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No. 2.] **BILL.** [1899.

An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduction.

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

1. Section 181 of *The Criminal Code*, 1892, is hereby amended by substituting the word "eighteen" for the word "sixteen" in the fifth line thereof. 1892, c. 29, s. 181 amended.

No. 2.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduction.

First reading, March 27, 1899.

Mr. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 3.] **BILL.** [1899

An Act respecting the Canada Accident Assurance Company.

Preamble.

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

1887, c. 106, s. 6 amended.

1. Section 6 of chapter 106 of the statutes of 1887, is hereby amended by striking out the words "two vice-presidents" and substituting therefor the words "a vice-president."

Section 9 amended.

2. Section 9 of the said Act is hereby amended by striking out the word "Toronto" and substituting therefor the word "Montreal."

Section 10 amended.

3. Section 10 of the said Act is hereby repealed, and the following is substituted therefor :—

Scope of insurance contracts.

"**10.** The Company may make and effect contracts of insurance with any person against any accident or casualty, of whatsoever nature or from whatsoever cause arising, to individuals, whereby the insured may suffer loss or injury, or be 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 ; and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties, of whatsoever nature or from whatsoever cause arising, whereby the insured suffers pecuniary loss or damage or incurs costs."

Workmen and employees.

Section 11 amended.

4. Section 11 of the said Act is hereby amended by striking out the words "Toronto, in the province of Ontario" and substituting therefor the words "Montreal, in the province of Quebec."

No. 3.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Canada Accident Assurance Company.

First reading, March 29th, 1899.

(PRIVATE BILL.)

MR. MONK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 4.] **BILL.** [1899

An Act to incorporate the Canada Plate Glass Assurance Company.

Preamble.

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

Incorporation.

1. Richard Wilson Smith, the Honourable Alphonse Desjardins, James P. Cleghorn, Samuel H. Ewing, Thomas H. Hudson, the Honourable Samuel Casey Wood, and James J. Kenny, all of the city of Montreal, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Canada Plate Glass Assurance 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, and a majority of them shall be a quorum. The provisional directors may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payment thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and may withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

Powers.

Capital stock.

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

Increase of capital.

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

Approval of shareholders.

Head office.

4. The head office of the Company shall be in the city of Montreal, in the province of Quebec, and branches, sub-boards or agencies may be established and maintained elsewhere, in such manner as the directors from time to time appoint.

Branch offices.

Business of Company.

5. The Company may make and effect contracts of insurance with any person against loss or damage by breakage of plate glass by accident, and generally carry on the business of plate glass assurance for such times, for such premiums or considerations, under such modifications and restrictions, and upon such conditions as are bargained and agreed upon or set forth by and between the Company and the insured.

Re-insurance.

2. The Company may also cause itself to be insured against any risk it may have undertaken in the course of its business.

First meeting of Company.

6. So soon as fifty thousand dollars of the capital stock of the Company have been subscribed, and twenty per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the said city of

Election of directors.

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 directors.

Number of directors.

2. The affairs of the Company shall be managed by a board of not less than five, nor more than nine directors, of whom three shall form a quorum.

Qualification.

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

Payment of calls.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of the calling of each such subsequent instalment shall be given.

Annual general meeting.

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

Special general meetings.

2. Special general meetings may at any time be called by any five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meetings.

3. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Investment of funds.

9. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in the debentures of any building society, loan, or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionally, or by assignement in the nature of a charge or mortgage thereon to the Company, or to any offi-

cer of the Company, or other person in trust for the Company and in or on the public consols, stocks, debentures, bonds or securities of the United Kingdom, or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for a term or terms of years, or in ground rents on real estate or other estate or interest in real property or mortgage security thereon, and may receive and hold all or any of such securities in the name of the Company or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Terms of investment to be in the discretion of directors.

2. Any investment or loan above 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 as the directors from time to time determine, and either in satisfaction of, or as collateral security for debts due to the Company, or judgments recovered against any person, or in security for the payment thereof.

Additional security.

3. The Company may also take any additional security of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is by this section authorized to lend any of its funds.

Foreign securities.

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

Real estate may not be held more than 7 years.

11. The Company may hold such real estate as is mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered; provided, always, that 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 a trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the 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 seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada; provided that the Governor in Council may extend the said period from time to time, but so that it shall not exceed 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 Her Majesty to claim such forfeiture; and the Company shall, when required, give the Governor in Council 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.

Proviso for extension.

Notice.

Statement.

R.S.C., c. 118. **12.** *The Companies Clauses Act*, except sections 18 and 39 thereof, shall apply to the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 128. **13.** This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

No. 4.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Canada Plate Glass Assurance Company.

First reading, March 29, 1899.

(PRIVATE BILL.)

Mr. MONK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No 5.] **BILL.** [1899

An Act to incorporate the Alaska-Yukon Railway Company.

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

1. James Dugdale, Frederick Pennington and Edward A. Wigan, all of London, England, together with such persons as become shareholders in the company, are hereby incorporated, under the name of "The Alaska-Yukon Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, and they may forthwith open stock books and procure subscriptions of stock for the undertaking and receive payments on account of stock subscribed, and carry on the general business of the Company. Provisional directors. Powers.

4. The capital stock of the Company shall be one million two hundred thousand pounds sterling, divided into shares of one pound each, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.

5. The head office of the Company shall be in the city of London, England. Head office.

6. The annual meeting of the shareholders shall be held on the third Wednesday in January in each year. Annual meeting.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five nor more than nine persons, to be the directors of the Company, one or more of whom may be paid directors. Election of directors.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches [or of such other gauge as may be adopted by the Company,] from a point at or near Pyramid Harbour on the Lynn Canal, or from a point on the international boundary line near the Chilkat Line of railway described.

Pass thence North to Dalton's House on the Dalton Trail and northerly along the Dalton Trail to Fort Selkirk, thence continuing by the most feasible route northerly to the one hundred and forty-first meridian at or near Fort Cudahy.

Business of Company.

9. The Company may, for the purpose of its business :—

Vessels.

(*a.*) construct, acquire, and navigate steam and other vessels upon the Yukon River and its tributaries, and carry on generally the business of transportation in connection with the said railway and vessels ;

Transportation.

Transportation facilities.

(*b.*) construct, acquire, lease, and sell wharfs, docks, elevators, warehouses, hotels and other works for the transportation of passengers and freight upon or across the said railway and the said river and its tributaries ;

Electricity.

(*c.*) acquire and utilize water and steam power for the purpose of compressing air and generating electricity for lighting, heating and motor purposes in connection with its railway, vessels and works, and may operate the same by

Power.

electricity, or other motive power, and may dispose of surplus electricity or other power generated by the Company's works ;

Mines

(*d.*) search for, prospect, acquire and work mines, minerals and mining rights in Canada, and may crush, smelt, reduce, and amalgamate ore to render marketable the produce, and may develop such mines, and may crush, smelt, reduce, and amalgamate the ores and products of any mines, whether belonging to the Company or not ;

Trading.

(*e.*) establish shops and stores ; purchase and deal in merchandise of every description, and transact a general business as traders and merchants ;

Patent rights.

(*f.*) acquire, any rights in letters patent, franchises or patent rights for the purpose of its works and undertakings ;

Land, etc., for water supply.

(*g.*) construct, acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its undertakings.

Telegraphs and telephones.

10. The Company may construct and operate telegraph and telephone lines, and may establish offices for the transmission of messages for the public and collect tolls therefor, and, for the purpose of constructing and operating such telegraph and telephone lines, the Company may enter into contracts with any other companies, and may lease the Company's lines.

R.S.C., c. 132.

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

Proceedings when extra land required.

12. If the Company requires land for wharfs, docks and elevators, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of

1888, c. 29.

sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject-matter of this section, and to the obtaining of such land and determining the compensation therefor.

Power to receive aid.

13. The Company may receive by grant from any government, or person, as aid in the construction of the railway, vessels and works provided for in this Act, any Crown lands or real or personal property, or sums of money, debentures or

subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such property not required for the purposes of the Company in carrying out the provisions of this Act.

Borrowing powers.

14. The directors, under the authority of a resolution of the shareholders at the first general meeting of the shareholders, or at any special general meeting called for that purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow money for the purposes of the Company, and may issue bonds or debentures in respect of the same, and secure the re-payment of the said moneys in such manner and upon such terms and conditions as they see fit, and, for this purpose, may pledge, mortgage, hypothecate, or charge all or any of the assets and property of the Company other than the railway.

Bonds.

Bond issue on railway limited.

15. The Company may, in addition to the powers granted in the next preceding section, issue bonds, debentures or other securities to the extent of six thousand pounds sterling per mile of its railway and branches, and such bonds, debentures or other securities, may be issued only in proportion to the length of railway constructed or under contract to be constructed or under contract to be constructed, and the Company may issue such bonds, debentures or other securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents, and revenues of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds debentures or other securities, if so issued, shall form a first charge upon, and be limited to the franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which shall be described in the mortgage deed made to secure the same.

Preferred stock.

16. The Company may, under the authority of the ordinary shareholders given at a special general meeting duly called for that purpose, (at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy) issue any portion of its capital stock as preferred stock, and such preferred stock shall have the special incidents and privileges defined by the following paragraphs, that is to say :—

Preferential dividend.

(*a.*) The profits of each year shall be first applied to pay a cumulative preferential dividend at a rate not exceeding six per cent per annum;

Ordinary dividend.

(*b.*) The residue of surplus profits applicable for dividend in each year shall be divided among the holders of the ordinary shares;

Directors of regulate distribution of profits.

(*c.*) Nothing herein contained shall prejudice or limit the powers or discretion of the directors as to the time or mode of application and distribution of profits, or as to the setting aside of profits for a reserve fund and depreciation accounts;

Application of assets for return of capital.

(*d.*) The holders of the said preferred stock shall also be entitled to the preferential payment of the amount paid up on their shares out of the assets available for the return of capital in priority to any return of capital in respect of ordinary shares in the Company; and, subject thereto, the residue of such surplus assets shall belong to, and be divided among the ordinary shareholders.

Preferred shareholders right to vote.

2. The holders of such preferred stock shall have and enjoy the rights, privileges and qualifications of holders of capital stock for voting at all meetings of the shareholders and for the purpose of becoming directors.

Time for construction of railway limited.

17. If the construction of the railway described in section 8 of this Act is not commenced within two years after the passing of this Act, or if the railway is not finished and put in operation as far as Fort Selkirk within five years after the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 5.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Alaska-Yukon Railway Company.

First reading, March 29th, 1899.

(PRIVATE BILL.)

Mr. LOGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 7.] **BILL.** [1899.

An Act to incorporate the Northern Telegraph 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Incorporation.

1. Daniel Chase Corbin, of Spokane, United States, John Dean, of Rossland, and Duncan Ross, of Greenwood, both in the province of British Columbia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Northern Telegraph Company, Limited," hereinafter called "the Company."

Corporate name.

Provisional directors

2. The persons named in section 1 of this Act are hereby constituted the first or provisional directors of the Company, a majority of whom shall be a quorum ; and they may forthwith open stock-books, and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and carry on the business of the Company.

Capital stock

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

Calls.

2. No one call shall exceed ten per cent on the shares subscribed.

Increase of capital.

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

Confirmation by shareholders.

Head office.

4. The head office of the Company shall be in the city of Greenwood, in the district of Yale, in the province of British Columbia, or at such other place in the said province as the directors from time to time determine by by-law.

First general meeting

5. When and so soon as twenty-five per cent of the capital stock has been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some time and place to be named by the provisional directors, 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 three directors.

Election of directors.

2. Only shareholders eligible to vote may act as proxies at any meeting of the Company.

Shareholders only may hold proxies.

3. Notice of such meeting shall be sufficiently given by mailing the same, postage prepaid, to the last known post office address of each shareholder, at least ten days previous to the date of such meeting.

Notice of meeting.

6. The annual general meeting of the shareholders shall be held on the third Monday in September in each year, or on such other day in each year as the directors, from time to time, determine by by-law.

Annual general meeting.

2. At such meeting the shareholders present, or represented by proxy, who have paid all calls due on their shares, shall choose three persons to be directors, one or more of whom may be paid directors, and a majority of whom shall be a quorum.

Election of directors.

7. The Company may—

Powers of Company.

(*a.*) construct and operate lines of electric telegraph and telephone, with the necessary connections, for the transmission of messages between such points as the Company may deem expedient in the districts of Yale, West Kootenay and East Kootenay, in the province of British Columbia, in, under, upon and across any water, and the shore or bed thereof, and upon, along, across or under any highway or public place or over Crown lands in the said districts ; provided that such lines shall be constructed and maintained so as not to interfere with the public use of such highways, nor injuriously interrupt the navigation of any navigable water ;

Telegraph and telephone lines.

Proviso.

(*b.*) construct, acquire and operate any line of telegraph or telephone to connect the Company's lines with any other lines of telegraph and telephone in Canada or the United States ;

Connecting lines.

(*c.*) construct and operate branch lines and extensions of its electric telegraph and telephone lines ; provided that no such branch or extension shall exceed twenty miles in length in any one case ;

Branches and extensions.

(*d.*) acquire, manufacture, construct, and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and machinery as are or may be used in any way in connection with the business of the production, manufacture, supply and utilization of electricity, and dispose of the same ;

Construction of works and apparatus.

(*e*) acquire, use, license, and dispose of any property, water power or other powers, rights, easements and privileges in connection with the production, manufacture, supply and utilization of electricity for any purpose for which the same may be used, and also acquire, use and dispose of any inventions, letters patent of invention, or the right to use any inventions in any way connected with or pertaining to the business of the Company ;

Acquisition of rights.

Patent rights.

(*f.*) acquire shares in the capital stock, debentures and securities of other companies possessing any powers similar to those of the Company, as the consideration for goods, wares or merchandise sold, or services rendered, to such other companies in the ordinary course of business ;

Shares in other companies.

(*g.*) establish offices for the transmission of messages for the public, transmit such messages, and collect tolls for so doing ; Transmission of messages.

(*h.*) enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working, in whole or in part, of the lines of the Company ; Arrangements with other companies.

(*i.*) receive from any government or person, in aid of the construction, equipment or maintenance of any of its works, grants of land, gifts of money or securities for money, and may dispose of such property as is not required for the purposes of the Company ; Aid may be received.

(*j.*) acquire and hold such lands as may be necessary for the purposes of its undertaking. Lands may be acquired.

8. The Company may enter upon the lands of Her Majesty, or of any person, and survey the same, and set out and ascertain such parts thereof as it thinks necessary and proper for the construction of its lines of telegraph or telephone, and take possession of and use the said lands for such purposes, and, when the said lines pass through any wood, may cut down the trees and underwood for the space of fifty feet on each side of the said lines, doing as little damage as possible in the execution of the several powers hereby granted ; and the Company shall make compensation and satisfaction, whenever required so to do, to the owners or occupiers of, or the persons interested in, the lands so entered upon, for all damage by them sustained resulting from the execution of any of the powers granted by this Act ; Expropriation of lands. Compensation.

2. If the Company cannot agree with the owner or occupier of any lands which it may take for the purposes aforesaid, with respect to any damage done thereto by constructing its lines, the Company and such owner or occupier shall each choose an arbitrator, and the said arbitrators shall choose a third, and the decision on the matter in difference of any two of such arbitrators, in writing, shall be final ; and if the said owner or occupier, or the Company, neglects or refuses to choose an arbitrator within four days after notice in writing, and upon proof of personal service of such notice, or if such two arbitrators, when duly chosen, disagree in the choice of a third arbitrator, then, and in any such case, the Minister of Public Works may appoint any such arbitrator, or such third arbitrator, as the case may be, and the arbitrator so appointed shall possess the same power as if chosen in the manner above provided. Proceedings when parties cannot agree.

9. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved by the Governor in Council. Rates to be approved.

10. The Company may connect any of its lines with the lines of the Spokane Northern Telegraph Company, or of any other telegraph or telephone company in the United States, or with the lines of any telegraph or telephone company which is now or hereafter may be empowered to carry on business in Connection with other lines.

the said districts of Yale, West Kootenay, East Kootenay, or in any other district or part of the province of British Columbia; and the Company may also sell or lease the Company's lines, or any part thereof, to the said Spokane Northern Telegraph Company, or to any other telegraph or telephone company in the United States, or to any other telegraph or telephone company which is now or may hereafter be empowered to carry on business in the province of British Columbia, or may amalgamate the undertaking of the Company with that of any other such telegraph or telephone company in British Columbia, or in the United States, and the Company may, from time to time, enter into such contracts, or arrangements for the transmission and exchange of messages and distribution of rates or charges with any other telegraph or telephone company in the province of British Columbia, or in the United States, as the Company deems necessary or expedient for the purposes of its undertaking.

Approval of shareholders and Governor in Council.

2. Any such agreement for the sale, lease or amalgamation of the Company's undertaking to, or with, that of any other such telegraph or telephone company, shall first be approved of by two-thirds of the votes of the shareholders of the Company at a special general meeting of its shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present, or represented by proxy—and such agreement shall also receive the sanction of the Governor in Council.

Notice of application for sanction.

3. Such sanction shall not be signified until after notice of the proposed application therefor has been published for two weeks in the *Canada Gazette* and in one newspaper in the district in which the Company is carrying on operations for the time being.

Borrowing powers.

11. The Company may borrow such sums of money as may be necessary for carrying out any of its objects or purposes; and the directors may also, whenever authorized by by-law for that purpose, approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company present or represented by proxy at a special general meeting of the Company called for the purpose of considering such by-law, borrow such sums of money, not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company, as the shareholders deem necessary, and may

Debentures.

issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rate of interest, and payable at such times and places, and secured in such manner, by mortgage or otherwise, as a first-charge upon the whole or any portion of the undertaking, property and assets of the Company as may be prescribed by such by-law, or be decided upon by the directors under the authority thereof, and the Company may make such provision respecting the redemption of such securities as may be deemed proper.

Issue of paid-up stock for franchise, etc.

12. The directors may make and issue, as paid-up stock, shares of the capital stock of the Company in payment for any franchise, right of way, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, materials assets or other property which it may lawfully acquire by

virtue of this Act, and may allot and hand over such shares to any person, or corporation, or to its shareholders; and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property wholly or partly in paid-up shares, or wholly or partly in bonds, as to the directors seems proper.

13. Sections 18 and 39 of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

14. *The Electric Telegraph Companies Act* shall apply to the Company. R.S.C., c. 132.

15. Subsection 2 of section 90 of *The Railway Act* shall apply to the Company. 1888, c. 29.

No. 7.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Northern Telegraph Company.

First reading, March 29th, 1899.

(PRIVATE BILL.)

Mr. BOSTOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 8.] **BILL.** [1899.

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

Preamble.

WHEREAS the Atlantic and North-West Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her 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 Atlantic and North-West Railway Company may complete the railway, which by its Act of incorporation, chapter 65 of the statutes of 1879, it was authorized to construct, or any portion thereof, within five years after the passing of this Act; provided that as to so much thereof as is not completed within that period, the powers of the Company shall cease and determine.

No. 8.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

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

First reading, March 29, 1899.

(PRIVATE BILL.)

Mr. PRIOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 9.] **BILL.** [1899.

An Act respecting the Calvin Company (Limited).

Preamble. 1886, c. 107.

WHEREAS the Calvin Company (Limited) was incorporated by chapter 107 of the statutes of 1886, and was thereby authorized to carry on business under the said name; and whereas the said company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1886, c. 107, s. 1 amended.

1. Section 1 of chapter 107 of the statutes of 1886 is hereby amended by adding thereto the following subsection:—

Name restricted to the Company.

2. The corporate name of the Company shall be its exclusive property; and no other person or partnership shall, during the corporate existence of the Company, make use of such name (with or without the affix "Limited"), or of any imitation thereof, or of any name liable to be confounded herewith.

No. 9.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Calvin Company (Limited).

First reading, March 29th, 1899.

(PRIVATE BILL.)

MR. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 10. **BILL.** [1899.

An Act respecting the Nisbet Academy of Prince Albert.

Preamble.

WHEREAS the Academy built and maintained by the Trustees of the Nisbet Academy of Prince Albert, who were incorporated by chapter 108 of the statutes of 1888, has been destroyed by fire; and whereas the moneys available for rebuilding, maintaining and operating the said Academy are insufficient for the purposes thereof, and for the purposes of the Corporation as authorized by the said Act; and whereas it has been deemed advisable by the said trustees and the Synod of Manitoba and the North-West Territories in connection with the Presbyterian Church in Canada to wind up the said corporation and to distribute the assets thereof; and whereas the said corporation and Synod 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1888, c. 108.

Trustees may distribute assets.

1. The Trustees of the Nisbet Academy of Prince Albert are hereby authorized and empowered to collect the assets of the said corporation, and after payment of the debts (if any) of the said corporation to distribute the assets of the said corporation as follows:—

Real property.

(*a*) To transfer all the real property now vested in them, to the Foreign Mission Committee of the Presbyterian Church in Canada, or their appointees;

Moneys.

(*b*) To divide the moneys of or belonging to them as follows: One-fifth part thereof to St. Paul's Presbyterian Church in the town of Prince Albert in the district of Saskatchewan, to pay the present indebtedness of the church, and four-fifths thereof to the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West, to aid in carrying on the objects of the said board in the North-West Territories.

Corporation to cease to exist.

2. The said corporation shall cease to exist from and after the passing of this Act, except for the purposes set forth in section 1 hereof.

No. 10.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Nisbet Academy of Prince Albert.

First reading, March 29th, 1899.

(PRIVATE BILL.)

MR. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 11] **BILL.** [1899

An Act to confer on the Commissioner of Patents certain powers for the relief of Thomas Robertson.

WHEREAS Thomas Robertson, having his chief place of business at Toronto, has, by his petition, represented that on the ninth day of December, one thousand eight hundred and ninety-two, he was granted letters patent under the seal of the Patent Office for a "machine for the automatic production of drops made of fine sugar and gum or similar material" being patent number forty-one thousand one hundred and thirty-eight; that on or before the expiration of the first six years of the said letters patent, which were granted for a term of eighteen years, only the partial fee for the first six years being paid upon the issue thereof, the said Robertson was entitled, upon application therefor, to a certificate of payment of the additional fee provided by section 22 of *The Patent Act*, chapter 61 of the Revised Statutes as amended by section 5 of chapter 24 of the statutes of 1892, and section 3 of chapter 34 of the statutes of 1893; that the said Robertson duly paid to his solicitor at the time of the application for the said letters patent the full fee required for the full term of eighteen years; that the said solicitor died on or about the thirteenth day of August, one thousand eight hundred and ninety-three, without having paid any further fee than that required for the first term of six years for the said patent; that, subsequently to the death of the said solicitor, the said Robertson discovered that the full fee had not been paid, and immediately made application to pay the same, but was informed by the Commissioner of Patents that such application could not be entertained, and that the certificate of payment of the additional fee could not be granted; that the said Robertson relied upon the said solicitor and did not make enquiries at the time of the issue of the said letters patent, and that the expiry of the said letters patent was caused by the omission or negligence of the said solicitor, and without fault or neglect on the part of the said Robertson; and whereas the said Robertson has, by his petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. R.S.C., c. 61, s. 22, 1892, c. 24, s. 5. 1893, c. 34, s. 3.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the letters patent mentioned in the preamble, the Commissioner of Patents may receive from Thomas Robertson Commissioner of Patents may extend duration of letters patent.

the application for a certificate of payment and the usual fees upon the said letters patent for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said Thomas Robertson the certificate of payment of fees provided by *The Patent Act*, and an extension of the period of the duration of the said letters patent to the full term of eighteen years in as full and ample a manner as if application therefor had been duly made within six years from the date of the issue of the said letters patent.

No. 11.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to confer on the Commissioner of Patents certain powers for the relief of Thomas Robertson.

First reading, March 29th, 1899.

(PRIVATE BILL.)

Mr. ROBERTSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 12.] **BILL.** [1899.

An Act to confer on the Commissioner of Patents certain powers for the relief of George L. Williams.

Preamble.

WHEREAS George Leonard Williams, having his chief place of business at the town of Brampton, in the province of Ontario, has, by his petition, represented that on and prior to the fourteenth day of September, one thousand eight hundred and ninety-eight, he was the holder of letters patent under the seal of the Patent Office dated the fourteenth day of September, one thousand eight hundred and ninety-two, for improvements in boots and shoes, being patent number forty thousand three hundred and forty-five; that on or before the expiration of the first six years of the said letters patent, which were granted for a term of eighteen years, only the partial fee for the first six years being paid upon the issue thereof, the said Williams was entitled, upon application therefor, to a certificate of payment of the additional fee provided by section 22 of *The Patent Act*, chapter 61 of the Revised Statutes as amended by section 5 of chapter 24 of the statutes of 1892, and section 3 of chapter 34 of the statutes of 1893; and whereas the said Williams and others had, prior to the said fourteenth day of September, one thousand eight hundred and ninety-eight, invested a large sum in the equipment of a factory, the extension and advertising of the business dealing in the article covered by the said letters patent, and the establishment of an incorporated company, to wit, The Williams Shoe Company, Limited, for the manufacture of the said patented article known as Williams Patent Adjustable Boot; that the said Williams, an officer of the said company, carrying on business at the time at the town of Milton, inadvertently omitted to make such application before the fourteenth day of September, one thousand eight hundred and ninety-eight, but, soon after the omission was observed, made application to pay the said fee, at which date such application could not be entertained, as the Commissioner of Patents could not then accept the additional fee and grant a certificate of payment thereof; and whereas the said Williams has, by his petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 61, s. 22.
1892, c. 24, s. 5.
1893, c. 34, s. 3.

Commissioner of Patents may extend duration of letters patent.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the letters patent mentioned in the preamble, the Commissioner of Patents may receive from George Leonard Williams the application for a certificate of payment and the

usual fees upon the said letters patent for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said George Leonard Williams the certificate of payment of fees provided by *The Patent Act*, and an extension of the period of the duration of the said letters patent to the full term of eighteen years in as full and ample a manner as if application therefor had been duly made within six years from the date of the issue of the said letters patent.

Rights of third persons saved.

2. Any person who has, within the period between the fourteenth day of September, one thousand eight hundred and ninety-eight, and the extension hereunder of the said letters patent, acquired, by assignment, user, manufacture or otherwise, any interest or right in respect of such improvements or invention, shall continue to enjoy the same as if this Act had not been passed.

No. 12.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to confer on the Commissioner of Patents certain powers for the relief of George L. Williams.

First reading, March 29th, 1899.

(PRIVATE BILL.)

Mr. McCARTHY.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 13] **BILL.** [1899.

An Act respecting the Home Life Association of Canada.

WHEREAS The Home Life Association 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. The affairs of the Home Life Association of Canada, hereinafter called " the Association," shall be managed by a board of not less than eleven, nor more than twenty-five directors, of whom a majority shall be a quorum. Number of directors.

2. No person shall be a director unless he is a shareholder owning at least fifty shares of the capital stock absolutely, in his own right, and has paid all calls due thereon, and all liabilities incurred by him to the Association. Qualification of directors.

2. The present directors shall continue to be the directors of the Association until the next annual general meeting, and the present president and vice-president shall continue as such until replaced by others. Present directors to continue,

2. The said directors may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Association, and withdraw the same for the purposes only of the Association, and may do generally what is necessary to reorganise the Association in accordance with the terms of this Act. Powers of directors.

3. The first call shall not exceed twenty per cent on the shares subscribed, and no subsequent call shall exceed ten per cent, and not less than thirty days' notice of any call shall be given ; provided that the Association shall not commence the business of insurance authorized by this Act until seventy thousand dollars of capital stock have been paid in cash into the funds of the Association, to be appropriated only for the purposes of the Association under this Act; provided futher, that the amount so paid in by any shareholder shall not be less than ten per cent on the amount subscribed by such shareholder. Calls on stock. When business may be commenced

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

4. The directors may, after the capital stock has been subscribed, and five hundred thousand dollars have been paid Increase of capital.

thereon in cash, increase the amount of the capital stock at any time, to an amount not exceeding two million dollars; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has been first submitted to and confirmed by a majority in number and amount of the shareholders at an annual general meeting of the Association, or at a special meeting of the shareholders duly called for that purpose.

Confirmation by shareholders.

Head office.

5. The head office of the Association shall be in the city of Toronto, and the directors may, from time to time, establish sub-boards, branches or agencies in such manner as the directors from time to time appoint.

Branch offices.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held at the head office on the second Tuesday in February in each year, or on any subsequent day that the directors may by resolution appoint, and at such meeting a statement of the affairs of the Association shall be submitted by the directors.

Business of Association.

7. The Association may effect contracts of life insurance with any person, and may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches and forms.

Investment powers.

8. The Association may invest its funds in debentures, bonds, stocks or other securities of the Dominion of Canada, or of any province thereof, or of any municipal or school corporation of Canada; or in the bonds or debentures of any building society, loan or investment company, water works company, gas company, street railway company, electric railway company (every such society or company being incorporated in Canada); or may loan on the security of any of the said debentures, bonds, stocks or securities, or on the security of the paid-up shares of any of the companies above mentioned (provided that any loan upon the security of any such shares shall not exceed ninety per cent of the market value of such shares); or on the security of real estate, or mortgage security thereon, or on the security of leaseholds for a term of years, or other estate or interest in real property or mortgage security thereon, in any province of Canada; or invest in or loan on policies issued by the Association or by other companies; or invest in the purchase of ground rents; or invest in or loan upon the stock, bonds or debentures of the United States, or of any State thereof, or of any municipality in the United Kingdom, or in the United States, or any State thereof, or in or on mortgages on real estate therein (but the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States, and the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*); and may change and re-invest the same as occasion from time to time requires; and may take, and hold any of such securities in the corporate name of the Association, or in the name of trustees for the Association appointed by the directors,

whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Association on the security of the said debentures, bonds, stocks, mortgages or other securities as aforesaid, such loans to 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, and at such interest and return, as the directors may, from time to time, determine and direct, and whether they are taken absolutely or conditionally or as collateral security, or whether such securities are taken in satisfaction of debts due to the Association, or judgments recovered against any person in its behalf, or in security for the payment of the same or of any part thereof; provided, further, that the Association may take any additional securities of any nature to further secure the repayment of any liability to the Association or to further secure the sufficiency of any of the securities upon which the Association is hereby authorized to invest or lend any of its funds.

Foreign securities.

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

Real estate may be held.

Proviso.

10. The Association may hold such real estate as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts, or of judgments recovered ; provided always that no parcel of land or interest therein at any time acquired by the Association, and not required for its actual use and occupation, or not held by way of security, shall be held by the Association, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the Association 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 Association for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada ; provided that the Governor in Council may extend the said period from time to time, for a period 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 calender months after notice in writing to the Association of the intention of Her Majesty to claim such forfeiture ; and the Association shall, when required, give to the Governor in Council a full and correct statement of all lands at the date of such statement held by the Association, or in trust for the Association, and subject to these provisos.

Proviso.

Value of real estate held limited.

11. The Association may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Association, but the annual value of any real property requisite for the carrying on of the undertaking of the Company shall not, in any province of Canada, exceed ten thousand dollars, except in the provinces of Ontario and Quebec where it shall not exceed twenty thousand dollars.

How profits may be divided.

12. The directors may, from time to time, set apart such proportion 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 parts from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart, which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall, at any time, be declared or paid out of estimated profits, and the portion of such profits which remain undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

Paid up policies.

13. Whenever any holder of a policy issued after the passing of this Act, other than a term or natural premium policy, shall have paid three or more annual premiums thereon, and shall fail to pay any further premium, or shall desire to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up commuted policy for such sum as the directors may determine, such sum to be ascertained upon principles to be adopted by by-laws; or the directors may pay a sum as a cash surrender value in lieu of such paid-up commuted policy, provided he shall demand such paid-up commuted policy, or such cash payment, while the original policy is in force, or within six months after his failure to pay a premium thereon.

Rights of holders of participating policies.

14. The Association may agree to give to holders of participating policies the right to attend and vote in person at all general meetings of the Association, and, if the Association so determines, then all persons who are actual holders of policies from the Association, whether such persons are shareholders of the Association or not, and who are by the terms of their policies entitled to participate in profits, and are referred to in this Act as holders of participating policies, shall be members of the Association, and, shall be entitled to attend and vote in person at all general meetings of the Association except at those called for the purpose of increasing the capital stock of the Association (and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment, or sale of capital stock of the Association); and every holder of a participating policy of the Association for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

Policy for benefit of wife or child.

2. In such event a husband holding a participating policy on his life for the benefit of his wife or children shall be deemed a member of the Association.

Repayment of guarantee fund.

15. The Association shall repay to the holders of the guarantee fund raised by the Association the amounts respectively paid in by them, or shall issue shares of the capital stock to such holders equal to the amounts so respectively paid in

by them, so that for each twenty dollars paid in such holder shall be entitled to one share, upon which twenty per cent shall be paid up.

Existing rights preserved.

16. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action, or complaint which any member or person has against the Association, or shall relieve the Association from the payment or performance of any debt, liability, obligation, contract or duty.

1890, c. 46, ss. 2 to 14 repealed.

17. Sections 2 to 14, both inclusive, of chapter 46 of the statutes of 1890, incorporating the Association, are hereby repealed.

R.S.C., c. 124.

18. This Act, and the Association, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

R.S.C., c. 118.

19. Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections 18 and 39 thereof, shall extend and apply to the Association, and shall be incorporated with and form part of this Act, in so far as it is not inconsistent with any of the provisions herein contained.

No. 13.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting The Home Life Association of Canada.

First reading, March 29th, 1899.

(PRIVATE BILL.)

Mr. MACDONALD,
(Huron.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 14.] **BILL.** [1899

An Act respecting the Quebec Steamship Company.

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

1. Section 3 of chapter 108 of the statutes of 1873 is hereby repealed, and the following is substituted therefor:— 1873, c. 108, s. 3 amended.

"**3.** The Company may own, build, buy, sell and charter ships, steamboats and other vessels, and employ them in any lawful business whatsoever and wheresoever; buy and sell fruit and other goods and merchandise, and carry on the business of general merchants; also own, construct, buy, sell or lease wharves, roads, stores, buildings or other property required for their own business: Provided always that the annual value of all such wharves, roads, stores, buildings or other property owned or held by the Company in any one county or district at any one time, shall not exceed twenty-five thousand dollars." Powers and business of company. Proviso as to real estate.

No. 14.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Quebec Steamship Company.

First reading, March 29th, 1899.

(PRIVATE BILL.)

Mr. MALOUIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 15.] **BILL.** [1899.

An Act to regulate the Trade in Grain in Manitoba and the North-West Territories.

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

Railway company to give facilities for shipment of grain,

1. Every railway company now or hereafter engaged in the transportation of grain in the Province of Manitoba and the North-West Territories shall, at every station on its lines of railway from which grain is now shipped, or other points on the said lines from which in future it may be shipped, either provide at its own expense adequate facilities to receive and ship such grain at such station, or grant to any person who demands it in writing the privilege to erect, maintain and use, on some portion of the company's land adjoining the railway main track, siding or spur at such station, an elevator, flat warehouse or grain shute for the purpose of storing and shipping grain by the said railway; but the said elevator, flat warehouse or grain shute shall not be used for any other purpose.

Or grant privilege of erecting warehouses, etc., on its lands.

As to flat warehouses or elevators below standard.

2. Where a flat warehouse now exists or an elevator of less capacity than a standard elevator (viz.: twenty-five thousand bushels), such flat warehouse or elevator may be used for shipping grain under the terms of this Act, and no discrimination shall be made against it in favour of standard elevators.

Period and terms of privilege.

3. The period and the terms of the holding of such privilege so granted by the railway company shall be arranged between the parties; and such period and terms shall be substantially the same as those under which the standard elevators are held and operated.

Side tracks to elevators not on company's land.

4. Where such elevator, flat warehouse or grain shute is from necessity constructed on land not the property of the railway company, the company shall, in lieu of granting the privilege aforesaid, build and maintain a side track or spur to such elevator, flat warehouse or grain shute, not less than one hundred yards and not more than three hundred yards in length; if such track or spur requires to be of greater length, then the additional length shall be built and maintained by the person applying for the said privilege or the owner of such elevator, flat warehouse or grain shute so situated; and in either case any person keeping and operating such elevator, flat warehouse or grain shute shall not be compelled to pay for the privilege of doing business in it any sum or compensa-

Proviso as to demurage.

tion to any other person: Provided always that in the event of the cars not being loaded within a reasonable time customary demurrage charges may be exacted from the shippers by the company.

Grain shipped directly from vehicles.

5. The railway company shall permit the producer to ship grain directly from his vehicle into the car, either through a grain shute over the company's platform, or over a portable platform erected by him at his own expense. When grain is shipped directly from vehicles, no charge shall be made by any elevator owner or other person for such privilege, except when the grain shute is the possession of a private party, and such charge shall not exceed one-half of one cent per bushel.

Grain shutes.

6. Grain shutes shall not hold less than seven hundred bushels and not more than one thousand four hundred bushels; they shall protect the grain from the weather; and they shall be constructed high enough to run the grain into the car without the aid of machinery.

Company to supply cars.

