall not exceed fifty thousand dollars.

Holding of real property by way of security.

3. The Corporation may also hold such real property or estate there n as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgements recovered.

Obligation to dispose of lands.

5. No parcel of land or interest therein, at any time acquired by the Corporation and not required for its actual use and occupation, and not held by way of security, shall be held by the Corporation or any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold or disposed of, so that the Corporation shall no longer retain any estate or interest therein, except by way of security.

Limit as to time.

Forfeiture to Crown.

2. Any such parcel of land, or any estate or interest therein, not within the exceptions hereinbefore mentioned, which has been held by the Corporation for a longer period than ten years without being disposed of, shall be forfeited to His Majesty for the use of Canada; but such forfeiture shall not take effect nor be enforced until the expiration of at least six calendar months after notice in writing from the Minister of Finance to the Corporation of the intention of His Majesty to claim such forfeiture.

Notice.

Statement.

3. The Corporation shall give the Minister of Finance when required a full and correct statement of all lands at the date of such statement held by the Corporation, or in trust for it, and subject to the provisions of this section.

Investment in and disposal of real property.

6. Subject always to the terms of any trust relating thereto, the Corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by the way of investment for the uses and purposes aforesaid or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Borrowing powers.

7. The Corporation may, from time to time, for the purposes of the Corporation:—

(*a*) borrow money upon the credit of the Corporation;

(*b*) make, draw, accept, endorse or become party to promissory notes and bills of exchange; but it shall not be necessary to have the seal of the Corporation affixed to any such note or bill.

(*c*) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

Application of Dominion and Provincial mortmain laws.

8. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Authority for transfer of property held in trust.

9. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of deeds.

10. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purpose or his lawful attorney.

Exercise of powers in case of incapacity of Vicar Apostolic.

11. In case the Vicar Apostolic for the time being of the said Vicariate is, by reason of absence, illness, infirmity, or any other cause, incapable to perform the duties of the Corporation, then his coadjutor or any other person lawfully appointed to perform his duties as Vicar Apostolic, shall, during such absence, illness, infirmity or incapability, have the powers by this Act conferred upon the Corporation.

2nd Session, 11th Parliament, 9-10 Edw.

THE SENATE OF CAN.

BILL

170

PP

An Act to incorporate The C
Episcopal Corporation of Timis

Received and read a first time,

Wednesday, 2nd March, 191

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. Lou

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL QQ.

An Act to incorporate Insurance Company of Canada.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. John Boyd, manager, James O'Connor, accountant, George Henry Hanna, jr., manager, John King, manager, and Edwin George Belfield, gentleman, all of the city of Montreal, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "Insurance Company of Canada," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon; and they shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company and may withdraw the same for the purposes of the Company only; and they may do generally what is necessary to organize the Company. Provisional directors. Powers.

3. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each. Capital stock.

2. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent and not less than thirty days' notice of any call shall be given. Payment for shares.

4. The head office of the Company shall be in the city of Montreal in the province of Quebec. Head office.

2. The directors may establish local advisory boards or agencies either in Canada or elsewhere in such manner as they deem expedient. Agencies.

5. As soon as two hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that First meeting of shareholders.

amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than eight nor more than twenty-four directors, of whom a majority shall be a quorum.

Election of directors.

Qualification.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock and has paid all calls due thereon and all liabilities incurred by him to the Company.

Annual meeting.

6. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and the commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted.

Special meetings.

2. Special general meetings may at any time be called by any five of the directors, and the directors, on requisition of any twenty-five shareholders, shall call a special general meeting and in either case the object of such meeting shall be specified in the notice calling the meeting.

Notice of meeting.

3. Notice of each such meeting shall be sufficiently given by a printed or written notice to each of the shareholders mailed at least ten days before the day for which the meeting has been called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Business which may be carried on.

7. The Company may carry on, in addition to ocean marine insurance, such and so many of the classes, branches or kinds of insurance mentioned in section 8 of this Act as are from time to time covered by the license issued to the Company pursuant to the statutes respecting insurance.

Kinds of insurance.

8. The classes, branches or kinds of insurance referred to in section 7 of this Act are the following, namely:—

Authorized business.

(*a*) insurance, throughout Canada and elsewhere, with any person against loss or damage by fire, or lightning, in or to any house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations and with such modifications, restrictions and conditions not contrary to law as are agreed upon between the Company and the insured; and, generally, the business of fire insurance in all its branches and forms;

Fire insurance.

Ocean marine.

(*b*) ocean marine insurance;

Inland marine.

(*c*) inland marine insurance;

Property in transit, otherwise than by water.

(*d*) 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;

Accident including sickness.

(*e*) insurance against any accident or casualty of whatever nature or from whatever cause arising to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or in case of death from any accident or

casualty, not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon;

(*f*) the making of contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualities of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses; Employers liability.

(*g*) the making of contracts,—

(i) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence and the due performance and discharge by such persons of all or any or the duties and obligations imposed upon them by contract or otherwise; Guarantee. Persons filling situations of trust.

(ii) guaranteeing the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents, of their respective duties and obligations; Receivers, liquidators, executors, agents, etc.

(iii) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person;— Default of co-trustees, co-agents, etc.

(*h*) insurance against loss or damage to plate or other glass; Glass.

(*i*) insurance against loss or damage to property or persons from explosion, collapse, rupture and other accidents to stationary, marine and locomotive boilers, gas or gasoline plants or boilers, and to any boilers, engines or plants including sprinkler systems and the pipes, engines, motors and machinery, gas, gasoline or oil engines or machinery connected therewith and operated thereby, or to the house, store or other building, or vessel, steamer, boat or other craft in which the same are placed or to which they are attached, or to any goods, wares, merchandise, cargo or other property of any description stored or conveyed therein; and the Company, as regards such steam boiler insurance, may inspect and make certificates of inspection of boilers, pipes, engines, motors and machinery; such certificates shall bind only the parties to the contract, and shall not be used as a public notification of inspection, nor shall any such certificate relieve the owner from any obligation imposed by any inspection Act, whether of Canada or any province of Canada. Damage or loss to persons or property from explosions or accidents by boilers, pipes or machinery. Inspection and certificates.

(*j*) insurance against loss or damage by burglary, theft, or house-breaking; Burglary insurance.

(*k*) insurance against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water-pipes, or plumbing and its fixtures; Sprinkler leakage insurance.

(*l*) insurance against accidental bodily injury or death to its driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insurance against loss or damage to an automobile by accident, burglary or theft. Automobile insurance.

Re-insurance.

9. The Company may cause itself to be re-insured against any risk it may have undertaken, and may re-insure any other person or company against any risk which such person or company may have undertaken.

When fire insurance business may commence.

10. The Company shall not commence the business of fire insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

Other classes of insurance.

2. The Company shall not commence the business of the other classes of insurance mentioned, except that of ocean marine insurance, until its subscribed and paid up capital have been respectively increased to such sums as may be fixed by the Treasury Board upon the report of the Superintendent of Insurance.

No payment or subscription reckoned if less than ten per cent paid or subscribed in cash.

3. The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums required to be paid into the funds of the Company under the provisions of subsections 1 and 2 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided by this Act.

Additional payment on capital after issue of license.

11. Within five years after the issue of a license to the Company under *The Insurance Act* a further sum of seventy-five thousand dollars shall be paid in cash upon the capital stock of the Company, in addition to the sums required to be paid under section 10 of this Act, and not less than fifteen thousand dollars of such sum shall be paid annually until the whole sum is paid.

Real property which may be held.

12. The Company may acquire, hold and dispose of any real property, in Canada or elsewhere, required wholly or in part for the use or benefit of the Company; but the annual value of such property held in any province in Canada shall not

Annual value.

exceed five thousand dollars, except in the province of Quebec where it shall not exceed ten thousand dollars.

Investment in foreign securities.

13. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Acquisition of business of others.

14. The Company may purchase and take over or otherwise acquire the whole or any part of the business, property and liabilities of any company or individual carrying on any business which the Company is authorized to carry on,

Application of R.S., c. 79.

15. Notwithstanding anything in *The Companies Act*, Part II thereof, except sections 125, 134, 135, 141, 157, 159, 165 and 168 thereof, shall apply to the Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

R.S., c. 34.

16. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.

Application of Insurance Act.

R.S. c. 34.

Conflicting provisions.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA.

BILL

176 QQ

An Act to incorporate Insurance Con
of Canada.

Received and read a first time,

Wednesday, 2nd March, 1910.

Second reading,

Friday, 4th March, 1910.

Honourable Mr. CASGRA

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL RR.

An Act respecting the Dominion Bank.

Preamble.

WHEREAS The Dominion Bank has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1869, c. 60.

Capital stock re-divided into $100 shares.

1. The capital stock of The Dominion Bank, which is now divided into shares of fifty dollars each, shall be re-divided into shares of one hundred dollars each; and each present shareholder shall be entitled to have allotted to him one share of one hundred dollars for every two shares of fifty dollars each which he now holds, or to which he is entitled, in the capital stock of the said bank; but in the case of any person holding only one share of fifty dollars, or an odd number of shares of fifty dollars each, the said Bank shall pay to every such holder the full market value in cash of such single share or of the odd share, as the case may be, and this payment shall operate as an extinguishment of the right of such holder to such single or odd share.

1869, c. 60, s. 2 amended.

Treatment of odd number of shares.

Sale of surplus shares.

2. The shares of one hundred dollars each which thus remain after allotting to each shareholder one share of one hundred dollars for every two shares of fifty dollars each held by him, may be offered by the said Bank to the public for subscription.

Issue of new certificates.

3. In order to carry into effect the provisions of this Act, the directors may call in the present certificates of stock and issue new certificates to the shareholders in the place thereof.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

171

RR

An Act respecting The Dominio

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Second reading,

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Honourable Mr.

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THE SENATE OF CANADA.

BILL SS.

An Act to incorporate The Federation of Chambers of Commerce of the Province of Quebec.

Preamble.

WHEREAS an association consisting of delegates representing certain commercial organizations in the province of Quebec, comprising La Chambre de Commerce du District de Montréal, The Quebec Board of Trade, The Board of Trade of Three Rivers, and others, met on the fourteenth and fifteenth days of April, 1909, in the city of Montreal, for the purpose of constituting a federation of Chambers of Commerce of the province of Quebec, and there and then adopted a constitution to the end of increasing the efficiency and utility of the different Chambers of Commerce and other incorporated associations established in the province of Quebec for commercial purposes of general interest, and to insure unity of action as regards trade usages, customs-duties and laws, and for other purposes relating to these objects; and whereas the said federation has elected as its officers for the current year the following persons, to wit: Messieurs Isaie Préfontaine, delegate from La Chambre de Commerce du District de Montréal, president; Phillipe Paradis, delegate from The Quebec Board of Trade, first vice-president; Ph. Lassonde, delegate from The Board of Trade of Three Rivers, second vice-president; Joseph Huette, delegate from The St. Hyacinthe Board of Trade, J. E. A. Dubuc, delegate from The Saguenay Board of Trade, Nap. Garceau, delegate from The Board of Trade of the county of Drummond, Dr. C. A. Dubé, delegate from The Ville-Marie Board of Trade, directors, and F. Bourbonniére, secretary-treasurer; and whereas the said persons have by their petition prayed that it may be enacted as hereinafter set forth: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

Objects.

1. The delegates to the existing Federation of Chambers of Commerce of the province of Quebec, according to the constitution of the said Federation as set forth in the schedule to this Act, together with all persons who hereafter become such delegates, according to the said constitution, as from time to time amended in accordance with this Act, are hereby constituted a corporation under the name of "The Federation of Chambers of Commerce of the Province of Quebec", hereinafter called "the Federation", for the purposes and objects set forth in the said constitution.

Constitution and government.

2. The Federation shall be governed as provided by the said constitution, but the said constitution may, from time to time, be amended by the Federation in any manner not inconsistent with the provisions of this Act or otherwise contrary to law.

By-laws.

3. The Federation may from time to time make by-laws for—

(*a*) the administration, management and control of the property, affairs and business of the Federation;

(*b*) the appointment, functions, duties and election of all officers, agents and servants of the Federation;

(*c*) the appointment of committees and their duties.

(*d*) the calling of meetings, regular and special, of the Federation or committees;

(*e*) the fixing of the necessary quorum and procedure in all things at such meetings;

(*f*) generally for the carrying out of the objects and purposes of the Federation.

Head office.

4. The head office of the Federation shall be in the city of Montreal.

Holding of property.

5. Subject to provincial laws, the Federation may acquire and hold by gift, purchase or lease, such real and personal property, not exceeding in the aggregate of both the value of one hundred thousand dollars, as is required for its actual use and occupation, or to carry out its objects, and may sell, lease or otherwise dispose thereof for such objects.

Evidence of constitution and changes therein.

6. Within six months from the passing of this Act the Secretary of the Federation shall enter and shall certify under his signature, in a register to be kept for that purpose, the constitution and existing regulations of the Federation, and thereafter shall enter and shall certify therein all regulations, or changes in the constitution which may take place; and a certified copy thereof, or of any amendment, change, revocation, or addition, so entered in the said register under the signature of the Secretary and the seal of the Corporation, shall in all matters within the legislative authority of the Parliament of Canada, be *prima facie* evidence of the tenour thereof in all courts of law and equity in Canada.

SCHEDULE.

Constitution of the Federation of Chambers of Commerce of the Province of Quebec.

PREAMBLE.

In order to promote the efficiency of the various Chambers of Commerce and other public bodies organized in this province for commercial purposes, and in order to insure unity and harmony of action upon measures of common interest, the present association is, this fifteenth day of April, one thousand nine hundred and nine, formed by the delegates to those chambers united in

assembly upon the invitation of the Chamber of Commerce of the district of Montreal, dated 14th March last.

1. This association shall bear the name of The Federation of Chambers of Commerce of the province of Quebec.

2. (*a*) Each local Chamber of Commerce of the province of Quebec, or other public body duly incorporated for commercial purposes of general interest, may form part of this association upon the vote of two-thirds of the delegates present at any meeting of the Federation, and it shall receive the following representation: Each participating association shall have the right to two delegates, whatever may be the number of its members, up to three hundred members, and, in addition, to one delegate for each three hundred or part of three hundred additional members.

(*b*) The delegates shall be chosen by the local organization for the term of one year at least. At each meeting of the Federation they shall present their letters of appointment as delegates under the seal and signature of the secretary of their respective body; these orders shall certify the number of members of the body which they are charged to represent.

VOTING.

3. Each delegate shall have the right to one vote, but shall not be able to exercise it by attorney. Upon demand of two delegates any vote may be demanded under secret ballot.

ADMINISTRATION.

4. (*a*) The administration of the affairs of the Federation shall be entrusted to an Executive, composed of a President, two Vice-Presidents, a Secretary-Treasurer (or a Secretary and a Treasurer), and, in addition, of four Directors, who shall fulfil that duty until they are replaced. Their election shall be the last item on the order of the day at each yearly meeting.

(*b*) The principal office of the Federation shall be fixed at Montreal.

(*c*) The special meetings of the Executive shall be held, either on demand of the President, or on requisition by two members of the Executive, at the place to be fixed by the President, upon eight days notice to be given by the Secretary, and the quorum of these meetings shall be three members.

(*d*) In case of dismissal, resignation, or decease of any member of the Executive he shall be replaced for the balance of the term, as soon as possible, by the other members of the Executive.

FUNCTIONS OF THE EXECUTIVE.

5. It shall be the duty of the Executive Council:—

(1.) To provide for the keeping of a record of the deliberations of the Federation and its sittings.

(2.) To submit at each annual meeting a report of the work of the Federation, and of its resolutions and official transactions, as well as a statement of unfinished matters, and a programme of new matters which may require attention.

(3.) To submit a statement of the finances of the Federation at the annual meetings and, upon demand, at other meetings.

(4.) To assess upon each affiliated body its share of contribution for the expenses of the Federation, in proportion to the number of its members officially declared to the Federation.

5. (*a*) To make such recommendations and suggestions as it shall deem opportune and necessary in the interests of the Federation.

(*b*) The Treasurer, or the Secretary-Treasurer, shall have the care of the accounts and the funds of the Federation; he shall deposit moneys received in a bank to be chosen by the Executive, and cheques drawn upon these deposits shall be signed by the President and countersigned by the Treasurer or Secretary-Treasurer.

(*c*) The Secretary shall have the care of all the documents, registers, books and correspondence of the Federation.

MEETINGS.

6. (*a*) The annual general meeting of the Federation of Chambers of Commerce of the province of Quebec shall take place on the third Wednesday in May in each year or on such other day as the President or the Executive Council may determine, and at such place as has been chosen at the previous annual meeting by a vote of the majority of the delegates present.

(*b*) Special meetings of the Federation shall be convoked upon the decision of the Executive Council, or upon demand in writing by five delegates, at such place as the Executive Council may designate.

(*c*) The presence of one third of the delegates from the affiliated bodies shall constitute a quorum.

(*d*) Summons of the annual meeting or of a special meeting shall be made by the Secretary on each of the affiliated bodies by a notice of at least fifteen days before the date of the meeting, and such notice must, for the annual meeting in so far as is possible, indicate the object of the meeting and the questions to be submitted.

7. Without the consent of the majority of the delegates present at a meeting, a question, other than those of order or of privilege, may be submitted by the affiliated bodies only on condition that it has previously been put in writing in the hands of the Secretary at least twenty-four hours before the annual or special meeting at which it is to be taken into consideration.

WITHDRAWAL.

8. Every affiliated body may withdraw from the Federation by making a special demand therefor to that effect at an annual meeting and upon full payment of all that it may owe the Federation.

9. The present constitution may be amended at an annual meeting upon a vote of two-thirds of the delegates present, upon condition that notice of the proposed amendment has been

transmitted to the Secretary by one of the affiliated bodies at least fifteen days before it is to be taken into consideration and has been brought to the notice of the various affiliated bodies at least ten days before that meeting.

10. The meeting of delegates convoked by the circular of the Chamber of Commerce of the District of Montreal, dated 14th March last, shall be considered as the first meeting of the Federation of Chambers of Commerce of the Province of Quebec, and is by these presents recognized as having been authorized to choose officers, who shall continue their functions until the election of their successors, and who may adopt all measures ordered by that meeting in the same manner as if the convocation thereof and all the other proceedings then adopted had been made in the manner decreed by the present constitution.

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAD

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An Act to incorporate The Feder
Chambers of Commerce of the P
of Quebec.

Received and read a first time,

Thursday, 3rd March, 1910.

Honourable Mr. CL

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL TT.

An Act to incorporate The Gatineau and Ungava Railway Company.

Preamble. WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. **1.** Arthur T. Genest, of the city of Ottawa, civil engineer; Rodrick B. Masson, of the town of Terrebonne, gentleman; S. Tanner Green, of the city of Quebec, gentleman; Emmanuel B. Devlin, of the city of Ottawa, barrister, and Fred Wm. Rous, of the city of Montreal, secretary, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Gatineau and Ungava Railway Company," hereinafter called "the Company."

Provisional directors. **2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock. **3.** The capital stock of the Company shall be two million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Head office. **4.** The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Annual meeting. **5.** The annual meeting of the shareholders shall be held on the first Tuesday in November.

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 guage of four feet eight and one-half inches:—

(*a*) from a point on the National Transcontinental Railway, at the head of the Gatineau River, north-west branch, in the province of Quebec, North-easterly, following, adjoining to, or in the vicinity of the "Height of Land" to Lake Chibaugamau, a distance of about one hundred and forty miles; thence to the east side of Lake Mistassini, a further distance of sixty miles; thence to the northern boundary of the province of Quebec or border of Ungava, at Homani or Summit Lake, a distance from the starting point of about four hundred and fifty miles; thence,

turning round the sources of Big River to Lake Kaniapiskau, near the intersection of the seventieth meridian and the fifty-fourth parallel of latitude; thence, north-westerly, crossing the source of Stillwater River, to a point on Lake Minto or Leaf River, or in a generally northern direction to a point on Koksoak River, and from either point, north-easterly, to Leaf Lake on Ungava Bay,—a total distance of about nine hundred miles;

(*b*) a line from Lake Minto, for a distance, approximately, of two hundred miles, to Payne Lake.

Special powers.

Vessels.

8. The Company may, for the purposes of its undertaking, construct and maintain canals, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Transmission and delivery of power and electricity.

R.S., c. 37.

9. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric and other power or energy, and transmit and deliver the same to any place in the district through which the railway is authorized to be built, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Consent of municipality owning electric plant.

10. The Company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any municipality which owns and operates its own electric lighting or power plant, without the consent, expressed by by-law, of the council of such municipality.

Special powers.

Timber and minerals, etc.

Patent rights.

Branch railways.

Traffic arrangements.

Acquisition of other companies' rights.

Sale to other companies.

11. The Company may—

(*a*) acquire timber and mineral lands, lumbering and mining rights, and develope, operate and turn to account the same;

(*b*) acquire patent rights and franchises for the purposes of the new work hereby authorized and dispose of the same;

(*c*) build and construct branch railways and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor in as full and ample a manner as for the railway;

(*d*) connect with, and make traffic or other arrangements with railway or other companies;

(*e*) purchase, take over, lease or otherwise acquire the property, rights and franchises of any other company or companies;

(*f*) lease or sell to any other company or companies the property, rights and franchises of the Company.

Consent of municipalities required for telegraph and

12. Nothing in this Act or in *The Telegraphs Act* shall authorize the Companyto construct or operate any telegraph or telephone lines, or any other lines for the purpose of dis-

tributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality. telephone lines upon highways, etc. R.S. c. 126.

13. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

14. In addition to the securities authorized by section 13 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the acquisition or construction of any of such vessels or such works, other than the railway, as the Company is authorized to acquire, construct or operate; but such bonds, debentures perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels or works in respect of which they are issued. Issue of securities for other purposes than railway.

15. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Commissioners of the National Transcontinental Railway, The Grand Trunk Pacific Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, and The Canadian Northern Quebec Railway Company, or with any of them. Agreements with other companies. R.S. c. 37.

2nd Session, 11th Parliament, 9-10 Edw. VII., 19

THE SENATE OF CANADA.

BILL

190 TT

An Act to incorporate The Gatineau Ungava Railway Company.

Received and read a first time,

Wednesday, 3rd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. CLORA

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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE HOUSE OF COMMONS OF CANADA.

BILL UU.

An Act respecting The Essex Terminal Railway Company.

Preamble.

WHEREAS The Essex Terminal Railway Company, hereinafter called "the Company," has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1902, c. 62.
1904, c. 76.
1906, c. 93.

1902, c. 62, new s. 4.

1. Section 4 of the Act incorporating the Company, chapter 62 of the Statutes of 1902, is hereby repealed, and the following is substituted therefor:—

Capital stock increased.

"**4.** The capital stock of the Company shall be four hundred thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed".

1902, c. 62, new s. 6.