7. The company shall, on reasonable demand, supply cars for the purpose of carrying the grain received and stored, in such elevators, flat warehouses and grain shutes, and grain to be shipped directly from the producers' vehicles; and when

If number is not sufficient.

the company is unable, from any reasonable cause, to furnish cars according to the demand, such cars as are furnished shall be divided equally among the applicants until each has received one car, and after that the available cars shall be distributed in proportion to the amount of business transacted by such applicants.

Tolls.

8. The tolls or rates to be charged by the railway company or by any person who owns an elevator or flat warehouse on the station grounds of the company, or on the ground to which the company has built a side track or spur, as provided for herein, shall not exceed the following sums for the services mentioned, viz.:—

(*a.*) For receiving, storing and shipping grain, one cent per bushel;

(*b.*) For cleaning it, in addition, if required by the shipper, one-half cent per bushel;

(*c.*) For storing twenty days, if stored at the request of the shippers, one-half cent per bushel; and so for each additional thirty days thereafter.

Inspector to be appointed.

9. With a view to an intelligent oversight and just control of the grain trade in the public interest, and to check some of the irregularities that exist in the matter of weight and dockages made by dealers in the said trade, a competent inspector, directly responsible to the Government, shall be appointed.

Title.

2. He shall be called the General Inspector of the grain trade of the Province of Manitoba and the North-West Territories.

Investigation of irregularities, etc.

3. He may investigate all irregularities in weights and dockages, and call for and examine the grain accounts of each elevator company and individual grain dealer in the said pro-

vince and territories; and may institute a comparison as to the amount paid for grain, the number of bushels bought and received under each particular standard grade, and the number of bushels under each such grade shipped out to Fort William, Port Arthur, and other ports to which the grain may be sent, or sold to other parties within the said province and territories.

Seizure and sale of surplus grain.

4. If in any case, after deducting one bushel as demurrage for every carload of seven hundred bushels exported, or sold within the said province and territories, any considerable surplus is at any time discovered in the possession of the company or dealer at the point of purchase or elsewhere exceeding five hundred bushels, such surplus shall be seized and sold, and the amount thus recovered shall be paid to the Minister of Inland Revenue as funds to pay the salary of the general inspector. The company or dealer with whom this surplus of grain is discovered shall be held guilty of an indictable offence and liable to the penalties of *The Criminal Code*, 1892, for theft, and dealt with accordingly.

Disposal of proceeds.

Penalty.

Annual report of inspector.

5. The general inspector shall overlook the work of the other inspectors of grain at present employed by the Government, and prepare an annual detailed report of the whole grain traffic, giving the number of bushels received into, and graded out from, terminal elevators under each particular grain standard. This report shall be a sworn statement. The general inspector shall be sworn not to divulge the business of any company or individual grain dealer to any other company or dealer; and a full report of his work shall be annually published and submitted to the Government through the Minister of Inland Revenue.

Application of Act.

10. The provisions of this Act shall apply to every elevator or warehouse now situated on the station grounds or property of the railway companies mentioned in the first section hereof, or operated in connection with the lines of such companies, and to which this Act applies.

Penalty for non-compliance with Act.

11. Every railway company, elevator company, flat warehouse owner and individual grain dealer operating in the Province of Manitoba and the North-West Territories, failing or refusing to comply with the provisions of this Act shall, on summary conviction, be subject to a penalty of not less than three hundred dollars and not more than one thousand dollars.

Prosecutions.

12. All prosecutions under this Act shall be in the name of Her Majesty, under the direction of the Attorney General of Canada.

Saving.

13. Nothing herein contained shall interfere with the duties and obligations of the railway companies as common carriers at common law, or under the provisions of *The Railway Act.* 1888, c. 29.

No. 15.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to regulate the Trade in Grain in Manitoba and the North-West Territories.

First reading, March 29, 1899.

Mr. DOUGLAS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 16.] **BILL.** [1899.

An Act respecting joint securities for Seed Grain Indebtedness in Manitoba and the North-West Territories.

Preamble.

WHEREAS, in Manitoba and the North-West Territories, the sum of $153,602.67 is due the Government, for seed grain advances, by five thousand three hundred and eighty-four farmers,—this number standing in the securities as principals for this liability, four thousand six hundred and forty-three being liable as bondsmen for others, and three thousand four hundred and thirty-nine of these standing in the double relation of principal debtors and bondsmen for others; whereas many who stand in this double relationship are ready and willing to pay their personal liability, and feel it a hardship, a hindrance and sometimes an expense to have the indebtedness of their neighbour registered against their personal homestead, knowing at the same time that the person for whom they stand surety is able but is not willing to pay his liability; and whereas the average sum due the Government by these five thousand three hundred and eighty-four farmers may not exceed fifty dollars, and the double security registered against the patents of the two farms seems to be excessive and unnecessary to secure the Government against lost for such sums advanced: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Land of debtor to be security.

1. The homestead or quarter section of land in the possession of the principal debtor for seed grain advances shall be regarded and held for all time sufficient security for such indebtedness in each case.

Discharge of bondsmen.

2. On and after the first day of July, 1899, the four thousand six hundred and forty-three farmers mentioned in the preamble, who stand in the relation of bondsmen for seed grain advances shall cease to be responsible as bondsmen, and such joint securities for seed grain shall be null and void.

No. 16.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting joint securities for Seed Grain Indebtedness in Manitoba and the North-West Territories.

First reading, March 29, 1899.

Mr. DOUGLAS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 17.] **BILL.** [1899.

An Act respecting the Ottawa and Gatineau 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1897, c. 58, s. 1 amended.

1. The section substituted by section 1 of chapter 58 of the statutes of 1897 for section 32 of chapter 87 of the statutes of 1894 is hereby repealed, and the following is substituted therefor :—

Time extended for construction.

"**32.** If the construction of the main line, branches and extensions of the railway of the Company hereby authorized is not completed on or before the thirty-first day of December, one thousand nine hundred and four, the powers granted for the construction thereof shall cease and be null and void as respects so much thereof as then remains uncompleted."

Powers of Company.

2. The Ottawa and Gatineau Railway Company may—

Property, rights, etc.

(*a.*) acquire, use and dispose of any property, water powers and other powers, rights, easements and privileges for the purpose of, or in connection with, the production, manufacture or supply of electricity for heat, light and power, and for any other purpose for which the same may be used ;

Electricity.

(*b.*) produce, manufacture, supply and dispose of electricity for traction, light, heat and power, and for any other purpose for which the same may be used ;

Use of water.

(*c.*) have free access to all rivers, streams or creeks at such places as it deems necessary or desirable, and may draw off water for its purposes, and may construct such sluices, flumes and reservoirs as it considers necessary in connection therewith ; provided that the navigation of such rivers, streams and creeks is not thereby injuriously interrupted ;

Proviso.

Mining rights.

(*d.*) locate, lease, acquire, work and sell mines, minerals and mining rights, timber and timber lands ; and may develop such mines, and crush, smelt, reduce, amalgamate and dispose of the ores and products of any mines, whether belonging to the Company or not ;

Buildings, etc. for mines.

(*e.*) acquire, use and dispose of all buildings, machinery and plant requisite or necessary for carrying on or operating the said mines ;

Mills for wood pulp, paper, etc.

(*f.*) acquire, erect, use, operate and dispose of buildings, mills, works and machinery for the manufacturing of articles from wood, pulp, wood pulp, paper and other products from wood or wooden materials ;

Patent rights, etc.

(*g.*) acquire, use and dispose of any franchise, letters patent, patent rights and inventions, and the right to use the same for the purpose of its works and undertaking.

No. 17.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Ottawa and Gatineau Railway Company.

First reading, March 30th, 1899.

(PRIVATE BILL.)

Mr. CHAMPAGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 18.] **BILL.** [1899

An Act respecting the Ottawa Electric 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, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension railway authorized

1. The Ottawa Electric Railway Company, hereinafter called "the Company," may, as an extension of its present railway, construct, and operate by means of electricity or other motive power, except steam, a double or single track iron or steel railway, with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, from some point on its present railway in the municipalities of Hintonburgh or Nepean in the county of Carleton, to some point at or near Bells Corners in the said township of Nepean.

Time limited for construction.

2. The said extension shall be commenced within two years, and completed within five years, from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of such extension as then remains uncompleted.

Existing rights not affected.

3. Nothing in this Act shall impair or affect the right which the Company now has under the Acts respecting the Company and the Ottawa City Passenger Railway Company of constructing, maintaining and operating its railway on such streets or highways in the municipalities outside of the city of Ottawa as it may be authorized to pass along by the corporations of the said municipalities respectively, but the said right is hereby confirmed.

1888, c. 29.

4. Sections 1, 2, 8, 9, 11 to 30 both inclusive, 90 to 182 both inclusive, 200 to 211 both inclusive, 223 to 237 both inclusive, 271 to 275 both inclusive, and 278 to 305 both inclusive of *The Railway Act* shall, in so far as the same can be made applicable, apply to the Company in respect of the said extension, and shall, in so far as the same can be made applicable, apply to the Company in all other respects.

1892, c. 53, s. 6 amended.

5. Section 6 of chapter 53 of the statutes of 1892 is hereby amended by striking out all the words after the word "Canada" in the ninth line thereof.

Sunday service authorized.

6. The Company may run its cars and collect fares or tolls on Sunday on its lines of railway now or hereafter constructed.

No. 18.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the Ottawa Electric Railway Company.

First reading, March 30th, 1899.

(PRIVATE BILL.)

MR. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 18.] **BILL.** [1899.

An Act respecting the Ottawa Electric Railway Company.

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

Preamble.

WHEREAS the Ottawa Electric 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, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Extension of railway authorized.

1. The Ottawa Electric Railway Company, hereinafter called "the Company," may, as an extension of its present railway, construct, and operate by means of electricity or other motive power, except steam, a double or single track iron or steel railway, with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, from some point on its present railway in the municipalities of Hintonburgh or Nepean in the county of Carleton, to some point at or near Bells Corners in the said township of Nepean.

Time for construction limited.

2. The said extension shall be commenced within eighteen months and completed within three years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of such extension as then remains uncompleted.

1888, c. 29.

3. Sections 90 to 172, both inclusive, of *The Railway Act*, and such of the other sections of the said Act as are applicable, shall apply to the Company with respect to the said extension.

Existing rights not affected.

4. Nothing in this Act shall impair or affect the right which the Company now has under the Acts respecting the Company and the Ottawa City Passenger Railway Company of constructing, maintaining and operating its railway on such streets or highways in the municipalities outside of the city of Ottawa as it may be authorized to pass along by the corporations of the said municipalities respectively, but the said right is hereby confirmed.

Certain provision of 1868 (Ont.), c. 45 not applicable.

5. Notwithstanding anything contained in section 6 of chapter 53 of the statutes of 1892, it is hereby declared and enacted that the following words in section 2 of chapter 45 of the Ontario statutes of 1868: "no car of any description shall be run between midnight of Saturday and midnight of Sunday," are not and shall not be applicable to the Ottawa Electric Railway Company.

No. 18.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Ottawa Electric Railway Company.

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

(PRIVATE BILL.)

MR. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 19.] **BILL.** [1899.

An Act to amend the Act respecting certain works constructed in or over Navigable Waters.

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

1. Section 6 of the *Act respecting certain works constructed in or over Navigable Waters*, being chapter 92 of the Revised Statutes, is hereby repealed, and the following substituted therefor:— R.S.C., c. 92, new section 6.

"**6.** The Governor in Council may approve of any work constructed prior to the first day of March, one thousand eight hundred and ninety-nine, and of the site and plans of such work, and any local authority, company or person may proceed in such manner as the Minister of Public Works directs to obtain such approval." Obtaining approval of work constructed before March 1, 1899.

No. 19.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Act respecting certain works constructed in or over navigable waters.

First reading, March 30, 1899.

Mr. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 20.] **BILL.** [1899.

An Act to incorporate the Zenith Mining and 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

1. H. J. Beemer, of the city of Montreal, W. J. Poupore, of the city of Ottawa, James Conmee, of the town of Port Arthur, F. McDougal, P. W. Resseman and Leopold Meyer, all of the city of Ottawa, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Zenith Mining and Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock and calls thereon.

4. The capital stock of the Company shall be five 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.

Head office.

5. The head office of the Company shall be in the city of Ottawa, or at such other place in Canada as the directors from time to time determine by by-law.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in September in each year.

Election of directors.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors.

Proxies of directors.

8. The directors may vote and act by proxy, but such proxies shall be held by directors only, and no director shall hold more than two proxies.

Renewal of proxies.

2. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.

Quorum of directors.

3. No meeting of directors shall be competent to transact business unless at least two directors are present thereat.

Line of railway described.

9. The Company may lay out, construct and operate a railway of any gauge from a point at or near mining location 30 T, north-east of Nepigon Bay, Lake Superior, in a southerly direction to a point on Lake Superior, crossing the Canadian Pacific Railway at or near Schreiber, or Rossport, or some point between the said places.

Conversion of guage.

2. In the event of the railway or any portion thereof being in the first instance constructed of a gauge of less than four feet eight and one-half inches, it may be converted by the Company into the standard gauge.

Powers of Company.

10. The Company may—

Vessels.

(*a*) construct, acquire, navigate, and dispose of, steam and other vessels on any lakes, rivers, or other navigable waters as it deems proper and expedient, and may enter into agreements with the owners of steam and other vessels for such purposes, and may carry on upon the said waters the business of transportation;

Roads, docks, buildings, etc.

(*b*) construct, acquire, maintain, and use ways, roads, tramways, ferries, docks, piers, wharfs, bridges, viaducts, aqueducts, flumes, ditches, elevators, warehouses and other buildings and works in connection with its undertaking;

Mining rights.

(*c*) locate, lease, acquire, work and sell mines, minerals, and mining rights, timber and timber lands, and the products thereof; and may develop such mines, and may crush, smelt, reduce, amalgamate and dispose of the ores and products of any mines;

Patent rights.

(*d*) acquire and dispose of any rights in letters patent, franchises or patent rights for the purposes of the works and undertaking hereby authorized.

Bond issue limited.

11. The Company may issue bonds, debentures, or other securities to the extent of fifteen thousand dollars per mile of its railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Borrowing powers.

12. In addition to the powers mentioned in the next preceding section, the Company may, for the purpose of its undertaking other than the railway, when authorized by by-law for that purpose approved of by the votes of at least two-thirds in value of the shareholders qualified to vote, who are present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent of its then paid-up capital stock as the shareholders deem necessary, and issue bonds or debentures therefor in sums of not less than one hundred dollars or its equivalent in sterling money each, at such rates of interest and payable at such times and places and secured in such manner by mortgage or otherwise upon the whole or any portion of the property of the Company as are prescribed in such by-law or decided upon by the directors under the authority thereof.

13. In addition to the powers conferred by section 39 of *The Railway Act* the directors of the Company elected by the shareholders may make and issue as paid-up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for property of any kind acquired by the Company; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls. Issue of paid-up stock.

14. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act respecting its railway, as also the franchises, surveys, plans, works, plant, material, machinery and other property pertaining to such railway, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council. Agreement with C. P. R. Approval of shareholders and Governor in Council.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs and in which a newspaper is published. Notice of application for sanction.

3. A duplicate of the agreement referred to in subsection 1 of this section, duly ratified and approved, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. Agreement to be filed.

15. The *Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

No. 20.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to incorporate the Zenith Mining and Railway Company,

First reading, April 4, 1889.

(PRIVATE BILL.)

Mr. POUPORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 21.] **BILL.** [1899.

An Act respecting the Canadian Railway Accident Insurance Company.

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

1. Section 5 of chapter 118 of the statutes of 1894, is hereby repealed, and the following is substituted therefor :— 1894, c. 118, s. 5, amended.

"**5.** The Company may make and effect contracts of insurance with any person against any accident or casualty of whatsoever nature or from whatsoever cause arising to individuals, whereby the insured may suffer loss or injury or be 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 ; and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen 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." Business of Company. Accidents. Sickness. Employers indemnity.

2. Section 9 of the said Act is hereby repealed, and the following is substituted therefor:— Section 9 amended.

"**9.** The affairs of the Company shall be managed by a board of not less than seven and not more than twenty directors. Number of directors.

"2. If the board consists of not more than twelve directors, a majority of such board shall form a quorum, but if it consists of more than twelve, not less than seven shall form a quorum." Quorum.

No. 21.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Canadian Railway Accident Insurance Company.

First reading, April 4, 1899.

(PRIVATE BILL).

Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 22.] **BILL.** [1899.

An Act to incorporate the Ontario and Quebec Bridge 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Alexander Fraser, John Burns Fraser, David Maclaren, James Davidson, Charles Magee, Edward Seybold, William Dowler Morris, Charles Bryson and Crawford Ross, all of the city of Ottawa ; Henry Aylen and Théophile Viau, both of the city of Hull ; William Jackson Conroy and Robert Hughes Conroy, of Deschênes, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Ontario and Quebec Bridge Company," hereinafter called " the Company." Incorporation. Corporate name.

2. The said Alexander Fraser, Edward Seybold, David Maclaren, James Davidson, Charles Magee, John Burns Fraser and William Jackson Conroy, named in section 1 of this Act, are hereby constituted provisional directors of the Company. Provisional directors.

3. The capital stock of the Company shall be two hundred and fifty thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.

4. The head office of the Company shall be at the city of Ottawa, in the province of Ontario. Head office.

5. The annual meeting of the shareholders shall be held on the second Tuesday in May in each year, at the head office of the Company, or at such other place in Canada as the shareholders determine by by-law. Annual meeting.

6. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.

7. The Company may construct, maintain and use a bridge with the necessary approaches thereto, across the Ottawa River from some point in the city of Ottawa, in the province of Ontario, between the easterly side of Bank Street and the westerly side of Kent Street produced to the river, to some Power to construct bridge.

point in the city of Hull, in the province of Quebec, for railway purposes and for the passage of pedestrians and vehicles, cars or carriages, propelled or drawn by electrical, horse or other motive power, and may lay tracks on the said bridge and approaches for the passage of railway and other cars, and may charge toll for the passage of cars and vehicles over the said bridge.

Tolls.

8. The rate of tolls to be charged for the passage of cars, carriages and other vehicles, shall, before being imposed, first be submitted to, and approved of, and may be from time to time amended or modified by the Governor in Council, but the Company may, at any time, reduce the same, and a notice showing the tolls to be charged shall at all times be posted in a conspicuous place on the said bridge.

Plans to be approved by Governor in Council.

9. The Company shall not commence the construction of the said bridge until it has first submitted to the Governor in Council plans of such bridge, and of all intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with, nor shall such plans be altered, or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he shall impose.

Union with other companies.

10. The Company may, with the approval of two-thirds of the votes of the shareholders at a special general meeting duly called for the purposes following,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and after obtaining the sanction of the Governor in Council in the manner provided in section 239 of *The Railway Act*:—

To build bridge.

(*a.*) Unite with any other company incorporated under the laws of Canada, the province of Ontario or the province of Quebec, or with any body corporate, in building the said bridge and approaches, and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation, respecting the construction, maintenance, management and use thereof:

To sell or lease bridge.

(*b.*) Enter into an agreement with any such company for selling or leasing the said bridge, and its approaches, to such company, in whole or in part, or any rights or powers acquired by it, and also the franchises, surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with such company.

Equal rights in passage of bridge to all railways.

11. So soon as the said bridge is completed and ready for traffic, all trains and cars of all railways, tramways and electric railways connecting with the same, then constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in

the tariff rates for transportation, shall be made in favor of or against any railway, tramway or electric railway whose trains pass over the said bridge.

Disputes to be determined by Railway Committee.

12. In case of any disagreement as to the rights of any company whose trains or cars cross, or business passes over, the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council, as provided in *The Railway Act*.

Issue of bonds.

13. The Company may issue bonds, debentures, or other securities to an amount not exceeding two hundred and fifty thousand dollars, in aid of the construction herein mentioned, 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 by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Time for construction limited.

14. The bridge shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the works as then remains uncompleted.

1888, c. 29.

15. *The Railway Act*, so far as applicable, shall apply to the Company and its undertaking.

No. 22.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Ontario and Quebec Bridge Company.

First reading, April 4, 1899.

(PRIVATE BILL.)

Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 23.] **BILL.** [1899.

An Act respecting the Alberta Irrigation Company, and to change its name to "The Canadian North-West Irrigation Company."

Preamble.

WHEREAS the Alberta Irrigation 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The name of the Alberta Irrigation Company, hereinafter called "the Company," is hereby changed to "The Canadian North-West Irrigation 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.

Rights saved.

1893, c. 69, s. 2 amended.

2. Section 2 of chapter 69 of the statutes of 1893 is hereby repealed, and the following is substituted therefor:—

Head office.

"**2.** The head office of the Company shall be in the town of Lethbridge, North-West Territories, or in the city of London, England, as the directors from time to time determine by by-law."

Proxies of directors.

3. The directors may vote and act by proxy, but such proxies shall be held by directors only; no director shall hold more than two proxies, and no meeting of directors shall be competent to transact business unless at least two directors are present thereat.

Quorum of directors.

Proxy to be renewed.

2. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.

No. 23.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Alberta Irrigation Company, and to change its name to "The Canadian North-West Irrigation Company."

First reading, April 4, 1899.

(PRIVATE BILL.)

Mr. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 24.] **BILL.** [1899.

An Act respecting Drainage on and across the property of Railway Companies.

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

Short title.

1. This Act may be cited as *The Railway Drainage Act*, 1899.

Interpretation. "Drains." "Drainage."

2. The words "drains" and "drainage" in this Act shall include respectively all kinds of drains or sewers, open or covered, or constructed of tiles, and the removal of surplus water through natural watercourses or by drains.

Right of drainage across railways.

3. Subject to the provisions of this Act, municipalities and landowners shall have the right of drainage on and across the property of any railway company, to the same extent as they have by law on and across the property of any other landholder.

Railway company to permit drainage.

4. Every railway company shall permit the opening and construction of all necessary drains and outlets for drains, and the opening, widening and deepening of outlets for natural watercourses, which are required for the drainage of lands adjacent to the property of such railway company, or which are constructed or opened under the authority of any municipality.

Existing drains on company's land may be enlarged.

Culverts.

5. Every existing ditch, drain, creek or watercourse, situate on the property of a railway company, and running along or under its railway, may be deepened, widened or extended, and any existing bridge or culvert in the road-bed of such railway may be deepened or widened, or a new bridge or culvert may be constructed, when it is found and reported upon by the engineer of any municipality adjacent to the railway, as required by this Act, or agreed and reported upon as hereinafter provided, that such works are necessary as an outlet for any creek or watercourse, or of any ditch or drain that has been or is to be constructed under the authority of such municipality, and that such works can be done without detriment to the safety of the railway: Provided that such works shall be done in such a manner as not to injure the bridges, culverts or road-bed of the railway, or in any way interfere with the traffic thereof.

Railway not to be injured.

Adjoining land owners may obtain surveyor's re-

6. Any owner of land adjacent to the property of a railway company, or of land, the natural drainage of which passes through such property, and who wishes to secure drainage

port for proposed drainage work.

along or across such property, may procure a land-surveyor, duly qualified according to the law of the province in which such land is situate, to report upon the proposed drainage work; and such landowner and land surveyor shall have respectively the same rights and duties as are conferred upon and assigned to a municipality and the engineer of such municipality by this Act, and such land-surveyor is hereinafter referred to as the engineer of such landowner.

Engineer to report,

Make plan of work,

Statement of case, and apportionment.

7. The engineer of a municipality or land owner, making a report under this Act, shall report whether the drainage works desired by the municipality or landowner are necessary for the proper drainage of the lands affected thereby, or in order to afford an outlet for such drainage, and shall prepare a plan showing such proposed works in so far as they affect the property of the railway company, and also a plan and profile of the enlargement of any bridge or culvert, but only to show the extent, depth and width of the required enlargement of such bridge or culvert, or of any new bridge or culvert, as the case may be, together with a statement of the estimated cost of the work to be done upon the lands of the company, including the costs of any excavation required to be made in enlarging or constructing any bridge or culvert, and a statement of what proportion, if any, of the cost of such drainage work should in his opinion be borne by the railway company.

Report, plans, etc., to be sent to company.

8. The clerk of the municipality, or the engineer of the landowner desiring to have such drainage works constructed, shall send to the manager of the railway company, by registered letter, a copy of the report, plans, profiles and estimates made by the engineer in accordance with the next preceding section.

Company to notify parties interested.

2. The manager of the company, or some one acting on his behalf, shall, within fifteen days after receiving such report forward to the clerk of the municipality interested, or to the landowner, by registered letter, a notice stating whether he approves or disapproves of the said report. If he approves of it, his letter of approval, together with the said report, and the plans, profiles and estimates, shall be filed in the office of the clerk of the municipality in which the said drainage work is situated, or, if it extends into two or more municipalities, with the clerk of each municipality; and the said letter and report shall constitute a bargain binding on all parties concerned and liable for the performance of the work, or the cost thereof, upon the lands of the railway company, and shall not be subject to appeal.

Approval of report by company.

Disapproval of report by company.

3. If the manager of the railway company objects to the said report, in whole or in part, he shall, in such notice, state his objections, and shall also fix a day, not later than twenty, nor earlier than fifteen days from the mailing of such notice, upon which the engineer of the railway, or some one acting on his behalf, will meet the engineer of the municipality, or of the landowner, at the place where the work is proposed to be done, for the purpose of arriving at an amicable agreement as to the work objected to by the manager of the railway, or as to the cost thereof.

When engineers agree, report to be binding.

4. If the engineer of the railway company and the engineer of the municipality or of the landowner agree upon any portion of, or the whole of, the said work objected to by the manager of the company, then such report, amended, if need be, as agreed upon, shall be made out in duplicate and signed by both engineers, one copy to be retained by the engineer of the railway company and one by the engineer of the municipality or landowner; and the said report shall be binding upon all parties concerned, as set forth in subsection two of this section, and shall be filed as provided in the said sub-section.

When engineers disagree, dispute to be referred to engineer appointed by Minister.

5. If the engineer of the railway company and the engineer of the municipality or land owner fail to agree upon the matters in dispute, as mentioned in subsection three of this section, then the said matters in dispute shall be referred to the decision of an engineer to be appointed by the Minister of Railways and Canals, whose report and decision shall be final and binding upon all parties interested, as set forth in subsection two of this section, and shall be filed as provided in the said subsection.

Minister may be requested to appoint engineer as a referee.

6. When the said disagreement takes place, the engineer of either of the parties represented may, within four days thereafter, by registered letter, request the Minister of Railways and Canals to appoint an engineer as provided in the next preceding subsection, and shall in such letter give the name and post-office address of the engineer representing the other party, and also his own post-office address, and state the locality where the proposed work is to be done.

Minister to appoint engineer who shall inquire into matters in dispute.

7. The Minister of Railways and Canals shall, within six days after receiving the said request, appoint a competent engineer to settle the matters in dispute. The engineer so appointed shall, within six days after his appointment, notify, by registered letter, the engineer of the railway company and the engineer of the municipality or landowner, of the day on which he will attend at the place of the proposed work, which day shall not be earlier than ten, nor later than twenty days from the date of such notification; and the said engineers shall attend at the time and place mentioned in such notice, and shall give all necessary information to the engineer appointed by the Minister of Railways and Canals, and the said last-named engineer shall carefully inquire and examine into all the objections made, and differences of opinion existing between the engineer of the railway company and the engineer of the municipality or landowner, with reference to the proposed work upon the lands of the railway company, and the cost thereof.

Engineers may agree upon third engineer.

8. Or the engineers of the parties interested may, after the said disagreement takes place, agree upon a third engineer to act in the place of the engineer directed to be appointed by the Minister of Railways and Canals in the next preceding subsection, and such third engineer shall proceed in all respects as provided in this Act with regard to notice, attendance, inquiry and report as in the case of an engineer appointed by the Minister of Railways and Canals.

Where engineer fails to act.

9. If the engineer of either of the parties interested fails to attend, or to act as provided by this Act, the Minister of Railways and Canals may appoint a competent engineer to act in place of such engineer, who shall have the same powers and

duties as if he had been appointed by the party interested, on whose behalf he is so appointed to act.

Adjournments.

10. The engineers may adjourn their meetings from time to time for periods not exceeding one week.

Third engineer to make report.

11. The engineer appointed by the Minister of Railways and Canals, or agreed upon as umpire by the other engineers, shall, within ten days after such meeting as provided for in subsection seven, make out a report in duplicate, one to be sent, by registered letter, to the manager of the railway company, and one to be sent, by registered letter, to the engineer of the municipality or landowner, which copy shall be filed as provided in subsection two of this section; and such report shall be final and binding, as set forth in that subsection.

Notice to company of commencement of work.

9. The engineer of the municipality or landowner shall, within four days after the final decision with regard to such drainage works, given in any of the ways hereinbefore provided, send to the manager of the railway company, by registered letter, a notice stating the place and day upon which he intends to commence the said works, which day shall not be sooner than twenty, nor later than thirty days, from the day of notice, and in such notice he shall ask the manager of the railway which of the following modes of doing the work he will select on behalf of the railway company:

Work may be done by company's employees.

(*a*) First, the railway company shall do the work by its own employees for such amount as is finally agreed or decided upon; or

Or by parties interested.

(*b*) Second, the work shall be done by the parties liable for the cost thereof, and under the supervision of the railway engineer, or of some one acting in his behalf, and subject to the provisions of section five of this Act.

Company to notify parties which mode selected.

2. The manager of the railway, or some one acting in his behalf, shall, within ten days after receiving the said notice, inform the engineer of the municipality or of the landowner, by registered letter, which of the said modes of doing the work he will select on behalf of the railway company.

If work done under (*b*) company to be asked to inspect work.

3. If the work is done under paragraph (*b*) of subsection one of this section, the parties who have done the work shall, within four days after the completion thereof, request the engineer of the railway company, by registered letter, to inspect the said work.

When work satisfactorily completed, company's engineer to notify other engineer.

4. When the work has been completed, the engineer of the railway company shall send to the engineer of the municipality or landowner, by registered letter, a certificate that the work has been completed in accordance with the plans and profiles as finally agreed or decided upon, and furnished to the railway company.

Cost of enlarging culverts.

10. Where any existing bridge or culvert in the road-bed of a railway has to be enlarged, under the provisions of this Act, by the deepening or widening thereof, such deepening or widening shall be done by the railway company, but at the cost of the municipality or landowner.

11. If the railway company neglects or refuses to proceed with the work within the time specified in the report for the completion thereof, then in such case the parties liable for the payment of the costs of the work, may proceed with and complete the said work upon the lands of the railway company, except the enlarging of bridges or culverts and the excavation in connection therewith.

If company does not proceed with work, parties interested may do work.

Exception.

12. If the railway company neglects or refuses to enlarge or construct a bridge or culvert within the time specified in the award or the report for the completion thereof, the railway company shall be held liable to pay to the parties interested the sum of ten dollars, as fixed and liquidated damages, for each day from the date mentioned for the commencement of the work, during which the company so neglects or refuses to proceed with the work.

Damages where company does not enlarge culverts.

No. 24.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting Drainage on and across the property of Railway Companies.

First reading, April 4, 1899.

Mr. CASEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 25.] **BILL.** [1899

An Act to confirm an agreement between the Canadian Pacific Railway Company and the Hull Electric Company.

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

1. The agreement between the Canadian Pacific Railway Company and the Hull Electric Company, dated the ninth day of January, one thousand eight hundred and ninety-nine, a copy of which is contained in the schedule hereto, is hereby approved, ratified and confirmed and declared to be valid and binding on the parties thereto, and each of the companies, parties thereto, may do whatever is necessary to give effect to the substance and intention of the said agreement. Agreement confirmed.

2. Nothing in this Act, or in the said agreement, shall be held to relieve either of the said companies from any of its duties or liabilities under the railway laws of Canada or under the laws of the province of Quebec. Railway laws not affected.

SCHEDULE.

This agreement made this ninth day of January, one thousand eight hundred and ninety-nine, between the Canadian Pacific Railway Company, hereinafter called "the C. P. R.", of the first part, and the Hull Electric Company, hereinafter called "the Hull Company," of the second part

Witnesseth that each of the parties for itself and its successors doth hereby covenant with the other and its successors as follows, that is to say:—

1. The C. P. R. covenants that if and when this agreement is ratified and confirmed by the Parliament of Canada and by the Legislature of the province of Quebec, and the price hereinafter mentioned is fully paid and satisfied, the said C. P. R. will sell and convey to the said Hull Company, its successors and assigns without warranty of any kind, subject to the fulfilment by the vendee of the terms and conditions hereinafter mentioned, its branch line of railway between the town of Aylmer and the west limit of the land occupied as the right of way for its main line where the said branch line of railway joins the said main line near Hull Station of the C. P. R., the said branch line extending to and into the town

of Aylmer, together with all the C. P. R. lands and buildings west of the said west limit, and extending to and into the town of Aylmer, and that are used for the right of way, station, station grounds and appurtenances of the said branch line of railway, the said terms and conditions to be fully set out in the conveyance, and will convey also the right (subject always to the approval of the Railway Committee of the Privy Council and to the conditions hereinafter contained) to maintain and use on the land of the C. P. R. between the said west limit and some point on the north limit of the Hull Station grounds of the C. P. R. east of its main line or some point on the easterly limit of the said station grounds, a railway track equipped with the poles and electrical appliances necessary for such use, crossing the main line of the C. P. R. between the said west limit and the westerly boundary of the said station grounds. The location of said track and of the said crossing to be subject from time to time, to the approval of the general superintendent of the C. P. R., but nothing herein shall be held to authorize the said superintendent to order the crossing existing at any time to be removed without authorizing it to be made in some other place; and will convey also the right, subject from time to time to the same approval of the Railway Committee and the superintendent to connect with and use the side-tracks and switches of the C. P. R. on its Hull Station grounds, and to equip them and such connection with such poles and electrical appliances as may be necessary for such use. Neither the said railway track, the said crossing, the said connection, nor the said side-tracks and switches of the C. P. R., to be used except for freight traffic coming from or going to points on or via the C. P. R., the whole on condition that the Hull Company is to have the said right so to be conveyed as aforesaid, as long as it shall fulfill all its covenants herein contained, including, among others, its covenant concerning interchange of freight, the whole for the price and consideration hereinafter mentioned as that to be paid to the C. P. R., all of which properties, rights and privileges so to be sold, conveyed and so stipulated for as aforesaid, are hereinafter referred to in the aggregate as "the said branch railway," provided that until the sale and conveyance herein provided for takes place, nothing in these presents shall affect the rights and liabilities of either of the parties under the agreement for a lease confirmed by the Act 60-61 Victoria, chapter 39; and upon this agreement being so ratified and going into force, and the said Hull Company acquiring the said branch railway hereunder, said agreement for a lease shall thereupon be cancelled and terminated, except as hereinafter mentioned, and except that all now existing liabilities of the Hull Company under it shall be fully satisfied and discharged irrespective of this agreement.

2. Amongst the said terms and conditions subject to which the said sale and conveyance are to be made, are the following, that is to say:—

(*a*) The Hull Company is to run passenger cars to and from Hull Station to connect closely with all the regular passenger trains of the said C. P. R. scheduled from time to time to stop at Hull Station.

(*b*) The C. P. R. shall have the right to quote rates for traffic of every description, including both freight, passenger and express, to or from any point on or reached by way of said branch railway or any part thereof.

(*c*) All freight in so far as it may be within the control of the C. P. R. destined to points on and reached by the said branch railway or any part thereof whose business is not competed for by the C. P. R shall be delivered to the Hull Company at the Hull Station of the C. P. R., to be by the Hull Company properly and efficiently conveyed to such points.

All freight in so far as it may be within the control of the Hull Company destined to points on or reached by way of the C. P. R. or its connections shall be delivered to the C. P. R. at its Hull Station to be by the C. P. R. properly and efficiently conveyed to such points as may be at or nearest such destination, and the earnings of all such traffic delivered by either company to the other, as aforesaid, shall be divided between the C. P. R. and the Hull Company, according to mileage, in the following proportion, that is to say: There shall be allowed the Hull Company a mileage of eight miles when the distance covered by the lines of the said C. P. R. does not exceed seventy-five miles; sixteen miles when the C. P. R. mileage is over seventy-five miles and does not exceed one hundred and fifty miles, and twenty-four miles when the said C. P. R. mileage exceeds one hundred and fifty miles, the whole, with the exception of the city of Ottawa, and the rates to and from the city of Ottawa shall be divided according to actual mileage.

(*d*) Empty freight cars required for traffic destined to be handled and hauled by the C. P. R. shall be hauled by the Hull Company free of charge from Hull Station to the point or points upon the said branch railway at which the said car or cars may be required.

(*e*) The Hull Company shall from time to time and at all times return to the C. P. R. all freight cars or other equipment which the C P. R. may deliver to it, and in every case promptly and in as good condition as when delivered to the Hull Company.

(*f*) In the said conveyance the Hull Company is to covenant that it will at all times hold the C. P. R. harmless and indemnify it not only against loss or injury to its own property of every kind whatsoever, but also against every claim by any other party in respect of injury to person or loss of or damage to freight or other property while on the premises of either company through the bad management of the Hull Company or the inefficiency of its equipment or the neglect or incompetency of its employees or any of them; and also against all damage and all claims in respect of damage caused by fire either to freight or equipment or other property delivered to the Hull Company by the C. P. R.

(*g*) The Hull Company shall without delay obtain the requisite approval of the Railway Committee of the Privy Council of every crossing on the main line of the C. P. R. by the railway of the Hull Company and shall bear any expense in connection with or arising out of the construction, protection, maintenance and operation of such crossing, and failing so to do shall not construct or operate such crossing.

(*h*) The Hull Company shall construct and complete within one year from the execution of this document and shall thereafter forever maintain and operate spur tracks connecting with a siding of the C. P. R. at Hull Station to Gilmour's Mills and to Eddy & Company's mills and factory at or near Hull, and shall thereafter forever promptly haul all loaded cars in either direction between the said mills and factory and the C. P. R. siding at Hull Station for one dollar each, and all empty cars between the said points and the said siding for fifty cents each.

3. The said sale and conveyance is to be made by the C. P. R. to the said Hull Company for the price of one hundred thousand dollars so soon after the ratification of these presents by legislation, as above provided, as the government of the province of Quebec and Her Majesty the Queen, as represented by the government of Quebec, shall have discharged the hypothec and mortgage created in favour of Her Majesty the Queen, so represented as aforesaid under and by virtue of a certain agreement of sale executed the fourteenth day of May, 1882, between Her Majesty the Queen, represented as aforesaid, and the said C. P. R., which was duly ratified by an Act of the legislature of the province of Quebec, assented to the twenty-seventh of May, 1882, chapter 19 of 45 Victoria; and both parties hereto bind themselves to use every reasonable effort to induce the said province of Quebec and Her Majesty the Queen, as represented by the government of the said province of Quebec, to discharge the said branch railway from the effect of said mortgage and hypothec referred to in said agreement and Act, the said price having been first paid by the Hull Company at its option either to the C. P. R. or to the government of the province of Quebec, in satisfaction *pro tanto* of the said hypothec and mortgage.

4. Upon demand of the said Hull Company and at their expense and for the purpose of carrying out the intention of this agreement, the said C. P. R. will from time to time, make, execute and deliver all such instruments and writings as may be proper and including any required for the purpose of registration.

5. Provided always that this agreement is not to go into force until it has been ratified by the Parliament of Canada and by the Legislature of the province of Quebec, and has also been approved of by the resolution of the shareholders of each of the said parties hereto either at an annual general meeting or a special general meeting duly called for the purpose, all within three years after the date hereof, time being of the essence of the compact.

In witness whereof the C. P. R. acting by and through its vice-president and secretary duly authorized for all purposes hereof by resolution of the board of directors of the said Canadian Pacific Railway Company duly passed at the city of Montreal on the ninth day of January, 1899, has signed, sealed and executed the present agreement in the presence of the witnesses to the signatures.

And in witness whereof "the Hull Company" acting by and through its president and secretary duly authorized for all purposes hereof by resolution of the board of directors of the said Hull Electric Company, duly passed at the town of Aylmer, in the District of Ottawa, on the eighteenth day of

January, 1899, has signed, sealed and executed the present agreement in the presence of the witnesses to their signatures the whole at the city of Montreal, in the province of Quebec, the day and year first above written.

THE CANADIAN PACIFIC RAILWAY COMPANY.

Signed, Sealed and Executed in the presence of
GEO. M. CLARK,
EDWARD SEYBOLD.

J. J. SHAUGHNESSY,
Vice-President.
C. DRINKWATER,
Secretary.

THE HULL ELECTRIC COMPANY.

Signed, Sealed and Executed in the presence of
GEO. M. CLARK,
EDWARD SEYBOYD.

ALEXANDER FRASER,
President.
W. A. TAYLOR,
Secretary.

25—2

No. 25.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to confirm an agreement between the Canadian Pacific Railway Company and the Hull Electric Company.

First reading, April 5, 1899.

(PRIVATE BILL.)

MR. POUPORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 26.] **BILL.** [1899.

An Act respecting the Columbia and Western Railway Company.

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

1. For the purpose of aiding in the construction and equipment of the railway and branches hereinafter mentioned, the Columbia and Western Railway Company, hereinafter called "the Company," may issue bonds to an extent not exceeding thirty-five thousand dollars per mile on that portion of its railway which extends from Rossland, via Trail, to a point on the Columbia River opposite Robson; thence to a point at or near Christina Lake, and thence to a point at or near Midway, and also on that portion of the railway which extends from the said point at or near Midway to Penticton, all in British Columbia, or any part or parts thereof, and on the branches therefrom, which by its Act of incorporation it is authorized to construct, or which, at any time after the passing of this Act, either the Parliament of Canada or the Railway Committee of the Privy Council, under the provisions of *The Railway Act*, may have authorized it to construct. Bond issus limited.

2. The said bonds shall be a first preferential claim and charge on the said portion of the Company's railway and on the said branches and their appurtenances, and the Company's franchises in respect thereof, as well as on all tolls, income, rents and revenues derived therefrom, but not on any lands of the Company not taken or used for railway purposes in connection with the said sections of its railway, or the said branches, or some part thereof. Bonds to be a first claim on railway.

No. 26.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Columbia and Western Railway Company.

First reading, April 4, 1899.

(PRIVATE BILL.)

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 27.] **BILL.** [1899.

An Act respecting the Richelieu and Ontario Navigation Company.

Preamble.

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

1875, c. 85, s. 2 amended.

1. Section 2 of chapter 85 of the statutes of 1875 is hereby amended by adding thereto the following subsection:—

"2. The directors may, with the consent of the shareholders holding a majority of the shares of the capital stock, increase the capital to an amount not exceeding five million dollars."

Section 3 amended.

2. Section 3 of the said Act is hereby amended by substituting the word "fifty" for the word "thirty" on line two thereof, and by adding to the said section the following words:

Hotels, etc.

"and the Company may own and operate hotels and other dwellings or buildings, and places and devices for amusement."

Schedule confirmed.

3. The schedule to this Act is hereby ratified and confirmed.

SCHEDULE.

Extracts from Annual General Meeting of Shareholders of the Richelieu and Ontario Navigation Company held at their offices, 228 St. Paul Street, Montreal, 14th February, 1899.

The following by-law was read by the chairman and adopted:—

"The shares of the Company shall be transferable only on the books of the Company by the registered owner in person or by attorney. Certificates of stock numbered in consecutive order may be issued in the following form, and such certificates shall be signed by the president and secretary, and a summary of the contents of each certificate issued shall be recorded on the counterfoil thereof. When a certificate has been issued for any share or shares, such share or shares shall only be transferable on the books of the Company if the certificate therefor is surrendered prior to such transfer duly endorsed by the person in whose name it has been issued.

"If for any reason deemed sufficient by the directors such certificate is not forthcoming, the directors may permit the

share or shares for which such certificate was issued to be transfered on receiving from the transferor such security or other assurance as they may deem sufficient.

" Every certificate when surrendered shall be cancelled by the president and secretary and such cancellation shall be entered on the counterfoil of such certificate, and the number or numbers of the certificate or certificates issued in the place of such cancelled certificate shall be also entered on such counterfoil.

" L. J. FORGET, *President.*

" H. M. BOLGER, *Secretary.*"

DOMINION OF CANADA.

No..... .....Shares

THE RICHELIEU AND ONTARIO NAVIGATION COMPANY.

This certifies that..... ....
is the owner of.....paid up shares of the capital stock of The Richelieu and Ontario Navigation Company of.....dollars each, transferable only on the books of the Company in person or by attorney, and upon the surrender of this certificate.

This certificate shall not become valid until signed by the president and secretary of the Company and also by the Transfer Clerk.

In testimony whereof the said Company has caused this certificate to be issued by its president and secretary this ..... day of..... .....18....

....
Secretary.

.....
President.

[*On the back.*]

For value received.....have bargained, sold, assigned and transferred, and by these presents do bargain, sell, assign and transfer unto .....
.....shares of the capital stock of The Richelieu and Ontario Navigation Company, mentioned in the within certificate, and .....do hereby constitute and appoint..... ....true and lawful attorney, irrevocable for.....and in.....

name and stead, but to.... .....use to sell, assign, transfer and set over all or any part of the said stock, and for that purpose to make and execute all necessary acts of assignment and transfer, and one or more persons to substitute with like full powers.

Dated.....18...

.....

Signed and acknowledged
in presence of

.....

No. 27.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Richelieu and Ontario Navigation Company.

First reading, April 5, 1899.

(PRIVATE BILL.)

Mr. PRÉFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 28.] **BILL.** [1899

An Act respecting the British Columbia Southern Railway Company.

Preamble.

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

Time extended for completion of eastern section.

1. The British Columbia Southern Railway Company, hereinafter called "the Company," may complete the Eastern section of its railway, namely, that portion thereof commencing at the junction of Summit Creek with Michel Creek, thence by way of Michel Creek to Elk River and the Upper Kootenay River, with power to go to the forty-ninth parallel and the Tobacco Plains, or any portion thereof, within five years after the passing of this Act; provided that as to so much thereof as is not completed within that period the powers of the Company shall cease and determine.

Connecting line authorized.

2. The Company may construct, acquire and operate a railway between a point on its line of railway in the neighbourhood of Fort Steele and a point at or near Golden on the Canadian Pacific Railway, by a route having the same general direction as the valleys of the Columbia and Kootenay Rivers, and a railway from its main line at a point about thirty-six miles west of the eastern boundary of British Columbia, thence southerly and easterly not exceeding ten miles, and such other branch lines from the Company's main line, not exceeding in any one case thirty miles in length, as are from time to time authorized by the Governor-in-Council.

Time for construction limited.

3. The said last mentioned railway shall be commenced within two years, and completed within five years after the passing of this Act, otherwise the powers hereby granted for the construction thereof shall cease and be null and void as respects so much of it as remains uncompleted at the end of the said five years.

No. 28.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL,

An Act respecting the British Columbia Southern Railway Company.

First reading, April 5, 1899.

(PRIVATE BILL).

Mr. PRIOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 29.] **BILL.** [1899.

An Act to incorporate le chemin de fer de Colonisation du Nord.

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

1. Baron Joseph D'Halewyn, of the township of Loranger, in the county of Ottawa, the Honourable J. Damien Rolland, of the city of Montreal, Henri Lefebvre, of Chénéville, in the township of Hartwell, Hector Chauvin, of the village of Montebello, Charles Bautron Major, of Papineauville, all in the county of Ottawa, and Edward J. Rainboth, of the township of Hull, in the county of Wright, all in the province of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "Le chemin de fer de Colonisation du Nord," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.

4. The head office of the Company shall be in the city of Montreal, in the province of Quebec. Head office.

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

6. At such meeting the subscribers for the capital stock assembled who have paid up all calls due on their shares, shall choose six persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near La Chute aux Iroquois, in the county of Labelle, in the province of Quebec, and passing within a mile of the parish church of L'Annonciation, in the township of Marchand, in the said county, and within a mile of the parish church in the village of Nominingue, in the township of Loranger, in the said county, and within a mile of the vil- Line of railway described.

lage of Rapide de L'Orignal, in the townships of Robertson and Campbell, in the said county, and thence in a westerly direction to a point at or near Lake Temiscamingue, in the county of Pontiac, in the province of Quebec.

Amount of bonds, etc., limited.

8. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with another company.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section, duly ratified and approved, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

No. 29

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to incorporate the Rapide de Colonisation Railway Company.

First reading, April 12, 1899

(PRIVATE BILL)

OTTAWA

Printed by S. E. Dawson

Printer to the Queen's most Excellent Majesty

1899

No. 30 | **BILL.** [1899.

An Act respecting the Atlas Loan Company.

Preamble.

WHEREAS the Atlas Loan 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1898, c. 92, s. 2 amended.

1. Section 2 of chapter 92 of the statutes of 1898 is hereby amended by adding thereto the following subsection:—

Preferred stock.

"2. The directors of the new Company may convert one-third of the ordinary paid up capital stock of the new Company into preferred stock, giving the same such preference and priority as respects dividends and capital and otherwise over ordinary stock as may be declared by by-law; but no such by-law shall have any force or effect until it is approved by the votes of the shareholders representing at least three-fourths in value of the subscribed stock of the new Company present or represented by proxy at a special general meeting of the new Company duly called for the purpose of considering it, nor shall any such by-law, nor the issue of preference stock created thereby, in any way affect, prejudice or impair the rights of the creditors of the new Company."

Approval of shareholders.

Section 9 amended.

2. Paragraph (*b.*) of section 9 of the said Act is hereby repealed, and the following is substituted therefor:—

Debentures stocks, etc.

"(*b.*) the debentures, bonds, stocks and other securities of any government, or any municipal or school corporation whereby such corporation may lawfully pledge its credit; or any chartered bank (to the extent of not more than twenty per cent of the paid up capital stock of such bank); or a company incorporated by or under the authority of the Parliament of Great Britain and Ireland, or Canada, or of the legislature of any former, present, or future province of Canada; or on the fully paid up stock of any permanent building society, or loan company incorporated as aforesaid; provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes."

Proviso as to bills and notes.

No. 30.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Atlas Loan Company.

First reading, April 5, 1899.

(PRIVATE BILL.)

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 31.] **BILL.** [1899.

An Act to amend the Winding-up Act.

HER 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 Winding-up Act*, chapter 129 of the Revised Statutes, is hereby amended by adding the following subsection thereof:— R.S.C., c. 29, section 20, amended.

"2. The Court may also appoint one or more inspectors whose duty it shall be to assist and advise the liquidator, and supervise generally the liquidation of the Company." Appointment of inspectors. Their duty.

2. Section 28 of the said Act is hereby amended by adding the following subsection thereto:— Section 28 amended.

"2. The Court may also determine the remuneration, if any is deemed just, of the inspector or inspectors." Remuneration of inspectors.

3. Paragraph (*f.*) of section 31 of the said Act is hereby amended by adding the following thereto:— Section 31 amended.

"and no delivery of the whole or of any part of the assets of the Company shall be necessary to give a lien to any person making a loan to, or discounting any negotiable instrument of, the liquidator in virtue of the provisions of this section." No delivery of assets necessary.

No. 31.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Winding-up Act.

First reading, April 5, 1899

Mr. FORTIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 32.] **BILL.** [1899.

An Act to amend the Act respecting the sale of Railway Passenger Tickets.

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

R.S.C., c. 110 s. 1 amended.

1. Section 1 of chapter 110 of the Revised Statutes, is hereby amended by inserting the words "steamboat or ferry company" after the words "railway company" in the first line thereof.

Section 7 amended.

2. Section 7 of the said chapter is hereby amended by inserting after the word "railway" wherever it occurs the words "steamboat or ferry."

No. 32.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Act respecting the sale of Railway Passenger Tickets.

First reading, April 5, 1899.

Mr. BEATTIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 33.] **BILL.** [1899.

An Act respecting the Nipissing and James Bay Railway Company.

Preamble.

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

1896 c. 30, (1st Sess.) revived.

1. The Act to consolidate and amend certain Acts relating to the Nipissing and James Bay Railway Company, being chapter 30 of the statutes of 1896 (First Session), is hereby revived and declared to be in force.

Section 18 amended.

Time for construction limited.

2. Section 18 of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the railway of the said company shall be completed to Lake Tamogaming within three years, and to Lake Temiscamingue within five years, and the remainder of the said railway within seven years after the passing of this Act, otherwise the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 33.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Nipissing and James Bay Railway Company.

First reading, April 6, 1899.

(PRIVATE BILL.)

Mr. BERTRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 34.] **BILL.** [1899.

An Act respecting the Pontiac Pacific Junction 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1896 (1st Sess.) c. 31.

1. Notwithstanding anything contained in section 2 of chapter 31 of the statutes of 1896 (First Session), and except in so far as the same have already been commenced, the Pontiac Pacific Junction Railway Company, hereinafter called "the Company," may, in addition to its line of railway already constructed, lay out, construct and operate, with single or double track of the gauge of four feet eight and one-half inches, the following lines of railway:—

Line of railway described.

Extensions of main line.

(*a*) An extension of its present line from its present north-westerly terminus at or near Waltham, in the county of Pontiac, crossing the Ottawa River at Allumette Island, to the town of Pembroke, in the province of Ontario, and thence in a north-westerly direction beyond Pembroke, passing to the south of Lake Nipissing and crossing the Gravenhurst and Callender railway at a point about twenty miles south of Callender station to Sault Ste. Marie:

(*b*) A branch or extension of its line from its present terminus at or near Waltham aforesaid in a north-westerly direction through the province of Quebec to some point in the county of Pontiac:

(*c*) An extension of its line from its present south-easterly terminus at or near the town of Aylmer, in the county of Ottawa, to some point in or near the city of Hull, and thence across the Ottawa River to some point in the city of Ottawa.

Time for construction limited.

2. The said extensions, or such of them as have not already been commenced, shall be commenced within three years, and they shall all be completed within five years from the passing of this Act, otherwise the powers granted for the construction thereof shall cease and be null and void as respects such or so much of any of the said extensions as then remains uncompleted.

1896 (1st Sess.) c. 31 amended.

3. Section 9 of chapter 31 of the statutes of 1896 (First Session) is hereby repealed, and in lieu thereof it is hereby enacted that the bridges authorized to be constructed by section 3 of the said chapter 31, shall be completed within six years from the passing of this Act, otherwise the powers

Time for constructing bridges extended.

granted for such construction shall cease and be null and void as respects such of the said bridges as are not then completed.

Branch lines.

4. The Company may lay out, construct and operate, with single or double track, of the gauge of four feet eight and one-half inches, any branch lines from any points on its main line, or the extensions in this Act mentioned; provided that, except for the purpose of connecting with other railways, no branch line shall exceed, in any one case, thirty miles in length.

Proviso.

No. 34.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Pontiac Pacific Junction Railway.

First reading, April 6, 1899.

(PRIVATE BILL.)

Mr. POUPORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 35.] **BILL.** [1899.

An Act to incorporate the Edmonton and Slave Lake 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

1. The Honourable John Costigan, John W. McRae, E. C. Whitney, W. J. Poupore, George Goodwin, Michael P. Davis, W. C. Edwards and F. X. St. Jacques, of the city of Ottawa, in the province of Ontario; Frederick H. Hale of Woodstock, and James Robinson of Newcastle, both in the province of New Brunswick; and H. J. Beemer, of the city of Quebec, in the province of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Edmonton and Slave Lake Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock and calls thereon.

4. The capital stock of the Company shall be nine 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.

Head office.

5. 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 appointed by by-law.]

Annual meeting.

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

Election of directors.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point at or near Edmonton, in the North-West Territories, via Athabasca Landing and Lesser Slave Lake to Peace River, a distance of about four hundred miles.

Powers of Company.

Vessels.

9. The Company may, for the purpose of its business:—

(*a.*) Construct, acquire and navigate vessels upon and across the Athabasca River from Athabasca Landing to the mouth of the Little Slave River, and up the said river into and through and upon Lesser Slave Lake, or on other waters connecting with or adjacent to the proposed line of railway, and carry on generally the business of transportation in connection with the said railway and vessels:

Transportation.

Transportation facilities.

(*b.*) Construct, acquire, lease and sell wharves, docks, elevators, warehouses and other works for the transportation of passengers or freight upon or across said railway, and the said rivers, lakes and streams:

Patent rights.

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

Electricity.

(*d.*) Acquire lands, and erect, use and manage works, and manufacture machinery and plant for the generation, transaction and distribution of electric power and energy:

Electric power houses.

(*e.*) Build and maintain power houses and stations for the development of electrical force and energy

Expropriation of lands.

10. If the Company require land for wharves, docks and elevators, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of

1888, c. 29.

sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such lands and determining the compensation thereof.

Power to receive aid.

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

Land, money, etc.

Application of moneys received.

Bond issue limited.

12. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of its railway, 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.

13. The Company may acquire and utilize water power, and dispose of surplus power either directly or by converting the same into electricity. Water power.

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

No. 35.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Edmonton and Slave Lake Railway Company.

First reading, April 6, 1899.

(PRIVATE BILL.)

MR. POUPORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 36.] **BILL.** [1899.

An Act to further amend the Criminal Code, 1892.

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

1892, c. 29, s. 3 amended.

1. The sub-paragraph substituted by chapter 40 of the statutes of 1895 for sub-paragraph (i) of paragraph (*e*) of section 3 of *The Criminal Code*, 1892, is hereby repealed and the following substituted therefor:—

"(i.) In the province of Ontario, the Court of Appeal."

The same.

2. The said section 3 is hereby further amended by adding thereto the following paragraph:—

"Chaste" defined.

"(*ff.*) The expression 'chaste' means free from unlawful sexual intercourse."

New s. 181.

3. Section 181 of the said Code is hereby repealed, and the following substituted therefor:—

Seduction of girls under sixteen.

"181. Every one is guilty of an indictable offence, and liable to two years' imprisonment, who seduces and has illicit connection with any girl, previously chaste, above the age of fourteen years and under the age of sixteen years."

New s. 182.

4. Section 182 of the said Code is hereby repealed, and the following substituted therefor:—

Seduction under promise of marriage.

"182. Every one above the age of twenty-one years is guilty of an indictable offence, and liable to two years' imprisonment who, under a promise of marriage, or after a promise of marriage and while they are engaged to be married, seduces and has illicit connection with any unmarried female, previously chaste, and under twenty-one years of age."

Section 593 repealed.

5. Section 593 of the said Code is hereby repealed.

Section 594 amended.

6. Section 594 of the said Code is hereby amended by striking out the words "and the accused" in the second line thereof.

Section 684 amended.

7. Section 684 of the said Code is hereby amended, by striking out paragraph (*c*), and substituting the following:—

"(*c.*) Offences under Part XIII., sections 182 to 188 inclusive."

New s. 687.

8. Section 687 of the said Code is hereby repealed, and the following is substituted therefor:—

Depositions on preliminary inquiry may

687. "If upon the trial of an accused person, such facts are proved, upon the oath or affirmation of any credible witness,

be read in evidence.

that it can be reasonably inferred therefrom, that any person whose deposition has been taken in the investigation or previous trial of any charge before a judge or justice, is dead, or so ill as not to be able to travel, or is absent from Canada, and if it is proved that such deposition was taken in the presence of the person accused, and that he, his counsel or solicitor, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the judge or justice before whom it purports to have been taken, or duly certified by a shorthand reporter, acting as such at the investigation or previous trial, it shall be read as evidence on any trial of the accused person thereafter on the same charge, without further proof thereof, unless it is proved that such deposition was not in fact signed by the judge or justice purporting to have signed it, or certified by the reporter as aforesaid."

New s. 744.

9. Section 744 of the said Code is hereby repealed and the following substituted therefor :—

Appeal when no question is reserved.

"**744.** If the Court refuses to reserve the question, the party applying may move the Court of Appeal as hereinafter provided.

"2. The Attorney General or any person who has applied to the court to reserve any such question of law, may, on notice of motion to be given to the accused or prosecutor, as the case may be, move the Court of Appeal for leave to appeal. The Court of Appeal may, upon the motion and upon considering such evidence, il any, as they think fit to require, grant or refuse such leave.

"3. If leave to appeal is granted, a case shall be stated for the opinion of the Court of Appeal as if the question had been reserved.

"4. If the sentence is alleged to be one which could not by law be passed, either party may, without leave, upon giving notice of motion to the other side, move the Court of Appeal to pass a proper sentence.

"5. If the court has arrested judgment and refused to pass any sentence, the prosecutor may, without leave, make such a motion."

Section 748 repealed.

10. Section 748 of the said Code is hereby repealed.

Section 773 amended.

11. Section 773 of the said Code is hereby amended by adding thereto the following subsection :—

If depositions disclose offence other than that for which accused is committed.

"2. In case the depositions taken upon the charge or charges upon which the prisoner has been committed to gaol for trial disclose an offence or offences other than such charge or charges, the judge, upon the application of the county crown attorney, clerk of the peace or other prosecuting officer, may refuse to try the prisoner upon such charge or charges ; and in case of such refusal the prisoner shall remain in custody, or be admitted to bail, to take his trial or be otherwise dealt with at the next court of competent jurisdiction to try the offence or offences so disclosed by the depositions."

Section 783 amended.

12. Section 783 of the said Code is hereby amended by striking out paragraphs (*d.*) and (*e.*), and by amending subsection 6 by adding thereto after the word "theft," the

following words, "where the value of the property with reference to which the alleged attempt was made does not in the judgment of the magistrate exceed ten dollars,"

13. Section 788 of the said Code is hereby amended by striking out the letters (*d*) and (*e*) in the second line. Section 788 amended.

14. Section 955 of the said Code is hereby amended, by inserting at the end of subsection 3, and as a part thereof, the following words:— Section 955 amended.

"And provided further that where any person is sentenced for any offence who is at the time of such sentence serving a term of imprisonment in a penitentiary for another offence, he may be sentenced for a term shorter than two years, to imprisonment in the same penitentiary, such sentence to take effect at and from the termination of his existing sentence or sentences." If prisoner sentenced is already serving a term.

No. 36.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to further amend the Criminal Code, 1892.

First reading, April 6, 1899.

Mr. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 37.] **BILL.** [1899.

An Act to amend the Naturalization Act.

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

1. The last eight lines of Section 11 of *The Naturalization Act*, chapter 113 of the Revised Statutes, are hereby repealed and the following is substituted in lieu thereof:— R.S.C., c. 113, s. 11 amended.

"Such presentation shall be made in open court by the alien, personally or by his solicitor in his presence, on the first day of some general sitting of such court; and thereupon such court shall cause it to be openly read in court and shall examine the alien on the contents of the said oath; and if satisfied with the evidence, and that the alien comprehends the nature of his act, such court shall, on the last day of such sitting, direct that such certificate be filed of record in the court." Presentation in open court. To be filed of record if not invalidated.

No. 37.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Naturalization Act.

First reading, April 6th, 1899.

Mr. McINNES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 38] **BILL.** [1899.

An Act respecting the Attachment of Salaries of Public Officers and Employees of the Government.

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

Interpretation.

"Head of department."

"Deputy head."

"Salary."

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

(*a*.) The expression "head of the department" means the Minister of any public department of the Government of Canada, or any other Minister presiding over or having charge of such department ;

(*b*.) The expression "deputy head of the department" means the Deputy Minister or other person performing the duties of such Deputy Minister of any public department of the Government of Canada ;

(*c*.) The word "salary" includes salaries, emoluments, fees, moneys, allowances or wages payable to any public officer, or to any person employed by the Government.

Attachment of salaries of public officers.

2. In future, all moneys and salaries due, or accruing due, by the Government of Canada, to any public officer, or other person in the employ of the said Government, shall be liable to be seized by way of attachment in each and every of the provinces of the Dominion of Canada, in such proportion as may be determined by the laws in force in such provinces.

Service.

3. A copy of the writ of attachment shall be served at the office of the head or deputy-head of the department in which the public officer is employed, or from which he receives his salary

How made.

2. The bailiff or seizing officer shall endorse on such copy a declaration of the day of service and affix his signature at the foot of such declaration.

Contents of the writ.

4. The writ of attachment shall state, either in the writ itself or in a declaration annexed to it, the defendant's place of residence, and the nature and place of his occupation.

Report of head or deputy-head.

5. The head or deputy-head of the department in which the defendant is employed or from which his salary is paid, in lieu of making a declaration under oath, shall make a certificate or report to the Court from which the writ issued, duly signed by him, stating the amout of salary due at the time of service of the writ of attachment, and the amount to become due if such public officer or employee continues his employment or functions.

Transmission of report.

2. Such certificate or report may be sent by registered letter to the clerk of the Court from which the writ of attachment issued.

Salary attached upon service of writ.

Payment according to order in Court.

6. Upon the service of a writ of attachment as aforesaid, the salary of the public officer or employee against whom the writ issued, shall be seized and attached for such part or portion as is liable to seizure and attachment according to the laws of the Province in which such officer or employee resides; and the Government shall deduct and retain from such salary as becomes due after service of the writ, such part or portion of salary, and pay it to such person and in such manner as the Court from which the writ issued decides or orders.

Service of judgment.

7. So soon as judgment is rendered upon an attachment issued and served according to the provisions of this Act, the creditor shall cause a copy of it to be served in the manner provided for the service of the writ of attachment; and all payment of salary so seized shall be made in accordance with the said judgment.

Attachment to hold until full payment.

8. An attachment made under the provisions of this Act shall hold good until the amount mentioned in the judgment upon the attachment, in capital, interest and costs, has been paid and satisfied from and out of the salary of the public officer or employee, as provided in this Act.

Regulations by Governor in Council.

9. The Governor in Council may make all regulations found necessary for the carrying out of the provisions of this Act, and may order by such regulations that a portion of the salary of any public officer or employee whose salary has been attached, not exceeding ten per cent of the amount of such monthly salary, shall be retained and deducted from the salary of such officer, to cover the expenses and costs incurred by the Government resulting from the attachment of such salary.

No. 38.

4th Session, 8th Parliament, 62

BILL.

An Act respecting the A
Salaries of Public Offic
ployees of the Governme

First reading, April 6,

MR. R

OTTAWA
Printed by S. E. Dawso
Printer to the Queen's most Excell
1899

No. 39.] **BILL.** [1899.

An Act to provide for the issuing of Railway Passes to Members of the Senate and House of Commons.

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

Senators and Members of Commons to travel free on railways.

1. Members of the Senate and House of Commons shall, while holding such office, be entitled at all times to travel free of charge within Canada in the first class cars of any railway company as to which it is within the legislative authority of the Parliament of Canada to so enact, and of any railway under the control of the Government of Canada.

Railway company to issue pass on application.

2. It shall be the duty of every such railway company, upon application in writing by any Member of the Senate or House of Commons to the president or chief executive officer in Canada, or general manager, or secretary of such company, to issue or cause to be issued to such Member a pass granting to him during his continuance in office the privilege of free travel upon the railway of such company to which he is entitled under section 1 of this Act.

Clerks of Senate and House of Commons to issue certificates for Government railways.

3. It shall be the duty of the Clerk of the Senate and of the House of Commons to issue, or cause to be issued to every Member, a certificate entitling him, during his continuance in office, to the like privilege of free travel upon any railway under the control of the Government of Canada.

Penalty for refusal by company or clerk.

4. Should any such railway company, or the Clerk of the Senate or of the House of Commons, neglect or refuse, upon any such application, to issue or cause to be issued such pass or certificate, such company or clerk shall for such offence be liable, on summary conviction, to a penalty not exceeding and not less than dollars.

No. 39.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to provide for the issuing of Railway Passes to Members of the Senate and House of Commons.

First reading, April 7, 1899.

MR. BOSTOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 40.] **BILL.** [1899.

An Act to amend the Criminal Code, 1892, with respect to Combinations in restraint of Trade.

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

1892, c. 29, s. 520 amended.

1. Section 520 of *The Criminal Code*, 1892, is hereby amended by striking out the word "unduly" in paragraphs (*a*), (*c*) and (*d*), and by striking out the word "unreasonably" in paragraph (*c*).

No. 40.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to amend the Criminal Code, 1892, with respect to Combinations in restraint of Trade.

First reading, April 7, 1899.

Mr. BERTRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

(CORRECTED COPY.)

No. 40.] **BILL.** [1899.

An Act to amend the Criminal Code, 1892, with respect to Combinations in restraint of Trade.

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

1. Section 520 of *The Criminal Code*, 1892, is hereby amended by striking out the word "unduly" in paragraphs (*a*), (*c*) and (*d*), and by striking out the word "unreasonably" in paragraph (*c*). 1892, c. 29, s. 520 amended.

No. 40.

4th Session, 8th Parliament, 62 Victoria, 1899

[Corrected Copy.]

BILL.

An Act to amend the Criminal Code, 1892, with respect to Combinations in restraint of Trade.

First reading, April 7, 1899.

MR. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 41.] **BILL.** [1899

An Act in further amendment of the Trade Mark and Design Act.

HER 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 Trade Mark and Design Act*, chapter 63 of the Revised Statutes, is hereby amended by adding the following subsection thereto:— R.S., c. 63, s. 3 amended

"3. All marks, names, brands, labels, packages or other business devices which are adopted for use by any association or union of workingmen in its trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description, manufactured, produced, compounded or packed by or through the labour of any of the members of such association or union of workingmen, and applied in any manner either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description containing it, shall, for the purposes of this Act, be considered and known as trade marks, and may be registered for the exclusive use of the association or union of workingmen registering it in the manner herein provided, and of the members of such association or union; and thereafter such association or union of workingmen and its members shall have the exclusive right to use such trade mark to designate articles manufactured by or through the labour of the members of such association or union of workingmen, which, for the purposes of this Act, shall be considered the proprietor of such trade mark." As to trade unions.

No. 41.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act in further amendment of the Trade Mark and Design Act.

First reading, April 7th, 1899.

Mr. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

[CORRECTED COPY.]

No. 41.] **BILL.** [1899.

An Act in further amendment of the Trade Mark and Design Act

HER 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 Trade Mark and Design Act*, chapter 63 of the Revised Statutes, is hereby amended by adding the following subsection thereto:— R.S., c. 63, s. 3 amended.

"3. All marks, names, brands, labels, packages or other business devices which are adopted for use by any association or union of workingmen in its trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description, manufactured, produced, compounded or packed by or through the labour of any of the members of such association or union of workingmen, and applied in any manner either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description containing it, shall, for the purposes of this Act, be considered and known as trade marks, and may be registered for the exclusive use of the association or union of workingmen registering it in the manner herein provided, and of the members of such association or union; and thereafter such association or union of workingmen and its members shall have the exclusive right to use such trade mark to designate articles manufactured by or through the labour of the members of such association or union of workingmen, which, for the purposes of this Act, shall be considered the proprietor of such trade mark." As to trade unions.

No. 41.

4th Session, 8th Parliament, 62 Victoria, 1899

[Corrected Copy.]

BILL.

An Act in further amendment of the Trade Mark and Design Act.

First reading, April 7, 1899.

Mr. BERTRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 42.] **BILL.** [1899.

An Act respecting the Portage du Fort and Bristol Branch Railway Company.

Preamble.

WHEREAS the Portage du Fort and Bristol Branch Railway Company has, by its petition, represented that it was incorporated by an Act of the Legislature of the province of Quebec, being chapter 101 of the statutes of 1888, which Act was amended by chapter 66 of the statutes of 1895, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Que., 1888, c. 101.

Que., 1895, c. 66.

Declaratory.

1. In this Act the expression "the Company" means the corporation created by the Act first mentioned in the preamble under the name of "The Portage du Fort and Bristol Branch Railway Company;" and the works which the Company by its said Acts, or by this Act, is empowered to undertake or operate, are hereby declared to be works for the general advantage of Canada.

Existing Acts not affected, but works to be subject to Parliament.

2. Nothing herein contained shall be construed in any way to affect or render inoperative any of the provisions of the said Acts which authorized the Company to undertake, own and operate the said works as aforesaid; but hereafter the said works shall be subject to the legislative authority of the Parliament of Canada, and to the provisions of *The Railway Act*.

Existing directors continued.

3. The present board of directors of the Company shall continue to be directors of the Company until legally replaced.

Capital increased.

4. The capital stock of the Company is hereby increased to five hundred thousand dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Head office.

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

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Tuesday in September in each year at the head office of the Company.

Election of directors.

2. At such meeting the shareholders present or represented by proxy, who have paid all calls due on their shares, shall

choose not less than five and not more than nine persons to be directors of the Company, one or more of whom may be paid directors.

Extension of railway.

7. The Company may extend its line of railway from a point at or near the village of Quyon in the county of Pontiac through the townships of Onslow, Eardley and South Hull to the city of Hull in the province of Quebec, and to any bridges connecting the cities of Ottawa and Hull, with power to make running arrangements over the said bridges into the city of Ottawa; also with power to acquire the rights, franchise, works and approaches of the Deschenes Bridge Company, and to construct a line of railway from a point at or near the Deschenes Rapids in the township of Nepean into the city of Ottawa; and may also extend its line of railway from the village of Portage du Fort across the Ottawa River and through the townships of Ross, Westmeath and Pembroke in the county of Renfrew to the town of Pembroke in the province of Ontario.

Arrangement with bridge companies.

Bridge over Ottawa River.

8. The Company may construct, operate, and use a bridge, with the necessary approaches thereto, across the Ottawa River at or near the village of Portage du Fort in the province of Quebec to the opposite side of the said river in the province of Ontario, for railway purposes and for the passage of pedestrians and vehicles, cars or carriages, propelled or drawn by electrical, horse or other motive power, and may lay tracks on the said bridge and approaches for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles and pedestrians over the said bridge.

Tolls.

9. The rate of tolls to be charged for the passage of foot passengers, cars, carriages and other vehicles, shall, before being imposed, first be submitted to and approved of, and may be from time to time amended or modified by the Governor in Council, but the Company may, at any time, reduce the same, and a notice showing the tolls to be charged shall at all times be posted in a conspicuous place on the said bridge.

Plans of bridge to be approved.

10. The Company shall not commence the construction of the said bridge until it has first submitted to the Governor in Council plans of such bridge, and of all intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with, nor shall such plans be altered, or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he shall impose.