2. Section 6 of the said Act is hereby repealed, and the following is substituted therefor:—

Annual meeting.

"**6.** The annual meeting of the shareholders shall be held on the third Tuesday in January, in each year".

1902, c. 62, new s. 9.

3. Section 9 of the said Act is hereby repealed, and the following is substituted therefor:—

Issue of securities.

"**9.** The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile of single track of the railway and branches, with an additional amount of ten thousand dollars per mile of double track, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed".

Special powers.

4. The Company may, for the purposes of its undertaking and in connection with its railway,—

Vessels.

(*a*) construct, acquire, charter, operate and dispose of steam and other vessels, and may enter into agreements with owners of vessels, boats and ferries for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected therewith;

Warehousing.

(*b*) carry on the business of forwarding agents, wharfingers and warehousemen.

Extension of time for completion of railway.

5. The Company may complete its railway and put it in operation within five years after the passing of this Act, and if the said railway is not completed and put in operation within the said period, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Repeal of former time limit.

6. Section 2 of chapter 93 of the Statutes of 1906 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

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An Act respecting The Essex T
Railway Company.

Received and read a first time,

Thursday, 3rd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. Ross,
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL VV.

An Act respecting The Dominion Atlantic Railway Company.

Preamble.
1895, c. 47.
1895, c. 69.
1898, c. 8.
1900, c. 59.
1905, c. 85.
1908, c. 101.

WHEREAS, the Dominion Atlantic Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction of North Mountain Division.
1908, c. 101, s. 1.

1. The Dominion Atlantic Railway Company may commence the construction of the line of railway authorized by section 1 of chapter 101 of the statutes of 1908, within two years after the passing of this Act, and may complete the said line of railway and put the same in operation, within five years after the passing of this Act; and if, within the said periods respectively, the said line of railway is not so commenced or is not so completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Former time limit repealed.

2. Section 2 of chapter 101 of the statutes of 1908 is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANAD

BILL

172 VV

An Act respecting The Dominion A
Railway Company.

Received and read a first time,

Thursday, 3rd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. Po

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL WW.

An Act for the relief of Helena Mellor Fleming.

Preamble.

WHEREAS Helena Mellor Fleming, presently residing at the city of Moosejaw, in the province of Saskatchewan, wife of Herbert Victor Fleming, formerly of the city of Winnipeg, in the province of Manitoba, has by her petition alleged, in effect, that they were lawfully married on the 27th day of November, A.D., 1897, at the city of Winnipeg, she then being Helena Mellor Webb, spinster; that in A.D. 1899 he deserted her and their infant child born to them; that at Lake Forest, in the state of Illinois, one of the United States of America, on or about the eighteenth day of September, A.D. 1902, he went through the form of marriage with Mary Louisa Regan, with whom he has since then lived as man with wife, and with whom he was so living at the city of Chicago, in the said state of Illinois, on the thirteenth day of October, A.D. 1909; that he has thereby 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 Helena Mellor Webb and Herbert Victor Fleming, 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 Helena Mellor Webb may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Victor Fleming had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

179

WW

An Act for the relief of Helena Me Fleming.

Received and read a first time,

Wednesday, 9th March, 1910.

Second reading,

Friday, 11th March, 1910.

Honourable Mr. DAV

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL XX.

An Act to incorporate The Pioneers' Loan 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. Hugh Robert Cameron, manager; Alexander Cumming Fraser, merchant; William Gray Weatherston, banker; Benjamin D'Arcy Wallace, gentleman; George Robson Coldwell, barrister-at-law; Ernest Lisle Christie, merchant; John E. Smith, farmer; and Henry Lamont Adolph, barrister-at-law; all of the city of Brandon, in the province of Manitoba, together with such other persons as may hereafter become shareholders in the Company, are hereby incorporated under the name of "The Pioneers' Loan Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act, together with such persons not exceeding nine as they may associate with them, shall be the provisional directors of the Company, five of whom shall constitute a quorum; and they may forth with open stock books, procure applications for shares of the Company; make allotments in pursuance of the same; and make calls upon shares alloted and receive payments thereon upon such terms as they may deem proper; and shall deposit in a chartered bank in Canada all moneys received by them on account of the shares so subscribed for, or otherwise received by them on account of the Company; and may withdraw the same for the proper purposes of the Company, including preliminary expenses; and they may also exercise such of the powers of the directors as may be necessary, and do anything whatever that may be necessary or proper to complete the organization of the Company: Provided that no greater commission shall be paid upon the sale of the shares of the Company than ten per cent upon the par value thereof.

Powers.

Capital stock.

3. The capital stock of the Company shall be five million dollars, divided into fifty thousand shares of one hundred dollars each.

Head office.

4. The head office of the Company shall be in the city of Brandon, in the province of Manitoba, or such other place in

Branches.

Canada as the directors may from time to time determine by by-law: Provided, however, that the Company may by resolution of the directors establish branch offices and places of business at other points in Canada or elsewhere.

First general meeting.

5. As soon as one hundred thousand dollars of the capital stock of the Company have been subscribed, and a sum of not less than fifty thousand dollars has been paid into the treasury of the Company and deposited in some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Brandon, at which meeting the shareholders shall elect not less than nine nor more than fifteen directors, who shall hold office until their successors are duly appointed, and upon the election of such directors the functions of the provisional directors shall cease.

Election of directors.

Qualification of directors.

2. No person shall be qualified to act as a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls thereon.

Number of directors.

3. The number of the directors may be changed from time to time by vote of the shareholders at any general meeting of the Company: Provided, that the Company shall not have at any time more than twenty directors.

Notice of general meeting.

4. Two weeks' notice of such meeting of shareholders shall be given by advertisement in any newspaper published in the place of the head office, and by circular to each shareholder posted and registered at the Brandon post office, and addressed to the last known address of such shareholder: Provided, that if all the of shareholders of the Company are present in person or represented by proxy, the meeting may be held at any time and at any place without notice.

Certificate requisite for doing business.

6. The Company shall not borrow nor lend money, nor otherwise carry on its business, until it has obtained from the Minister of Finance a certificate permitting it to do so; and no application for such certificate shall be made, and no certificate shall be given until the board of directors has been elected as required by this Act, nor until it has been shown to the satisfaction of the Minister of Finance that the provisions of section five of this Act in that behalf have been complied with.

Limit of time.

2. No such certificate shall be given unless application therefor be duly made within two years from the date upon which this Act shall come into effect.

Powers for lending money.

7. The Company may carry on the business of lending money on the security of, or purchasing or investing in—

(*a*) the debentures, bonds, fully paid-up stock and other securities of any government or of any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by Canada or any province of Canada, or any former province now forming part of Canada, but not including bills of exchange or promissory notes: Provided, that the Company shall not invest in or lend money upon the security of the stocks of any other loan company, except as hereinafter authorized.

(*b*) mortgages, hypothecs or agreements of sale upon or in respect of freehold or leasehold land or other immoveables.

Personal security as collateral.

2. The Company may take personal security as collateral for any advance made or to be made or contracted to be made by or for any debt due to the Company.

Powers as agency association.

8. The Company may act as an agency association and on behalf of any person or persons who entrust it with money for that purpose, and may, either in the name of the Company or of such others, lend and advance money to any municipal or other authority, or any board or body of trustees or commissioners, upon such securities as are mentioned in the next preceding section, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same.

Enforcement of agreements.

2. The conditions and terms of such loans and advances and of such purchases and re-sales may be enforced by the Company for its benefit, and for the benefit of the person or corporation for whom such money has been lent and advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

Guarantee of moneys.

3. The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment.

Employment of capital.

4. The Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to, and exercise all acts whatsoever which in the opinion of the directors are requisite or expedient to be done in regard thereto.

Money guaranteed deemed to be borrowed.

5. All moneys of which the repayment of the principal or payment of interest is guaranteed by the Company, shall, for the purposes of this Act, be deemed to be borrowed by the Company.

Liquidation of other companies.

9. The Company may liquidate and carry on for the purposes of such liquidation the business of any other company or companies carrying on any business which the Company is authorized to carry on, upon such terms as may be agreed upon.

Loans upon company's stock.

10. The Company may, subject to any limitation or prohibition imposed by its by-laws, lend upon its own paid-up stock to an amount not exceeding in the aggregate of all such loans ten per cent of the Company's paid-up stock, but no such loan shall exceed eighty per cent of the then current market value of such stock.

Borrowing powers.

Deposits.

Issue of debentures.

11. The Company may borrow money and receive money on deposit, and upon such terms as to interest, security, time of payment or otherwise as may be agreed upon, and may issue its bonds, debentures and other securities for moneys borrowed:

Limitation of deposits.

Provided that the amount held on deposit shall not at any time exceed the aggregate amount of the then actually paid up unimpaired capital, and of the cash actually in hand or deposited in any chartered bank in Canada or elsewhere belonging to the Company.

Certificate.

2. The Company shall not exercise the powers conferred in this section until it has obtained from the Minister of Finance a certificate permitting it to do so; and no application for such certificate may be made and no such certificate shall be given until the Company has established to the satisfaction of the Minister of Finance that at least three hundred thousand dollars of its capital stock has been subscribed, and at least one hundred thousand dollars has been paid thereon.

Increase of capital.

12. The directors may, at any time after the whole of the capital stock of the Company has been subscribed, and fifty per cent paid thereon, but no sooner, from time to time by by-law provide for the increase of the capital stock of the Company to any amount which they consider requisite, and such additional capital stock may be pooled or otherwse disposed of upon such terms as the directors may deem proper.

Decrease of capital.

13. The directors may from time to time by by-law provide for the decrease of the capital stock of the Company to any amount which they consider sufficient.

Contents of by-law.

2. Such by-law shall declare the number of shares of stock so decreased and the allotment thereof, or the rules by which the same is to be made.

Liability to creditors.

3. The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the Company, shall remain as though the stock had not been decreased.

By-laws affecting capital to be sanctioned.

14. No by-law for increasing or decreasing the capital stock of the Company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering such by-law, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the Company represented at such meeting, nor unless such by-law has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.

Certificate of Minister of Finance.

Requisites for certificate.

15. Upon the application of the Minister of Finance for a certificate confirming such a by-law, the Company shall satisfy him of the *bona fide* character of the increase or decrease of capital thereby provided for; and, unless it appears that the granting of such certificate would not be in the public interest, the Minister, with the approval of the Treasury Board, may grant the same: Provided that, with the consent of the directors, the amount of such increase or decrease of capital may, by the said certificate, be changed, and the increase or decrease be made subject to such conditions as the Treasury Board think proper.

Proviso.

Issue of debenture stock.

16. The directors may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms as to redemption or payment thereof, and otherwise, and bearing such rate of interest as the directors may from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debt of the Company, and such debenture stock shall, subject to the terms and provisions of any trust deed made for the purpose of securing such issue, rank equally with the ordinary debenture and deposit debt of the Company, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the Company, save as aforesaid.

Registration of debenture stock.

17. The debenture stock aforesaid shall be entered by the Company in a register to be kept for that purpose in the head or other registered office of the Company in Canada or elsewhere, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable time to every debenture holder, mortgagee, bondholder, debenture-stockholder, and shareholder of the Company, without the payment of any fee or charge. Such stock shall be transferable in such amounts and in such manner as the directors may determine.

Exchange of debentures for debenture stock.

18. The holders of the ordinary debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Concellation of debenture stock.

19. The directors having issued debenture stock may, from time to time as they think fit and for the interest of the Company, buy up and cancel the debenture stock or any portion thereof; and the directors may, at any time, with the consent of those holding not less than two-thirds in value of the debenture stock of any company whose assets and business may at any time be acquired by the Company, cancel the debenture stock of such company, and give in lieu thereof to the respective holders thereof debenture stock of the Company.