Equal rights over bridge to other companies.

11. So soon as the said bridge is completed and ready for traffic all trains and cars of all railways, tramways and electric railways connecting therewith constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of

the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in the tariff rates for transportation, shall be made in favour of or against any railway, tramway or electric railway whose trains pass over the said bridge.

Disagreements respecting traffic.

12. In case of any disagreement as to the rights of any railway whose trains cross or business passes over the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council as provided in *The Railway Act.*

Bond issue on railway.

13. The Company may issue bonds, debentures or other securities to the extent of twenty five thousand dollars per mile of its railway and branches and such bonds and debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Bond issue on bridge.

14. The Company may also issue bonds, debentures or other securities to an amount not exceeding two hundred thousand dollars in aid of the bridge hereby authorized, and such bonds may be secured by a deed of mortgage, and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of the said bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Time for construction limited.

15. The said railway and the extensions hereby authorized shall be completed within five years from the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway and extensions as then remains uncompleted.

No. 42.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Portage du Fort and Bristol Branch Railway Company.

First reading, April 10, 1899.

(PRIVATE BILL)

Mr. POUPORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 43.] **BILL.** [1899.

An Act respecting the Canada Southern Railway Company.

Preamble.

WHEREAS the Canada Southern Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her 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 times limited by the Acts respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company, set forth in the schedule to this Act, for commencing and completing the lines or branches of railway authorized by such Acts, or any of them, are hereby continued and extended as follows:—The said lines or branches shall be commenced within five years and completed within ten years from the fourth day of May, one thousand eight hundred and ninety-nine, and the powers conferred by the said Acts with respect to such lines and branches shall, if the said lines or branches are not commenced and completed as herein provided, be null and void as respects so much thereof as then remains uncompleted.

SCHEDULE.

Year and Chapter.	Title of Act.
27 Vic. (Prov. of Can.) c. 59	Known as the "Erie and Niagara Railway Company Act of 1863".
36 Vic. (Can.) c. 86	An Act to amend the Erie and Niagara Railway Company Act of 1863.
35 Vic. (Ont.) c. 48	An Act to confer further corporate powers on the Canada Southern Railway Company.
36 Vic. (Ont.) c. 86	An Act respecting the Canada Southern Railway Company.

No. 43.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Canada Southern Railway Company.

First reading, April 10, 1899.

(PRIVATE BILL.)

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 44.] **BILL.** [1899.

An Act to incorporate the Alaska and North-Western Railway Company.

Preamble.

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

Incorporation.

1. Jas. J. Gillies, S. Walker Janes, George Campbell, Alexander F. Gillies, John Mather, F. Waldo Ames, Geo. P. Magann and Geo. P. Brophy, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Alaska and North-Western Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock and calls thereon.

4. The capital stock of the Company shall be ten million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Head office.

5. The head office of the Company shall be in the city of Ottawa, or in such other place in Canada as the directors from time to time determine by by-law.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Monday in October in each year.

Election of directors.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, 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 [three feet or such other gauge as may be adopted by the Company, not being less than three feet or more than] four feet eight and one-half inches, from a point at or near Pyramid Harbour near the head of Lynn Canal, or from a point at or near the international boundary line near the Lynn Canal, thence through the Chilkat Pass, and thence by way of the Dalton Trail to Fort Selkirk on the Yukon River.

Powers of Company.

9. The Company may, for the purpose of its business :—

Wharfs, buildings, etc.

(*a*) Construct, acquire and operate wharfs, piers, docks, landing places, hotels, elevators and warehouses, and acquire and navigate steam and other vessels for the transportation of

Transportation.

passengers and freight in connection with such railway, tramways, roads and routes upon the waters of the rivers, lakes and streams adjacent to the said railway :

Telegraph and telephone lines.

(*b*) Construct, acquire and operate telegraph and telephone lines, both in connection with and beyond its railway, to any point in the North-West Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and undertake the transmission of messages for the public by such lines :

Mining rights.

(*c*) Acquire and operate mines in British Columbia and the North-West Territories, and exercise mining rights and privileges therein :

Trading business.

(*d*) Erect and maintain stores and trading posts, mills and manufactories, and carry on in the province of British Columbia and the North-West Territories the business of general traders, carriers, forwarders, transportation agents, lumberers, millers and manufacturers, and all other business incident thereto, or connected therewith ; and may, for any of the said purposes, acquire lands, buildings, mill sites, mills, water power, timber, timber limits, works, docks, vessels, vehicles, machinery, goods, wares, merchandise and general supplies, and such other property as may be necessary for effectually carrying out the above purposes, and may dispose of or deal in the same ; and generally do all such things as may be necessary or incident to the carrying out and attainment of the above objects :

Electricity.

(*e*) Erect, use and carry on works for the generation, transmission and distribution of electrical power and energy ; and acquire and utilize water and steam power for the purpose of generating electricity for all purposes in connection with its railway, tramways, vessels, mills, manufactories and works, and may dispose of any surplus electricity or other power generated by its works, and not required for operating its railway or other works.

Navigation and transportation powers to be regulated by Governor in Council.

10. The powers conferred upon the Company to carry on a navigation and transportation business shall only be exercised by the Company under the supervision of the Governor in Council, and under such regulations as he imposes, and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company, and fix the terms, rates and conditions on which they may be so used.

Expropriation of lands.

11. If the Company requires land for wharfs, docks, elevators or landing-places and can not agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject-matter of this section, and to the obtaining of such land and determining the compensation therefor.

12. The Company may issue bonds, debentures or other securities to the extent of thirty-five thousand dollars per mile of its railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Bond issue limited.

13. The railway hereby authorized shall be commenced within two years, and completed and put in operation within four years from the passing of this Act. Time for construction of railway limited.

14. Subject to the provisions of this Act *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the Company. R.S.C., c. 118.

No. 44.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Alaska and North-Western Railway Company.

First reading, April 10, 1899.

(PRIVATE BILL.)

Mr. GILLIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 45.] **BILL.** [1899

An Act to incorporate the St. Clair and Erie Ship Canal 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

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

(*a.*) The word "canal" means "canal or navigation, and any branch canal," and includes every kind of work necessary or done in respect of the canals for the purpose of carrying out the objects of this Act: "Canal."

(*b.*) The word "land," wherever used in *The Railway Act* or in this Act, includes land covered by water: "Land."

(*c.*) The word "vessel" includes any ship, barge, boat or raft passing through any of the canals hereby authorized, or plying upon any lake or river connecting therewith: "Vessel."

(*d.*) The word "goods" includes any goods, merchandise and commodities of whatsoever description, passing through any of the canals hereby authorized. "Goods."

2. D. Farand Henry, of the city of Detroit, in the state of Michigan; Hervey A. Olney, of Saltash, Cornwall, England; Horatio C. Boultbee, of the city of Toronto; Hon. David Tisdale, of the town of Simcoe, in the province of Ontario, and C. A. Youmans, of the town of Neillsville, in the state of Wisconsin, together with such persons as become shareholders in the company, are hereby incorporated, under the name of "The St. Clair and Erie Ship Canal Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

5. The capital stock of the Company shall be two million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary. Capital stock.

6. The head office of the Company shall be at the city of Toronto, in the province of Ontario, or at such other place in Canada as the Company from time to time determines by by-law. Head office.

First meeting of shareholders.

7. So soon as five hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars thereof have been paid into some chartered bank in Canada, the provisional directors, or a majority of them, shall call a general meeting of the shareholders to be held at the city of Toronto or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing the first directors of the Company and of transacting any other business that may be done at a shareholders' meeting.

Notice of meeting.

2. Notice in writing, signed by or on behalf of the provisional directors or a majority of them calling such meeting, of the date and place of holding the same, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting.

Election of directors.

8. At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, each of whom shall hold at least twenty shares of the capital stock of the Company, the majority of whom shall form a quorum, and one or more of whom may be paid directors.

Term of office.

2. The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.

Annual general meeting.

9. The annual meeting of the shareholders shall be held on the first Thursday in September in each year.

Business of Company.

10. The Company may—

Canal.

(*a.*) construct and operate a canal from some point on Lake St. Clair, in the township of North Tilbury, in the county of Essex, or in the township of East Tilbury or of West Dover in the county of Kent, to some point on Lake Erie between Point Pelee and Rondeau Harbour, of such dimensions as to make a navigable channel of any depth not less than eighteen feet, and of any width not less than seventy-two feet at the bottom of the said channel;

Locks, tow-paths, etc.

(*b.*) construct and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders to supply water from the said lake, or from any rivers, creeks, reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the canal;

Expropriation of lands.

(*c.*) enter upon and take such lands as are necessary and proper for the making, preserving, maintaining, operating and using the canal and other works of the Company hereby authorized; dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand or any other matters or things which may be dug or got in making the canal and other works, on or out of the lands of any person adjoining or lying convenient thereto, and which may be proper, requisite, or necessary, for making or repairing the canal or the works incidental thereto or connected therewith, or which may hinder, prevent or obstruct the making, using or completing, extending or main-

taining the same, respectively, according to the intent and purposes of this Act ;

(*d.*) make, maintain and alter any places or passages over, under or through the canal or its connections ; Passages.

(*e.*) obtain, take and use, during the construction and operation of the canal, from the rivers, lake, brooks, streams, watercourses, reservoirs, and other sources of water supply adjacent or near to the canal, water sufficient for the purposes of constructing, maintaining, operating and using the canal and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour through the navigable channel of the canal; and the Company shall, in the exercise of the powers granted by this paragraph, 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;* Water supply. Compensation for damages.

(*f.*) construct and operate by any motive power a double or single line of iron or steel railway, of any gauge of not less than three feet, along or near the sides of the canal, and construct and operate branch lines thereof, connecting any towns and villages within fifteen miles of the canal in the said counties of Essex and Kent with the canal; Line of railway described.

(*g.*) construct, acquire, operate, lease or otherwise dispose of, terminals, harbours, wharfs, docks, piers, elevators, warehouses, dry docks and other structures, and building and repairing yards, and all works incidental thereto, upon the canal or upon lands adjoining or near the same ; Harbours, warehouses, etc.

(*h.*) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the canal, vessels and works of the Company ; and may sell or otherwise dispose of surplus electricity or other power generated by the Company's works, and not required for operating its canal or other works, and propel vessels in and through the canal by any kind of force, and sell, lease or otherwise dispose of the said works ; Water and steam power. Surplus power.

(*i.*) acquire, construct, navigate and dispose of vessels to ply on the canal, and the lakes, rivers and canals connecting therewith, and may also make agreements for vessels to ply upon the said canal, lake and rivers ; Vessels.

(*j.*) acquire, by license, purchase or otherwise, any rights in letters patent, franchises, or patent rights, for the purposes of the works hereby authorized, and again dispose of such rights. Patent rights.

11. The Company may construct and operate telegraph and telephone lines, and lines for the conveyance of light, heat and electric and other power, by wires or pipes, along the whole length of the canal and its approaches, and between the canal and any town or village in the said counties, and may establish offices for the transmission of messages for the public, and collect tolls therefor ; and, for the purposes of erecting and working such telegraph and telephone lines and electric plant, the Company may enter into contracts with any other company, or may lease the Company's lines. Telegraphs and telephones. Electric power.

Arrangements with telegraph and telephone companies.

2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.

Rates to be approved by Governor in Council.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.

R.S.C., c. 132.

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

Interference with drainage systems.

12. The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent to which it disturbs or interferes with artificial drains, natural streams or watercourses which the canal crosses, touches or interferes with, and which are in existence at the time of the construction of the canal.

Disputes to be determined by Railway Committee.

2. All subsequent questions, disputes or complaints as to the construction of new drains, and as to the alterations, enlargement and change of existing drains and of natural streams or watercourses, and as to who shall make such alterations, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the sufficiency of compliance with the provisions of the next preceding subsection, shall be inquired into, heard and determined by the Railway Committee of the Privy Council, in the same manner as is provided for other matters to be inquired into, heard and determined by the said committee under *The Railway Act.*

Arbitration in case of disagreements.

13. When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured by the Company the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act*, so far as the same may be applicable.

"Lands" defined.

2. In this section and in sections 10, 14, and 17 the expression "lands" means the lands the acquiring, taking or using of which is incident to the exercise of the powers given by this Act.

Urgent repairs to works.

14. In case of any accident requiring immediate repair on the canal the Company may enter upon the adjoining land (provided such land is not an orchard or garden) and may dig for, work, get, carry away and use such gravel, stone, earth, clay or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as possible to such land and making compensation therefor; and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as provided in *The Railway Act;* but before entering upon any land for the purposes aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into one of the superior courts of the province of Ontario, such sum with interest

Arbitration in case of disputes.

thereon for six months as is fixed, on the ex parte application of the Company, by a judge of the county court of the county in which such land is situate.

Basins for laying up vessels.

15. The Company may open, cut, erect and use such ponds and basins for the laying up and turning of vessels using the canal at such points thereon as it deems expedient, and may also build, erect and operate such dry docks, slips and machinery for the hauling out and repairing of vessels as it thinks proper, or may lease or hire the same.

Dry docks.

Bridges to be constructed.

16. The Company shall, at every place where the canal crosses any railway, highway or public road, (unless exempted from the provisions of this section, so far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road,) construct and maintain, to the satisfaction of the Governor in Council, bridges for passage over or tunnels for passage under the canal, so that the public thoroughfare or railway may be as little impeded as reasonably possible, and the Company shall not, in making the canal, cut through or interrupt the passage on any highway or public road, until it has made a convenient road past its works for the use of the public; and for every day on which it shall neglect to comply with the requirements of this section, the Company shall incur a penalty of one hundred dollars.

Penalty for impeding traffic.

Extent of land which may be expropriated.

17. The lands, ground or property to be taken or used, without the consent of the proprietors, for the canal and works, and the ditches, drains and fences to separate the same from the adjoining lands, shall not together exceed two thousand feet in breadth, except in places where basins and other works are required to be cut or made as necessary parts of the canal as shown on the plan to be approved as hereinafter provided by the Governor in Council, or where flooding or drowning of lands is unavoidable, on account of the construction of dams.

Plans to be approved by Governor in Council.

18. Before the Company breaks ground or commences the construction of the canal or any of the works hereby authorized, the plans, locations, dimensions, and all necessary particulars of the canal and other works, including a guard lock or gate at the Lake St. Clair entrance of the canal, if required by the Governor in Council, shall be submitted to and receive the approval of the Governor in Council.

Public beach.

19. The Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or the land covered with the waters of the rivers or lakes which the canal may cross, start from or terminate at, as may be required, for the wharfs and other works of the canal, for making easy entrance thereto, and for the other works which they are hereby authorized to construct, doing no damage to nor causing any obstructions in the navigation of the said rivers or lake, and conforming in all respects to the plan and modes of construction sanctioned as aforesaid by the Governor in Council, except in so far only as he may at any time authorize a deviation from such plan and mode of construction.

By-laws.

20. In addition to the general powers to make by-laws under *The Railway Act*, the Company may, subject to the approval of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say :—

Speed.

(*a.*) For regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled :

Hours of arrival and departure of vessels.

(*b.*) For regulating the hours of the arrival and departure of such vessels :

Loading and draught.

(*c*) For regulating the loading or unloading of such vessels and the draught thereof :

Travel.

(*d.*) For regulating the travelling and transportation upon, and the using and the working of the canal :

Use of canal.

(*e.*) For the maintaining, preserving and using the canal and all other works hereby authorized to be constructed, or connected therewith, and for the governing of all persons and vessels passing through the canal :

Management of affairs.

(*f.*) For providing for the due management of the affairs of the Company in all respects.

Bond issue.

21. The Company may issue and pledge or dispose of bonds, debentures or other securities as provided in *The Railway Act*, to the extent in all of eight million dollars, and may issue such bonds, debentures or other such securities, in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities ; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued and which shall be described in the mortgage deed made to secure the same.

Issue of paid-up stock.

22. The directors may issue, as paid-up stock, shares of the capital stock of the Company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets, and other property of any person or municipal corporation which it may lawfully acquire by virtue of this Act, at the true and actual price at which the same has been bona fide purchased, and may allot and hand over such shares to any such person or corporation or its shareholders ; and may issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property, wholly or partly in paid-up shares, or wholly or partly in debentures, as the directors deem proper.

Rates of charge.

23. In all cases where there is a fraction of a mile in the distance which vessels, ratts, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the canal, such fraction shall, in ascertaining the rate of charge be deemed and considered as a whole mile; and in all cases where there is a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities, a proportion of the said rate shall be demanded and taken by the Company, calculated upon the number of quarters of a ton contained therein; and in all cases where there is a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Measurement of vessels.

24. Every owner or master of a vessel navigating the canal shall permit it to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the canal, and he may mark the tonnage or measurement on every vessel using the canal.

Lands taken for use of canal to be separated by fence, etc.

25. The Company shall, within six months after any land shall be taken for the use of the canal, divide and separate, and shall keep constantly divided and separated, the land so taken, from the lands and grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other kind of fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds purchased by, conveyed to, or vested in the Company, as aforesaid, and shall, at its own cost and charges, from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Canal to be measured.

26. So soon as possible after the canal is completed, the Company shall cause it to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, shall be erected and maintained at convenient distances from each other.

Sunken vessels.

27. If any vessel is sunk or grounded in any part of the canal or in any approach thereto, and if the owner or master thereof neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and 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.

Crown may take over canal.

Notice to Company.

28. Her Majesty may at any time assume the possession and property of the canal and works, and all the rights, privileges and advantages of the Company, all of which shall, after such assumption, be vested in Her Majesty, on giving to the Company one month's notice thereof, and on paying to the Company the value of the same, to be fixed by three arbitra-

tors or the majority of them, one to be chosen by the Government, another by the Company, and a third arbitrator by the two arbitrators; and the arbitrators may, in such valuation, take into account the expenditure of the Company, its property, the business of the canal and other works hereby authorized, and their past, present and prospective business, with interest from the time of the investment thereof.

Obstructions in canals, etc.

29. Every person who obstructs, interrupts or impedes the navigation of the canal, or interferes with any of the works belonging thereto, by the introduction of any timber or vessels or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for every such offence incur a penalty not to exceed four hundred dollars, one-half of which penalty shall go to the Company and the other half to Her Majesty.

Time for construction limited.

30. If the construction of the canal hereby authorized to be constructed is not commenced, and ten per cent on the amount of the capital stock is not expended thereon, within three years from the passing this Act, or if the said canal is not finished and put in operation within seven years from 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 canal as then remains uncompleted.

Use of canal by Government.

31. Any Act hereafter passed by Parliament, or any order of the Governor in Council, with regard to the exclusive use of the canal by the Government at any time, or the carriage of Her Majesty's mails or Her Majesty's forces, and other persons or articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph or telephone or any service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by this Act.

1888, c. 29.

32. *The Railway Act* shall, so far as applicable, and when not inconsistent with this Act, and except sections 3 to 25, both inclusive, sections 36, 37, 38, 89, subsection 3 of section 93, sections 103, 104, 105, 112, 120, 173 to 177, both inclusive, 179, 180, 182 to 199, both inclusive, 209, 210, 214, 240 to 263, both inclusive, 271 to 274, both inclusive, 276 to 286, both inclusive, and 288 to 293, both inclusive, apply to the Company, and to its canal and works, except the railways and branches authorized under paragraph (*f*) of section 10 of this Act, to which railways the whole of *The Railway Act* shall apply.

"Railway" to mean "canal."

2. Wherever in *The Railway Act* the expression "railway" occurs, it shall, unless the context otherwise requires, and in so far as it applies to the provisions of this Act, or to the Company, mean the "canal" "or other works" hereby authorized to be constructed; and in any section of *The Railway Act* relating to the collection of tolls, where the expressions "passengers" and "goods," or either of them, occur, such expressions shall be held to include any vessel passing through the canal, whether laden or otherwise.

"Goods" to include "vessel."

R.S.C., c. 118.

33. *The Companies Clauses Act* shall not apply to this Act or to the Company.

No. 45.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to incorporate the St. Clair and Erie Ship Canal Company.

First reading, April 10, 1899.

(PRIVATE BILL.)

Mr. TISDALE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 46.] **BILL.** [1899.

An Act to incorporate the Arthabaska Railway Company.

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

1. Honourable P. A. Choquette, Montmagny, Louis Lavergne, J. E. Girouard and Achille Gagnon, all of Arthabaskaville, Paul Tourigny, Désiré O. Bourbeau, and Achille Marchand, all of Victoriaville, and Philippe B. Dumoulin, of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Arthabaska Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be five hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.

5. The head office of the Company shall be in the village of Arthabaskaville. Head office.

6. The annual meeting of the shareholders shall be held on the first Tuesday in October in each year. Annual meeting.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.

8. The Company may lay out, construct and operate a railway of [either standard or narrow gauge], and utilizing steam, electricity or other motive power from a point at or near Dudswell, on the Quebec Central Railway, in Wolfe county thence through the townships of South Ham and North Ham, in Wolfe county, and in the parishes of Chester West, St. Christophe, of Arthabaska, Arthabaskaville, Victoriaville, Ste. Victoire, of Arthabaska, St. Valère, of Bulstrode, St. Rosaire Line of railway described.

and Ste. Anne du Sault, in Arthabaska county, to a point called Maddington Falls, in the parish of Ste. Anne du Sault, on the north side of the Intercolonial Railway [and may also build and operate tramways and branch lines.]

Bond issue limited.

9. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with another company or Government of Canada.

10. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada, the Quebec Central Railway Company or the Government of Canada for conveying or leasing to such company or Government the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties [or electoral districts] through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Time for construction limited.

11. If the construction of the railway is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within one year after the first day of November, one thousand eight hundred and ninety-nine, or if the railway is not finished and put in operation within four years after the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 46

4th Session, 8th Parliament

BILL.

An Act to incorporate Railway Company.

First Reading, Apr

(PRIVATE

OTTAWA
Printed by S. E. D
Printer to the Queen's most
1899

No. 47.] **BILL.** [1899.

An Act respecting the Brandon and South-Western Railway Company.

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

1. Section 2 of the Act incorporating the Brandon and South-Western Railway Company, being chapter 86 of the statutes of 1890, is hereby repealed, and the following is substituted therefor:— 1890, c. 86, s. 2 amended.

"**2.** The head office of the Company shall be in the city of Brandon." Head office.

2. Section 3 of the said Act is hereby amended by adding the following subsection thereto:— Section 3 amended.

"2. The Company may also lay out, construct and operate a line of railway extending from some point on its line in the said township one in range twenty-four, thence westerly to the boundary of the province of Manitoba." Branch line.

No. 47.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the Brandon and South-Western Railway Company.

First reading, April 10, 1889.

(PRIVATE BILL.)

Mr. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 48.] **BILL.** [1899.

An Act to impose certain restrictions on Immigration.

HER 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 known as *The Immigration Restriction Act*, 1899.

Exemptions.

2. This Act shall not apply to—

(*a.*) Any person possesed of a certificate in the form set out in the form A in the Schedule to this Act, and signed by the High Commissioner for Canada, the Minister of the Interior, or any officer appointed for the purposes of this Act, whether in or out of Canada ;

(*b.*) Any person of a class for whose immigration into Canada provision is made by law, or by a scheme approved by the Government ;

(*c.*) Any person specially exempted from the operation of this Act by a writing under the hand of the Minister of the Interior ;

(*d.*) Her Majesty's land and naval forces ;

(*e.*) The officers and crew of any ship of war of any government ;

(*f.*) The members of the diplomatic corps or other representatives of any government, their suite, and their servants, and consuls and consular agents ;

Prohibited immigrants.

3. The immigration into Canada, by land or sea, of any of the following persons, hereinafter called "prohibited immigrants" is prohibited, namely :—

Illiterate persons.

(*a.*) Any person who, when asked to do so by an officer appointed under this Act, refuses, or fails, to write out and sign, in the characters of any language of Europe, an application to the Minister of Agriculture in the form A in the Schedule to this Act ;

Paupers.

(*b.*) Any person who is a pauper, or is likely to become a public charge ;

Idiots.

(*c.*) Any idiot or insane person ;

Diseased persons.

(*d.*) Any person suffering from a loathsome or a dangerous contagious disease ;

Convicts.

(*e.*) Any person who, not having received a free pardon, has within two years been convicted of an offence involving moral turpitude, and not a mere political offence ;

Prostitutes, etc.

(*f.*) Any prostitute, and any person living on the prostitution of others.

Punishment and deportation of prohibited immigrants.

4. Any prohibited immigrant making his way into, or found within Canada, shall be deemed to have contravened this Act, and shall be liable to imprisonment for a term not exceeding six months, with or without hard labour, and, in addition to any other penalty, to be deported from Canada; provided, that the imprisonment shall cease if the offender finds two approved sureties, each in the sum of one hundred dollars, that he will leave Canada within one week.

Exemption of former residents in Canada.

5. Any person who satisfies an officer appointed under this Act that he has been formerly domiciled in Canada, and that he does not come within the meaning of any of paragraphs (*c*), (*d*), (*e*) or (*f*), of section 3 of this Act, shall not be regarded as a prohibited immigrant.

Wives and children of immigrants.

6. The wife and minor children of a person who is not a prohibited immigrant, shall be free from any prohibition imposed by this Act.

Penalty for bringing prohibited immigrant into Canada.

7. The master and owners of any vessel, and the owners of and person in chief authority on any railway carriage, or other conveyance, by means of which any prohibited immigrant is brought into Canada, shall be jointly and severally liable to a penalty of not less than two hundred dollars for every prohibited immigrant so brought into Canada, and such vessel, or railway carriage or other conveyance shall be seized by an officer appointed under this Act, and shall not be released until the penalty has been paid, and until provision has been made by the master, or owners or person in chief authority, to the satisfaction of an officer appointed under this Act, for the conveyance out of Canada of each prohibited immigrant so brought into Canada; and in the event of the penalty remaining unpaid, and no provision being made for the deportation of the prohibited immigrant within one month from the date of seizure, any judge of a superior court of any province or territory may order the sale of such vessel or railway carriage, or other conveyance in satisfaction of such penalty.

Forfeiture of vessel or other conveyance.

Accessories.

8. Any person in any way wilfully assisting any prohibited immigrant to contravene the provisions of this Act, shall be deemed to have contravened this Act.

Preventing entry of immigrant.

9. Any police officer, or officer appointed under this Act, may prevent any prohibited immigrant from entering Canada by land or sea.

Officers for purposes of this Act.

10. All agents appointed under *The Immigration Act*, and all collectors and officers acting under *The Customs Act*, are hereby declared to be officers for the purposes of carrying out the provisions of this Act.

Regulations.

11. The Governor in Council may make regulations for the better carrying out of the provisions of this Act.

enalties.

12. The penalty for any contravention of this Act, or of any regulation made thereunder, where no higher penalty is expressly imposed, shall not exceed a fine of two hundred

dollars, or imprisonment, with or without hard labour, for a term not exceeding three months.

13. All contraventions of this Act, or of regulations thereunder, shall be cognizable by two justices of the peace, or a functionary having the power of two justices of the peace. Jurisdiction.

14. One moiety of any penalty recovered under this Act shall belong to the prosecutor. Application of fines.

15. Nothing in this Act shall be construed as lessening or emoving the disabilities imposed on Chinese immigrants by *The Chinese Immigration Act*, or amending Acts, or as interfering with or affecting in any way the full operation of the said Acts. B.S.C., c. 67, not affected.

16. Sections 23 and 24 of *The Immigration Act* are hereby repealed. R.S.C., c. 65, secs. 23 and 24 repealed.

SCHEDULE.

Form A.

Dominion of Canada.

This is to certify that , of , aged , by trade or calling a , is a fit and proper person to be received as an immigrant into Canada.

Dated at , this day of

(*Signature.*)

Form B.

To the Honourable

The Minister of the Interior.

Sir,—I claim to be exempt from the operation of "The Immigration Restriction Act, 1899".

My full name is . My place of abode for the past twelve months has been . My business or calling is . I was born at , in the year .

Yours, etc.,

(*Signature.*)

No. 48.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to impose certain restrictions on Immigration.

First reading, April 10th, 1899.

Mr. McINNES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 49.] **BILL.** [1899.

An Act to further amend the Chinese Immigration Act.

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

1. Section 8 of *The Chinese Immigration Act*, chapter 67 of the Revised Statutes, is hereby amended by substituting the words "five hundred" for the word "fifty" in the third line thereof. R.S.C., c. 67, s. 8 amended.

2. The said section 8 is hereby further amended by inserting the word "clergyman" between the words "merchants" and "men" in the first line of paragraph (*b*) of subsection 1. Section 8 further amended.

No. 49.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to further amend the Chinese Immigration Act.

First reading, April 10th, 1899.

Mr. MAXWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 50.] **BILL.** [1899.

An Act to amend the Civil Service Act.

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

1. Paragraph (*a*) of section 10 of *The Civil Service Act*, chapter 17 of the Revised Statutes, is hereby repealed and the following substituted therefor :— R.S.C., c. 17, s. 10 amended.

(*a*) All appointments to the Civil Service shall be during pleasure, but whenever such pleasure is exercised in the direction of removing a person employed in such service, the person removed shall, upon application in writing to the head of the department within the thirty days following his removal, be entitled to obtain a certificate setting forth, 1st, the duration of his employment in the Civil Service of Canada, 2nd, the nature of such employment, 3rd, the reason of his removal, 4th, the number and nature of the complaints made against him, 5th, the name or names of all persons who made complaints against him, 6th, the decision arrived at by the department upon all complaints so made, 7th, a copy of all proceedings had at any enquiry held by or under the direction of the department." Appointments during pleasure. Dismissed employee entitled to certificate.

"(*a* 2.) No person shall be appointed or promoted to any place below that of a deputy head, unless he has passed the requisite examination and served the probationary term hereinafter mentioned." Examinations.

2. The provisions of the foregoing section shall apply to every person removed from the Civil Service of Canada since the first day of July, 1896, provided he avails himself of the said provisions within thirty days from the commencement of this Act. Application of this Act.

No. 50.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL,

An Act to amend the Civil Service Act.

First reading, April 11, 1899.

Mr. MONK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 51.] **BILL.** [1899.

An Act to incorporate the Canadian Inland Transportation 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. William Christie, James Kerr Osborne and George Hope Bertram, of the city of Toronto, and Alexander Lumsden and John William McRae, of the city of Ottawa, in the province of Ontario, and Louis Joseph Forget, 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 Canadian Inland Transportation Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act are hereby constituted the first or provisional directors of the Company, and shall have and possess all the powers which are conferred upon directors of the Company elected by the shareholders. Provisional directors.

2. Four provisional directors shall be a quorum. Number of directors.

3. The provisional directors shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and shall withdraw the same for the purposes of the Company only. Deposit of moneys.

3. The capital stock of the Company shall be four million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary. Capital stock.

4. The head office of the Company shall be in the city of Toronto, in the province of Ontario, or such other place in Canada as shall be determined by by-law. Head office.

5. So soon as twenty per cent of the amount of the capital stock has been subscribed, and ten per cent on such subscribed stock paid into one of the chartered banks in Canada, the provisional directors, or a majority of them, shall call a general meeting of the shareholders to be held at the head office of the Company, or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing directors of the Company, and of transacting any other business that may be done at a shareholders' meeting. General meeting of Company.

Notice of meeting.

2. Notice in writing, signed by or on behalf of the provisional directors, or a majority of them calling such meeting, of the date and place of holding the same, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previously to the calling of such meeting shall be sufficient notice of such meeting.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Tuesday in February in each year.

Election of directors.

2. At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, one or more of whom may be paid directors.

Qualification of directors.

3. No person shall be a director unless he is a shareholder owning at least twenty shares of the capital stock of the Company, and has paid all calls due thereon.

Quorum.

4. A majority of directors shall be a quorum.

Business of Company.

7. The Company may—

Transportation.

(*a*) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise between any ports of Canada, and between any port of Canada and any port of any other country, and may dispose of the said vessels, and may carry on the business of dealing in and elevating grain, of common carriers of passengers and goods, and of forwarders, wharfingers, warehousemen and shipbuilders;

Docks, elevators, etc.

(*b*) construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other facilities or buildings;

Terminals, harbours, etc.

(*c*) construct, or aid in and subscribe towards the construction, maintenance and improvement of terminals, harbours, piers, wharfs, elevators, warehouses, roads, docks, dock-yards, and other buildings and works necessary or convenient for the purposes of the Company;

Lightering.

(*d*) construct, acquire, lease, use and sell all facilities designed for the lightering of steam or other vessels, and charge tolls for such lightering;

Patent rights.

(*e*) acquire the right to use any patented invention for the purpose of the works authorized by this Act, and again dispose of the same;

Agreements with other companies.

(*f*) acquire the business, good-will and property of any other company having objects wholly or in part similar to those of the Company, and pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares, or in partly paid-up shares of the Company, and also undertake, assume, pay or guarantee any of the obligations or liabilities connected therewith; and may enter into working and other agreements and arrangements with any person or any municipal corporation;

Wrecking.

(*g*) undertake the work of raising, removing or relieving vessels which have been wholly or partially sunk, grounded or injured, and may carry on the usual business of a wrecking company, and collect charges therefor;

Tramways, telegraphs and telephones.

(*h*) construct, acquire and operate such electric and other tramways, and telegraph and telephone lines as are required for the purposes of the Company, and may dispose of the same.

Expropriation of land.

8. If the Company requires land for wharfs, docks, elevators, warehouses or other facilities, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such land and determining the compensation therefor.

1888, c. 29.

Aid to Company.

9. The Company may receive by grant from any government or person, as aid in the construction, equipment and maintenance of the vessels and works provided for in this Act, any Crown lands, or any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment or as subventions for services, and may dispose of the same, and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act.

Storage charges.

10. The Company may charge on all property placed with them, or in their custody, such fair remuneration as may be fixed by the directors for storage, warehousing, wharfage, dockage, cooperage, or any other care or labour in and about any such property on the part of the Company, over and above the regular freight and primage upon the said property which shall have been carried, or may be carried, by it.

Recovery of charges.

11. The Company may recover all charges and moneys paid or assumed by them, subject to which goods come into their possession, and, without any formal transfer, shall have the same lien for the amount thereof upon such goods as the persons to whom such charges were originally due had upon such goods while in their possession; and the Company shall be subrogated, by such payment, to the rights and remedies of such persons for such charges.

Sale of goods for charges.

12. In the event of non-payment of freight, advances and other charges, when due, upon goods or property in the possession of the Company, or under its control, the Company may sell at public auction the goods whereon such advances and other charges have been made, and may retain the proceeds of the sale, or so much thereof as is due, together with the costs and expenses incurred in and about such sale, returning the surplus, if any, to the owner of such goods or property; but, before any such sale takes place, thirty days' notice of the time and place of such sale, and of the amount of the charges or moneys payable to the Company in respect of such goods or property, shall be given by registered letter, transmitted through the post office to the last known address of the owner of any such goods or property; provided that perishable goods or effects may be sold after the expiration of one week, or sooner if necessary, unless otherwise provided in the contract between the parties.

Notice of sale.

Perishable goods.

Cheques, notes, etc.

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

Bond issue limited.

14. The Company, being first authorized by a resolution passed at a special general meeting of its shareholders duly called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed capital stock of the Company, are present or represented by proxy, may, from time to time, issue bonds or debentures in aid of the acquisition of any vessels or other property which the Company is authorized to acquire, but such bonds and debentures shall not exceed in amount the value of such vessels or property.

Mortgage to secure bonds.

15. For the purpose of securing the issue of such bonds the Company shall execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at the special general meeting of shareholders mentioned in the next preceding section.

How to be made.

2. The said mortgages shall be made to trustees appointed for this purpose at the said special general meeting, and may contain provisions establishing the amount secured upon the vessels or class of vessels or other property to which such mortgages relate, the rank and privilege to appertain to the bonds intended to be secured thereby, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable thereon, the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holders of such bonds.

Lien created by mortgage.

3. The Company may charge and bind the tolls and revenues of the vessels or class of vessels or other property to which any such mortgage relates, in the manner and to the extent therein specified; and each such mortgage shall create absolutely a first lien and encumbrance on the vessels or class of vessels or other property therein described, as well as on the tolls, revenues and subsidy therein hypothecated, the whole being for the benefit of the holders of the bonds in respect of which such mortgage is made.

How bond holders to rank.

16. Each issue of bonds intended to be secured by any of the mortgages referred to in the next preceding section, shall entitle the respective holders thereof to rank with each other *pari passu*, and a duplicate of each mortgage shall be filed in the office of the Secretary of State of Canada.

Mortgage to be filed.

R.S.C., c. 118.

17. Sections 7, 18 and 39 of *The Companies Clauses Act* shall not apply to the Company.

No. 51.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Canadian Inland Transportation Company.

First reading, April 12, 1899.

(PRIVATE BILL.)

Mr. BERTRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899.

No. 52.] **BILL.** [1899.

An Act to incorporate the Canadian Yukon Railway Company.

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

1. William Mackenzie of Toronto, Donald D. Mann of Montreal, and Roderick J. Mackenzie of Toronto, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Canadian Yukon Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The railways and works hereby authorized are hereby declared to be works for the general advantage of Canada. Declaratory.

3. The persons named in section 1 of this Act shall be the first or provisional directors of the Company. Provisional directors.

4. The capital stock of the Company shall be ten million dollars. Capital stock.

5. The head office of the Company shall be in the city of Toronto, or in such other place in Canada as the directors from time to time determine by by-law. Head office.

6. The annual meeting of the shareholders of the Company shall be held on the fourth Monday in January in each year, or on such other day as the directors from time to time determine. Annual meeting.

7. So soon as the sum of two hundred thousand dollars of the capital stock has been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company, at some convenient place in Canada, for the election of the board of directors from among the shareholders duly qualified to act as directors, at which meeting each shareholder present or represented by proxy shall have one vote for each share subscribed for by him. Notice of such meeting shall be given as prescribed by section 41 of *The Railway Act;* provided that if all the shareholders attend in person or by proxy such notice may be dispensed with. Election of directors. Notice of meeting. Proviso.

8. The board of directors of the Company shall be of such number, not less than five, as the directors by by-law, approved at an annual or at a special general meeting of shareholders, from time to time determine. Number of directors.

Preference stock.

9. The directors may, by by-law, create and issue any part of the capital stock as preference stock, giving it such preference and priority as respects dividends and otherwise over ordinary stock as is declared by the by-law.

Approval of by-law creating preference stock.

2. No such by-law shall have any force or effect unless at the first general meeting or at a special general meeting of shareholders of the Company such by-law is sanctioned by at least two-thirds of the votes of the shareholders present or represented by proxy.

Privileges of preference stock holders.

3. The by-law may provide that holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the Company as is considered expedient.

Holders of preference shares to be shareholders.

3. Holders of such preference shares shall be shareholders, and shall in all respects possess the rights and be subject to the liabilities of shareholders ; provided, however, that with respect to dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Creditors not affected.

4. Nothing in this section contained, or done in pursuance thereof, shall affect or impair the rights of creditors of the Company.

Line of railway described.

10. The Company may lay out, construct and operate a line of railway from a point on or near the Stikine River in British Columbia, thence by a practicable route to Teslin Lake, or thereabouts, thence by a practicable route to Dawson City, or thereabouts, in the Yukon District, thence to the International Boundary ; also a line of railway from a point on or near the Stikine River, thence southerly and by a practicable route to a point in British Columbia capable of being made an ocean port, and approved of by the Governor in Council ; also a line of railway from a point on or near the waters of Lynn Canal, thence by a practicable route by way of Fort Selkirk, or thereabouts, to Dawson City, or thereabouts, thence to the International Boundary ; also branch lines and lines of railway along or near any creek or water-course in the Yukon District ; also telegraph and telephone lines from existing lines in British Columbia to any points on the above lines of railway and branches.

1888, c. 29.

11. Section 89 of *The Railway Act* shall not apply to the Company ; but, if the construction of the railway from a point on or near the Stikine River, thence to Teslin Lake and Dawson City, is not commenced within three years after the passing of this Act, or if the railway is not finished and put in operation within seven years after the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for construction limited.

Time for construction of part to be fixed by Governor in Council.

2. The said railway from a point on or near the Stikine River, thence southerly to a point in British Columbia capable of being made an ocean port, and the said railway from Lynn Canal, thence by way of Fort Selkirk to Dawson City, and the said lines of railway along any creek or water-course, shall be completed and put in operation within such times as the Governor in Council may from time to time fix in that behalf.

Powers of Company.

12. The Company may—

Vessels.

(*a.*) acquire, construct and operate steam and other vessels for passengers and freight in connection with its railways and property, and dispose thereof;

Wharfs.

(*b.*) construct, acquire and operate wharfs, docks, landing places, dockyards, elevators, warehouses and other works for promoting and facilitating traffic upon its lines of railway, and dispose thereof;

Mining.

(*c*) acquire and operate mines, minerals and mining rights in British Columbia, the provisional district of Yukon and the North-West Territories, and may crush, smelt, reduce and amalgamate ores for itself or others;

Construction and maintenance of roads, etc.

(*d*) with the consent of, and subject to the regulation of, any municipality affected thereby, construct, or aid in the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore houses, and other buildings and works necessary or convenient for the purposes of the Company;

Electricity.

(*e.*) erect, use and manage works, machinery and plant for the generation and transmission of electric light, heat or power;

Transportation.

(*f.*) carry on in British Columbia, the provisional district of Yukon and the North-West Territories, the business of carriers, forwarders and transportation agents, and other business incident thereto, also of wharfingers, shippers and vessel owners, and may purchase and vend merchandize, ores and mineral products;

Lands, patents, etc.

(*g.*) for any of the purposes above mentioned acquire lands, buildings, patent rights, letters patent, and other property, real and personal, and dispose thereof.

Telegraph and telephone lines.

13. The Company may construct, acquire and operate, for its own use and that of the public, lines of telegraph and telephone in connection with and along any of its lines of railway and branches, also telegraph and telephone lines beyond the said lines of railway and branches to any point in the provisional district of Yukon, the North-West Territories and British Columbia, and may lay submarine lines for such telegraph and telephone connections.

Expropriation of lands.

14. If the Company requires land for wharfs, docks or elevators along the line of any of the railways hereby authorized, or at any of the termini thereof, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive of *The Railway Act* shall apply to the subject matter of this section and to the obtaining of such land and the determining the compensation therefor.

Aid to Company.

15. The Company may receive from any government or person, in aid of its undertakings, lands, moneys, guarantees, debentures or other rights or properties, real or personal; and the Company may mortgage, sell or otherwise dispose of any real or personal property not required for the carrying on of its undertakings.

Bond issue on railway.

16. The Company may, pursuant to section 93 of *The Railway Act*, issue bonds, debentures, debenture stock and other securities to an amount not exceeding in all twenty five thousand dollars per mile of its lines of railway and extensions and branch and other lines, but such securities shall be issued only in proportion to the length of railway constructed or under contract to be constructed. Such securities may be issued from time to time separately with respect to any one or more specified lines of railway, extensions, branches or other lines, or as to all combined; and any franchise, undertaking, tolls, income, rents, revenues, real or personal property excepted by special or general reference from the mortgages which the Company is hereby authorized to give under section 94 of *The Railway Act*, securing such bonds, debentures, debenture stock or other securities, shall be also excepted out of the preferential claim and charge created by section 95 of the said Act.

Bond issue on lands.

17. The directors, under the authority from the shareholders mentioned in section 18 hereof, may, from time to time issue, in addition to those mentioned in section 16 hereof, bonds, debentures, debenture stock or other securities of the Company, secured by mortgage upon any land which may be granted to the Company by any government in aid of the construction of any of the Company's lines, and upon the Company's right therein and thereto, and may sell or pledge them at the best price and upon the best terms and conditions which they are able to obtain, in order to raise money for the purposes of the Company, but no such security shall be for a less sum than one hundred dollars; and such mortgages may contain such covenants, powers, rights and remedies, including powers of sale, for the enforcement and realization of the security thereby granted, as the directors think proper, and every such mortgage shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given by the Company in the *Canada Gazette*.

Borrowing powers.

18. The directors, under the authority of a resolution of the shareholders, passed by at least two-thirds of the votes of those present or represented by proxy at the first general meeting, or at any special meeting called for the purpose, or at any annual meeting, may from time to time at their discretion borrow money for the purposes of the Company, and secure repayment thereof in such manner and upon such terms and conditions as they think best, and for this purpose may mortgage, pledge and charge all or any assets and property of the Company, subject however to any mortgage mentioned in section 16 hereof.

No. 52.

4th Session, 8th Parliament,

BILL.

An Act to incorporate Yukon Railway C

First reading, April

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OTTAWA
Printed by S. E. Da
Printer to the Queen's most Ex
1899

No. 53.] **BILL.** [1899.

An Act to authorize the Bank of Nova Scotia to issue sterling notes for circulation in the island of Jamaica.

WHEREAS the Bank of Nova Scotia 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Bank of Nova Scotia may issue and reissue at any office or agency of the said bank in the island of Jamaica, for circulation in the said island, notes of the said bank payable to bearer on demand for the sum of one pound sterling each, and for any multiple of that sum. Issue of notes. Denominations.

2. The said notes shall be redeemable at par at any office or agency of the said bank in the said island. Redemption in Jamaica.

3. The said notes shall also be redeemable at the head office of the said bank in the city of Halifax, in the province of Nova Scotia, at the current rate of exchange. In Halifax.

2. The amount of the said notes in circulation at any time shall form part of the total amount of the notes in circulation within the meaning of section 51 of *The Bank Act*, and nothing herein contained shall enable the said bank to increase the total amount of its notes in circulation at any time beyond the limit fixed by the said section. Not to increase amount in circulation. 1890, c. 31, s. 51.

No. 53.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to authorize the Bank of Nova Scotia to issue sterling notes for circulation in the island of Jamaica.

First reading, April 12, 1899.

(PRIVATE BILL.)

Mr. BORDEN,
(Halifax.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 54.] **BILL.** [1899.

An Act respecting the Eastern Trust Company.

Preamble.

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

1893, c. 84, s. 4 amended.

Investment of funds.

1. Section 4 of chapter 84 of the statutes of 1893 is hereby amended by adding to paragraph (*b*) thereof the following words:—"in any province of the Dominion of Canada, or in such other securities as trustees, by the laws of such province, now, or may hereafter, have power to invest trust funds or"

Section 9 amended.

2. Section 9 of the said Act is hereby amended by striking out the word "fifty" in the sixth line thereof, and substituting therefor the words "twenty five."

No. 54.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the Eastern Trust Company.

First reading, April 12, 1899.

(PRIVATE BILL.)

Mr. Borden, (*Halifax.*)

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 55.] **BILL.** [1899.

An Act further to amend the General Inspection Act.

HER 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 General Inspection Act*, chapter 99 of the Revised Statutes, as amended by section 1 of chapter 23 of the statutes of 1892, is hereby further amended by adding thereto the following paragraph :— R.S.C., c. 99, s. 2 amended.

"(*j.*) Fruit."

2. The said Act, as amended by section 7 of chapter 23 of the statutes of 1892, is hereby further amended by adding at the end thereof the following section :— Section added.

"FRUIT.

"**112.** All apples, pears or other fruit submitted for inspection shall be packed in barrels, half barrels, boxes or baskets. Inspection of fruit.

"2. Every such barrel, half barrel or box shall have marked on one end of it the name of apple, pear or other fruit contained in it, and the name or initials of the grower or shipper; and every such basket shall have a tag or label or a mark with the name or initials of the grower or shipper. Marking of packages.

"3. In inspecting a barrel or a half-barrel of such fruit, the inspector shall either open one or both ends of the barrel, or loosen one of the staves, or empty the fruit out of the barrel; in inspecting boxes, he shall open one or more sides, or empty the fruit out of the box; in inspecting baskets, he shall either inspect the fruit from the top or empty it out. Mode of inspection.

"4. Apples, pears or other fruit packed in barrels, half barrels, boxes or baskets, shall be either branded or stamped by the inspector, as follows :— Branding by inspector.

"The best, Fancy No. 1, Medium, or Large, as the case may be;

"Second quality, No. 1;

"Third quality, No. 2;

"Fourth quality, No. 3.

"5. The duty of an inspector shall be to inspect not less than ten per cent of each variety of apples, pears or other fruit contained in a lot bearing the same marks or brands on the barrels, boxes or baskets, and to brand or stamp them according to their quality, with the date of inspection, and deliver a certificate of inspection to the person submitting the fruit for inspection. Quantity to be inspected. Inspector's certificate.

Inspection fees.

"6. The fees for the inspection of fruit shall be as follows:—

"Pears, 8 cents per barrel or half barrel.
"Apples, 4 " " "
"Pears, 2 " box.
"Apples, 2 " "
"Peaches, 2 " "

"All fruits in basket, 1 cent per basket.

"All small fruits, such as strawberries and raspberries, 2 cents per crate.

"Blueberries, 1 cent per box."

No. 55.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the General Inspection Act.

First reading, April 12, 1899.

Mr. Penny.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 56.] **BILL.** [1899.

An Act to define the sizes of small fruit packages.

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

Standard measure for small fruits.

1. The standard of measure for buying and selling strawberries, raspberries, blackberries, currants and other small fruits shall be the quart, which shall contain, when even-full, sixty-seven cubic inches.

Quart basket.

2. The inside measurement of the standard quart basket shall be five inches and one quarter on each side at the top, and four inches and three eighths on each side at the bottom, and it shall be two inches and seven eighths deep.

Pint basket.

3. The standard pint basket shall be oblong, and the inside measurement at the top shall be five inches and one quarter by three inches and three eighths, and at the bottom, four inches and three quarters by two inches and one half, and it shall be two and one quarter inches deep.

Half-pint basket.

4. The standard half-pint basket shall be three inches and three eighths on each side at the top, and two inches and three quarters on each side at the bottom, and one inch and three quarters deep, all inside measurements.

"Short" baskets to be so marked.

2. Any person making or causing to be made such baskets of less size or capacity than those herein described, shall mark on the outside of each such basket the word "short," in letters not less then one half inch in height.

Penalty if they are uot marked

2. Any person who sells or offers for sale such baskets of less size or capacity than those herein described, and not marked with the word "short" as herein provided, shall be guilty of an offence and liable, upon summary conviction, to a fine of not less than five dollars and not more than twenty-five dollars.

Commencement of Act.

4. This Act shall come into force on the first day of May, nineteen hundred.

No. 56.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to define the sizes of small fruit packages.

First reading, April 13, 1899.

Mr. PENNY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 57.] **BILL.** [1899.

An Act respecting the British Yukon Mining, Trading and Transportation Company, and to change its name to the British Yukon Railway Company.

Preamble.

WHEREAS the British Yukon Mining, Trading and Transportation 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The name of the British Yukon, Mining, Trading and Transportation Company, hereinafter called "the Company," is hereby changed to "The British Yukon Railway Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, or 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.

Existing rights saved.

Extension of railway.

2. The Company may extend its railway from a point at or near Fort Selkirk to a point at or near Dawson City, thence westerly to the international boundary line; and may also construct a line to Teslin Lake or River, and also by the most feasible route to Atlin Lake; and also, by and with the consent of the Governor in Council, may construct and operate branch lines not exceeding fifty miles in length.

Branch lines.

1897, c. 89, to apply to extension and branches.

3. Chapter 89 of the statutes of 1897, incorporating the Company, shall apply to the railway and branches authorized by this Act as if the same had formed part of the line as originally authorized.

1897, c. 89, s. 17 amended, and s. 20 repealed.

4. Sections 17 and 20 of the said Act are hereby repealed, and the following section is hereby substituted for the said section 17:—

1888, c. 29.

"**17.** *The Railway Act* shall extend and apply to the Company, and shall, except in so far as it is inconsistent with any of the provisions herein contained, be incorporated with and form part of this Act."

Acts done under Railway Act ratified.

5. All the acts and proceedings of the Company heretofore done and taken, which were in accordance with or authorized by *The Railway Act*, shall be valid, notwithstanding that such Act and proceedings were not done, and taken in accordance with the provisions of *The Companies Clauses Act*.

Other proceedings confirmed.

6. All the acts and proceedings of the Company heretofore done and taken shall be valid and effectual, notwithstanding that the majority of the directors of the Company were not persons resident in Canada, as required by section 9 of *The Companies Clauses Act*, or did not all remain in office until the Company was regularly constituted in accordance with the provisions of the above mentioned Acts, and notwithstanding any doubt as to the proper date for the holding the first general meeting of the Company.

R.S.C., c. 118, s. 9.

No. 57.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the British Yukon Mining, Trading and Transportation Company, and to change its name to the British Yukon Railway Company.

First reading, April 13, 1899.

(PRIVATE BILL.)

Mr. FRASER,
(Guysboro.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 58.] **BILL.** [1899.

An Act respecting the Central Counties Railway Company.

Preamble.

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

1893, c. 42, s. 1 amended.

1897, c. 40, s. 1 amended.

1. The paragraph substituted by section 1 of chapter 42 of the statutes of 1893 for paragraph (*b*) of section 1 of chapter 89 of the statutes of 1891, and sub-paragraph (2) added to section 1 of chapter 42 of the statutes of 1893, by section 1 of chapter 40 of the statutes of 1897, are hereby repealed, and the following paragraph (*b*) and sub-paragraph (2) are substituted therefor:—

Section two.

"(*b*) A line from a point in the township of Hawkesbury at or near the village of Hawkesbury, thence westerly through the township of Caledonia to a junction with section three of the railway in the township of Clarence, or with the Canada Atlantic Railway at or near South Indian station in the township of Cambridge, in the county of Russell, which said line shall be designated and known as "section two" of the undertaking.

Section six.

"(2.) The Company may also construct a line from the said village of Hawkesbury, or from the village of Vankleek Hill, easterly to the boundary line of the province of Quebec, in the said county of Prescott, and the said line shall be designated and known as "section six" of the undertaking."

Issue of bonds limited.

2. The Company may issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile of the said sections two and six, 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.

Agreements with other companies.

3. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Canada Atlantic Railway Company, or the Great Northern Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with either of such companies [or may purchase or lease the railways of the said companies] on such terms and conditions as are agreed upon, and

Approval of shareholders and Governor in Council.

subject to such restrictions as to the directors seem fit; provided that each such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that each such agreement has also received the sanction of the Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed.

3. A duplicate of the agreement referred to in subsection 1 of this section, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Time limited for construction.

4. The sections of the undertaking of the Company not yet constructed shall be completed within five years from the passing of this Act, otherwise the powers granted for such construction by the Acts relating to the Company shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 58.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Central Counties Railway Company.

First readings, April 14, 1899.

(PRIVATE BILL.)

Mr. EDWARDS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 59.] **BILL.** [1899.

An Act to incorporate the Russell, Dundas and Grenville Counties Railway Company.

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

1. John Sutherland Ross, William Faith, Daniel Fraser Sutherland, Benson Clothier Beach and Wallace Leslie Palmer, all of the village of Winchester, in the county of Dundas; George Steacy of the village of South Mountain, in the county of Dundas; John Carruthers of the town of Prescott, in the county of Grenville; Francis Elliott, of the village of Morewood, and Cyprien St. Onge of the township of Russell, in the county of Russell; together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Russell, Dundas and Grenville Counties Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The capital stock of the Company shall be five hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.

4. The head office of the Company shall be in the village of Winchester, or in such other place as may be hereafter chosen at the annual meeting of the Company. Head office.

5. The annual meeting of the shareholders shall be held on the first Tuesday in the month of October in each year. Annual meeting.

2. The annual and any special meeting of the Company or of the directors may be called by a notice signed by the secretary or president of the Company, sent postage prepaid and registered to the address of each shareholder or director, and deposited in the post office, at least ten days before the date named for such meeting]. Calling of meetings.

6. At the annual meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five nor more than nine persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point in or near the unincorporated village of South Indian in the county of Russell, to a point in or near the town of Prescott, in the county of Grenville, which railway shall pass through or near to the villages of Embrun and St. Onge, in the county of Russell, the villages of Morewood, Winchester, Inkerman and South Mountain, in the county of Dundas, and the villages of Shanly, Pittston and Johnstown, in the county of Grenville.

Bond issue limited.

8. The Company may issue bonds, debentures or other securities to the extent of ten thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies.

9. The Company may enter into agreements with the Canada Atlantic Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, and the Central Counties Railway Company, or any of them, for conveying or leasing to any of such companies the railway of the Company, in whole or in part, or any rights or powers acquired under this Act [or any Act to be hereafter passed respecting the said railway], as also the franchises, surveys, plans, works, plant, material, machinery and other property or any part thereof to it belonging, or for an amalgamation with any of the said companies, [and for obtaining running powers and other rights over any parts of the railways of any of the said companies, and for making traffic arrangements therewith, and may also enter into agreements with any person for the purpose of procuring the ferrying or carriage by boat or cars, freight and passengers from the terminus at or near the said town of Prescott, to the city of Ogdensburg, in the State of New York], the whole upon such terms and conditions as may be agreed upon, and subject to such restrictions as to the directors seem fit; provided that each such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that each such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prime facie evidence of the requirements of this Act having been complied with.

Storehouses for freight, etc.

10. [The Company may acquire, erect and maintain such piers, wharves, tramways, storehouses, and other facilities for the proper handling and care of freight and passengers as the directors from time to time determine.]

Telegraph and telephone lines.

11. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of messages for the public; and for the purpose of erecting and working such telegraph and telephone lines, the Company may enter into a contract with any other company.

Arrangements with telegraph and telephone companies.

12. The Company may enter into arrangements with any other telegraph or telephone Company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.

Time for construction of railway limited.

13. If the construction of the railway described in section 7 of this Act is not commenced within three years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 59.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to incorporate the Russell, Dundas and Grenville Counties Railway Company.

First reading, April 14, 1899.

(PRIVATE BILL.)

MR. EDWARDS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 60.] **BILL.** [1899.

An Act to authorize the amalgamation of the Erie and Huron Railway Company and the Lake Erie and Detroit River Railway Company.

Preamble.

WHEREAS the Erie and Huron Railway Company and the Lake Erie and Detroit River Railway Company have, by their petitions, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to amalgamate.

1. The Erie and Huron Railway Company and the Lake Erie and Detroit River Railway Company may enter into an agreement for amalgamation with each other.

Terms of amalgamation agreement.

2. Such agreement may prescribe the terms and conditions of the amalgamation, and may provide for the mode of carrying the same into effect, the name of the amalgamated company, the amount of the capital stock, the number of shares and the amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the after management and working thereof.

Agreement to be approved by shareholders.

3. The said agreement shall be submitted to the shareholders of each company party thereto at an annual general meeting or at a special general meeting called for the purpose of taking the same into consideration, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy; and the agreement which is accepted and approved by resolution passed by two-thirds of the votes of the shareholders present or represented by proxy at such meeting may be executed under the corporate seals of the said companies, and an application may be made to the Governor in Council for an order approving of the same.

Application for approval of Governor in Council.

Powers of amalgamated company.

4. On and after the date of an order of the Governor in Council approving of the said agreement, the companies parties thereto shall be amalgamated and shall form one company by the name in the said agreement provided, and upon the terms and conditions thereof; and the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and

mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in each of the said companies, or to which each may be or become entitled.

Bond issue limited.

5. The amalgamated company may, pursuant to section 93 of *The Railway Act*, issue bonds, debentures, debenture stock and other securities, to an amount not exceeding in all fifteen thousand dollars per mile of its lines of railway and extensions, and branch and other lines, but such securities shall be issued only in proportion to the length of railway constructed or under contract to be constructed. Such securities may be issued from time to time separately with respect to one or more specified lines of railway, extensions, branches or other lines, or as to all combined; and anything excepted by special or general reference from the mortgages which the company is hereby authorized to give under section 94 of *The Railway Act*, securing such bonds, debentures, debenture stock or other securities, shall be also excepted out of the preferential claim and charge created by section 95 of the said Act.

1888, c. 29, ss. 94, 95.

Existing rights saved.

6. Nothing in the said agreement of amalgamation, or in this Act contained, or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against either of the companies so amalgamated, nor shall it relieve such company from the payment or performance of any debt, liability, obligation, contract or duty.

Amalgamated company may be substituted in existing claims.

7. No pending or future claim, action or proceeding by or against either of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such claim, action or proceeding the amalgamated company may be substituted in such claim, action or proceeding in the place thereof.

No. 60.

4th Session, 8th Parliament,

BILL.

An Act to authorize the
of the Erie and Huron
pany and the Lake E
River Railway Compan

First reading, April

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OTTAWA
Printed by S. E. D
Printer to the Queen's most Ex
1899

No. 61.] **BILL.** [1899

An Act respecting the Canadian Pacific Railway Company.

Preamble.

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

Line of railway authorized in Manitoba.

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may construct, acquire and operate a railway from a point at or near the north terminus of its Stonewall branch in the province of Manitoba; thence northerly and north-easterly to a point on the west shore of Lake Winnipeg, between Gimli and Arnes, and a railway from a point on the one last named, thence in a direction generally north-west to a point on the east shore of Lake Manitoba between Marsh Point and the north boundary of township twenty-five; and also a railway from a point at or near Reston, on the Company's Souris branch, thence in a general westerly direction to a point in the Moose Mountain district, thence in a westerly and north-westerly direction to a point at or near Regina.

Time for construction limited.

2. The said railways shall be commenced within three years, and completed within five years, after the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Bond issue.

Debenture stock.

3. The Company may issue bonds which shall be a first lien and charge and be secured exclusively upon all or any one or more of the railways to be constructed under this Act in the same way and with the same effect as if the same were a branch railway within the meaning of section 1 of chapter 51 of the statutes of 1888, and the said section shall apply accordingly; or, in lieu of such bonds, the Company may issue consolidated debenture stock, the holders of which shall have equal rights in all respects, and rank pari passu with holders of such consolidated debenture stock as the Company has been, before the passing of this Act, authorised to issue.

No. 61.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Canadian Pacific Railway Company.

First reading, April 18, 1899.

(PRIVATE BILL.)

Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 62.] **BILL.** [1899.

An Act respecting the Canada Life Assurance Company.

Preamble.

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

Policy holder defined.

1. In this Act the term "policy holder" shall mean and include any person of the full age of twenty-one years who is the holder of one or more policies issued by the Company, whether on the life of the holder or on that of another or others, and whether for the benefit of the holder or of another or others as beneficiaries.

Certain policy holders may vote for directors.

2. At all meetings at which directors are to be elected a policy holder whose policies in force amount to five thousand dollars or upwards, exclusive of bonus additions or profits, upon which the full premiums for two years or more have been paid, shall be entitled to vote for the election of directors in the manner herein provided but shall not as a policy holder be entitled otherwise to vote at such meetings.

Certain policy holders may be directors.

3. A policy holder being a man of the full age of twenty-one years whose policies in force amount to ten thousand dollars or upwards, exclusive of bonus additions or profits, and upon which the full premiums for five years or more have been paid, shall be eligible for election by the policy holders as a director of the Company.

1879, c. 71, s. 2 amended.

4. Section 2 of chapter 71 of the statutes of 1879 is hereby repealed, and the following is substituted therefor:—

Annual general meeting.

Notice of meeting.

"**2.** The annual general meeting of the stock holders and policy holders of the Company shall be held at the Company's office in the city of Toronto on the last Wednesday in February in each year, and notice thereof shall be given in the first two issues in that month of the *Canada Gazette*, and also in the first six consecutive issues in that month of a daily newspaper published in the city of Hamilton, and of one published in the city of Toronto, and of one published in the city of Montreal, and such notice shall contain the names of the retiring directors elected by policy holders, and of any persons proposed for election to the office of director by policy holders."

Present directors term of office.

5. The present board of directors shall hold office only until the annual general meeting to be held on the last Wed-

nesday in February, one thousand nine hundred, or until their successors are elected, and at such meeting nine directors shall be elected by the stockholders, and six directors by the policy holders.

Number of directors.

Directors divided into three classes.

6. The six directors elected by the policy holders shall divide themselves into three classes of two each. The term of office of the first class shall expire on the last Wednesday in February one thousand nine hundred and one, that of the second class on the last Wednesday in February one thousand nine hundred and two, and that of the third class on the last Wednesday in February one thousand nine hundred and three, and at the annual meeting to be held on the last Wednesday in February one thousand nine hundred and one, and annually thereafter, two directors shall be chosen by the policy holders who shall hold their office for three years or until their successors are elected. In like manner the nine directors elected by the stockholders at such meeting shall divide themselves into three classes of three each. The term of office of the first class shall expire on the last Wednesday in February one thousand nine hundred and one, that of the second class on the last Wednesday in February one thousand nine hundred and two, and that of the third class on the last Wednesday in February one thousand nine hundred and three, and at the annual meeting to be held on the last Wednesday in February one thousand nine hundred and one and annually thereafter three directors shall be chosen by the stockholders, who shall hold their office for three years or until their successors are elected.

Notice of annual general meeting.

7. In order to admit of notice being given to the secretary thirty days before the annual general meeting to be held on the last Wednesday in February, one thousand nine hundred, of the names of the persons proposed as directors by policy holders, notice of the date of such meeting shall be given by publication thereof in the first two issues in January one thousand nine hundred of the *Canada Gazette*, and also in the first six consecutive issues in that month of a daily newspaper published in the city of Hamilton and of one published in the city of Toronto and of one published in the city of Montreal. Notice of such meeting shall also be given in accordance with the provisions of section 4 hereof.

Election of directors by policy holders.

8. The election of directors by policy holders shall be by the majority of votes of those entitled to vote for their election present at the meeting or represented by proxy, and a policy holder entitled under section 2 hereof to vote shall have one vote.

When to take place.

2. The election of directors by the policy holders at the meeting shall take place before the election of directors by the stockholders, which election shall take place in the manner provided by the Act incorporating the Company and amending Acts.

Notice of name of proposed director.

9. At least thirty days before a meeting at which directors are to be elected, notice in writing must be given to the secretary of the name of any person other than a retiring director

intended to be proposed for election as a director by the policy holders, otherwise such person shall not be eligible for election by policy holders at that meeting.

Scrutineers for policy holders.

10. The board of directors shall appoint two policy holders to act as scrutineers for policy holders at the meeting to be held as provided in section 5 of this Act, and at such meeting and at each subsequent meeting at which directors are to be elected the policy holders present or represented by proxy shall appoint two persons to act as scrutineers at the next following meeting.

How vacancies filled.

2. Any vacancy in the office of scrutineer which occurs between meetings shall be filled by a policy holder to be appointed by the board of directors.

Duties of scrutineers.

3. The scrutineers shall, before the meeting, examine the nominations for policy holders' directors and shall report thereon to the meeting. They shall also, before the meeting, examine policy holders' proxies.

Proxies of policy holders.

11. A policy holder's proxy must be himself a policy holder entitled to vote, and appointed by writing under the hand of his principal,—or, if such principal be a corporation, under the corporate seal,—and every such appointment must be delivered to the secretary at least twenty days before the meeting at which it is to be acted on and entered in a book to be kept for the purpose; provided always that such appointment shall not be acted on after the expiry of twelve months from the making thereof.

Vacancy among directors.

12. If the office of any director become vacant in any of the cases provided for by sections 16 and 17, of chapter 168 of the statutes of 1849 of the late province of Canada, the remaining directors, if they think proper to do so, may elect a director in his place, and the director so elected shall be a shareholder or a policy holder duly qualified for being a director according as the director whose office has become vacant was elected by the shareholders or the policy holders, and the director so elected to fill any such vacancy shall continue in office until the first yearly meeting after such vacancy, and the stockholders or policy holders, as the case may be, shall then elect a new director who shall hold office for the same period as the director would have done whose death, resignation or disqualification caused the vacancy.

Control of profits to be allotted to shareholders.

13. The shareholders and the directors elected by them shall have the exclusive control of the question of the proportion of profits (not exceeding ten per cent thereof) to be allotted to the shareholders, and of the mode of dealing with such proportion, and of all other matters relating to the capital stock of the Company.

Residence of directors.

14. At least ten of the directors shall reside in the city of Toronto, or within one hundred miles thereof.

Retiring directors eligible for re-election.

15. Retiring directors, if duly qualified, may be re-elected either by the policy holders or by the shareholders, as the case may be.

1849, c. 168, s. 20 amended.

Number of directors.

16. Section 20 of the said chapter 168 of the statutes of 1849 is hereby amended by changing the number of directors required to constitute a meeting from three to four.

Investment of moneys.

17. In addition to the powers of investing moneys of the Company heretofore possessed, the directors may invest the funds of the Company in first mortgage bonds of, or in bonds guaranteed by, railways and other corporations in Great Britain or the United States. In making any such investments or in making investments in mortgages on real estate in Great Britain or the United States the Company shall not be restricted to the amount of reserve upon all outstanding policies in force in these countries respectively.

No. 62.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Canada Life Assurance Company.

First reading, April 18, 1899.

(PRIVATE BILL.)

MR. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 63.] **BILL.** [1899.

An Act to amend the Act respecting the Civil Service of Canada.

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

1. Section 51 of *The Civil Service Act*, chapter 17 of the Revised Statutes, as amended by section 12 of chapter 12 of the statutes of 1888, is hereby further amended by adding thereto the following subsection:— R.S.C., c. 17, s. 51 amended.

"2. Any deputy head, officer or employee asking for or accepting any extra salary or additional remuneration, other than a permanent increase of his salary, shall be held to have thereby vacated his office." Penalty for asking or accepting extra pay.

No. 63.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Act respecting the Civil Service of Canada.

First reading, April 18, 1899.

Mr. McMULLEN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 64.] **BILL.** [1899.

An Act in amendment of the Yukon Territory Act.

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

1. *The Yukon Territory Act*, chapter 6 of the statutes of 1898, is hereby amended by adding thereto the following section immediately after section 15 :— 1898, c. 6 amended.

"**15A.** An appeal shall lie from any official act, decision or judgment, whether based on law or fact, of any mining recorder, gold commissioner or mine inspector, to any judge of the said court. Appeal to Territorial Court.

"2. The appellant shall within five days from the date of such official act, decision or judgment, appealed from, give notice of appeal to the official appealed from, by leaving the notice at the office of the said official, and file security to the sum of two hundred dollars with the registrar of the court, for the costs of the appeal and for the carrying out of any order which may be made by the court in the course of such appeal. Notice of appeal. Security for costs.

"3. The appellant shall also file with the said registrar, within ten days, a written statement, concisely stating the substance of the matter complained of, and serve a copy thereof on the official appealed from, either personally or by leaving a copy at the office of such official. After the filing of the said statement, the registrar shall forthwith issue a summons to the official appealed from and to the appellant, requiring them to attend before the said court ; and the court after hearing the appeal, may make such order or decree as it deems just. Filing of complaint. Issue of summons by registrar. Order of court.

"4. After the service of notice of appeal on the official appealed from, as provided in this section, no action shall be taken by any mining recorder, gold commissioner or mine inspector with regard to the subject matter of the appeal, until the adjudication of the court ; and if any action is taken, contrary to this provision, such action shall be of no effect, and no rights shall be acquired thereby." Action pending appeal.

No. 64.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act in amendment of the Yukon Territory Act.

First reading, April 19, 1899.

Mr. McINNES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 65.] **BILL.** [1899.

An Act to incorporate the Restigouche Boom Company.

Preamble.

WHEREAS the Restigouche Boom Company has, by its petition, represented that it was incorporated by an Act of the legislature of the province of New Brunswick, being chapter 30 of the statutes 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

1. The shareholders of the said the Restigouche Boom Company, hereinafter called "the old Company," together with such persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The Restigouche Boom Company," hereinafter called "the new Company."

Corporate name.

Declaratory.

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

President. Directors.

3. The president and directors of the old Company shall respectively be the president and directors of the new Company until their successors are elected.

Capital stock.

4. The capital stock of the new Company shall be fifty thousand dollars divided into shares of twenty dollars each.

Head office.

5. The head office of the new Company shall be at the town of Campbellton, in the county of Restigouche, in the province of New Brunswick

New shareholders substituted for old shareholders.

6. The shareholders of the old Company are hereby declared to be holders respectively of shares in the new Company to the same extent and with the same amounts paid up thereon as they are holders respectively of shares in the old Company.

By-laws, etc.

7. The by-laws, rules and regulations of the old Company, lawfully enacted, shall be the by-laws, rules and regulations of the new Company.

Debts of old company assumed.

8. The new Company shall be liable for and subject to all the debts, liabilities, obligations, contracts and duties of the old Company, and any person having any claim, demand, right, cause of action or complaint against the old Company or to whom the old Company is under any liability or obligation, 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.

Assets, etc., of old Company.

9. The new Company may acquire all the assets, rights, credits, effects and property real and personal belonging to the old Company, or to which it is or may be or become entitled, and a conveyance and assignment thereof in the form in the schedule to this Act, or to the like effect, shall be sufficient.

Form of assignment.

Construction of booms, piers, etc.

10. The new Company may locate, erect and operate in the Restigouche River between the Intercolonial Railway where the same crosses the said river and a line drawn from the Mission Point on the Quebec side of the river to John Ferguson's west line (so called) on the New Brunswick side thereof, booms, piers, sheer booms and all other structures necessary for collecting, holding and rafting all lumber, floated or driven, down said Restigouche River and its tributaries within the limits of the said booms.

Expropriation of lands.

11. The new Company may enter upon, occupy, possess and use, for the purposes of this Act, the water and shore front as well as any of the adjoining lands necessary for any of the purposes aforesaid, and shall, for such use, occupation and possession make to the owners of such lands such compensation as may be agreed upon by and between the new Company and the owners of such lands, and in case they shall not agree, then and in such case the same shall be determined by and under the provisions of *The Railway Act* applicable thereto.

Navigation not to be impeded.

12. All booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the river as far as possible.

Booms to be kept open.

13. The new Company shall keep the said booms open in order to receive timber, logs or other lumber floating down the Restigouche River, and its tributaries, from the spring of the year and after the river is clear of ice until the first of October in each year.

Rate of charges.

14. The new Company may receive a sum not exceeding twenty cents per ton for each ton of square or sided timber ; a sum not exceeding seventy five cents per thousand for every thousand superficial feet of pine, spruce, cedar and other logs and lumber which may be secured in the said booms and rafted in a substantial manner, such payment being in full for securing, booming, rafting and delivering the said lumber.