Debeuture stock of other companies.

Business outside Canada.

20. The Company may, in general meeting of its shareholders duly called for the purpose, pass a by-law authorizing its directors to extend the business of the Company outside of Canada, and the directors may give effect to such by-law without being liable or responsible for any breach of trust in so doing.

Buildings for foreign agencies.

2. If, as provided in the next preceding subsection, the Company carries on business outside of Canada, the Company may, in general meeting of the shareholders duly called for the purpose, pass a by-law authorizing the directors to invest the money of the Company in the erection or purchase of buildings required for the occupation of the Company in any place where the Company is so carrying on business.

Business of foreign agencies.

21. The Company may have agencies in any places in Great Britain or elsewhere, for the registration and transfer of debentures, debenture stock or shares, and for the transmission of any other business of the Company.

Power to acquire business, etc., of other companies, etc.

22. The Company may purchase the entire assets and acquire and undertake the whole or any part of the business, property and liabilities and the name and good-will of any individual, firm, company or companies, carrying on any business which the Company is authorized to carry on, or possessed of property suitable for the purposes of the Company, and may pay therefor in cash or in stock either fully paid up or partly paid up, or partly in cash and partly in stock, either fully paid up or partly paid up, or in any other manner; and any of the companies hereinbefore mentioned whose assets the Company desires to purchase are hereby authorized to sell and transfer their respective assets, business, property, name and good-will, to the Company, and any such companies may enter into all agreements of purchase and sale and do all acts necessary or convenient for the purpose of such purchase and sale: Provided always that specific assets may be accepted from any such purchase and sale.

Power to other companies to sell.

Agreements.

Proviso.

Issue of debenture stock in lieu of existing debenture stock of other companies.

23. In case any company whose assets are required by the Company has issued debentures or debenture stock, and such debentures or debenture stock are outstanding at the date of the acquisition aforesaid, the directors of the Company may, if and when they see fit, and either with or without the sanction of the shareholders, issue debentures or debenture stock to the extent of the nominal value of the debentures or debenture stock of such other company outstanding as aforesaid, and may with the consent of any holder of debentures or debenture stock in such other company give to him, in lieu of the debentures or debenture stock held by him, debentures or debenture stock of the Company on such terms as may be agreed upon.

Powers of directors.

24. The business of the Company shall be managed by the directors, who may make or cause to be made for the Company any description of contract which the Company may, by law, enter into, and may exercise all such powers of the Company as are not by this Act required to be exercised by the Company in general meeting, and amongst other things may, from time to time, exercise the following powers, the same being specifically referred to for greater certainty, but not so as to restrict the generality of the foregoing terms of this section:—

Issue debentures, receipts, calls, etc.

(*a*) issue debentures, bonds, deposit receipts and stock and regulate the allotment of stock, the making of calls thereon, the manner and time of payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;

Papment of calls in advance.

(*b*) if they think fit, receive, from any member willing to advance the same, all or any part of the money due upon the shares held by him beyond the sums actually called for; and, upon the money so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon

the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the directors agree upon;

(*c*) declare and pay dividends; Dividends.

(*d*) subject to the provisions of this Act, determine and appoint officers of the Company and define their duties, the number of directors, their term of service and their remuneration, if any; Officers and directors.

(*e*) delegate any of their powers to committees consisting of such member or members of their body as they think fit; and any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors; Delegation of powers.

(*f*) appoint and remove all agents, employees and servants of the Company, and provide for and determine their functions, and duties, the security to be given by them to the Company, and their remuneration; Appointment of agents, employees, etc.

(*g*) determine the time and place for the holding of the annual, or any other meeting of the Company, the calling of meetings, regular and special, of the board of directors and of the Company, the quorum at meetings of directors and of the Company, the requirements as to votes and proxies, and the procedure in all things at such meetings; Meetings.

(*h*) provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; Fixing of penalties.

(*i*) conduct in all other particulars the affairs of the Company; Conduct of company's affairs.

(*j*) make by-laws for the regulation of the business of the Company, and of the officers, employees and servants of the Company. By-laws.

25. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or shares of its stock, or debentures, or debenture stock, or any deposit or any moneys payable by or in the hands of the Company may be subject; and the receipt of the party or parties in whose name such share or shares, debentures, debenture stock, deposit or moneys, stand in the books of the Company, shall, from time to time, be sufficient discharge to the Company for any payment made in respect of such share or shares, debentures, debenture stock, deposit moneys, notwithstanding any trust to which the same may then be subject, and whether or not the Company has had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to execution of trusts.

26. No parcel of land or interest therein at any time acquired by the Company and not required for its actual use and occupation or not held by way of security, shall be held by the Company or any trustee on its behalf for a longer period than ten years after the acquisition thereof; but such land or interest therein shall be absolutely sold and disposed of so that the Company shall no longer retain any interest therein unless by way of security: Provided that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which has been held by the Company for a longer period than ten years without being disposed of, shall be forfeited to His Majesty: Term for which land may be held. Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

Provided, however, that His Majesty may extend the said period from time to time not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Company of the intention of His Majesty to claim such forfeiture.

Statement to Minister of Finance.

2. The Company shall, when required, give the Minister of Finance a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company, and subject to the provisions of subsection 1 of this section.

Annual sattement to Minister of Finance.

27. The Company shall, on or before the first day of March in each year, transmit to the Minister of Finance a statement, in duplicate, to and including the thirty-first day of December of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister of Finance requires, and in such form and with such details as he, from time to time, requires and prescribes; but the Company shall in no case be bound to disclose the name private affairs of any person who has been dealing with it.

Notice of general meeting.

28. Notice of the time and place for holding general meetings of the Company shall be given at least twenty days previous thereto in some newspaper published at the place in which the head office or chief place of business of the Company is situated.

Proxy.

2. At such meetings each shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy, provided that the proxy must be in writing, and must be filed with the secretary of the Company before the opening of the meeting, and that no one but a shareholder of the Company shall be entitled to hold a proxy.

Application of R.S., c. 79.

29. Part II of *The Companies Act*, except sections 125, 126, 127, 132, 134, 135, 161, 165 and 167 thereof shall apply to the Company.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909

THE SENATE OF CANADA.

BILL

XX

An Act to incorporate The Pioneers' Lo
Company.

Received and read a first time,
Wednesday, 9th March, 1910.
Second reading,
Friday, 11th March, 1910.

Honourable Mr. WATSON.

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL YY.

An Act for the relief of John Green.

Preamble.

WHEREAS John Green of the city of Kingston, in the province of Ontario, butcher, has by his petition alleged, in effect, that on the twenty-eighth day of August, A.D. 1888, at the said city of Kingston, he was lawfully married to Ida Haffner; that she was then of the said city of Kingston, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Kingston, on divers occasions in the latter part of the year, 1903, and subsequently thereto up to the beginning of April, A.D. 1904, she committed adultery with one Ernest Reynolds; that on divers occasions in the months of April and May, A.D. 1904, she committed adultery with the said Ernest Reynolds at Sharbot Lake, in the province of Ontario, at Winnipeg and Portage La Prairie in the province of Manitoba, and at Sudbury and Renfrew in the province of Ontario; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petiton 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 Green and Ida Haffner, 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 Green may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Ida Haffner had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VII

THE SENATE OF CANAD

BILL

301 YY

An Act for the relief of John G

Received and read a first time,

Friday, 11th March, 1910.

Second reading,

Thursday, 17th March, 1910.

Honourable Mr. Loug

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL ZZ.

An Act for the relief of James Thornton Brownridge.

Preamble.

WHEREAS James Thornton Brownridge, of the township of Trafalgar, in the county of Halton, in the province of Ontario, farmer, has by his petition alleged, in effect, that on the twenty-second day of January, A.D. 1896, at Eglinton, in the county of York, in the said province, he was lawfully married to Martha Emily Beaty, a spinster; that his legal domicile was then and is now in Canada; that at the city of Toronto, in the said county, on or about the first day of September, A.D. 1909, she went through a form of marriage with one John Lawrence, of Lambton Mills, in the said county of York, with whom she has since then lived as wife with husband and has thereby committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between James Thornton Brownridge, and Martha Emily Beaty, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Thornton Brownridge may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Martha Emily Beaty had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

202 ZZ

An Act for the relief of James Tl
Brownridge.

Received and read a first time,

Friday, 11th March, 1910.

Second reading,

Thursday, 17th March, 1910.

Honourable Mr. McMu

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL AAA.

An Act respecting The Brandon, Saskatchewan and Hudson's Bay Railway Company.

Preamble. 1903, c. 86. 1905, c. 62.

WHEREAS The Brandon, Saskatchewan and Hudson's Bay Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction. 1903, c. 86, s. 7.

1. The Brandon, Saskatchewan and Hudson's Bay Railway Company may, within two years after the passing of this Act, commence the construction of the line of railway authorized by section 7 of chapter 86 of the statutes of 1903, and may, within five years after the passing of this Act, complete the said line and put it in operation; and if, within the said periods respectively, the said line is not so commenced and such expenditure is not so made, or the said line is not completed and put in operaation, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said line as then remains uncompleted.

Extension of time for construction. 1905, c. 62, s. 3.

2. The said company may, within five years after the passing of this Act, complete and put in operation the line of railway authorized by section 3 of chapter 62 of the statutes of 1905; and if, within the said period, the said line is not completed and put in operation, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said line as then remains uncompleted.

Repeal of present time limit

3. Section 2 of chapter 62 of the statutes of 1905, is hereby repealed.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

z13 AAA

An Act respecting The Brandon
chewan and Hudson's Bay
Company.

Received and read first time,

Wednesday, 16th March, 19

Second reading,

Friday, 18th March, 1910.

Honourable Mr. W

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL BBB.

An Act to incorporate The St. Lawrence and Ungava 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. George D. Condie, William M. Condie, John K. Condie, Robert Bickerdike, and Frank Munro, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The St. Lawrence and Ungava Railway Company" hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

Calls thereon.

3. The capital stock of the Company shall be twenty-five million dollars, divided into two hundred and fifty thousand shares of one hundred dollars each. No one call thereon shall exceed ten per cent on the shares subscribed.

Head office.

4. The head office of the Company shall be in the city of Montreal, county of Hochelaga, province of Quebec.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first day in June.

Number of directors.

6. The number of directors shall be not less than five, nor more than nine, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the St. Lawrence River, in the county of Berthier, in the province of Quebec, northerly through the counties of Joliette, Berthier, Maskinongé, St. Maurice and Champlain to the northern boundary of the province of Quebec, thence, in the district of Ungava, north-easterly to a point on Ungava Bay.

Issue of securities.

8. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be

issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies.

R.S., c. 37.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

BBB

An Act to incorporate The St. La
and Ungava Railway Company

Received and read a first time,

Thursday, 17th March, 1910.

Second reading,

Thursday, 7th April, 1910.

Honourable Mr. EDWA

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL CCC.

An Act to amend The Criminal Code.

Preamble
R.S., c. 146.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Purposes of trade union.

1. Section 497 of *The Criminal Code* is hereby amended by inserting, after the word "union" in the first line thereof, the words "whose members are British subjects."

S. 498 amended.
Combinations of workmen or employees.

2. Subsection 2 of section 498 of *The Criminal Code* is hereby amended by inserting, after the word "employees" in the second line thereof, the words "who are British subjects."

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA

BILL

CCC

An Act to amend The Criminal Co

Received and read a first time,

Thursday, 17th March, 1910.

Second reading,

Thursday 7th April, 1910.

Honourable Mr. Belcou

OTTAWA
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THE SENATE OF CANADA.

BILL DDD.

An Act respecting The Alberta and British Columbia Railway Company.

Preamble.

1908, c. 78.

WHEREAS The Alberta and British Columbia Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction.

R.S., c. 37, s. 150.

1. The Alberta and British Columbia Railway Company may, within two years after the passing of this Act, commence the construction of the line of railway authorized by section 7 of chapter 78 of the statutes of 1908, and may, within five years after the passing of this Act, complete the said line of railway and put the same in operation; and if, within the said periods respectively, the said line of railway is not so commenced or not so completed and put in operation, the powers of 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.

2nd Session, 11th Parliament, 9-10 Edw. VII.

THE SENATE OF CANAD

BILL

214

DDD

An Act respecting The Alberta and
Columbia Railway Company

Received and read a first time,

Wednesday, 6th April, 1910.

Second reading,

Friday, 8th April, 1910.

Honourable Mr. LOUG

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL EEE.

An Act respecting The British Northwestern Fire Insurance Company.

Preamble.

WHEREAS, The British Northwestern Fire Insurance Company has by its petition represented that it was incorporated by chapter 109 of the statutes of 1906 of the province of Manitoba under the name of "The Freehold Fire Insurance Company"; that by chapter 110 of the said statutes of 1906 the name of the company was changed to "The Prince Rupert Fire Insurance Company"; that, by Order in Council of the province of Manitoba, dated twenty-ninth April, one thousand nine hundred and eight, the name of the company was again changed to "The British Northwestern Fire Insurance Company"; that by an Act of the legislature of the province of Manitoba passed at the session held during the present year, one thousand nine hundred and ten, certain further amendments were made to the said Acts; and that the company has since the date of its incorporation carried on the business of fire insurance in the province of Manitoba; and whereas the company has prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The shareholders of the company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act are hereby incorporated under the name of "The British Northwestern Fire Insurance Company" hereinafter called "the new Company."

Capital stock.

2. The capital stock of the new Company shall be two million dollars, and shall be divided into fifty thousand shares of forty dollars each.

Shares in old and new companies.

3. Each shareholder of the old Company is hereby declared to be the holder of two and one-half shares in the new Company for each one share held by him in the old Company at the time this Act takes effect, with the same percentage paid on each such share in the new Company as shall then have been paid in upon each share held by him in the old Company.

Liability of shareholders in new company.

2. The liability of the shareholders of the new Company upon the said shares of the new Company so held by them respectively shall amount per share only to the difference between the sum paid upon each share and forty dollars.

Liability of shareholders of old company to pay calls.

4. Nothing in this Act shall affect the liability of the shareholders of the old Company who have not paid the calls already made upon the shares of the old Company to pay the said calls.

Liability of shareholders of old company to creditors and policy-holders.

5. Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policy holders of the old Company: Provided, however, that any payment made upon the shares of the new Company shall reduce the said liability of the shareholders of the old Company by the amount of such payment.

Acquisition of old company's assets.

6. The new Company may acquire all assets, rights, credits, effects and properties, real, personal, or mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become entitled; and in such case the new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and such debts, liabilities, obligations and contracts of the old Company shall be a first charge on the said assets, rights, credits, effects and property belonging to the old Company and acquired by the new Company; and any person having any claim, demand, right, cause of action, or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof, from and against the new Company, as such person has against the old Company: Provided, however, that the shareholders of the new Company shall not be individually liable, under section 150 of *The Companies Act*, with respect to their shares in the new Company, to such person, unless such person abandons his right in respect of the shares in the old Company.

Liability for old company's obligations.

As to individual liability of shareholders.

R.S., c. 79.

Calls on shares.

7. The directors may from time to time make such calls as they think fit upon the shareholders, in respect of all moneys unpaid on the shares in the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent and that not less than thirty days' notice of any call shall be given.

Continuance of officers and by-laws.

8. The president, vice-president and directors of the old Company shall be, respectively, the president, vice-president and directors of the new Company, until their successors are appointed; and all by-laws, rules and regulations of the old Company not contrary to law nor inconsistent with this Act shall be by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of this Act.

9. The affairs of the new Company shall be managed by a board of not less than seven nor more than fifteen directors, as the by-laws prescribe, a majority of whom shall be a quorum. Directors.

2. No person shall be a director unless he holds in his own name and for his own use at least thirty shares of the capital stock of the new Company and has paid all calls due thereon and all liabilities incurred by him to the new Company. Qualification.

10. All questions proposed for the consideration of the shareholders shall be determined by a majority of votes. The chairman presiding at such meeting, in addition to his own vote, shall have a casting vote in case of an equality of votes. Majority to govern.

11. The new Company as now organized and constituted is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act and *The Insurance Act* shall, upon the new Company obtaining a license under *The Insurance Act*, apply to the new Company and its business instead of the said Acts of Manitoba and the Acts of Manitoba respecting insurance: Provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability under the above mentioned Acts of Manitoba, up to and at the time of the new Company obtaining a license under *The Insurance Act*, to all of which rights and privileges the new Company shall continue to be entitled and to all of which liabilities the new Company shall continue to be subject. Application of the Insurance Act.

12. The new Company may make and effect contracts of insurance throughout Canada and elsewhere with any person against loss or damage by fire or lightning in or to any house, dwelling, store, factory, mill or other building whatsoever, and to any goods, chattels, bridges, railway plant or personal estate whatsoever, for such time and for such premiums or consideration and upon such modifications and restrictions and upon such conditions as are agreed upon between the new Company and the insured, and may generally carry on the business of fire insurance and the business of inland marine and inland transportation insurance as defined in *The Insurance Act* in all their branches and forms. Business. R.S., c. 34.

2. The new Company may also cause itself to be insured against any risk it may have taken in the course of its business. Reinsurance.

3. The new Company may also undertake the reinsurance of the risks of other companies. Risks of other companies.

13. The new Company may invest or deposit such proportion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investment in foreign securities.

14. The new Company may acquire, hold, convey, mortgage, lease or otherwise dispose of any real property in part or wholly for the purposes, use or occupation of the new Company, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Manitoba where it shall not exceed twenty thousand dollars. Real estate.

Head office. Agencies.

15. The head office of the new Company shall be in the city of Winnipeg, in the province of Manitoba, but local advisory boards or agencies may be established and maintained elsewhere in such manner as the directors from time to time direct.

Annual meetings.

16. A general meeting of the new Company shall be held at the head office once in each year after the organization of the new Company and the commencement of business, and at such meeting a statement of the affairs of the new Company shall be submitted.

Special meetings.

2. Special general meetings may at any time be called by any five of the directors, and the directors, upon requisition of any twenty-five shareholders, shall call a special general meeting, and in either case the object of such meeting shall be specified in the notice calling the meeting.

Notice.

3. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is call and addressed to the addresses of the shareholders respectively given in the books of the new Company.

Increase of capital before license.

17. Before obtaining the license required by *The Insurance Act* the subscribed capital of the new Company shall be increased to two hundred thousand dollars, and at least one hundred and fifty thousand dollars paid thereon into the funds of the new Company; and within three years after obtaining the said license an additional sum of one hundred thousand dollars shall be paid upon the capital stock of the new Company; but in no one year of the said three years shall the sum paid upon the capital stock be less than twenty-five thousand dollars: Provided, that a license shall not be issued to the new Company and thereafter renewed unless and until satisfactory evidence is furnished to the Superintendent of Insurance that the old Company has ceased to do business under the authority of the provincial Acts.

Application of Insurance Act.

Conflicting provisions.

18. This Act, and the new Company and the exercise of the powers hereby granted shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament, and in any respect in which any provision of this Act is inconsistent with those Acts the provisions made by those Acts shall prevail.

Application of the Companies Act.

R.S., c. 79.

19. Part II of *The Companies Act*, except sections 125, 126, 134, 141, 158, 159 and 165 thereof, shall apply to the new Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

Commencement of Act.

20. This Act shall not take effect unless and until accepted and approved of by a vote of not less than three-fourths in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted

and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said vote.

2. Notice of such acceptance and approval and of the day so fixed shall be published by the Company in *The Canada Gazette*. Publication of notice.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

316

EEE

An Act respecting The British Nor
Fire Insurance Company

Received and read a first time,

Wednesday, 6th April, 1910

Second reading,

Friday, 8th April, 1910.

Honourable Mr. V

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excelle
1909-10

BILL AS PASSED APRIL 22, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL FFF.

An Act respecting The Guelph Junction Railway Company.

WHEREAS The Guelph Junction Railway Company, hereinafter called "the Company", has, by its petition, prayed that it be enacted as hereinafter set forth, and has established, in effect, that the corporation of the city of Guelph holds, itself or by trustees on its behalf, all the shares in the capital stock of the Company except a few shares upon which five hundred dollars in all have been paid, which few shares were subscribed for by persons acting in that behalf as agents for the city, and that, with the exception of the said five hundred dollars, all the capital for the construction of the railway of the Company has been furnished by the city; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1884, c. 79. 1886, c. 69. 1887, c. 59. 1891, c. 73. 1894, c. 75. 1896 (1st sess.), c. 19. 1901, c. 64. 1904, c. 82.

1. Section 2 of chapter 64 of the statutes of 1901 is hereby repealed and the following is enacted in lieu thereof:— 1901, c. 64, s. 2, amended.

"**2.** The directors of the Company shall be six in number and shall consist of the Mayor of the city of Guelph for the time being and other five directors to be appointed by the council of the corporation of the city by by-law to be passed after the organization of the said council in each year. The said directors other than the Mayor shall be any alderman of the city and any *bona fide* ratepayer of the city, then having the necessary qualifications required of an alderman of the city." Directors. Number. Appointment. Qualification.

2. Section 4 of the said chapter 64 is hereby repealed and the following is enacted in lieu thereof:— 1901, c. 64, s. 4, amended.

"**4.** The corporation of the city of Guelph may, subject to the laws of Ontario, acquire any shares in the Company not now standing in the name of the city. And the said corpora- Powers of city of Guelph to acquire shares.

to Coleman on the main line of the Prince Edward Island Railway.

8. The Company may, for the purposes of its undertaking, construct, acquire, charter and dispose of steam and other vessels for the conveyance of trains, cars, passengers, goods and Vessels.

tion is hereby empowered and declared to be entitled to acquire the said shares of the Company's stock from the several persons in whose names such shares stand or may stand, and to have transfers thereof made by such persons respectively to the said corporation upon payment to such persons respectively of the sum of four hundred dollars in respect of each one share fully paid up; or of each ten shares upon which ten per cent only has been paid; and it shall be the duty of such persons respectively to transfer such shares to the said corporation accordingly."

Issue of paid-up stock in exchange for bonds held by city of Guelph.

3. The directors of the Company may agree with the said corporation to issue to the corporation paid up stock in the Company in exchange for and in satisfaction of the Company's bonds for one hundred and sixty-six thousand seven hundred and fifty dollars for principal money, and such sums in respect of interest and arrears of interest as may be agreed upon, now held by the said city against the Company, and which bonds are overdue, and to have the said bonds, and the mortgage and obligations given to secure the same, cancelled and released. And the directors of the Company may by by-law increase the capital stock of the Company, and issue paid-up stock to the said corporation, and procure the cancellation and release of the said bonds, mortgage and obligations accordingly.

Cancellation of bonds.

Increase of capital stock.

1884, c. 79, s. 19, amended.