Lien on timber, etc.

15. The new Company shall have a lien on all timber, logs and other lumber which may be secured or rafted in the said booms, and may retain a sufficient part of such lumber to pay the boomage and raftage until the same is paid or secured, and the new Company may sue for and recover the said boomage and raftage from the owners of the said timber, logs or other lumber in any court competent to try the same, and if the

said boomage or raftage is not paid within seven days after notice to the owners that the timber, logs or other lumber have been secured or rafted in the said booms ready to be delivered, the new Company may receive a reasonable compensation for keeping the said timber, logs or other lumber which shall be deemed to be at the risk of the owners thereof, not exceeding for each week after such notice three cents per ton for square timber, and seven cents per thousand superficial feet for logs or other lumber.

Arbitration of disputes.

16. All questions of difference or dispute of any kind relating to the quantity of timber, logs or other lumber liable to toll shall be submitted to the award and determination of three persons chosen as follows :—either party desiring a reference shall name an arbitrator and give a notice thereof in writing to the other party who shall within ten days after such notice name and appoint a person to act as arbitrator on his behalf and give notice of such appointment to the other party, and the two so chosen shall name the third. In case of neglect or refusal to appoint such arbitrator, the arbitrator first named shall name a second and they two shall name and appoint the third. The arbitrators so appointed shall proceed to hear the matter and make an award in the premises. The award and determination of such 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 expense of such reference or arbitration shall be paid.

Loss of timber, who liable.

17. The new Company shall not be liable for the loss of any timber, logs or any other lumber which pass out of the said booms or escape therefrom, unless such loss is occasioned by its neglect or default; provided that the new Company shall without delay and with sufficient assistance follow down the river as far as Oak Bay, and use all due diligence to collect together, pick up, secure and raft all such timber, logs or other lumber which may pass out of, by, or escape from or run below the said booms.

Charges on flotsam.

18. Any floating joints or rafts of timber or other lumber which may run into the said booms by force of current or accident, the new Company shall protect, and be entitled to receive therefor at the rate of five cents for every ton of such timber, and ten cents for every thousand superficial feet of logs or other lumber, provided the new Company shall not be entitled to receive for any such raft or joint a larger sum than ten dollars.

Sale of flotsam.

19. All prize logs or other logs, timber or lumber floated down the said river or its tributaries, and into or against the said booms, upon which no marks are found, and for which no lawful owner appears, shall be sold by the new Company by public auction after ten days' notice of the time and place of such sale, posted in three public places in each of the parishes of Addington and Dalhousie, and the proceeds thereof shall be appropriated, after payment of boomage and expenses

of sale, among the owners of logs or other lumber secured in said booms in proportion to the quantity owned by them respectively.

Unmarked timber may be kept as prize.

20. All timber, logs or other lumber which shall be unmarked when the same come within the limits of the said booms shall be deemed prize logs or lumber, and if any person shall mark or attempt to mark any of such unmarked timber, logs or lumber within such limits, he shall be liable to a penalty of twenty dollars for every such act, to be recovered before any two justices of the peace for the county of Restigouche on the complaint of any of the owners of any lumber within the booms, or any of the officers or servants of the new Company, such penalty when recovered to be paid to the secretary of the new Company, and to be by him divided as the proceeds of the prize logs are directed to be divided under section 19 of this Act.

Penalty for marking.

Timber to be sorted within booms.

21. Unless otherwise ordered by the owners, the new Company shall, and it is hereby authorized and required to raft the timber, logs and other lumber within the said booms of the several owners separately, according to the marks furnished to them for the purpose.

Borrowing powers.

22. The directors of the new Company may, from time to time, at their discretion, when required for the purposes of the Company, borrow money for the said purpose, and secure the repayment of the moneys so borrowed in such manner and upon such terms or conditions as they see fit, and in particular by mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the new Company ; provided that the total amount so borrowed shall not exceed twenty-five per cent of the capital stock of the company.

Damage to booms, etc.

23. If any person shall wilfully and maliciously break, cut, damage or destroy any of the said booms, or piers or any part thereof, or any of the warps, ropes or fastenings thereof, such person so offending shall, upon conviction thereof before two justices of the peace in and for the district in which the said booms are located, forfeit and pay a sum not exceeding forty dollars, with costs of prosecution; one-half of such penalty shall go to the prosecutor or informer, and the other half to Her Majesty, and in default of the payment of such fine, the person so condemned shall be imprisoned for a period of not less than fifteen days and not more than two months, which imprisonment shall cease upon the payment of the said fine and costs.

Penalty.

When Act to take effect.

24. This Act shall not take effect until at a special general meeting of the shareholners of the old Company duly called for the purpose of considering it, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect has been passed by the shareholders present or represented by proxy at such meeting, such shareholders holding not less than seventy five per cent of the subscribed capital stock of the old Company represented at such meeting, and a certified copy of such resolution shall,

within fifteen days from the passing thereof, be published in the *Canada Gazette*, but upon such resolution being passed this Act shall take effect from the time or event fixed by such resolution.

25. Section 18 of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118

SCHEDULE.

This indenture made the_____day of_____ A.D. ____ Between the Restigouche Boom Company, incorporated under an Act of the General Assembly of the province of New Brunswick, 42 Victoria, chapter 30, and amending Acts, of the first part, hereinafter called "the old Company," and the Restigouche Boom Company, incorporated by chapter____of the statutes of Canada, A.D., 1899, of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old company have accepted and approved the new Company's Act of incorporation, being the Act of the Parliament of Canada, passed in the year 1899, intituled "An Act to incorporate the Restigouche Boom Company," and by the resolution of the shareholders of the old Company duly passed in that behalf the_____ day of_____was fixed as the date from which the said Act should take effect.

And whereas by the said Act last mentioned the new Company is authorized to acquire all the assets, rights, credits, effects and property, real and personal, of the old Company, and the old company has agreed to convey and assign the same to the new Company.

Now this indenture witnesseth that for and in consideration of the said Act last mentioned, and of the shares of the capital stock of the old Company which are thereby vested in the shareholders of the new Company, and in consideration of the covenants by the new Company, hereinafter contained, the old Company doth hereby grant, assign, transfer and set over unto the new Company, its successors and assigns for ever all the assets, rights, effects and property, real and personal, of whatever kind, and wheresoever situated, belonging to the old Company, 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 assignments, transfers and conveyances which 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, effects and property, and every part thereof.

And in consideration of the foregoing the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable, or which it should pay, discharge, carry out or perform, and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

No. 65.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Restigouche Boom Company.

First reading, April 21, 1899.

(PRIVATE BILL.)

Mr. McAlister.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 66.] **BILL.** [1899.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

Preamble.

WHEREAS the Lindsay, Bobcaygeon and Pontypool 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1890, c. 55 revived.

1. The Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company, chapter 55 of the statutes of 1890, is hereby revived and declared to be in force.

Section 1 amended.

Incorporators.

2. Section 1 of the said Act is hereby amended by striking out of the said section the names John Petrie, George Bick, John McDonald, Duncan John McIntyre and James Bain Knowlson.

Section 4 amended.

Provisional directors.

3. Section 4 of the said Act is hereby repealed, and in lieu thereof it is enacted that John Dundas Flavelle, Frederick C. Taylor, James Gordon Edwards, James Graham, Robert Kennedy, William Needlar, James L. Deacon, William McDonell, John Dobson, John Kennedy and Thomas Brady, all of the town of Lindsay, and Albert E. Bottum, Mossom Martin Boyd, William Thornton Cust Boyd, John L. Read and John T. Robinson, all of the village of Bobcaygeon, shall be the provisional directors of the said company.

Time for construction limited.

4. If the construction of the railway is not commenced, and fifteen per cent of the amount of the capital stock is not expended thereon within two years from the first day of August, one thousand eight hundred and ninety-nine, or if the railway is not finished and put in operation in five years from the said first day of August, then the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 66.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

First Reading, April 21, 1899.

(PRIVATE BILL.)

MR. MCHUGH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No 67.] **BILL.** [1899

An Act respecting the Welland Power and Supply Canal Company, Limited.

Preamble.

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

Time for construction extended.
1894, c. 102.
1897, c. 73.

1. Notwithstanding anything contained in chapter 102 of the statutes of 1894, and chapter 73 of the statutes of 1897 relating to the Welland Power and Supply Canal Company, Limited, hereinafter called "the Company," the times limited for the commencement and completion of the works of the Company are hereby extended for the period of two years and four years respectively from the twentieth day of May, one thousand nine hundred, and unless the said works are so commenced and completed the powers conferred upon the Company by Parliament shall cease and be null and void, except as to such portion of the said works as has been commenced and completed and any rights which have been acquired by the Company before the expiration of the times aforesaid.

1894, c. 102, s. 2 amended.
Construction of canal.

2. Section 2 of chapter 102 of the statutes of 1894 incorporating the Company is hereby amended by inserting after the word "Ontario" in the eleventh line thereof, the words "and to construct cuts and basins as part of its works, and to connect the same with the Welland Canal for shipping purposes;" and by inserting after the word "mouth" in the fifteenth line thereof, the words "or Chippewa Cut."

Section 3 amended.

3. Section 3 of the said Act is hereby amended by inserting after the word "cables" in the fourth line thereof, the word "wires."

Section 5 amended.
Quorum.
Vacancies.

4. Section 5 of the said Act is hereby amended by adding the following subsection thereto:—

"2. Three provisional directors shall form a quorum, and the provisional directors may fill vacancies caused by resignation or otherwise."

Election of directors.

5. When and so soon as shares to the amount of one hundred and twenty-five thousand dollars of the capital stock of the Company have been subscribed, and ten per cent thereon paid into some chartered bank of Canada, having an office in the province of Ontario, to the credit of the Company, to be

withdrawn only for the purposes of the Company, the provisional directors shall call a general meeting of the subscribers to the said capital stock who have so paid up ten per cent upon the amounts subscribed by them, for the purpose of electing directors of the Company.

Application of moneys.

6. The money raised for the purposes of the Company shall be applied in the first instance to the payment of the costs, charges and expenses of and incidental to the obtaining of the Acts relating to the Company, or in promoting the undertaking, and of the expenses for making the surveys, plans and estimates connected with the works authorized by such Acts; and the remainder of such money shall be applied to the making, equipment, completion and operation of the said works, including the payment of interest on the Company's bond issue, or upon any debenture or preferential stock issue of the Company during construction of the works so authorized, and afterwards, and for the other purposes provided in the said Acts.

Issue of paid-up stock.

7. The provisional directors, or the directors elected by the shareholders, may pay, or agree to pay, in paid up stock, debenture, preferential, or ordinary, or in the bonds of the Company, such sums as they deem expedient to engineers, contractors or others, or for right of way, easements, privileges, material, plant or equipment of any description acquired for the Company, and also, when sanctioned by a vote of the majority of shareholders present at any general or special general meeting, for the services rendered or expenses referred to in section 6 of this Act, and for the services of persons who may have been, or may be employed by the provisional, or elected directors, for the purpose of assisting in the furtherance of the said works, or undertaking, the purchase of right of way, easements, privileges, material or plant, or otherwise, as aforesaid.

Section 11 amended.

Bond issue.

8. Section 11 of the said Act is hereby amended by substituting the word "five" for the word "three" in the third line thereof.

Plans confirmed.

9. The right of way, plans and profile of the Company, as examined and certified by the Deputy Minister of Railways and Canals on the seventeenth day of November, one thousand eight hundred and ninety-seven are hereby ratified and confirmed.

No. 67.

4th Session, 8th Parliament

BILL.

An Act respecting the
and Supply Canal Co

First reading, A

(PRIVATE

OTTAWA
Printed by S. E.
Printer to the Queen's most
1899

No 67.] **BILL.** [1899

An Act respecting the Welland Power and Supply Canal Company, Limited, and to change its name to the Niagara-Welland Power Company, Limited.

(*Reprinted as proposed to be amended in the Committee on Miscellaneous Private Bills.*)

WHEREAS the Welland Power and Supply Canal Company, Limited, has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble

1. Chapter 102 of the statutes of 1894 is hereby revived and declared to be in force. 1894, c. 102 revived.

2. The name of the Welland Power and Supply Canal Company, Limited, hereinafter called "the Company," is hereby changed to "The Niagara-Welland Power Company, Limited;" but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Name changed. Existing rights not affected.

3. Section 2 of the said Act is hereby repealed, and the following is substituted therefor:— Section 2 repealed. New s. 2.

"**2.** The Company may construct and operate a canal and hydraulic raceway from some point in the Welland River, within five miles from its junction with the Niagara River, to a point or points on or under the Niagara escarpment at or near the township line between the townships of Stamford and Thorold, in the county of Welland, or in the township of Grantham, in the county of Lincoln, with such raceways or extensions of the said canal and hydraulic raceway through the said township of Grantham or the township of Niagara as are necessary to carry off the surplus water from the said canal and hydraulic raceway to Lake Ontario, with all such works, dams and wing dams, docks, sluices, conduits, accessories, including tramways, telegraph and telephone lines and buildings as are necessary to give full effect to the intent of this Act; with power to dredge, deepen or widen the Chippewa Creek Power to construct canal, etc.

or Welland River from its mouth, or Chippewa Cut, to the point of intersection of the said canal with the Chippewa Creek or Welland River if so found expedient for the purpose of the Company: Provided, however, that nothing herein contained shall permit of any power being exercised in such a way as to interfere with the navigation of any river; and provided further that none of the works authorized by this Act shall be commenced until the plans thereof have been submitted to the Governor in Council, and his sanction thereto has been obtained."

Proviso.

Plans to be approved.

Section 3 amended.

4. Section 3 of the said Act is hereby amended by inserting after the word "cables" in the fourth line thereof, the word "wires."

Section 5 amended.

5. Section 5 of the said Act is hereby amended by adding the following subsection thereto:—

Quorum.

Vacancies.

"2. Three provisional directors shall form a quorum, and the provisional directors may fill vacancies caused by resignation or otherwise."

Election of directors.

6. When and so soon as shares to the amount of one hundred and twenty-five thousand dollars of the capital stock of the Company have been subscribed, and ten per cent thereon paid into some chartered bank of Canada, having an office in the province of Ontario, to the credit of the Company, to be withdrawn only for the purposes of the Company, the provisional directors shall call a general meeting of the subscribers to the said capital stock who have so paid up ten per cent upon the amounts subscribed by them, for the purpose of electing directors of the Company.

Application of moneys.

7. The money raised for the purposes of the Company shall be applied in the first instance to the payment of the costs, charges and expenses of and incidental to the obtaining of the Acts relating to the Company, or in promoting the undertaking, and of the expenses for making the surveys, plans and estimates connected with the works authorized by such Acts; and the remainder of such money shall be applied to the making, equipment, completion and operation of the said works, including the payment of interest on the Company's bond issue, or upon any debenture or preferential stock issue of the Company during construction of the works so authorized, and afterwards, and for the other purposes provided in the said Acts.

Issue of paid-up stock.

8. The provisional directors, or the directors elected by the shareholders, may pay, or agree to pay, in paid up stock, debenture, preferential, or ordinary, or in the bonds of the Company, such sums as they deem expedient to engineers, contractors or others, or for right of way, easements, privileges, material, plant or equipment of any description acquired for the Company, and also, when sanctioned by a vote of the majority of shareholders present at any general or special general meeting, for the services rendered or expenses referred to in section 7 of this Act, and for the services of persons who may have been, or may be employed by the provisional,

or elected directors, for the purpose of assisting in the furtherance of the said works, or undertaking, the purchase of right of way, easements, privileges, material or plant, or otherwise, as aforesaid.

Section 11 amended. Bond issue.

9. Section 11 of the said Act is hereby amended by substituting the word "five" for the word "three" in the third line thereof.

Plans confirmed.

10. The right of way, plans and profile of the Company, as examined and certified by the Deputy Minister of Railways and Canals on the seventeenth day of November, one thousand eight hundred and ninety-seven are hereby ratified and confirmed.

Time for construction of works extended.

11. The works of the Company shall be commenced within two years, and completed within four years from the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void except as to such portion of the said works as has been commenced and completed and any rights which have been acquired by the Company before the expiration of the times aforesaid.

No. 67.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the Welland Power and Supply Canal Company, Limited, and to change its name to the Niagara-Welland Power Company, Limited.

(Reprinted as proposed to be amended in the Committee on Miscellaneous Private Bills.)

(PRIVATE BILL.)

Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 68.] **BILL.** [1899.

An Act respecting the London Mutual Fire Insurance Company of Canada.

Preamble.

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

Share or stock capital.

1. The board of directors of the London Mutual Fire Insurance Company of Canada, hereinafter called "the Company," may, by by-law passed by the said board, raise a share or stock capital of not less than one hundred thousand dollars, and not more than five hundred thousand dollars, in shares of one hundred dollars each.

Shareholders to be members of Company.

2. Every subscriber to the said share or stock capital shall, on allotment of one or more shares to him, become a member of the Company with all incidental rights, privileges and liabilities, but no subscriber shall be allotted more than thirty shares, and no subscriber, shareholder or member of the Company shall, at any time, hold more than thirty shares of the said share or stock capital.

Number of shares to be held.

Transfer of shares.

3. The shares shall be personal estate, and shall be transferable, but no transfer shall be valid unless made on the books of the Company; nor shall any transfer be valid while any call previously made remains unpaid, and the Company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the Company, and for any obligation held by the Company against him, and after any call, debt or obligation becomes due the Company may, upon one month's notice to the shareholder, his executors or administrators, sell his shares, or a sufficient portion thereof, to pay the call, debt or obligation, and transfer the shares so sold to the purchaser.

Default in in payment on shares.

4. The Company may also, after default made in the payment of any call upon any share for one month and after notice having been first given, as in the next preceding section mentioned, declare the share, and all sums previously paid thereon, forfeited to the Company, and the Company may sell or reissue forfeited shares on such terms as they think fit for the benefit of the Company.

Insurance for cash premiums.

5. After one hundred thousand dollars of the share or stock capital has been *bona fide* subscribed, and ten per cent paid

thereon into the funds of the Company, the Company may make insurance for premiums payable wholly in cash, but no insurance on the wholly cash principle shall make the insured liable to contribute or pay any sum to the Company or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to participate in the profits or surplus funds of the Company.

Application of profits.

6. The net annual profits and gains of the Company (not including therein any premium notes or undertakings) shall be applied, in the first place, to pay a dividend on the share capital, and the surplus (if any) shall be applied in the manner provided by the by-laws of the Company.

Qualification of directors.

7. After the share capital has been subscribed as aforesaid at least two-thirds of the persons to be elected directors of the Company, in addition to the qualifications required by section 13 of chapter 40 of the statutes of 1878, shall be holders of shares of the capital stock to the amount of one thousand dollars upon which all calls have been duly paid, and the other one-third of the directors to be elected shall possess at least the qualifications required by the said section 13.

Directors may make by-laws.

8. The board of directors of the Company may make such by-laws subject to the provisions of this Act and not inconsistent with, or contrary to law, as may be necessary to carry out the objects and intentions of this Act, and to give effect to the provisions thereof.

Ownership of Company's property.

9. In the event of a share or stock capital being raised, as provided by this Act, the Company shall thereupon be composed of its policy holders and of the subscribers to the share or stock capital to whom an allotment of one or more shares shall be made, as provided by section 2 of this Act, and in such an event the policy holders other than those on the wholly cash premium plan and the subscribers to the share or stock capital aforesaid shall own all the property and affairs of the Company.

Votes of shareholders.

10. In the event of a share or stock capital being raised, as provided by this Act, each shareholder of such share or stock capital shall be entitled at all meetings of the Company to one vote for each share held by him in the share or stock capital ;

Proviso.

provided that no shareholder and no person representing a shareholder shall be entitled at any of the said meetings to more than thirty votes.

Directors to be members of Company and policy holders.

11. In the event of a share or stock capital being raised, as provided by this Act, the directors of the Company shall be members of the Company and insured therein for the time they hold office to the amount of eight hundred dollars at least, and two-thirds of the directors shall have the further qualification mentioned in section 7 of this Act.

Liability to creditors.

12. Each shareholder of such share or stock capital, until the whole of his shares of stock has been paid up, shall be individually liable to the creditors of the Company to an amount

equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said shares of stock, shall be the amount recoverable, with costs, against such shareholder.

Limited liability.

2. The shareholders of such share of stock capital 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 unpaid amount of their respective shares in the said share or stock capital.

No. 68.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the London Mutual Fire Insurance Company of Canada.

First reading, April 21, 1899.

(PRIVATE BILL.)

Mr. CALVERT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No 69.] **BILL.** [1899.

An Act to incorporate the Niagara, St. Catharines and Toronto Railway Company.

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

1. Joseph Allen Powers, Addison Beecher Colvin, John W. Herbert J. Ledlie Hees, and Incorporation.

together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Niagara, St. Catharines and Toronto Railway Company," hereinafter called "the Company." Corporate name.

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

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

4. The capital stock of the Company shall be one million dollars; and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.

5. The head office of the Company shall be in the city of St. Catharines, in the province of Ontario. Head office.

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

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may [hold other office with the Company and be paid therefor.] Election of directors.

2. The directors may be represented at and vote by proxy at any meeting of directors at which three directors are present in person, but such proxy shall be himself a director, and no director shall hold more than two proxies. Proxies of directors.

3. No meeting of directors shall be competent to transact business unless at least two directors are present thereat. Quorum of directors.

Power to acquire another railway.

8. The Company may, upon such terms and conditions as are agreed on with the purchasers of the line of railway heretofore owned by the Niagara, Hamilton and Pacific Railway Company, acquire such line of railway, and the rights, powers and franchises connected therewith, and may repair, re-construct and operate the same; and may lay out, construct and operate an extension thereof, to a point on the Niagara River at or near Fort Erie, and an extension to a point in or near the city of Toronto by way of the city of Hamilton or thereabouts, and a branch line from a point on the main line in or near the city of St. Catharines to a point on Lake Ontario, in or near Port Dalhousie, in the county of Lincoln.

Extensions of railway.

Application of Railway Act.

2. All the provisions of *The Railway Act* shall apply to the Company and to the line so acquired from the said purchasers, and to the maintenance, repairs and operation thereof, as if the Company had been authorized to lay out, construct and operate the said line, and as if the same had been laid out and constructed by it, and the Company may, for the purpose of filling with embankment any trestle or bridge on the said line, acquire such additional width of lands as may be necessary for such purpose, and the provisions of *The Railway Act* respecting the acquisition of lands shall apply to such acquisition.

Bond issue limited.

9. The Company may issue bonds, debentures or other securities to the extent of twenty five thousand dollars per mile of its railway and branches; but such bonds, debentures and other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Powers of Company.

10. The Company may, for the purpose of its business,—

Transportation.

(*a.*) construct, acquire and navigate vessels upon or across the Niagara River and Lake Ontario, and upon all waters connecting therewith, and may carry on generally the business of transportation in connection with its railway and vessels;

Wharfs, elevators, etc.

(*b.*) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works in connection with freight and passenger business upon its railway and vessels;

Lands, electricity, etc.

(*c.*) acquire lands, and erect, use, make and manage works, machinery and plant for the generation, transmission and distribution of electric and other power and energy.

Water power.

11. The Company may acquire and utilize water power, and dispose of the surplus power either directly or by converting the same into electric and other power and energy.

Expropriation of lands.

12. If the Company, for the purposes of its undertaking, requires land for wharfs, docks and elevators, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land; and all the provisions of sections 107 to 111, both inclusive of *The Railway Act*, shall apply to the subject matter of this section and to the obtaining of such land and determining the compensation therefor.

13. If the said line of railway heretofore owned by the Niagara, Hamilton and Pacific Railway Company is not acquired from the said purchasers within two years after the passing of this Act, or if the extensions hereby authorized are not finished and put in operation within five years after the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the said extensions as then remains uncompleted.

Time limited for acquiring other railway, and building extensions.

No. 69.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Niagara, St. Catharines and Toronto Railway Company.

First reading, April 21, 1899.

(PRIVATE BILL.)

Mr. CALVERT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 70.] **BILL.** [1899.

An Act respecting the Bronsons and Weston Lumber Company, and to change its name to the Bronson Company.

Preamble.

WHEREAS the Bronsons and Weston Lumber 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

Existing rights saved.

1. The name of the Bronsons and Weston Lumber Company, hereinafter called "the Company," is hereby changed to "The Bronson 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, and nothing in this Act shall be construed so as to lessen the liability of the shareholders of the Company to the present creditors thereof.

Business of Company.

1888, c. 103.

2. In addition to the powers granted by chapter 103 of the statutes of 1888, the Company may carry on, throughout Canada and elsewhere, the business of producing, manufacturing, leasing, selling, purchasing, hiring, or otherwise dealing in, minerals and metals, and their products, electricity, matches, sashes, doors and woodenware of all kinds, and pulp and paper of all kinds, and may acquire any real and personal property, and any patent rights, rights, or privileges, which the Company thinks necessary or convenient for the purposes of its business, and may sell, improve, manage, develop, exchange, lease, mortgage, dispose of, turn to account, or otherwise deal in or with, all or any part of the property and rights of the Company, and may do all such other things as are incidental or conducive to the attainments of the objects of the Company.

Capital reduced.

3. The capital stock of the Company is hereby reduced to three hundred thousand dollars, and the existing shares are hereby converted into three thousand new shares of one hundred dollars each; and every person who is a paid-up shareholder shall be entitled to one paid-up share of such new shares for every two of the old paid-up shares held by him at the time of the passing of this Act.

Register to be amended.

4. The register of the shareholders of the Company shall be amended in accordance with the provisions of this Act.

Existing shares extinguished.

5. Upon the passing of this Act, except for the purposes herein set forth, the existing shares of the old stock shall be extinguished.

R.S.C., c. 118.

6. From and after the passing of this Act, section 39 of *The Companies Clauses Act* shall not apply to the Company.

No. 70.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Bronsons and Weston Lumber Company, and to change its name to the Bronson Company.

First reading, April 21, 1899.

Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 71.] **BILL.** [1899.

An Act to incorporate the Algoma Central Railway Company.

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

1. Edward V. Douglas, Frank S. Lewis and Walter P. Douglas, all of the city of Philadelphia in the state of Pennsylvania, one of the United States, Bertrand J. Clergue and Henry C. Hamilton, both of the town of Sault Ste. Marie in the district of Algoma, together with such persons as become shareholders in the company, are hereby incorporated under the name of "Algoma Central Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be three million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock.

5. The head office of the Company shall be in the town of Sault Ste. Marie in the district of Algoma, in the province of Ontario. Head office.

6. The annual meeting of the shareholders shall be held on [such day as may be appointed by the by-laws of the Company.] Annual meeting.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five nor more than twelve persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.

2. [No person other than a shareholder eligible to vote may vote or act as a proxy at any meeting of the Company.] Proxies to be shareholders.

8. The Company may lay out, construct and operate a railway of the guage of four feet eight and one-half inches from a point at or near the town of Sault Ste. Marie, in the Line of railway described.

district of Algoma, on the St. Mary River, to a point on the main line of the Canadian Pacific Railway at or near Dalton station, and thence crossing the Canadian Pacific Railway northerly to a point on James Bay at or near Moose Factory, and from the said point of crossing the Canadian Pacific Railway at or near Dalton station southwesterly to Michipicoten Harbour upon Lake Superior.

Powers of Company.

9. The Company may—

Docks, etc.

(*a*) erect and maintain docks, dock yards, wharfs, slips and piers at any point on or in connection with its railway, and all the termini thereof, on navigable waters for the convenience and accommodation of vessels and elevators;

Elevators.

(*b.*) acquire and work elevators;

Vessels.

(*c.*) acquire, and run steam and other vessels for cargo and passengers upon any navigable water which its railway may connect with;

Telegraph and telephone lines.

(*d.*) undertake the transmission of messages for the public by any of its lines of telegraph or telephone, and collect tolls therefor, or may lease such lines [and may use any improvement that may hereafter be invented for telegraphing or telephoning or any other means of communication that may be deemed expedient by the Company at any time hereafter];

Electricity.

(*e.*) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes, and may dispose of power generated by the Company's works and not required for the undertaking of the Company;

Property.

(*f.*) acquire real and personal property and dispose thereof;

Mines.

(*g.*) acquire develop and operate mineral lands and mines;

Patent rights.

(*h.*) acquire exclusive rights, letters patent, franchises or patent rights and again dispose of the same.

Bond issue limited.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Land grants from municipalities.

11. [Any municipality through which the railway of the Company runs may grant, by way of gift, to the Company any lands belonging to such municipality, or over which it may have control, which the Company may require for right of way, station grounds or other purposes connected with the running or traffic of the said railway.]

Issue of paid-up stock.

12. The provisional directors or the directors elected by the shareholders may pay or agree to pay in paid up stock or in the bonds of the Company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or persons be provisional or elected directors or not, and any agreement so made shall be binding on the Company.

13. [If the construction of the railway is not commenced within two years, and if the railway is not finished and put in operation within seven years after the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.] Time for construction limited.

No. 71.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Algoma Central Railway Company.

First reading, April 21, 1899.

(PRIVATE BILL.)

Mr. DYMENT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 72.] **BILL.** [1899.

An Act respecting Railways.

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

Fire-guards, right of entry to make.

1. Every railway in the North-West Territories shall have the right to enter upon uncultivated land within two hundred and twenty feet of each side of the track for the purpose of ploughing a fire-guard, and to burn off the grass between the fire-guard and the track.

Fire-guards, when and how to be made.

2. Every railway in the North-West Territories shall, not later than the thirtieth day of June in each year, through uncultivated lands, where the Railway Committee of the Privy Council may order or direct from time to time, plough a fire-guard six feet wide on each side of the track, parallel thereto, and not less than two hundred feet distant therefrom, and, as far as practicable, burn off the prairie grass between such fire-guards and the track.

1888, c. 29, s. 194, amended.

3. Subsection 1 of section 194 of *The Railway Act*, is hereby amended by adding at the end thereof the following words :— "provided further that in the North-West Territories, wherever farming or ranching settlements exist along the line of a railway such fences, gates and cattle-guards shall also be erected and maintained."

Cars fitted with air-brakes to be provided with certain device.

4. All cars fitted with air-brakes shall, within two years after it is made to appear to the Railway Committee of the Privy Council that a satisfactory device of this kind is in existence, be provided with an automatic device in the hose-coupling of such air-brakes, or in the train pipes, so arranged that, after the cars are coupled, the connection between such brakes and the air pump on the locomotive cannot be broken, or the coupling deranged, accidentally or otherwise, without the knowledge of the engineer.

As to box freight cars.

5. All box freight cars built for use on Canadian railways, shall, after the passing of this Act, be of a uniform standard height of drawbar from the top of the rail, and shall be provided, for the security of railway employees, with outside and end ladders, on opposite corners of each car, projecting below the frame of the car and with one step or rung of the ladder below such frame.

Approval of Minister.

2. Such standard height and such ladders shall be subject to the approval of the Minister of Railways and Canals.

As to cars already built.

6. Every such car already built, which is the property of Canadian railways for use in Canada, shall, within two years after the passing of this Act, be fitted with the foregoing attachments, except as provided in section 4.

Penalty.

7. The penalty for building such cars not fitted in accordance with the provisions of this Act after the date herein mentioned, shall be twenty-five dollars for each car.

Penalty.

8. The penalty for using any car not fitted in accordance with the provisions of this Act after the date herein provided shall be five dollars a day for every day or trip lasting less than a day, during which it is so used.

Prosecution.

9. The Minister of Railways and Canals shall proceed against any railway company or car builder handling, using or building such cars contrary to the provisions of this Act, on the information of any credible person; provided, however, that any other person may institute any proceeding for the recovery of any penalties provided by this Act.

Compensation if employee is injured.

10. Every employee of a railway company injured while in the discharge of his duty shall, for every day during which he is thereby unfitted for duty, be entitled to compensation from the railway company at the rate of not less than sixty per cent of the current rate of wages for men similarly employed by the company, at the time the injury occurs, to be paid for not more than fifty-two weeks.

If permanently disabled.

2. Every such employee permanently disabled while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than four years' wages at the rate thereof at the time of the accident.

If killed.

3. The family or dependents of every employee who is killed, or who dies from injuries received, while in the discharge of his duty, within six months after such injury, shall be entitled to compensation from the railway company to the amount of four years' wages at the rate thereof at the time of the accident, but not exceeding in all three thousand dollars.

Acceptance of compensation bars further recourse.

4. If any employee, or the representatives of any employee, accept the compensation provided by this Act, he or they shall have no further claim at law against the company.

Right to damages cannot be renounced.

5. The rights under the foregoing provisions shall not be capable of being renounced or given up by such employee by any agreement or contract with the railway company, for value or otherwise, and the said provisions shall not be made void by any rules or regulations of the railway.

Medical certificates.

6. The certificate of two duly qualified disinterested physicians shall be sufficient to prove permanent disability; and the certificate of the attending physician shall be sufficient to prove unfitness for duty, for a period not exceeding ten weeks, after which time a monthly certificate of a physician named by the company shall be sufficient.

Contributory negligence.

7. The foregoing provisions as to compensation shall be void in the case of any employee whose injury, disablement or death is caused by his own negligence—the burden of proof of such negligence being upon the railway company; but if such injury, disablement or death occurs by reason of the

handling or use of trains, locomotives, cars or appliances which are out of repair, or insufficient, or not in accordance with the provisions of this Act, the railway company shall not be allowed to plead contributory negligence on the part of the employee so injured, disabled or killed.

Negligence of another employee.

8. In any suit for damages by an employee against a railway company, the act, default or negligence of any fellow employee shall not be pleaded or given in evidence on behalf of the company as a defence to such suit.

No. 72.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting Railways.

First reading, April 24, 1899.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 73.] **BILL.** [1899.

An Act respecting the James Bay Railway Company.

Preamble.

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

1897, c. 47, s. 6 repealed.

1. Section 6 of chapter 47 of the statutes of 1897 is hereby repealed.

Time for construction of railway extended.

2. The time for the commencement of the railway of the James Bay Railway Company, and the extension thereof, authorized by the Acts relating to the said company, is hereby extended for a period of two years from the passing of this Act, and if fifteen per cent of the amount of the capital stock is not expended thereon within such two years, or if the railway is not finished and put in operation within five years from the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway and extension as then remains uncompleted.

No. 73.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the James Bay Railway Company.

First reading, April 25, 1899.

(PRIVATE BILL.)

Mr. HUGHES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 74.] **BILL.** [1899

An Act respecting the Huron and Erie Loan and Savings Company.

WHEREAS the Huron and Erie Loan and Savings 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. Section 2 of chapter 49 of the statutes of 1896 (First Session) is hereby repealed, and the following is substituted therefor :— 1896 (1st Sess.) c. 49, s. 2 amended.

"**2.** The aggregate amount of the said company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock, but the amount of cash on hand or deposited in chartered banks, and belonging to the said company, shall be deducted from such total liabilities for the purposes of this section ; provided always that the amount held on deposit shall not at any time exceed the aggregate amount of the said company's then actually paid up and unimpaired capital, and of its cash actually on hand or deposited in any chartered bank in Canada and belonging to the said company ; provided nevertheless that the extent to which the increased borrowing power hereby conferred is exercised by the said company in any year shall bear no greater proportion to the whole additional borrowing power conferred by this Act upon the said company, than the amount of the debentures of the said company paid off or renewed during such year shall bear to the whole present debenture debt of the said company." Amount of liabilities limited.

2. The said company may lend money on the security of, or purchase or invest in,— Investment powers.

(*a.*) mortgages or hypothecs upon freehold or leasehold real estate or other immovables ; Mortgages.

(*b.*) the debentures, bonds, stocks and other securities of any government, or any municipal or school corporation, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank) or incorporated company, if incorporated by or under the authority of the Parliament of Canada, or of the legislature of any former, or present or future province of Canada ; provided that the said company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes ; and provided further that no loans or investments shall be made by the said company in any securities not at present authorized until the consent thereto of the shareholders of the said company shall have been obtained at a general meeting of the said company specially called for that purpose. Debentures, etc. Proviso.

No. 74.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Huron and Erie Loan and Savings Company.

First reading, April 25, 1899.

(PRIVATE BILL.)

MR. BEATTIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 75.] **BILL.** [1899

An Act to incorporate the Canada Permanent and Western Canada Mortgage Corporation.

Preamble.

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

Incorporation.

1. George Gooderham, J. Herbert Mason, W. H. Beatty, Walter S. Lee, Ralph K. Burgess, A. M. Cosby, C. H. Gooderham, William George Gooderham, George Lewis, W. D. Matthews, A. S. Nordheimer, E. B. Osler, T. Sutherland Stayner, S. C. Wood, and Frederick Wyld, all of the city of Toronto, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Canada Permanent and Western Canada Mortgage Corporation," hereinafter called "the Company."

Corporate name.

First directors.

2. The persons named in section 1 of this Act shall be the first directors of the Company.

Capital stock.

3. The capital stock of the Company shall be twenty million dollars and shall be divided into two million shares of ten dollars each.

Currency of issue.

2. Such capital stock may be issued either in sterling or currency, or both, as the directors determine.

Head office.