4. Section 19 of chapter 79 of the statutes of 1884 is hereby amended by adding thereto the following words at the end thereof:—

As to agreement with Quebec and Ontario Railway Company.

"Provided also, that no transaction by this clause authorized shall be valid, nor shall any sale or other disposition of any of the capital stock of the Company held or to be held by the corporation of the city of Guelph be valid unless there shall be passed a by-law or by-laws of the city council authorizing such transaction, sale or such other disposition, nor unless such by-law or by-laws shall have also received the assent of the electors of the said city of Guelph, entitled to vote on by-laws for the creation of debts, in manner provided by the municipal laws of the province of Ontario."

Assent of electors by by-law.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

EEE

An Act respecting The British Nor
Fire Insurance Company

Received and read a first time,
Wednesday, 6th April, 1910
Second reading,
Friday, 8th April, 1910.

Honourable Mr. V

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1910.

THE SENATE OF CANADA.

BILL GGG.

An Act to incorporate The Buctouche Railway and Transportation Company.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Clinton T. Roe, of the city of New York, in the state of New York, one of the United States of America, Alexander P. Barnhill, William A. Ewing, Charles F. Sanford, and Joseph J. Porter, all of the city of Saint John, in the province of New Brunswick, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Buctouche Railway and Transportation Company," hereinafter called the Company".

Corporate name.

Provisional directors.

2. The persons named in Section 1 of this Act are constituted provisional directors of the Company.

Capital.

3. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent, on the shares described.

Head office.

4. The head office of the Company shall be at Buctouche, in the province of New Brunswick.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Thursday in June.

Directors.

6. The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

Route of railway.

7. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from Buctouche to a point on Richibucto Harbour at or near Richibucto, in the province of New Brunswick and from a point at or near West Point, in the province of Prince Edward Island to Coleman on the main line of the Prince Edward Island Railway.

Vessels.

8. The Company may, for the purposes of its undertaking, construct, acquire, charter and dispose of steam and other vessels for the conveyance of trains, cars, passengers, goods and

merchandise, and navigate them between the harbours of Buctouche and Richibucto in New Brunswick, to and from the harbour at West Point in Prince Edward Island, and to and from other ports in Prince Edward Island and Nova Scotia and ports outside of Canada; and construct, acquire, lease and dispose of wharves, docks, elevators, warehouses and other structures to be used to facilitate the carrying on of business in connection therewith.

Wharves and buildings.

Issue of securities.

9. The securities issued by the Company shall not exceed twenty thousand dollars per mile of the railways which the Company is authorized to construct or may acquire and may be issued only in proportion to the length of railway constructed or under contract to be constructed or acquired or to be acquired.

Issue of securities for other purposes than railway.

10. In addition to the securities authorized by section 9 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the construction and acquisition of any of the vessels or works, other than the railway, which the Company is authorized to construct, acquire or operate; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of such vessels and works.

Mortgages securing same.

2. For the purposes of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

R.S., c. 37.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages.

Agreements with other companies.

R.S., c. 37.

11. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act* the Company may enter into agreements, for any of the purposes specified in the said section 361, with The Kent Northern Railway Company, The Buctouche and Rexton Railway Company and The Moncton and Buctouche Railway Company, or with any of the said companies; and subject to the said provisions may also enter into agreements for the said purposes with His Majesty in respect of the Prince Edward Island Railway, or with His Majesty in the said respect and all or any of the said companies.

Agreements with His Majesty as to P. E. I. railway.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANAI

BILL

215

GGG

An Act to incorporate The B
Railway and Transportation Co

Received and read a first time,

Thursday, 7th April, 1910.

Second reading,

Tuesday, 12th April, 1910.

Honourable Mr. Tho

OTTAWA
Printed by C. H. Parmelee
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL HHH.

An Act to incorporate The Alberta, Peace River and Eastern Railway Company.

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. Alexander J. Millar of the town of Pembroke, Edward Hutton of the city of Montreal, Robert L. Snowball, Oliver E. Culbert and J. Ogle Carss, all of the city of Ottawa, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "The Alberta, Peace River and Eastern Railway Company, hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock. Calls.

3. The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Head office.

4. The head office of the Company shall be in the city of Ottawa.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Tuesday in May.

Number of directors.

6. The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point on the line of The Alberta Railway and Irrigation Company in township three, range sixteen, west of the fourth meridian, in the province of Alberta; thence in a westerly direction to the town of Cardston; thence in a north-westerly direction to the town of Pincher Creek; thence in a northerly direction to a point at or near Cochrane on the line of The Canadian Pacific Railway Company; thence in a northerly direction to Peace River Landing; thence in an easterly direction to Fort McMurray; thence in an easterly and north-easterly

direction to Fort Churchill on Hudson Bay; and also a branch line in an easterly direction to Edmonton from the most convenient point between Cochrane and Peace River Landing.

Issue of securities.

8. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies.

R.S., c. 34.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with The Pincher Creek, Cardston and Montana Railway Company.

2nd Session, 11th Parliament, 9-10 Edw. VII.

THE SENATE OF CANAD

BILL

HHH

An Act to incorporate The Alberta River and Eastern Railway Comp

Received and read a first time,

Friday, 15th April, 1910.

Second reading,

Wednesday, 20th April, 1910.

Honourable Mr. WAT

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL III.

An Act for the relief of Emily Maud Nicoll.

Preamble.

WHEREAS Emily Maud Nicoll, presently residing at the city of Toronto, in the province of Ontario, wife of Arthur Frederick Nicoll, formerly of the said city, but now residing in the city of Spokane, in the state of Washington, one of the United States of America, real estate agent, has by her petition alleged, in effect, that they were lawfully married on the eleventh day of August, A.D. 1897, at the said city of Toronto, she then being Emily Maud Richardson, spinster; that the legal domicile of the said Arthur Frederick Nicoll was then and is now in Canada; that they lived together as man and wife at the said city of Toronto from the time of their said marriage until October, A.D. 1906; that during the said period he was guilty of cruelty and adultery and neglected to provide for the proper maintenance of her and the children born of the marriage; that in October, A.D. 1906, he deserted her and them and since then has failed entirely to provide for the support of her and them; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Emily Maud Richardson and Arthur Frederick Nicoll her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emily Maud Richardson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arthur Frederick Nicoll had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VII.

THE SENATE OF CANAD

BILL

222

III

An Act for the relief of Emily M
Nicoll.

Received and read a first time,

Wednesday, 20th April, 1910.

Second reading,

Friday, 22nd April, 1910.

Honourable Mr. JAFF

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL JJJ.

An Act for the relief of Edna Shibley DeMar.

Preamble.

WHEREAS Edna Shibley DeMar, presently residing at the city of Toronto, in the province of Ontario, wife of Clifford DeWitt DeMar, formerly of the said city of Toronto, presently residing at the city of Nigara Falls, in the state of New York, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the second day of March, A.D. 1904, at the said city of Toronto she then being Edna Shibley Milligan, spinster; that the legal domicile of the said Clifford DeWitt DeMar was then and is now in Canada; that at the city of Hamilton, in the province of Ontario, on or about the tenth and eleventh days of December, A.D. 1909, he committed adultery with a woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him 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 Edna Shibley Milligan and Clifford DeWitt DeMar 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 Edna Shibley Milligan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Clifford DeWitt DeMar had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VI

THE SENATE OF CANA

BILL

223 JJJ

An Act for the relief of Edna S
DeMar.

Received and read a first time,

Wednesday, 20th April, 191C

Second reading,

Friday, 22nd April, 1910.

Honourable Mr. JA

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL KKK.

An Act for the relief of Clifford Buell Lillie.

Preamble.

WHEREAS Clifford Buell Lillie, of the village of Athens, in the county of Brockville, in the province of Ontario, dentist, has by his petition alleged, in effect, that on the twelfth day of November, A.D. 1896, at the town of Morristown, in the state of New York, one of the United States of America, he was lawfully married to Leah Ann Addison, that she was then of the city of New York, in the said state of New York, a spinster; that his legal domicile was then and is now in Canada; that at the said village of Athens, in or about the month of September, A.D. 1900, she committed adultery with one John Wilbridge McDowell; that at Charleston Lake, in the said county of Brockville, in the month of July, A.D. 1907, she committed adultery with one Lennius Bates; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Clifford Buell Lillie and Leah Ann Addison, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Clifford Buell Lillie may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Leah Ann Addison had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANAI

BILL

224

KKK

An Act for the relief of Clifford Lillie.

Received and read a first time,

Friday, 22nd April, 1910.

Read a second time,

Friday, 22nd April, 1910.

Honourable Mr. DERBY

OTTAWA
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1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL LLL.

An Act for the relief of Roland James Botterill.

Preamble.

WHEREAS Roland James Botterill, of the township of Gainsboro, in the county of Lincoln, in the province of Ontario, farmer, has by his petition alleged, in effect, that on the twenty-fifth day of June, A.D. 1895, at the village of Grimsby, in the province of Ontario, he was lawfully married to Maria Fisher; that she was then of the said township of Gainsboro, a spinster; that his legal domicile was then and is now in Canada; that in or about the month of June, A.D. 1896, she deserted him; that on or about the twenty-eighth day of December, A.D. 1909, she was living at the city of Niagara Falls, in the province of Ontario, with one James Murray as the wife of the said Murray, and thereby committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her 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 Roland James Botterill and Maria Fisher, 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 Roland James Botterill may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Maria Fisher had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw.

THE SENATE OF CANA

BILL

225

LLL

An Act for the relief of Rolan
Botterill.

Received and read a first time,

Friday, 22nd April, 1910.

Read a second time,

Friday, 22nd April, 1910.

Honourable Mr. DERI

OTTAWA
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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL MMM.

An Act for the relief of James Alexander Hurst Forster.

Preamble.

WHEREAS James Alexander Hurst Forster, of the city of Winnipeg, in the province of Manitoba, buyer, has by his petition alleged, in effect, that on the fifth day of May, A.D. one thousand nine hundred, at the city of Toronto, in the province of Ontario, he was lawfully married to Nellie Jane Eaton; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the city of Winnipeg, in the province of Manitoba, at divers times during the year A.D. one thousand nine hundred and six, she committed adultery with one Frederick Gilroy; that at the said city of Winnipeg, in or about the month of April, A.D. one thousand nine hundred and seven, she committed adultery with one Alexander Macgregor; that he has not connived at nor condoned the said adultery; that there has been no collusion, 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 James Alexander Hurst Forster and Nellie Jane Eaton, 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 James Alexander Hurst Forster may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Nellie Jane Eaton had not been solemnized.

2nd Session, 11th Parliament, 9-10 Edw. VII.,

THE SENATE OF CANADA.

BILL

221

MMM

An Act for the relief of James Alex
Hurst Forster.

Received and read a first time,

Tuesday, 26th April, 1910.

Read a second time,

Tuesday, 26th April, 1910.

Honourable Mr. DeVeb

OTTAWA
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1909-10

As Reported, 27th April, 1910, by The Standing Committee on Civil Service Administration.

2nd Session, 11th Parliament, 9-10 Edward VII., 1910.

THE SENATE OF CANADA.

BILL NNN.

An Act to provide for the cases of certain Persons ceasing to be employed in the Public Service of Canada.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as *The Civil Service Superannuation Act*, 1910. Short title.

2. In this Act, unless the context precludes such construction, "Civil Service" includes and consists of:— Definitions. Civil Service.

(*a*) all officers, clerks and employees in or under the several departments of the executive government who are employed continuously and to whom *The Civil Service Act* and *The Civil Service Amendment Act*, 1908, apply;

(*b*) all officers, clerks and employees of the outside division of the Civil Service as heretofore recognized, to whom *The Civil Service Act*, 1908 does not apply, and who are employed continuously in established capacities;

(*c*) such other officers, clerks and employees in or under the several departments of the executive government as are employed continuously in established capacities, including, amongst others, the civil engineers attached to the various departments of the government;

(*d*) the permanent officers and servants of the Senate and the House of Commons, and the permanent officers and servants employed in the Library of Parliament:

Provided that the Civil Service, for the purposes of this Act, does not include any person who is subject to the provisions of *The Judges Act*, chapter 138 of the Revised Statutes, of *The Militia Pension Act*, chapter 42 of the Revised Statutes, of Part II or Part III of *The Royal North-West Mounted Police Act*, chapter 91 of the Revised Statutes, or of *The Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act*, chapter 22 of the Statutes of 1907, nor any person who is a beneficiary under any fund to which public moneys of Canada are directly contributed. Proviso.

"Civil Servant" means a member of the Civil Service as hereinbefore defined. Civil servant.

Contributor. "Contributor" means a civil servant who contributes under this Act to the Consolidated Revenue Fund of Canada.

Salary. "Salary" of a contributor means the salary or wages paid in respect of his service, but does not include allowance or payment for overtime or other extra allowance or pay;

Application of Act. **3.** This Act applies to all persons becoming members of the Civil Service after the date of its passing.

2. It also applies to all persons who became members of the Civil Service as then constituted between the first day of July, one thousand eight hundred and ninety-eight, and the date of its passing.

3. Subject to the limitations and conditions hereinafter contained, it applies to all members of the Civil Service, as hereinbefore defined, as constituted at the date of its passing, who duly elect to become contributors under its provisions.

Election to become contributor. **4.** A member of the Civil Service who elects to become a contributor under the provisions of this Act shall give notice in writing of such election to the Secretary of the Treasury Board within six months after the coming into operation of this Act.

2. A member who so elects shall, as from the date of such notice, be a contributor and shall, subject to the provisions of this Act, be entitled to all its benefits.

Non-contributors not affected. 3. A member of the Service who does not elect to become a contributor or who does not give the notice aforesaid shall not at any future time become a contributor or share in the benefits of this Act, except on payment of a sum computed in the manner prescribed by regulations and on such conditions as the Treasury Board determines; but he shall continue to be entitled to the same rights and subject to the same liabilities as if this Act had not been passed.

Doubtful cases. **5.** In any case of doubt the Governor in Council may, by general or special regulations not inconsistent herewith, determine to what persons the provisions of this Act do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases.

SUPERANNUATION ALLOWANCES AND GRATUITIES.

Beneficiaries. **6.** The Governor in Council may grant a superannuation allowance not exceeding the allowance hereinafter authorized to any person who has served in an established capacity in the Civil Service for ten years or upwards, and who has attained the age of sixty years or become incapacitated by bodily infirmity from properly performing his duties.

No service after 70. 2. The superannuation of any person to whom this Act applies shall not be deferred beyond the attainment by such person of the age of seventy years.

Certain periods not counted. **7.** If the service has not been continuous, the period or periods during which such service has been discontinued shall not be included in the term.

Inquiry by Treasury Board.

8. The superannuation of every civil servant to whom the provisions of this Act apply shall be proceeded by an inquiry by the Treasury Board,—

(*a*) Whether the person it is proposed to superannuate is eligible within the meaning of this Act; and

(*b*) Whether the superannuation of such person will result in benefit to the service, and is therefore in the public interest; or

(*c*) Whether superannuation has become necessary in consequence of the mental or physical infirmity of such person or by reason of such person having reached the age of seventy years.

Voluntary retirement after 65.

9. Every contributor whose age is not less than sixty-five years may at any time retire from the Civil Service at the expiration of three months' notice, given in writing to the Secretary of the Treasury Board, of his or her intention so to do, and shall thereupon be entitled to superannuation.

No superannuation without report of Treasury Board.

10. No civil servant shall be superannuated unless the Treasury Board reports that he is eligible within the meaning of this Act; and no civil servant who is less than sixty-five years of age shall be superannuated unless the Treasury Board reports in addition that such superannuation will be in the public interest.

Amount of retiring allowance, how ascertained.

11. The superannuation allowance hereinbefore mentioned shall be calculated upon the average yearly salary, during the last three years of service, of the person to whom such allowance is to be made, and shall not exceed, if the person has served for ten years, but less than ten and one-half years, an annual allowance of ten-fiftieths of such average salary, and if he has served for ten and one-half, but less than eleven and one-half years, an annual allowance of eleven-fiftieths thereof, and in like manner a further addition of one-fiftieth of such average salary for each additional year of service, similarly reckoned, up to thirty-five years, when an allowance of thirty-five-fiftieths may be granted; but no addition shall be made for any service beyond thirty-five years.

Addition to actual service in certain cases.

12. The Governor in Council may, in the case of any person who entered the Civil Service after the age of thirty-five years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years of service of such person, such further number of years not exceeding ten as is considered equitable, for reasons stated in the order in council made in the case, and such additional number of years shall be taken as part of the term of service on which the superannuation allowance of such person shall be computed: Provided that in such case a deduction at the rate of five per centum of the salary of such person for each of the years so added shall be made from the retiring allowance of such civil servant for as many years as are added to his actual term of service; unless he sooner makes good such deficiency.

Proviso.

Reduction in case of undeservin servant.

13. If the head of a department reports with respect to any person employed in his department, and about to be superannuated from any cause other than that of ill-health or age, that the service of such person has not been satisfactory, the Governor in Council may, as to him seems fit, grant such person a superannuation allowance less than that to which he would otherwise have been entitled.

Premature retirement, through infirmity or injury.

14. If any person to whom this Act applies is constrained, from any infirmity of body or mind, to quit the Civil Service before the period at which a superannuation allowance might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury, received without his own fault, in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months' pay for every two years' service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years.

Retirement for improvement of service.

15. If any person to whom this Act applies is removed from office in consequence of the abolition of his office for the purpose of improving the organization of the department to which he belongs, or is removed or retired from office to promote efficiency or economy in the Civil Service, the Governor in Council may, as compensation for his loss of office, grant such person, if his term of office is less than ten years, a gratuity not exceeding three months' pay for every two years' service; and if such person's term of office is ten years but less than twenty-five years, the Governor in Council may grant him, in addition to the superannuation allowance to which his term of service entitles him, a gratuity not exceeding one month's pay for each year's service; but no gratuity or compensation other than the superannuation allowance to which his term of service entitles him, shall be granted to any person whose term of office is twenty-five years or upwards.

Temporary service may count.

16. In the case of a civil servant, appointed before the coming into force of this Act, who previous to his appointment as a permanent member of the Civil Service had served for a year or more in a temporary capacity and who elects to become a contributor under this Act, the time spent in such temporary capacity may be taken into account in calculating such servant's superannuation allowance, the deficiency in deduction from his salary being made good as hereinafter provided.

Retirement compulsory.

17. Retirement shall be compulsory on every person to whom the superannuation allowance hereinbefore mentioned is offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time in respect of which it is calculated.

18. Nothing herein contained shall be understood as impairing or affecting the right of the Governor in Council to dismiss or remove any person from the Civil Service. Governor may dismiss servant.

19. In the event of the death before superannuation of any person to whom this Act applies, such person being at the time of his death a contributor under the provisions of section 27 of this Act, or having so contributed for or during thirty-five years of service and leaving no widow nor any children below the age of eighteen years surviving him, the Governor in Council may, on the recommendation of the Treasury Board, pay to the heirs or personal representatives of such person the whole, or such portion as is deemed expedient, of the amount so contributed by such person. Death of contributor leaving no widow nor children.

2. The Governor in Council may, on the recommendation of the Treasury Board, pay to any person dismissed from the public service of Canada after the first day of July, one thousand nine hundred and ten, who at the time of such dismissal was contributing under the provisions of such section 27, or who had so contributed for or during thirty-five years of service, the whole, or such portion as is deemed expedient, of the amount so contributed by such person. Dismissed servant.

20. Nothing in the last preceding section contained shall be construed to confer upon any person any right to demand or enforce the repayment of any amount contributed by such deceased or dismissed person, or any interest thereon, and all payments made under the preceding section shall be wholly in the discretion of the Governor in Council. Payments discretionary.

21. Every person who receives a superannuation allowance, and is under the age of sixty-five years, and is not disabled by bodily or mental infirmity, may be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and which is not lower in rank or emolument than that from which he retired; and if he refuses or neglects so to do, he shall forfeit his said allowance. Pensioner under 65 may be recalled.

PROVISION FOR WIDOWS AND CHILDREN.

22. Subject to the provisions hereinafter contained, the Governor in Council may, on the recommendation of the Treasury Board, grant an annual allowance for life to the widow, and an annual allowance until attainment of the age of eighteen to each of the children of any civil servant to whom this Act applies, who at the time of his death was either actively employed in the public service of Canada, or was in receipt of a superannuation allowance. Allowances to widow and children.

23. Such annual allowance shall not be granted in the following cases:— When not granted.

(*a*) If the person to whom it is proposed to grant the allowance is, in the opinion of the Treasury Board, unworthy of it;

(*b*) If the civil servant married after being superannuated;

(*c*) If the civil servant was at the time of his marriage over sixty years of age;

(*d*) In the case of a civil servant who married after the first day of July, one thousand nine hundred and ten, if he was more than twenty years older than his wife;

(*e*) If the civil servant died within one year after his marriage; unless he was manifestly in good health at the time of his marriage, and his death was caused by disease or injury not due to causes within his own control, and the Treasury Board is satisfied that there are no other objections to the granting of the allowance.

Widow's allowance one half of contributor's.

24. The annual allowance to the widow of a civil servant shall be one half of the yearly superannuation allowance which the civil servant was in receipt of, or to which he would have been entitled, as the case may be; and the yearly allowance to a child under eighteen years of age shall be one hundred dollars:

Each child $100.

Proviso.

Provided, however, that the total amount paid during any one year to the widow and children of a civil servant shall not exceed the annual superannuation allowance which the civil servant was in receipt of, or to which he would have been entitled, as the case may be.

Case of motherless child.

2. The limitation to one hundred dollars a year contained in subsection one of this section to the contrary notwithstanding, there may be granted to the child of a civil servant, if such child is motherless and, in the opinion of the Treasury Board, in great need, an annual allowance not exceeding two hundred dollars, which in the case of a daughter may be continued until she attains the age of twenty-one years or marries, whichever shall first happen.

Gratuities to widows in certain cases.

3. In the event of a civil servant dying before the period at which a superannuation allowance might be granted him under the terms of this Act, the Governor in Council may allow his widow a gratuity not exceeding one month's pay for each year of his service.

Allowance when discontinued.

25. A widow's or a child's allowance shall be discontinued if such widow or child becomes unworthy of it.

Marriage of widow.

2. If a widow remarries, her allowance shall cease from the day following that of her remarriage; but in the event of her again becoming a widow her pension may be restored, if she is otherwise qualified.

Disposal of contribution if no widow.

26. If a contributor leaves no widow, the amount of his contributions to the Consolidated Revenue Fund, less any sums which he has received out of the fund in his lifetime, and less any sums which have been paid or may become payable in the future to or on behalf of any child or children under the foregoing provisions, shall be paid to the personal representatives of such deceased contributor, in trust for the persons entitled thereto under his will, or, in case of intestacy, for the next of kin or other persons entitled to his estate under the Statutes of Distribution.