Branch offices.

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

Election of directors.

Number may be changed.

5. At the first general meeting of the Company, and at each annual meeting, the holders of the capital stock present or represented by proxy who have paid all calls due on their shares shall choose not less than ten nor more than twenty persons to be directors of the Company, each of whom shall hold at least three hundred shares of the capital stock of the Company. The number of directors may within the limits aforesaid be changed from time to time by vote of the shareholders at any general meeting of the Company,

Loaning powers.

6. The Company may lend money on the security of, or purchase or invest in,—

Mortgages.

(*a.*) mortgages or hypothecs upon freehold or leasehold real estate or other immoveables;

Debentures, bonds, etc.

(*b.*) 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 of any company incorporated by or under the authority of the Parliament of Canada, or of the legislature of any former or present or future province of Canada, or licensed to do business by the said parliament, or any such legislature, or of any corporation listed upon the London or New York exchange;

Proviso.

provided that the loan upon the security of or the purchase or investment in the debentures, bonds, stocks or other securities of any company so incorporated or licensed by such parliament or legislature, or so listed as aforesaid, shall not exceed one

Proviso.

fifth of the capital of such company; provided that the Company shall not lend upon the security of bills of exchange or promissory notes.

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.

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 upon such securities as are mentioned in the next preceding section, or to any body corporate, or to any municipal or other authority, or to any board or body of trustees or commissioners, upon such terms and upon such security as to the Company appear satisfactory, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same on behalf of the persons for whom the Company is acting.

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 of the Company for the time being, 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.

8. The Company may, subject to any limitation or prohibition imposed by its by-laws, lend upon its own paid-up stock to an amount not exceeding in the aggregate of all such loans ten per cent of the Company's paid-up stock, but no such loan shall exceed eighty per cent of the then current market value of such stock. Loans upon Company's stock.

9. The Company may borrow money and receive money on deposit upon such terms as to interest, security, time of payment and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided that until the first day of July, one thousand nine hundred and four, the total of the Company's liability to the public outstanding from time to time shall not exceed three times the amount paid up upon its capital stock, and after the said date 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. Moneys on deposit. Proviso. Proviso.

10. 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. Loans to shareholders.

11. 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 9 of this Act. Liabilities assumed.

12. The directors may, 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. Increase 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. Decrease of capital.

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. Rules respecting.

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. Liability to creditors.

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, 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. By-laws affecting capital to be sanctioned.

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 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 made subject to such conditions as the Treasury Board may think proper.

Proviso.

Debenture stock.

16. The directors of the Company 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, 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 9 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 may 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 directors, having issued debenture stock, may, from time to time, as they think fit and for the interest of the Company pay 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.

Preference stock.

20. The directors of the Company may make a by-law for creating and issuing any part of the capital stock as prefer-

ence stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Holders may select directors.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give the said holders such supervision or control over the affairs of the Company as may be considered expedient.

By-law to be sanctioned.

3. No such by-law shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering it, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the Company represented at such meeting.

Preference stockholders to have rights of shareholders.

4. Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights of shareholders within the meaning of this Act, provided however that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Rights of creditors.

5. Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the Company.

No liability to be incurred.

6. The issue of such preference stock shall not entitle the Company to incur any liability in respect of such stock or any part thereof.

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 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 investments 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 full 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.

Business outside 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 without 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 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.

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 franchises and acquire and undertake the whole or any part of the business, property and liabilities and the name and goodwill of The Canada Permanent Loan and Savings Company, The Western Canada Loan and Savings Company, The Freehold Loan and Savings Company and The London and Ontario Investment Company, Limited, or of any of such companies, and of any other 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 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 companies whose assets the Company desires to purchase are hereby authorized to sell and transfer their respective assets, franchises, business, property, name and good-will, and the Company and any of such other companies 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. Any such agreement may be in the form contained in the schedule hereto, or to the like effect, and the execution of the 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, property, real and personal, and all rights and incidents appurtenant thereto, also all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and all other things belonging to such other company as may be party to the agreement shall be taken and deemed to be transferred to and vested in the Company without further act or deed.

Form of agreement.

Issue of partly paid-up stock to shareholders of other companies.

25. In the case of any partly paid up stock issued by the Company as the consideration in whole or in part of the purchase by the Company of the assets of any other company, the liability of the holders of such partly paid up stock in respect of the unpaid portion thereof shall be reduced by five equal annual amounts at the end of one, two, three, four and five years respectively from the date of the issuing of such partly paid up stock. Provided always that no such annual reduction shall be made unless and until the liabilities of the Company which shall have matured up to the time when the reduction is sought to be made shall have been met by the Company. The stock referred to in this section shall, as against creditors subsequent to the reduction hereby authorized, be considered as paid up stock.

Proviso.

Directors may carry out agreements with other companies.

26. The first directors may adopt and carry into effect with or without modification any agreement or agreements which may have been made on behalf of the Company and The Canada Permanent Loan and Savings Company, The Western Canada Loan and Savings Company, The Freehold Loan and Savings

Company, and The London and Ontario Investment Company, Limited, or any of them, or any other company or companies; provided such agreements shall have been duly ratified and confirmed by a vote of the shareholders of each of the companies, parties to such agreement or agreements present or represented by proxy at a meeting of the shareholders of such company duly called for the purpose, and holding not less than two-thirds of the amount paid up upon the capital stock of such company represented at such meeting. Agreements to be confirmed.

27. The business of the Company shall be managed by the directors, who may pay all expenses incurred in getting up and incorporating the Company, and may affix the seal 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, 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:— Powers of directors.

(*a.*) Issue debentures, bonds, deposit receipts and stock, and regulate 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 : Issue debentures, receipts, calls, etc.

(*b.*) Declare and pay dividends : Dividends.

(*c.*) Determine the number of directors, their term of service, the amount of their stock qualification and their remuneration, if any : Fix number, etc., of directors.

(*d.*) 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 : Delegate powers.

(*e.*) Appoint and remove all agents, officers, 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 : Appoint officers.

(*f.*) 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 the directors and of the Company, the requirements as to votes and proxies, and the procedure in all things at such meetings : Arrange meetings.

(*g.*) Provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law : Fix penalties.

(*h.*) Conduct in all other particulars the affairs of the Company : Conduct Company's affairs.

(*i.*) Make, vary and repeal by-laws for the regulation of the business of the Company, its officers and servants, or the members of the Company. Make by-laws.

28. 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 de- Company not bound to see to execution of trusts.

benture 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 or 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.

Term for which land may be held.

29. 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 Her Majesty. Provided that Her 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 Her Majesty 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 provisoes.

Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

Annual statement for Minister of Finance.

30. The Company shall, on or before the first day of March in each year, transmit to the Minister of Finance and Receiver-General, 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 and Receiver General 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 or private affairs of any person who has dealings with it.

R.S.C., c. 118.

31. Sections 7, 13, 18, 24, 38 and 39 of *The Companies Clauses Act* shall not apply to the Company.

SCHEDULE.

AN AGREEMENT made the_____day of_____ Between the_____Company (hereinafter called the Vendor) of the one part, and Thomas Gibbs Blackstock, of the city of Toronto, barrister-at-law, on behalf of the company below mentioned, which company is hereinafter referred to as "the Company," of the other part.

Whereas the Vendor has for some time past carried on the general business of a building society and loan and savings company;

And whereas, a company to be called "The Canada Permanent and Western Canada Mortgage Corporation" is expected tobe incorporated by a special Act of the Parliament of Canada, or under some general Act thereof, for the purpose of carrying on a similar business and more particularly to acquire the business of the above named Vendor and of_____, respectively, upon terms similar to those hereinafter set out;

And whereas, such Act of incorporation has, with the privity of the Vendor, been already prepared;

And whereas, the nominal capital of the Company is intended to be twenty million dollars, divided into two million shares of ten dollars each;

And whereas, it is provided by the proposed Act of incorporation that the Company may immediately after the incorporation thereof adopt an agreement therein referred to, being to the like effect as these presents;

Now it is hereby agreed as follows:

1. The Vendor shall sell and the Company shall purchase:—

Firstly, the good-will of the said business with the exclusive right to use the name of the_____Company in connection with the said business so purchased and to hold out and represent the Company as carrying on such business in continuation of the Vendor's business and in succession thereto, and the right to use the words "late_____Company," or any other words indicating that the business is carried on in continuation of or in succession to the said Company.

Secondly, all the freehold and leasehold properties belonging to the Vendor at the date of these presents or hereafter to be acquired by it.

Thirdly, all mortgages and securities for money either now owned or hereafter to be acquired by the Vendor.

Fourthly, all the books and other debts due or to become due to the Vendor in connection with the said business and the full benefit of all securities for such debts.

Fifthly, the full benefit of all contracts and engagements to which the Vendor is or may be entitled in connection with the said business.

Sixthly, all cash in hand and at any bank and all bills and notes of the Vendor in connection with the said business.

Seventhly, all other property in which the Vendor is or may become entitled in connection with the said business.

2. The consideration in part for the said sale shall be a sum equal to the estimated value of the assets of the Vendor over and above its liabilities to the public less twenty per cent

of such excess of assets over liabilities for reserve, and if any differences arise between the Vendor and the Company as to the valuation of the said assets and liabilities the same shall be settled as hereinafter provided.

3. The said consideration shall be paid and satisfied as follows:—

(*a*) By the allotment to the Vendor or its shareholders of fully paid up and partly paid up shares in the capital of the Company in such way that the holders of fully paid up shares in the capital of the Vendor shall receive fully paid up shares in the capital of the Company equivalent in value (subject to the aforesaid deduction of twenty per cent for reserve) to the fully paid up shares now held by them in the capital of the Vendor and the holders of partly paid up shares in the capital of the Vendor shall receive shares paid up to the same extent and of the same value (subject to the said deduction for reserve in the capital of the Company), and if the holders of shares partly or fully paid up in the capital of the Vendor shall be entitled to more shares in the Company than they now hold in the capital of the Vendor the excess shall be paid to them either in cash or in fully paid up shares, at the option of the Company, and if in any case it shall not be practicable to give to the holder of partly or fully paid up shares the exact equivalent in value (subject as aforesaid) of such shares in the shape of shares whether partly paid up or fully paid up in the Company the difference in value between the shares theretofore owned by such holder and the shares allotted to him in return therefor shall be paid to such holder in cash. Provided always that the Company may at it option pay the whole of the consideration referred to in this sub-clause in fully paid up shares:

(*b*) As the residue of the consideration for the said sale the Company shall undertake to pay, satisfy and perform all the debts, liabilities, contracts and engagements of the Vendor in relation to the said business and shall indemnify the Vendor and its shareholders and each and every one of them against all proceedings, claims and demands in respect thereof.

4. The Vendor shall carry on its said business from and after the first day of January, 1899, for the benefit of the Company, and the Company shall be entitled to take over the said business as of that date.

5. The purchase shall be completed within _____ after the passing of the Act of incorporation at the offices of the Freehold Loan and Savings Company, in Toronto, when possession of all the property hereinbefore agreed to be sold shall as far as practicable be given, sold and transferred to the Company and the consideration aforesaid be paid and satisfied, subject to the provisions of this agreement, and thereupon the Vendor and all other necessary parties (if any) shall, at the expense of the Company, execute and do all such assurances and things for vesting the said premises in the Company and giving to it the full benefit of this agreement, as shall be reasonably required.

6. The Company agrees with the Vendor, (the Vendor acting herein for itself as a corporation and also acting for each and every shareholder of the Vendor), that the Company will indemnify and save harmless each and every of the sharehold-

ers of the Vendor, who shall, upon receiving the consideration herein specified, assign to the Company the shares now held by him in the capital of the Vendor, of and from all liability in respect of any such shares.

7. Upon the adoption of this agreement by the Company in such manner as to render the same binding on the Company, the said Blackstock shall be discharged from all liability in respect thereof.

8. The Vendor shall procure this agreement to be submitted for ratification and confirmation by a meeting of shareholders duly called for that purpose forthwith after the execution of these presents.

9. If this agreement shall not be ratified or shall not be carried into effect before the _____ day of _____ next, either party may determine the same by notice to the other.

10. In any case or cases in which the parties are not able to agree upon the valuation of the said assets and liabilities, or any of them, the Chancellor of Ontario may, upon the application of either of the parties, appoint a valuator or valuators whose award shall be final on all and every point submitted.

In witness whereof, etc.

No. 75.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to incorporate the Canada Permanent and Western Canada Mortgage Corporation.

First reading, April 25, 1899.

(PRIVATE BILL.)

Mr. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 75.] **BILL.** [1899

An Act to incorporate the Canada Permanent and Western Canada Mortgage Corporation.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

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

1. George Gooderham, J. Herbert Mason, W. H. Beatty, Walter S. Lee, Ralph K. Burgess, A. M. Cosby, C. H. Gooderham, William George Gooderham, George Lewis, W. D. Matthews, A. S. Nordheimer, E. B. Osler, T. Sutherland Stayner, S. C. Wood, and Frederick Wyld, all of the city of Toronto, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Canada Permanent and Western Canada Mortgage Corporation," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the first directors of the Company. First directors.

3. The capital stock of the Company shall be twenty million dollars and shall be divided into two million shares of ten dollars each. Capital stock.

2. Such capital stock may be issued either in sterling or currency, or both, as the directors determine, and if any of such capital stock is issued in sterling it shall be at the rate of four dollars and eighty-six and two-third cents per pound sterling. Currency of issue.

4. The head office of the Company shall be at the city of Toronto in the province of Ontario, 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. Head office. Branch offices.

5. At the first general meeting of the Company, and at each annual meeting, the holders of the capital stock present or represented by proxy who have paid all calls due on their shares shall choose not less than ten nor more than twenty persons to be directors of the Company, each of whom shall hold at least three hundred shares of the capital stock of the Company. Election of directors.

Number may be changed.

2. The number of directors may, within the limits aforesaid, be changed from time to time by vote of the shareholders at any general meeting of the Company,

Votes.

3. Every shareholder of the Company who has paid all calls due on his shares shall be entitled to one vote for each share held by him.

Loaning powers.

6. The Company may lend money on the security of, or purchase or invest in,—

Mortgages.

(*a.*) mortgages or hypothecs upon freehold or leasehold real estate or other immoveables;

Debentures, bonds, etc.

(*b.*) 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 of any company incorporated by or under the authority of the Parliament of Canada, or of the legislature of any former or present or future province of Canada, or licensed to do business by the said parliament, or any such legislature, or of any corporation listed upon the London, New York, Montreal or Toronto stock exchange; provided that the loan upon the security of or the purchase or investment in the debentures, bonds, stocks or other securities of any company so incorporated or licensed by such parliament or legislature, or so listed as aforesaid, shall not exceed one fifth of the paid-up capital of any such company nor one-fifth of the paid-up capital stock of the Company; provided that the Company shall not lend upon the security of bills of exchange or promissory notes.

Proviso.

Proviso.

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.

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 upon such securities as are mentioned in the next preceding section, or to any body corporate, or to any municipal or other authority, or to any board or body of trustees or commissioners, upon such terms and upon such security as to the Company appear satisfactory, 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 of the Company for the time being, 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.

8. 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.

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 then current market value of such stock.

Moneys on deposit.

10. The Company may borrow money and receive money on deposit upon such terms as to interest, security, time of payment and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided that until the first day of July, one thousand nine hundred and four, the total of the Company's liability to the public outstanding from time to time shall not exceed three times the amount paid up upon its capital stock, and after the said date 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.

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 assumed.

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 9 of this Act.

Increase of capital.

13. The directors at any time after the whole of the capital stock of the Company has been subscribed, and fifty per cent thereof paid up, but not sooner, may, from time to time, by by-law, provide for the increase of the capital stock of the Company to any amount which they consider requisite.

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 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.

15. 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, 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 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 made subject to such conditions as the Treasury Board may think proper.

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Debenture stock.

17. The directors of the Company 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, 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 9 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 may determine.

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. Exchange 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. Cancellation of debenture stock. Debenture stock of other companies.

21. The directors of the Company may make a by-law or creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law. Preference stock.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give the said holders such control over the affairs of the Company as may be considered expedient. Holders may select directors.

3. No such by-law shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering it, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the Company represented at such meeting. By-law to be sanctioned.

4. Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided however that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. Preference stockholders to have rights of shareholders.

5. Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the Company. Rights of creditors.

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 investments 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 full power to employ the assets constituting the reserve fund in the business of the Company, and that without being bound to keep the same sepa- Reserve fund

Proviso.

rate from the other assets. Provided always that the investment of the reserve fund shall be subject to the limitations contained in section 6 of this Act.

Business outside Canada.

23. The Company may, in general meeting of its share holders 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.

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.

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.

Power to acquire other companies.

25. The Company may purchase the entire assets and franchises and acquire and undertake the whole or any part of the business, property and liabilities and the name and goodwill of The Canada Permanent Loan and Savings Company, The Western Canada Loan and Savings Company, The Freehold Loan and Savings Company and The London and Ontario Investment Company, Limited, or of any of such companies, and of any other 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 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 companies whose assets the Company desires to purchase are hereby authorized to sell and transfer their respective assets, franchises, business, property, name and good-will, and the Company and any of such other companies 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. Any such agreement may be in the form contained in the schedule hereto, or to the like effect, and the execution of the 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, property, real and personal, and all rights and incidents appurtenant thereto, also all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and all other things belonging to such other company as may be party to the agreement shall be taken and deemed to be transferred to and vested in the Company without further act or deed.

Form of agreement.

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.

Issue of partly paid-up stock to shareholders of other companies.

27. In the case of any partly paid up stock issued by the Company as the consideration in whole or in part of the purchase by the Company of the assets of any other company, the liability of the holders of such partly paid up stock in respect of the unpaid portion thereof shall be reduced by five equal annual amounts at the end of one, two, three, four and five years respectively from the date of the issuing of such partly paid up stock. Provided always that no such annual reduction shall be made unless and until the liabilities of the Company which shall have matured up to the time when the reduction is sought to be made shall have been met by the Company. The stock referred to in this section shall, as against creditors subsequent to the reduction hereby authorized, be considered as paid up stock.

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Directors may carry out agreements with other companies.

28. The first directors may adopt and carry into effect with or without modification any agreement or agreements which may have been made on behalf of the Company and The Canada Permanent Loan and Savings Company, The Western Canada Loan and Savings Company, The Freehold Loan and Savings Company, and The London and Ontario Investment Company, Limited, or any of them, or any other company or companies; provided such agreements shall have been duly ratified and confirmed by a vote of the shareholders of each of the companies, parties to such agreement or agreements present or represented by proxy at a meeting of the shareholders of such company duly called for the purpose, and holding not less than two-thirds of the amount paid up upon the capital stock of such company represented at such meeting.

Agreements to be confirmed.

Powers of directors.

29. The business of the Company shall be managed by the directors, who may pay all expenses incurred in getting up and incorporating the Company, and may affix the seal 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, 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 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.*) Declare and pay dividends :

Fix number, etc., of directors.

(*c.*) Determine the number of directors, their term of service, the amount of their stock qualification and their remuneration, if any :

Delegate powers.

(*d.*) 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 :

Appoint officers.

(*e.*) Appoint and remove all agents, officers, 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 :

Arrange meetings.

(*f.*) 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 the directors and of the Company, the requirements as to votes and proxies, and the procedure in all things at such meetings :

Fix penalties.

(*g.*) Provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law :

Conduct Company's affairs.

(*h.*) Conduct in all other particulars the affairs of the Company :

Make by-laws.

(*i.*) Make by-laws for the regulation of the business of the Company, its officers and servants, or the members of the Company.

Company not bound to see to execution of trusts.

30. 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 or 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.

Transmission of interest in shares otherwise than by transfer.

31. 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 other 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.

Requirements 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 an 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 Her 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 31 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 or obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such document as 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 such shares, bonds, debentures, obligations, dividends or coupons, or the proceeds thereof, then and in such case it shall be lawful for the directors to file in the High Court of Justice for Ontario, a petition stating such doubts and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties legally entitled thereto, and such court shall have authority to restrain any action, suit or proceedings against the 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.

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 Her Majesty. Provided that Her 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 Her Majesty 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 provisoes.

Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

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 and Receiver-General, 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 and Receiver General 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 or private affairs of any person who has dealings with it.

R.S.C., c. 118.

36. Sections 7, 13, 18, 24, 38 and 39 of *The Companies Clauses Act* shall not apply to the Company.

SCHEDULE.

AN AGREEMENT made the_____day of_____ Between the_____Company (hereinafter called the Vendor) of the one part, and Thomas Gibbs Blackstock, of the city of Toronto, barrister-at-law, on behalf of the company below mentioned, which company is hereinafter referred to as "the Company," of the other part.

Whereas the Vendor has for some time past carried on the general business of a building society and loan and savings company;

And whereas, a company to be called "The Canada Permanent and Western Canada Mortgage Corporation" is expected to be incorporated by a special Act of the Parliament of Canada, or under some general Act thereof, for the purpose of carrying on a similar business and more particularly to acquire the business of the above named Vendor and of_____, respectively, upon terms similar to those hereinafter set out;

And whereas, such Act of incorporation has, with the privity of the Vendor, been already prepared;

And whereas, the nominal capital of the Company is intended to be twenty million dollars, divided into two million shares of ten dollars each;

And whereas, it is provided by the proposed Act of incorporation that the Company may immediately after the incorporation thereof adopt an agreement therein referred to, being to the like effect as these presents;

Now it is hereby agreed as follows:

1. The Vendor shall sell and the Company shall purchase:—

Firstly, the good-will of the said business with the exclusive right to use the name of the_____Company in connection with the said business so purchased and to hold out and represent the Company as carrying on such business in continuation of the Vendor's business and in succession thereto, and the right to use the words "late_____Company," or any other words indicating that the business is carried on in continuation of or in succession to the said Company.

Secondly, all the freehold and leasehold properties belonging to the Vendor at the date of these presents or hereafter to be acquired by it.

Thirdly, all mortgages and securities for money either now owned or hereafter to be acquired by the Vendor.

Fourthly, all the books and other debts due or to become due to the Vendor in connection with the said business and the full benefit of all securities for such debts.

Fifthly, the full benefit of all contracts and engagements to which the Vendor is or may be entitled in connection with the said business.

Sixthly, all cash in hand and at any bank and all bills and notes of the Vendor in connection with the said business.

Seventhly, all other property in which the Vendor is or may become entitled in connection with the said business.

2. The consideration in part for the said sale shall be a sum equal to the estimated value of the assets of the Vendor over and above its liabilities to the public less twenty per cent

of such excess of assets over liabilities for reserve, which twenty per cent shall form the nucleus of the reserve fund mentioned in section 22 of the said Act of incorporation, and if any differences arise between the Vendor and the Company as to the valuation of the said assets and liabilities the same shall be settled as hereinafter provided.

3. The said consideration shall be paid and satisfied as follows :—

(*a*) By the allotment to the Vendor or its shareholders of fully paid up and partly paid up shares in the capital of the Company in such way that the holders of fully paid up shares in the capital of the Vendor shall receive fully paid up shares in the capital of the Company equivalent in value (subject to the aforesaid deduction of twenty per cent for reserve) to the fully paid up shares now held by them in the capital of the Vendor and the holders of partly paid up shares in the capital of the Vendor shall receive shares paid up to the same extent and of the same value (subject to the said deduction for reserve in the capital of the Company), and if the holders of shares partly or fully paid up in the capital of the Vendor shall be entitled to more shares in the Company than they now hold in the capital of the Vendor the excess shall be paid to them either in cash or in fully paid up shares, at the option of the Company, and if in any case it shall not be practicable to give to the holder of partly or fully paid up shares the exact equivalent in value (subject as aforesaid) of such shares in the shape of shares whether partly paid up or fully paid up in the Company the difference in value between the shares theretofore owned by such holder and the shares allotted to him in return therefor shall be paid to such holder in cash. Provided always that the Company may at it option pay the whole of the consideration referred to in this sub-clause in fully paid up shares :

(*b*) As the residue of the consideration for the said sale the Company shall undertake to pay, satisfy and perform all the debts, liabilities, contracts and engagements of the Vendor in relation to the said business and shall indemnify the Vendor and its shareholders and each and every one of them against all proceedings, claims and demands in respect thereof.

4. The Vendor shall carry on its said business from and after the first day of January, 1899, for the benefit of the Company, and the Company shall be entitled to take over the said business as of that date.

5. The purchase shall be completed within _____ after the passing of the Act of incorporation at the offices of the Freehold Loan and Savings Company, in Toronto, when possession of all the property hereinbefore agreed to be sold shall as far as practicable be given, sold and transferred to the Company and the consideration aforesaid be paid and satisfied, subject to the provisions of this agreement, and thereupon the Vendor and all other necessary parties (if any) shall, at the expense of the Company, execute and do all such assurances and things for vesting the said premises in the Company and giving to it the full benefit of this agreement, as shall be reasonably required.

6. The Company agrees with the Vendor, (the Vendor acting herein for itself as a corporation and also acting for each

and every shareholder of the Vendor), that the Company will indemnify and save harmless each and every of the shareholders of the Vendor, who shall, upon receiving the consideration herein specified, assign to the Company the shares now held by him in the capital of the Vendor, of and from all liability in respect of any such shares.

7. Upon the adoption of this agreement by the Company in such manner as to render the same binding on the Company, the said Blackstock shall be discharged from all liability in respect thereof.

8. The Vendor shall procure this agreement to be submitted for ratification and confirmation by a meeting of shareholders duly called for that purpose forthwith after the execution of these presents.

9. If this agreement shall not be ratified or shall not be carried into effect before the _____ day of _____ next, either party may determine the same by notice to the other.

10. In any case or cases in which the parties are not able to agree upon the valuation of the said assets and liabilities, or any of them, the Chancellor of Ontario may, upon the application of either of the parties, appoint a valuator or valuators whose award shall be final on all and every point submitted.

In witness whereof, etc.

No. 75.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act to incorporate the Canada Permanent and Western Canada Mortgage Corporation.

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

(PRIVATE BILL.)

Mr. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 76.] **BILL.** [1899.

An Act respecting the Dominion of Canada Guarantee and Accident Insurance Company.

Preamble.

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

1887, c. 105, s. 1 amended.

Business of Company.

1. Section 1 of chapter 105 of the statutes of 1887 is hereby amended by adding after the word "disabled" at the end of the thirteenth line of the said section the words "including sickness not ending in death," and by adding after the word "accident" in the fourteenth line of the said section, the words "or casualty not including sickness."

No. 76.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Dominion of Canada Guarantee and Accident Insurance Company.

First reading, April 25, 1899.

(PRIVATE BILL.)

MR. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 77.] **BILL.** [1899.

An Act respecting the Canadian Power Company, and to change its name to the Dominion Power Company of Niagara Falls.

WHEREAS the Canadian Power 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

1. The undertaking of the Canadian Power Company, hereinafter called "the Company," is hereby declared to be be a work for the general advantage of Canada. Declaratory.

2. The name of the Company is hereby changed to "The Dominion Power Company of Niagara Falls," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, or in any wise affect any suit or proceeding now pending, or judgment existing, either by or in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Name changed. Existing rights saved.

3. The time for the completion of the Company's works capable of delivering at least fifteen thousand horse power is hereby extended for three years from the passing of this Act, and, notwithstanding anything contained in any Acts relating to the Company, the Company may thereafter extend and enlarge its works, from time to time, to meet the demand for power for manufacturing and other purposes. Time for completion of works extended. Power to enlarge works.

4. Section 1 of the Act incorporating the Company, being chapter 120 of the statutes of 1887, as amended by section 1 of chapter 89 of the statutes of 1893, is hereby amended by striking out that part of the said section as amended commencing with the words "A canal and hydraulic tunnel," and terminating with the words "Clark Hill," and substituting therefor the following:—"A canal or canals and hydraulic tunnel or tunnels or tail-races from some point or points in the Welland River at or near its junction with the Niagara River to any points on the west bank of the Niagara River south of the whirlpool, and from points in the Niagara River at or south of the head of the rapids near the Welland River to any points on the west bank of the Niagara River south of the whirlpool." 1893, c. 89, s. 1 amended.

1887, c. 120, s. 23 amended.

Bond issue.

5. Section 23 of the Act incorporating the Company is hereby repealed, and the following is substituted therefor:—

"**23.** The directors of the Company, after the sanction of the shareholders has been first obtained at a special general meeting called for such purpose, may issue bonds, debentures or other securities under the seal of the Company, countersigned by the president or other presiding officer, and by the secretary, for the purpose of raising money for prosecuting and operating the undertaking of the Company; and the directors may sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which, from time to time, they may be able to obtain in order to raise money for the purposes of the Company.

Amount of bonds.

2. No such bond, debenture or other security shall be for a less sum then one hundred dollars.

How secured.

3. The power of issuing such bonds, debentures and other securities shall not be exhausted by the first issue, but may be exercised from time to time; and the Company may secure such bonds, debentures or other securities by deeds creating such mortgages, charges and encumbrances upon the whole of the property, assets, rents, revenues, rights and franchises of the Company, present or future, or both, as are described in such deeds; and by such deeds the Company may grant to the holders of such bonds, debentures or other securities, or to the trustees named in such deeds, such rights, powers and remedies in case of default as may be agreed on, including the right to attend and vote at any annual or special general meeting of shareholders of the Company, and to be elected directors of the Company."

No. 77.

4th Session, 8th Parliament,

BILL.

An Act respecting the C
Company, and to change
Dominion Power Comp
Falls.

First reading, April

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OTTAWA
Printed by S. E. Da
Printer to the Queen's most Ex
1899

No. 78.] **BILL.** [1899.

An Act respecting the Hamilton Powder Company.

WHEREAS the Hamilton Powder 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

1. Notwithstanding the provisions of section 2 of chapter 73 of the statutes of 1862 of the late Province of Canada, or section 1 of chapter 15 of the statutes of 1896 (Second Session), the Hamilton Powder Company may increase its capital stock to one million dollars by the issue or fourteen hundred new shares of the value of five hundred dollars each. The said shares shall be issued on such terms and conditions as are determined by a majority of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose; provided however that the stock shall not be increased until the resolution of the board of directors authorising such increase has first been passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting duly called for that purpose. 1862, c. 73, 1896 (2nd Sess) c. 15. Increase of capital. Approval of shareholders.

No. 78.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Hamilton Powder Company.

First reading, April 25, 1899.

(PRIVATE BILL.)

MR. PENNY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 79.] **BILL.** [1899.

An Act further to amend the Mounted Police Pension Act, 1889.

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

1. Section four of *The Mounted Police Pension Act*, 1889, is hereby repealed and the following substituted therefor:— 1889, c. 26, new s. 4.

"**4.** The pension to a constable on retirement shall be according to the following scale, that is to say:— Scale of pensions.

"(*a.*) If he has completed ten but less than sixteen years' service, an annual sum equal to *one-fiftieth* of his annual pay for every completed year of service;

"(*b.*) If he has completed sixteen but less than twenty years' service, an annual sum equal to *twenty-fiftieths* of his annual pay, with an addition of two-fiftieths of his annual pay for every completed year of service above sixteen years;

"(*c.*) If he has completed twenty years' service, an annual sum equal to *thirty-fiftieths* of his annual pay, with an addition of *one-fiftieth* of his annual pay for every completed year of service above twenty years, so, however, that the pension shall not exceed *two-thirds* of his annual pay at his retirement."

No. 79.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Mounted Police Pension Act, 1889.

First reading, April 25th, 1899.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 80.] **BILL.** [1899.

An Act further to amend the Criminal Code, 1892.

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

1892, c. 29, new s. 941.

1. Article 941 of *The Criminal Code*, 1892, is hereby repealed and the following substituted therefor :—

Who may be present at executions.

"**941.** Any justice of the peace for the district, county or place to which the prison belongs, and such relatives of the prisoner as it seems to the sheriff proper to admit within the prison for the purpose, and any journalist and any minister of religion who desires to attend, may also be present at the execution."

No. 80.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Criminal Code, 1892.

First reading, April 25, 1899.

Mr. ETHIER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 81.] **BILL.** [1899.

An Act to amend the Dominion Elections Act by providing for use of Macdonald Voting Machines instead of ballots.

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

Voting machines instead of ballot.

1. In any election for a member of the House of Commons of Canada, the Governor in Council, may direct that in lieu of the ballot, the system of voting by means of an invention called the Macdonald voting machine, be adopted.

Certain ss. of R.S.C., c. 8, not to apply.

2. In such case the provisions of *The Dominion Elections Act*, relating to voting by ballot, and being Sections, 28, 29, 30, 31, 34, 38, 39, 40, 45, 46, 47, 48, 49, 51, 52, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 67, 68, 69, 70, 72 and 100, shall not apply, and the provisions following shall govern.

Hours for polling.

3. Whenever a poll has been granted, it shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the day fixed for holding it, and the votes at the several polling stations shall be given on that day, and by means of the Macdonald voting machine.

Macdonald machine to be used.

4. The voting machines referred to in the last preceding section, and elsewhere in this Act, shall be of the kind known as the Macdonald voting machine, patented in the Dominion of Canada under No. 57508.

Names of candidates to be affixed to boxes.

5. It shall be the duty of the returning officer to procure to be printed for each and every candidate, upon separate cards, the surname of the candidate, in reasonably large type, with the name in full, place of residence and occupation of such candidate underneath in smaller type, and insert such cards in the frames provided on the lids of the boxes in such manner that each machine shall show in such frames the names of each and all the candidates at such election, one card being in each frame.

Machines to be inspected; Notice to candidates.

6. It shall be the duty of the returning officer to test or cause to be tested the accuracy of the different machines, after which and after having the cards of the candidates inserted in the frames as provided in the next preceding section, he shall appoint a time and place for the candidates to inspect the machines, and shall give to each and every candidate

forty-eight hours notice thereof, which notice may be in the form A in the schedule to this act, and may be given by posting the notice on the door of the place fixed for the nomination of candidates for each electoral division.

Inspection and testing of machines.

2. At the time and place appointed the returning officer shall produce all the machines to be used in such election and allow each of the candidates full opportunity to test the accuracy thereof, and if any inaccuracy or defect exists he shall forthwith remedy it, and he shall then in the presence of the candidates lock the boxes and place his seal thereon, with the seals of such candidates as so desire, in such manner that no box can be opened without breaking such seals, and thereafter such seals shall not be broken until the deputy returning officer breaks them as hereinafter provided.

Duties of returning officer when poll is granted.

7. On a poll being granted the returning officer shall—

Deputies.

(*a.*) Appoint, by a commission under his hand in the form B in the schedule to this Act, one deputy returning officer for each polling district in the electoral district, who shall, before acting as such, take the oath of office in the form C in the schedule to this act;

List of voters.

(*b.*) Furnish each deputy returning officer with a copy of the list of voters in polling district for which he is appointed, such copy being first certified by himself or by the revising officer for such electoral district, or portion of an electoral district, in which such polling district is situate;

Voting machines.

(*c.*) Deliver to each deputy returning officer, two days at least before the polling day, one voting machine locked and sealed, and the seal shall not be broken until immediately before the commencing of the poll;

Printed directions.

(*d.*) Furnish each deputy returning officer with at least ten copies of printed directions in the form D in the schedule to this Act, for the guidance of voters in voting, which printed directions the deputy returning officer shall, before or at the opening of the poll, on the day of the polling cause to be posted up in some conspicuous places outside of the polling station and also in each compartment of the polling station.

Where the poll shall be held.

8. The poll when granted shall be held in each polling district in a room or building of convenient access, with an out side door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted; and a compartment shall be made within the room, so arranged that each voter may be screened from observation and may without interference or interruption cast his vote.

Oath of secrecy.

9. One of the agents of each candidate, and in the absence of such agent one of the electors representing each candidate if there is such elector, on being admitted to the polling station, shall take the oath to keep secret the names of the candidates for whom any of the voters has cast his vote in his presence as hereinafter required, which oath shall be in the form E in the schedule to this Act.

Opening the poll; showing, locking and sealing of voting box.

10. The deputy returning officer shall immediately before the opening of the poll break the seals, unlock and open the box, and allow the representatives of each candidate to see that the machine is in accurate working order, after which

he shall set the dials at zero and show the box to such persons as are present, and he shall then cover the dials, lock the box and place his seal upon it in such manner as to prevent it being opened without breaking the seal and he shall then place the machine in position for the casting of votes.

Calling voters.

11. Immediately after the machine is locked and placed in position, the deputy returning officer shall call upon the electors to vote.

Regulations for voting.

12. Not more than one elector shall at any one time enter the room where the poll is held, and each elector upon so entering shall declare his name, surname and addition, which shall be entered or recorded by the poll clerk in the poll book provided for the purpose, which shall be kept in form F in the schedule to this Act, and if the same are found on the list of voters for the polling district of such polling station he shall receive from the deputy returning officer a voting pellet.

Oath to be taken by voter if required.

2. Such elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or one of their agents, or by any elector present, shall, before receiving the voting pellet, take the oath of qualification in the form G in the schedule to this Act, which oath the deputy returning officer and poll clerk are each hereby authorized to administer.

Mode of voting.

13. The elector, on receiving the voting pellet, shall forthwith proceed into the voting compartment and shall deposit the pellet in the circular opening through the lid of the box in the section containing the name of the candidate for whom he wishes to vote.