CONTRIBUTIONS.

Deduction from salary.

27. A deduction, towards making good the allowances hereinbefore provided for, shall be made, in conformity with the

following provisions, from the salary or pay of every person to whom this Act applies.

Of servant appointed under this Act.

2. In the case of a civil servant appointed after this Act comes into force, such deduction shall be five per centum of his yearly salary.

Of servant appointed under Act of 1898.

3. In the case of a civil servant appointed before the coming into force of this Act and after the first day of July, one thousand eight hundred and ninety-eight, to whom the provisions of Part II of the Civil Service Superannuation and Retirement Fund Act, chapter 17 of the Revised Statutes, apply, there shall be a like deduction of five per centum of his salary; and any sums paid by such civil servant into the Retirement Fund provided for in said Part II, before his becoming subject to the provisions of this Act, shall be deemed to have been paid, and such payment shall have the like effect as if this Act had gone into force on the first day of July, one thousand eight hundred and ninety-eight.

Of servant appointed under former Superannuation Act.

4. In the case of a civil servant appointed before the said first day of July, one thousand eight hundred and ninety eight, and who has contributed regularly to the Consolidated Fund under the provisions of Part I of the Civil Service Superannuation and Retirement Act aforesaid, there shall be a like deduction of five per centum of his salary from and after the date of his coming under the provisions of this Act; and the additional deduction to be made shall be ascertained as follows: The aggregate amount of pay received by him before his coming under the provisions of this Act shall be divided by twenty, to show the amount which he would have paid had this Act been in operation in his regard from the time of his entering the service; the sum to his credit in the superannuation account shall be subtracted from such amount; and the balance shall be the sum payable by him at the time of his coming under the provisions of this Act. Such sum shall be divided by the number of years of his previous service, and the sum represented by the quotient shall be deducted in each year from his superannuation allowance; and such deduction shall continue to be made until the whole of such balance has been paid up or payment of such allowance has ceased, whichever shall first happen: Provided that if the civil servant sees fit, such balance may be made good by him in one or more payments, without waiting until such last mentioned deductions become payable.

Proviso.

Case of servant who has not contributed.

5. In the case of a civil servant appointed before the coming into force of this Act, who has not contributed under the Superannuation Act or under the Civil Service Retirement Act of 1898, and who elects to come under the provisions of this Act, there shall be a like deduction of five per centum of his salary from and after the date of his coming under the said provisions; and if he becomes entitled to a pension and the deduction from his salary hereby provided for has not been made for as great a number of years as that upon which his pension is based, the aggregate amount of salary received by him during the years for which no deduction has been made shall be divided by the number of such years for the purpose of ascertaining the average salary of such servant during such years, and a yearly deduction amounting to five per centum upon such average salary shall be made from the retiring allowance of such servant; and such deduction shall continue to be made until the expiration of the

number of years last mentioned or the cessation of the payment of the pension whichever shall first happen: Provided that, if such servant sees fit, the deficiency in deduction may be made good by him in one or more payments before such last mentioned deductions become payable.

Case where part of service has been temporary.

6. In the case of a civil servant appointed before the coming into operation of this Act who, previous to his appointment as a permanent member of the civil service, had served for a year or more in a temporary capacity and who elects to become a contributor under this Act, the time spent in such temporary capacity may be taken into account in calculating such servant's superannuation allowance, a deduction of five per centum of his average pay for each year of such temporary employment being made from his retiring allowance; unless he sees fit to make good the deficiency in one or more payments before such deduction becomes payable.

Deduction for not more than 35 years.

7. The deductions mentioned in this section shall in no case be made for more than thirty-five years of service.

Deductions placed in Consolidated Fund.

8. The sums deducted under this section shall form part of the Consolidated Revenue Fund of Canada.

MISCELLANEOUS.

Superannuation account to be kept.

28. An account shall be kept, to be called the Civil Service Superannuation Account, Number Three, of all amounts received and paid out under the provisions of this Act; and the balance to the credit of the said account at the end of any fiscal year shall be at least equal to the present value of the prospective allowances and gratuities granted or grantable to persons subject, at the end of such fiscal year, to the provisions of this Act; such present value to be ascertained upon the basis of such standard or other tables of mortality as are, in the opinion of the Governor in Council, appropriate, and a rate of interest not exceeding four per centum per annum.

Deficiency, how made good.

2. Any deficiency shall be made good by the Minister of Finance out of the Consolidated Revenue, without further appropriation than this Act.

Statements to be submitted to Parliament.

29. The Minister of Finance shall lay before Parliament within fifteen days after the commencement of each session thereof:—

(*a*) a statement of all superannuations and retiring allowances within the year granted under the terms of this Act, giving the name and rank of each person superannuated or retired, his salary, age and length of service, the allowance granted to him on retirement, the cause of his superannuation and whether the vacancy has been subsequently filled, and if so, whether by promotion or by new appointment, and the salary of the new incumbent;

(*b*) a statement of all allowances granted to widows and children of civil servants under this Act within the year, showing the name, age and sex of each person to whom any such allowance has been granted; and the name, age at death, salary and length of service of the civil servant to whose dependents such allowance or allowances have been granted;

(*c*) a statement showing the condition of the Civil Service Superannuation Account, Number Three, at the end of the last preceding fiscal year.

Orders laid before Parliament.

30. The order in council made in any case of superannuation, or of granting an allowance, shall be laid before parliament at its then current or next ensuing session.

No allowance to Senator or M.P.

31. If after the passing of this Act, a person in receipt of a superannuation allowance is appointed to the Senate of Canada or is elected a member of the House of Commons, such allowance shall forthwith be discontinued and shall not be renewed so long as such person is a member of either House of Parliament.

Moneys not assignable nor liable for debts.

32. In no case shall any retiring allowance, or other moneys granted or payable to any person under this Act, be in any way assigned or charged to pass to any other person by operation of law; nor shall any moneys payable on the death of a contributor be assets for the payment of his debts or liabilities.

Act may be supplemented by regulations.

33. The Governor in Council may make such regulations and orders as may be deemed necessary or expedient for the purpose of effectually carrying out the provisions of this Act or of supplying any omissions therein or removing any doubt as to its true intent and meaning.

Which shall be laid before Parliament.

2. Every such regulation or order shall be laid before both Houses of Parliament within fifteen days of its adoption or passing, if Parliament be then in session, and otherwise within the first fifteen days of the next ensuing session.

When Act to begin.

34. This Act shall come into force on the first day of July, A.D. 1910.

As Reported, 27th April,
The Standing Committee
Service Administration.

2nd Session, 11th Parliament, 9-10 Edw.

THE SENATE OF CAN.

BILL

NNN

An Act to provide for the cases
Persons ceasing to be empl
Public Service of Canada.

Received and read a first time,
Wednesday, 27th April, 19
Second reading,
Thursday, 5th May, 1910.

Honourable Mr.

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excelle
1909-10

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL OOO.

An Act to correct an error in The Telegraphs Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Section 17 of *The Telegraphs Act*, chapter 126 of *The Revised Statutes of Canada*, 1906, is hereby amended by substituting for the words "hereafter authorized", in the first line of paragraph (*a*) thereof, the words "authorized after the eighth day of April, one thousand eight hundred and seventy five." R.S., c. 126, s. 17 amended, as to application of Act.

2. This Act shall be construed as if it had been passed on the first day of March, one thousand eight hundred and eighty seven, the date on which *The Revised Statutes of Canada*, 1886, came into force. Retroactive effect.

2nd Session, 11th Parliament, 9-10 Edw. V

THE SENATE OF CANA

BILL

234 000

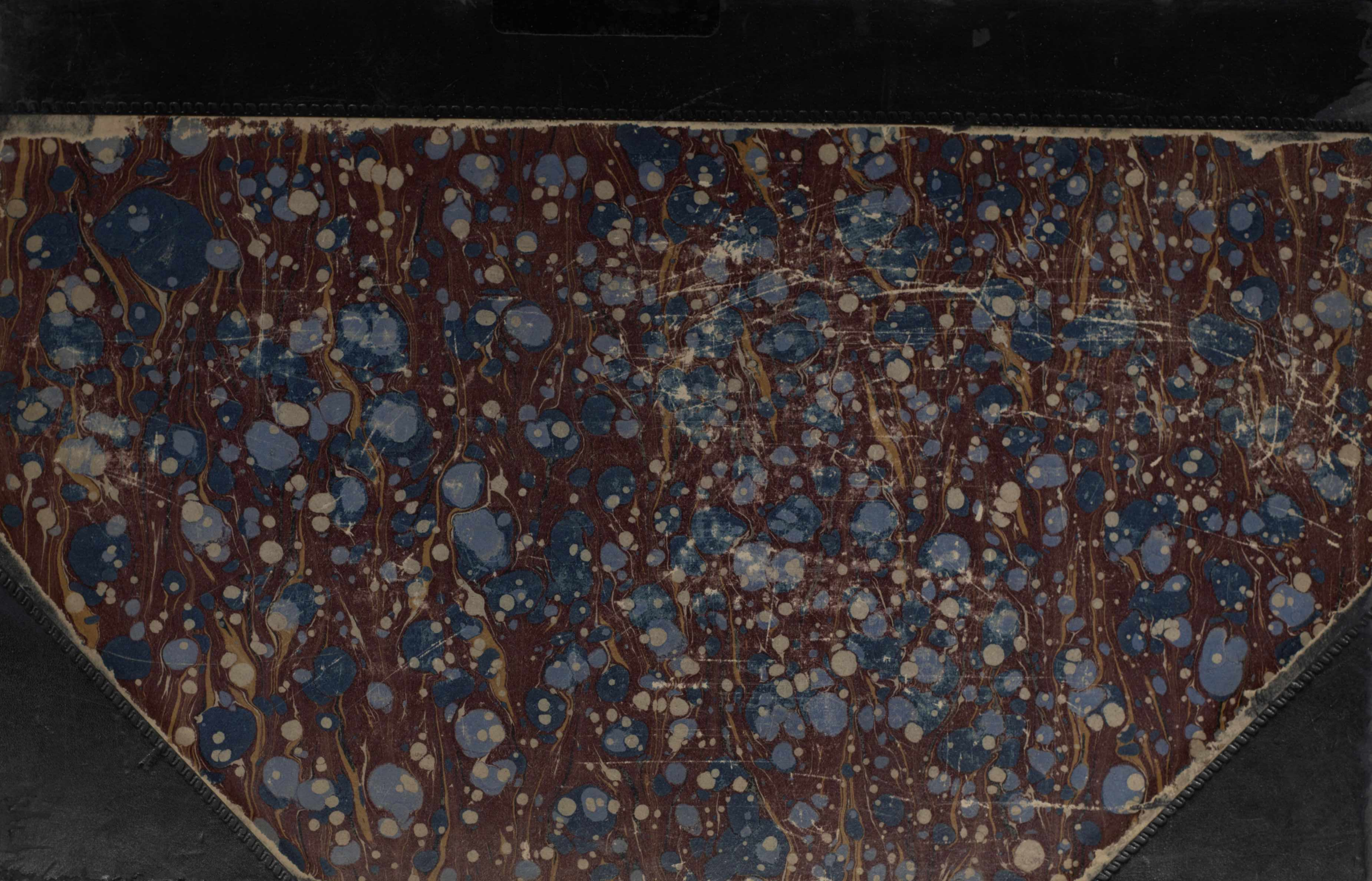
An Act to correct an error in
graphs Act.

Received and read a first time,

Wednesday, 27th April, 191

Second reading,

Thursday, 28th April, 1910.

Honourable Mr. F

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1909-10