Duty of deputy returning officer.

14. Immediately after the elector has deposited his pellet he shall return into the presence of the deputy returning officer, and such officer shall forthwith turn the shaft or crank holding the voting pellet so that it may be released and enter the tube provided, thus causing a vote to be registered.

Secrecy in casting vote.

15. While the elector is in the voting compartment for the purpose of casting his vote no other person shall be allowed to enter the compartment or to be in any position from which he can observe the voter cast his vote.

Despatch to be used.

16. Every elector shall vote without undue delay and shall quit the polling station so soon as the voting pellet shall have been returned from the machine to the deputy returning officer.

Voter unable to read, etc.

17. The deputy returning officer, upon the application of any voter who is unable to read or who is incapacitated by blindness or other physical cause from voting in the manner prescribed in this Act, shall assist such voter by causing his vote to be cast in the manner directed by such voter in the presence of the sworn agents of the candidates or of the sworn electors representing them in the polling station and of no other person, and the deputy returning officer shall require the voter making such application before voting to make oath of

his incapacity to vote without such assistance in the form following, that is to say:

Oath of voter in such case.

"I solemnly swear (*or, if he is one of the persons entitled by law to affirm in civil cases*, solemnly affirm) that I am unable to read (*or*) that I am incapacitated by physical cause from voting without the assistance of the deputy returning officer."

Interpreter.

2 Whenever the deputy returning officer does not understand the language spoken by any such elector claiming to vote he shall swear an interpreter who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote.

Deputy to enter reasons for casting vote by him.

3. The deputy returning officer shall enter in the poll book opposite the names of the voters whose votes have been so cast, in addition to what is required in the next following section of this Act, the reason why each such vote was cast by him.

Entry of names of electors voting.

18. The poll clerk shall enter in the poll book to be kept by him as foresaid opposite the name of each elector the word "Voted" as soon as his pellet has passed through the machine, and he shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each elector to whom the oath of qualification has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each elector who has refused to take the oath or to affirm.

Voter refusing to be sworn.

19. No voter who has refused to take the oath of qualification mentioned in section 12 of this Act, when requested so to do, shall receive a voting pellet or be admitted to vote.

Elector in whose name anathe has proviously voted.

20. If a person representing himself to be a particular elector named in the list of voters applies for a voting pellet after another person has voted as such elector, the applicant, upon taking the oath in the form H in the schedule to this Act, and otherwise establishing his identity to the satisfaction of the deputy returning officer, shall be entitled to vote as any other elector.

Entry in poll book.

2. The name of such voter shall be entered in the poll book and a note shall be made of his having voted under this section, and of the oath of qualification having been required and made, as well as of any other objections made on behalf of any and which of the candidates.

D. R. O. to prepare a statement of votes cast, etc.

21. Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk and the candidates or their agents, and if the candidates or their agents or any of them are absent then in the presence of such if any of them as are present and of at least three electors, open the box, first dropping the stop bar and locking it down, and read off and make a statement of the numbers shown on the dials, placing opposite the name of each candidate the number shown on the dial of the register attached to the tube placed under the opening in the section containing the name of such candidate; such statement shall then be signed by the deputy returning officer, the poll clerk, and such of the candidates or their electors or agents as are present and desire to sign it, and he shall make and keep a copy of such statement

Statement, etc., to be inclosed in voting box.

and inclose in the box the original thereof, together with the list of voters used by him, the poll book and a certificate in such poll book, immediately following the name of the person last entered on such poll book as having voted or applied for a votting pellet, of the total number of persons who voted, and shall inclose in the box such other lists and documents as have been used at such election.

Delivery of voting box to R. O. etc.

2. The box shall then be locked and sealed, and shall be forthwith delivered by the deputy returning officer to the returning officer or the election clerk, who shall receive it, or to one or more persons specially appointed for that purpose by the returning officer, and such person or persons shall, on delivering the boxes to the returning officer, take the oath in the form I in the schedule to this Act.

Oath of person delivering box.

Oathes to be annexed to statement.

3. The deputy returning officer and the poll clerk shall respectively take the oaths in the forms J and K in the schedule to this Act, which oaths shall be annexed to the statement above mentioned.

Certificates to candidates.

22. The several deputy returning officers, on being requested so to do, shall deliver to each of the candidates or their agents, or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate of the number of votes given for each candidate; and they shall also forthwith after the close of the poll mail to each candidate by registered letter to his proper address a like certificate.

Summing up of votes by R. O.

23. The returning officer, at the place, day and time appointed by his proclamation, and after having received all the machines, shall proceed to open the boxes in the presence of the election clerk, the candidates or their representatives if present, or of at least two electors if the candidates or their representatives are not present, and to add together the number of votes given for each candidate from the statements contained in the several boxes returned by the deputy returning officers of the votes certified by them.

Declaration thereon.

2 The candidate who, on the summing up of the votes, is found to have a majority of votes, shall be then declared elected.

Adjournment if voting boxes missing.

24. If the voting machines are not all returned on the day fixed for adding up the number of votes given to the several candidates, the returning officer shall adjourn the proceedings to a subsequent day, such subsequent day, not being more than a week later than the day originally fixed for the purpose of adding up the votes.

Or if D. R. O. has not inclosed statement in voting box.

2. In case any deputy returning officer has not duly inclosed in the box of the voting machine the said statement of the votes certified by him as required by this Act, or if for any other cause the said returning officer cannot at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, the returning officer may thereupon adjourn to a future day and hour the said summing up the number of votes given for each candidate, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Provision in case of loss of voting machine.

25. If the machines or any of them have been destroyed, lost, or for any other reason are not forthcoming within the delay fixed as in subsection of the next preceding section provided, the returning officer shall ascertain the cause of the disappearance of such machines and shall call on each of the deputy returning officers whose boxes are missing, or on any other person having them, for the list, statements and certificates, or copies of the lists, statements and certificates, of the number of votes given to each candidate required by this Act,—the whole verified on oath, which oath the returning officer is hereby authorized to administer; and if such lists or statements or any of them, or copies thereof, cannot be obtained he shall ascertain by such evidence as he is able to obtain the total number given to each candidate at the several polling places, and to that end may summon any such deputy returning officer, his poll clerk, or any other person to appear before him at a day and hour to be named by him and to bring all necessary papers and documents with him, of which day and hour, and of the intended proceedings, the candidate shall have due notice, and the said returning officer may then and there examine on oath the said deputy returning officer, the said poll clerk, or any other person, respecting the matter in question.

In case D. R. O. has not furnished statement of votes registered.

2. In case of an adjournment by reason of any deputy returning officer not having placed in the box of the voting machine a certificate of the votes registered, the returning officer shall in the meantime use all reasonable efforts to ascertain the exact number of votes given for each candidate at the polling district of such deputy returning officer, and to that end shall have the powers set out in the next preceding subsection.

R. O. to return candidate appearing to have majority, and report special circumstances.

3. In any case arising under this section the returning officer shall return the candidate appearing to have the majority of votes, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of the voting machines, or the want of any certificate as aforesaid and the mode by which he ascertained the number of votes given to each candidate.

Punishment of refusal to testify.

4. Any person refusing or neglecting to attend on the summons of the returning officer issued under this section, shall be guilty of an indictable offence and punishable accordingly.

Return of candidate.

26. The returning officer shall, immediately after the sixth day after the final addition by him under section 23, or the ascertainment by him under section 24, of the number of votes given for each candidate, transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the respective candidates a duplicate or copy thereof, and such return shall be in the form L in the schedule to this Act.

Form of return.

Report by R. O.

2. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observation he thinks proper as to the state of the voting machines or documents as received by him.

Certain documents to accompany return.

3. The returning officer shall also transmit to the Clerk of the Crown in Chancery with his return the certificates of the several deputy returning officers hereinbefore referred to,

together with the lists of the voters and the poll books used in the several polling districts, and all other lists and documents used or required at such election, or which have been transmitted to him by the deputy returning officers.

4. Such return and report shall be sent through the Post Office, after being registered. How sent.

27. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place, and no such officer, clerk or agent shall, before the poll is closed, communicate to any person any information as to whether any person on the list of voters has or has not made application to vote, or voted, at that polling place. Secrecy of the voting.

2. No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when casting his vote, or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted. Interfering with voter when casting his vote.

4. Every one who violates any of the provisions of this section shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, with or without hard labour, in default of payment of such penalty. Punishment for contravention.

28. Every one who— Offences and penalties.

(*a.*) Fraudulently puts into any voting machine any pellet other than the pellet which he is authorized by law to put in, or fraudulently uses the pellets with which he is provided or other pellets, to vote for more candidates than can be lawfully elected; Using unauthorized pellets.

(*b.*) Fraudulently takes out of the polling place any voting pellet in use at such polling place; Fraudulently removing pellets.

(*c.*) Without due authority destroys, takes, opens or otherwise injures, obstructs or interferes with any voting machine then in use for the purpose of election; Interferance with voting machines.

(*d.*) Applies for a voting pellet in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or, having voted once, applies again for a voting pellet; but this provision is not to be construed as including a person who applies for such voting pellet believing that he is the person intended by the name entered on the list of electors in respect of which he so applies, or— Applying for voting pellet in the name of another, etc.

(*e.*) Attempts to commit any offence specified in this section,— Attempts.

Is guilty of an indictable offence and shall, if he is a returning officer or other officer engaged at the election, be liable to a fine not exceeding one thousand dollars or to imprisonment for any term less than two years, with or without hard labour, in default of such fine, and if he is any other person, to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine. To be indictable. Punishment.

29. In the event of any machine becoming obstructed from any cause, or otherwise failing to work, the deputy returning officer, in the presence of an agent of each candidate, shall Provision in case voting machine fails to work.

break the seal, unlock and open the box, and remove the cause of the obstruction, but he shall not uncover the face of the dials; and he shall then relock and reseal the box and proceed with the polling.

SCHEDULE OF FORMS.

A.—(*Section* 6.)

Notice to inspect voting machines.

Take notice that the voting machines for use in the election for the electoral district of , will be open for inspection at , on , the day of A.D. 19 , at ten o'clock in the forenoon.

Returning officer.

B.—(*Section* 7.)

Commission of a deputy returning officer.

To G. R. (*insert his legal addition and residence*).

Know you that in my capacity of returning officer for the electoral district of , I do hereby appoint you for the polling district number of the said electoral district of , there to take the votes of the electors by means of the Macdonald voting machine 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 district on the day of at nine o'clock in the forenoon at (*here describe particularly the place in which the poll is to be held*) and there to keep the said poll open during the hours prescribed by law and to take at the said polling place by means of the Macdonald voting machine, in the manner by law provided, the votes of the electors voting at the said polling place, and after ascertaining the number of votes given and performing the other duties required of you by law, to return to me forthwith the voting machine, having the box sealed with your seal and inclosing the list of voters, poll book, your certificate of the result of the poll and other documents required by law with this commission.

Given under my hand at this day of in the year 18 .

(*Signature.*)

Returning officer.

D.—(*Section* 7.)

Directions for the guidance of electors in voting.

The elector will receive from the deputy returning officer a voting pellet; with this he will go into the voting compartment and deposit the pellet in the circular hole through the lid in the box, in the section containing the name of the candidate for whom he wishes to vote.

The pellet remains as the elector places it until he returns from the voting compartment, when the deputy returning officer turns the crank provided, and the vote is duly registered.

If the voter fraudulenty puts anything but the pellet provided into the machine he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

E.—(*Section* 9.)

Oath of agent of a candidate or of elector representing a candidate.

I the undersigned G. H. agent (*or* elector representing) one of the candidates for the electoral district of solemnly swear (*or, if he is one of the persons entitled by law to affirm in civil cases*, solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district No. casts his vote in my presence at this election So help me God.

(*Signature*)

Sworn (*or* affirmed) before me at this day of A.D. 18 .

Returning officer or Justice of the Peace.

I.—(*Section* 21.)

Oath of messenger sent to collect the voting machines.

I of messenger appointed by returning officer for the electoral district of in the Province of do solemnly swear (*or, if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that the several voting machines to the number of now delived by me to the said returning officer have been handed to me by the several deputy returning officers at the present election for the said electoral district (*or* by *here insert the names of the deputy returning officers who have delivered the said boxes*) that they have not been opened by me or any other person and that they are in the same state as they were when

they came into my possession (*if any change has taken place the deponent shall vary his deposition by fully stating the circumstances.*)

(*Signature*)

Sworn (*or* affirmed) and subscribed before me at this day of A.D. 18 .
Justice of the Peace,
or Returning officer,
or Deputy returning officer.

J.—(*Section* 21.)

Oath of the deputy returning officer after the closing of the poll.

I the undersigned deputy returning officer for the polling district No. of the electoral district of do solemnly swear (*or, if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that, to the best of my knowledge and belief, the poll book kept for the said polling district under my direction hath been so kept correctly, and that the total number of votes polled in the said poll book is and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the polling station in the said polling district, as the said votes were taken thereat, that I have faithfully performed all duties required of me by law and that the report, poll book and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and placed within the box of the voting machine as this oath (*or* affirmation) will be, to the end that the said voting machine may be transmitted to the returning officer according to law.

(*Signature*)
Deputy returning officer.

Sworn before me at in the County of this day of 18 .
(*Signature*)
Justice of peace
or Returning officer
or poll clerk.

No. 81.

4th Session, 8th Parliament, 6

BILL.

An Act to amend the Domi
Act by providing for use
voting machines instead

First reading, April 2

OTTAWA
Printed by S. E. Daw
Printer to the Queen's most Exce
1899

No. 82.] **BILL.** [1899.

An Act to determine the length of the working day for workmen and labourers.

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

Working day to be eight hours.

1. Eight hours shall be the length of the working day for all workmen and labourers employed, either permanently or temporarily, by any person, or by any contractor or sub-contractor under him.

Penalty.

2. Every such person, contractor or sub-contractor, who has under him, or who employs workmen or labourers, and who wilfully violates the provisions of this Act, is guilty of an indictable offence, and liable to a penalty not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the Court.

No. 82.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to determine the length of the working day for workmen and labourers.

First reading, April 25, 1899.

Mr. BEATTIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

[CORRECTED COPY.]

No. 83.] **BILL.** [1899.

An Act respecting the Northern Pacific and Manitoba Railway Company.

Preamble.

WHEREAS the Northern Pacific and Manitoba 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1889, c. 58.

Time for construction extended.

1. Notwithstanding anything contained in chapter 58 of the statutes of 1889, or in any other Act, the Northern Pacific and Manitoba Railway Company, hereinafter called "the Company," shall construct the railway and branches mentioned in the said Act of 1889 within five years after the passing of this Act, otherwise the powers granted for such construction by the Acts relating to the Company shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Branch line

2. The Company may construct and operate a branch line of railway not exceeding four miles in length, and of such gauge as the Company thinks proper, from a point on the Company's line on river lot one hundred and ninety-one, in the parish of Ste. Agathe, thence westerly to a point to be fixed by the Company in section fifteen, township three, range one, east, in the province of Manitoba.

Time for construction of branch line.

3. The said branch line shall be commenced within three years and be completed within five years after the passing of this Act.

Powers apply to branches.

4. All the powers and privileges conferred by the Acts relating to the Company shall apply to the said branch lines.

No. 83.

4th Session, 8th Parliament, 62 Victoria, 1899

[Corrected Copy.]

BILL.

An Act respecting the Northern Pacific and Manitoba Railway Company.

First reading, April 26, 1899.

(PRIVATE BILL.)

Mr. RUTHERFORD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 83.] **BILL.** [1899.

An Act respecting the Northern Pacific and Manitoba Railway Company.

Preamble.

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Branch line

2. The Company may construct and operate a branch line of railway not exceeding four miles in length, and of such gauge as the Company thinks proper, from a point on the Company's line on river lot one hundred and ninety-one, in the parish of Ste. Agathe, thence south-westerly to a point to be fixed by the Company in section fifteen, township three, range one, east, in the province of Manitoba.

Time for construction of branch line.

3. The said branch line shall be commenced within three years and be completed within five years after the passing of this Act.

Powers apply to branches.

4. All the powers and privileges conferred on the Company by the said Acts shall apply to the said branch lines.

No. 83.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Northern Pacific and Manitoba Railway Company.

First reading, April 26, 1899.

Mr. RUTHERFORD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 84.] **BILL.** [1899.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company, and to change its name to the Quebec Railway Light and Power Company.

WHEREAS the Quebec, Montmorency and Charlevoix 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The name of the Quebec, Montmorency and Charlevoix Railway Company, hereinafter called "the Company," is hereby changed to "The Quebec Railway, Light and Power 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. Name changed. Existing rights not affected.

2. Section 9 of chapter 59 of the statutes of 1895 is hereby repealed, and the following is substituted therefor:— 1895, c. 59, s. 9 amended.

"**9.** The Company may, for the purposes aforesaid,— Business of Company.

(*a.*) manufacture, furnish, use and sell or lease in the city and district of Quebec, light, heat and motive power, generated from electricity, and construct, acquire, work and carry on any lines of wires, tubes or other apparatus for conducting electricity between any points in the said district, either by land or water; Electricity.

(*b.*) acquire lands, water powers and water courses, and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electrical power and energy; Lands, power, etc.

(*c.*) build power houses and stations for the development of electrical force and energy, and acquire the factories or stations of other like companies, or lease their works, equipments, appurtenances and power; Power houses. Works, etc.

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

3. The Company may carry on the business and undertaking acquired by it from the Montmorency Electric Power Company in the same manner and to the same effect as the said Power to acquire another company.

business and undertaking was carried on by the said Montmorency Electric Power Company; and the franchise, powers and privileges heretofore enjoyed by the said Montmorency Electric Power Company, in virtue of its charter, shall for the future be exercised and enjoyed by the Company.

Dams and water courses.

4. The Company may, for the purpose of utilizing water powers and water courses acquired by it, construct all necessary dams, locks and other constructions, either on the banks or in the beds of streams, and for such purpose may enter upon and survey lots adjoining or close to any water powers or water courses; provided that no such works shall interfere with navigation, or with the public right of using any stream.

Proviso.

Damages.

5. The Company shall be responsible for all damage caused by the exercise of the powers conferred by the last preceding section, and, in the event of dispute, the damages shall be ascertained in the manner provided by chapter 38 of the statutes of 1890, of Quebec.

Que., 1890, c. 38.

1895, c. 59. s. 10, s-s 4 amended.

6. Subsection 4 of section 10 of chapter 59 of the statutes of 1895 is hereby repealed, and the following is substituted therefor :—

Consent of municipalities.

"4. The powers hereby granted shall not be exercised upon any of the streets of the city of Quebec until the Company has obtained the consent of the city council, and the Company shall not lay out, construct or operate any railroad, by whatever power operated, over any of the roads under the control of the Quebec North Shore Turnpike Trust, nor along any roads belonging to the municipality, without having first obtained the consent of the trustees of the Quebec North Shore Turnpike Trust, or the municipality to which the roads so made use of belong; provided, however, that the Company may cross such roads in the manner provided by *The Railway Act* without such consent."

Subsection added.

7. Section 10 of the said Act is hereby amended by adding thereto the following subsection :—

Railway in Levis County.

"5. The Company may lay out, construct and operate, with single or double tracks, by means of electricity, or other mechanical or approved motive power, force or energy, except steam, lines of railway from some point in or near the town of Levis, in the county of Levis, passing through the parishes of St. Romuald, St. Nicholas, St. Anthony, St. Croix, Lotbinière, St. Edouard, St. Flavien, St. Agathe, St. Sylvestre, St. Elzéar, Ste. Marie, Ste. Marguerite, Ste. Claire, St. Lazare, St. Raphaël, St. Valier, St. Michel, Beaumont and St. Joseph.

S. 12, s-s 4 amended.

8. Subsection 4 of section 12 of the said Act is hereby repealed, and the following is substituted therefor :—

Existing telephone lines.

"4. The telephone powers and privileges conferred by this Act shall not be exercised within the limits of any municipality which is provided with a telephone service at the time of the passing of this Act, save and except for the purposes of the said undertaking."

9. Section 15 of the said Act is hereby amended by adding thereto the following subsection :— Section 15 amended.

"6. The Company may acquire the franchise, property, works, plant, equipment and rights of any gas or lighting Company, and thereafter may manufacture gas and other products of coal, and distribute the same, and after such purchase the Company shall enjoy all the rights and privileges, and be subject to the obligations contained in the charter of such Company." Power to acquire gas and lighting companies.

10. The Company may, within the district of Quebec, lay down, construct, erect and maintain lines of wires, tubes or other apparatus, for conducting electricity along the sides of, underneath and across any public highways, bridges or watercourses, without doing any unnecessary damage, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said highways, bridges or watercourses. Wires, etc., for electricity.

11. The acquisition of the Quebec District Railway by the Company, the deed passed for that purpose before Campbell, notary public, the twenty-ninth day of June, one thousand eight hundred and ninety-eight, [set out in schedule A to this Act,] and the issue of one million five hundred thousand dollars of bonds and twenty thousand shares of stock fully paid up to pay for the said railway and liquidate the Company's debts are hereby ratified and confirmed and declared to be valid and binding. Quebec District Railway. Agreement and bonds confirmed.

12. The acquisition of the Montmorency Electric Power Company's property by the Company, the deed passed for that purpose before Meredith, notary public, the fifteenth day of September, one thousand eight hundred and ninety-eight, [set out in schedule B to this Act] and the issue of one million dollars of bonds and five thousand shares of stock fully paid up, for that purpose, are hereby ratified and confirmed and declared to be valid and binding. Montmorency Company. Agreement and bonds confirmed.

No. 84.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company, and to change its name to the Quebec Railway Light and Power Company.

First reading, April 26, 1899.

(PRIVATE BILL.)

Mr. CARROLL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 84.] **BILL.** [1899.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company, and to change its name to the Quebec Railway Light and Power Company.

(*Reprinted as proposed to be amended in the Railway Committee.*)

WHEREAS the Quebec, Montmorency and Charlevoix 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The name of the Quebec, Montmorency and Charlevoix Railway Company, hereinafter called "the Company," is hereby changed to "The Quebec Railway, Light and Power 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. Name changed. Existing rights not affected.

2. Section 9 of chapter 59 of the statutes of 1895 is hereby repealed, and the following is substituted therefor:— 1895, c. 59, s. 9 amended.

"**9.** The Company may, for the purposes aforesaid,— Business of Company.

(*a.*) manufacture, furnish, use and sell or lease in the city and district of Quebec, light, heat and motive power, generated from electricity, and construct, acquire, work and carry on any lines of wires, tubes or other apparatus for conducting electricity either by land or water; Electricity.

(*b.*) acquire lands, water powers and water courses, and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electrical power and energy; Lands, power, etc.

(*c.*) build power houses and stations for the development of electrical force and energy, and acquire the factories or stations of other like companies, or lease their works, equipments, appurtenances and power; Power houses. Works, etc.

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

3. The Company may carry on the business and undertaking acquired by it from the Montmorency Electric Power Company in the same manner and to the same effect as the said Power to carry on business of Montmorency Company.

business and undertaking was carried on by the said Montmorency Electric Power Company; and the franchise, powers and privileges heretofore enjoyed by the said Montmorency Electric Power Company, in virtue of its charter, shall for the future be exercised and enjoyed by the Company.

Dams and water courses.

4. The Company may, for the purpose of utilizing water powers and water courses acquired by it, construct all necessary dams, locks and other constructions, either on the banks or in the beds of streams, and for such purpose may enter upon and survey lots adjoining or close to any water powers or water courses; provided that no such works shall interfere with navigation, or with the public right of using any stream.

Proviso.

Damages.

5. The Company shall be responsible for all damage caused by the exercise of the powers conferred by the last preceding section, whether any portion of the land so damaged be taken or not, and in the event of dispute the damages shall be ascertained in the same manner as is provided for determining compensation under the provisions of *The Railway Act*.

1888, c. 29.

1895, c. 59. s. 10, s-s 4 amended.

6. Subsection 4 of section 10 of chapter 59 of the statutes of 1895 is hereby repealed, and the following is substituted therefor :—

Consent of municipalities.

"4. The powers hereby granted shall not be exercised upon any of the streets of the city of Quebec until the Company has obtained the consent of the city council, and the Company shall not lay out, construct or operate any railroad, by whatever power operated, over any of the roads under the control of the Quebec North Shore Turnpike Trust, nor along any roads belonging to the municipality, without having first obtained the consent of the trustees of the Quebec North Shore Turnpike Trust, or the municipality to which the roads so made use of belong; provided, however, that the Company may cross such roads in the manner provided by *The Railway Act* without such consent."

Subsection added.

7. Section 10 of the said Act is hereby amended by adding thereto the following subsection :—

Railway in Levis County.

"5. The Company may lay out, construct and operate, with single or double tracks, by means of electricity, or other mechanical or approved motive power, force or energy, except steam, lines of railway from some point in or near the town of Levis, in the county of Levis, passing through the parishes of St. Romuald, St. Nicholas, St. Anthony, St. Croix, Lotbinière, St. Edouard, St. Flavien, St. Agathe, St. Sylvestre, St. Elzéar, Ste. Marie, Ste. Marguerite, Ste. Claire, St. Lazare, St. Raphaël, St. Valier, St. Michel, Beaumont and St. Joseph.

S. 12, s-s 4 amended.

8. Subsection 4 of section 12 of the said Act is hereby repealed, and the following is substituted therefor :—

Existing telephone lines.

"4. The telephone powers and privileges conferred by this Act shall not be exercised within the limits of any municipality which is provided with a telephone service at the time of the passing of this Act, save and except for the purposes of the said undertaking."

9. Section 15 of the said Act is hereby amended by adding thereto the following subsection :— Section 15 amended.

"6. The Company may acquire the franchise, property, works, plant, equipment and rights of any gas or lighting Company, and thereafter may manufacture gas and other products of coal, and distribute the same, and after such purchase the Company shall enjoy all the rights and privileges, and be subject to the obligations contained in the charter of such Company." Power to acquire business of gas and lighting companies.

10. Notwithstanding anything contained in any Act relating to the Company, or in any other Act, the Company may, within the district of Quebec, lay down, construct, erect and maintain lines of wires, tubes or other apparatus for conducting electricity along the sides of, underneath and across any public highways, bridges or watercourses without doing any unnecessary damage and taking care, as far as may be, to preserve a free and uninterrupted passage through the said highways, bridges or watercourses, and may set up posts for supporting such lines in and upon any public highway, and lamp posts for supplying light from electricity, and make the necessary excavations in the same for placing such poles or lamp posts ; provided such wires, apparatus, poles or posts shall not be so erected as to inconvenience the public using the highway, nor prevent free access to any building erected in the vicinity, nor interrupt navigation. Provided that the Company shall in no wise interfere with public traffic or the use of such highway ; and provided that the Company shall not erect any posts of a greater height than forty feet, nor extend wires at a lesser height than twenty-two feet, and that the posts shall be as straight and as perpendicular as possible, and shall be painted, if any by-law of the council requires it ; provided also that the Company shall not cut down or injure any tree, and provided that the opening of highways for the planting of posts or conducting wires under ground shall be made under the direction and supervision of the engineer or other officer whom the council may appoint, and in such manner as the council may prescribe, and that the surface of the highway shall, in all cases, be replaced in its former state by the Company and at its expense ; and provided further that, whenever, in the event of fire, it shall become necessary, for its extinction or in order to save property, to cut the wires, the fact that such wires have been cut under such circumstances and by the order of the engineer or other officer in charge of the fire brigade, shall not entitle the Company to any claim for compensation for the damages it may have suffered ; provided that the Company shall not be responsible to consumers of electricity for any interruption in the supply of light, arising from that cause. Power to put up wires, etc., for electricity in district of Quebec. Proviso. Use of highway. Height of posts and wires. Injury to trees. Highway to be restored. Cutting of wires. Proviso.

2. Nothing herein contained shall be interpreted as impairing or diminishing the general powers conferred upon the Company by this Act or by chapter 59 of the statutes of 1895 or chapter 59 of the statutes of 1897, but this section shall be construed as additional to such powers. Powers supplementary to 1895, c. 59, and 1897, c. 59.

11. Notwithstanding anything in any other Act contained, if the Company and the owner or occupier of any land, or the owner of any right in respect of land, which the Company requires for the purpose of erecting, maintaining or repairing any of its poles or wires, cannot agree as to the compensation in respect thereof, the Company may take such land or such right, and all the provisions of *The Railway Act* respecting the expropriation of lands shall apply to the taking of such land or such right, and the determining of the compensation therefor.

Quebec District Railway.

Agreement and bonds confirmed.

12. The acquisition of the Quebec District Railway by the Company, the deed passed for that purpose before Campbell, notary public, the twenty-ninth day of June, one thousand eight hundred and ninety-eight, [set out in schedule A to this Act,] and the issue of one million five hundred thousand dollars of bonds and twenty thousand shares of stock fully paid up to pay for the said railway and liquidate the Company's debts are hereby ratified and confirmed and declared to be valid and binding.

Montmorency Company.

Agreement and bonds confirmed.

13. The acquisition of the Montmorency Electric Power Company's property by the Company, the deed passed for that purpose before Meredith, notary public, the fifteenth day of September, one thousand eight hundred and ninety-eight, [set out in schedule B to this Act] and the issue of one million dollars of bonds and five thousand shares of stock fully paid up, for that purpose, are hereby ratified and confirmed and declared to be valid and binding.

No. 84.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company, and to change its name to the Quebec Railway Light and Power Company.

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

(PRIVATE BILL.)

Mr. CARROLL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

SCHEDULES

Referred to in Bill No. 84 respecting the Quebec, Montmorency and Charlevois Railway Company.

SCHEDULE A.

On this day, the twenty-ninth of June, in the year one thousand eight hundred and ninety-eight,

Before me, the undersigned William Noble Campbell, Notary Public for the Province of Quebec in Canada, residing in the City of Quebec,

Personally came and appeared the Quebec District Railway Company, a body corporate and politic, having its principal place of business in the said City of Quebec, herein represented by Andrew Thomson and E. Elliot Webb, both of the said City of Quebec, Bankers, the President and the Director respectively of the said Company, duly authorised for the effect hereof under a resolution adopted at a meeting of the Directors of the said Company, duly held on the seventeenth day of June instant (1898) copy of which Resolution is hereunto annexed, of the first part,

And the Quebec, Montmorency and Charlevoix Railway Company, a body corporate and politic, having its principal place of business in the said City of Quebec, herein represented by Horace Jansen Beemer, of the City of Montreal, the President, and Ernest Frederick Wurtele, of the said City of Quebec, the Secretary Treasurer of the said Company, duly authorized for the effect hereof under a Resolution adopted at a meeting of the Directors of the said Company duly held on the twenty-ninth day of June instant (1898) copy of which Resolution is hereunto annexed, of the second part.

Which said Quebec District Railway Company (hereinafter styled the vendor) did and doth hereby sell, convey and make over with warranty against all incumbrances and debts whatsoever unto the said Quebec, Montmorency and Charlevoix Railway Company (hereinafter styled the purchaser) accepting thereof as aforesaid, that is to say :—

All and every the property, real and personal, moveable and immoveable, of what kind or nature soever, belonging to and forming the assets of the said Company the vendor, including real estate, rails, sidings, branches and lines, together with all and singular the rights of way, road beds and all tracks, and all structures and buildings whatsoever, and all motor and other cars and all other rolling stock and equipment whatsoever and all machinery, tools and implements, supplies and materials and also all revenues, profits and sums of money arising or to arise from the use of the railway belonging to the said Company the vendor and hereby sold, and also all rights, powers, immunities and exemptions, plant, appurtenances, privileges and franchises of every kind, rights and claims against all individuals, parties and corporations by virtue of Deeds, Agreements, Instruments in writing or otherwise, and generally everything belonging to the said Company the vendor and used for the purposes of its railway and operations and in any way connected therewith, also the beneficial interest of any kind the said Company the vendor hath or may have in all contracts whatsoever the whole without any reserve whatsoever on the part of the said Company the vendor.

To have, hold, use and enjoy the premises hereby bargained and sold, as hereinbefore set forth and as hereinafter more particularly described unto the said Company the purchaser, to its own proper use and benefit, with possession thereof from this day.

And for the purposes of registration of these presents in part or in whole, the immoveable properties belonging to the said Company the vendor and hereby sold and conveyed may be more particularly described as follows:

1. All and every the unsubdivided portion of the lot known and designated upon the Cadastral plan and in the book of reference thereto for St. John's Ward of the said City of Quebec under the number three thousand seven hundred and fifty-five (3,755).

2. Subdivision number five of said lot number three thousand seven hundred and fifty-five (3,755-5) upon said Cadastral plan and book of reference.

3. Subdivision number thirty-six of said lot number three thousand seven hundred and fifty-five (3,755-36) upon said Cadastral plan and book of reference.

4. Subdivision number six of said lot number three thousand seven hundred and fifty-five and subdivision number thirty-five of the same lot (3,755-6 and 3,755-35) upon said Cadastral plan and book of reference.

Together with the car shed, offices and buildings on the said lots of land erected and being, circumstances and dependencies.

It is hereby declared and agreed that the premises hereby sold and conveyed shall include all and every the rights, claims, privileges, franchises and beneficial interests of every kind belonging to the said Company the vendor under and by virtue of the following Agreements, Contracts and Instruments or Writings, that is to say:

1. That certain Deed of Agreement entered into by the said Company the purchaser with the City of Quebec, bearing date at Quebec the Seventeenth of July, eighteen hundred and ninety-five, executed before Mtre. Joseph Allaire, Notary, under the number 6759 of his original deeds and the modification thereof under and by virtue of the three following deeds, to wit, Those certain Deeds bearing date at Quebec the Thirteenth of September, eighteen hundred and ninety-five, the Ninth of July, eighteen hundred and ninety-six and the Twenty-second of October, eighteen hundred and ninety-six respectively, executed before said Allaire, Notary, under the numbers 6778, 7220 and 7291 of his original deeds respectively, the said Company the purchaser having vested the said Company the vendor in all the right, title and interest of the former under and by virtue of the said Deeds as hereafter set forth.

2. That certain Deed of Agreement entered into by the said Company the vendor, the said Company the purchaser, the Montmorency Electric Power Company and the City of Quebec and bearing date at Quebec the Twenty-third of said month of October (1896), executed before said Allaire, Notary, under the number 7293 of his original Deeds, whereby the said Company the purchaser for and in consideration of the various covenants and stipulations in the said deed set forth and contained, sold, conveyed and transferred to the said Company the vendor accepting thereof, all and singular that por-

tion of their franchise duly acquired by law for the purpose of constructing and operating an electric railway in the City of Quebec and upon the St. Foye road outside the city limits together with all the right, title and interest of the said Railway Company, the purchaser in and to the four several Agreements entered into between them and the City of Quebec for the construction of the said electric road hereinafter specially referred to, the said Company the purchaser therein specially agreeing that, subject always to the terms and conditions set forth in the said deed the said Company the vendor should be and remain fully vested in all their rights in the premises.

3. That certain Deed of Sale by the Quebec Street Railway Company of its franchises and other things to and in favour of the said Company the vendor bearing date at Quebec the tenth of June last (1897) and executed before Mtre. J. A. Charlebois, Notary, under the number 5497 of his original deeds.

4. That certain Deed of Agreement between the City of Quebec and the said Company the vendor bearing date at Quebec the twenty-fifth of September last (1897) and executed before said Allaire, Notary, under the number 7717 of his original deeds.

5. That certain Deed of Agreement between the City of Quebec and the said Company the vendor bearing date at Quebec the twenty-sixth of October last (1897) and executed before said Allaire, Notary, under the number 7738 of his original deeds.

6. That certain Deed of Agreement between the said Company the vendor and Messrs. Proteau and Carignan, bearing date at Quebec the Eighteenth of October last (1897) and executed before said Charlebois, Notary, under the number 5561 of his original deeds.

7. That certain Agreement between the Municipality of Notre Dame de Quebec and said Company the vendor, bearing date at Quebec the twenty-fifth of February eighteen hundred and ninety-seven, executed before me the undersigned Notary under the number 3526 of my original deeds.

8. That certain Deed of Sale of Franchise by the St. John Street Railway Company unto the said Company the vendor bearing date at Quebec the seventeenth of May eighteen hundred and ninety-seven and executed before me the undersigned Notary under the number 3560 of my original deeds.

9. That certain Deed of Agreement between the Quebec Curling Club and the said Company the vendor bearing date at Quebec the ninth of October last (1897) and executed before me the undersigned Notary under the number 3719 of my original deeds.

10. That certain Agreement between the Canadian Pacific Railway Company and the said Company the vendor for crossing on Dalhousie and St. André Streets, executed *sous seing privé* and bearing date the twentieth of May eighteen hundred and ninety-seven.

11. That certain Contract for the conveyance of Her Majesty's Letter Carriers executed *sous seing privé* and bearing date the twenty-seventh of April last (1898).

The said Company the vendor declares that the above described immoveable property and real estate belong to it under and by virtue of the following deeds:

1. That certain Deed of Sale and Conveyance by the St. John Street Railway Company unto the said Company the vendor bearing date at Quebec the second of February eighteen hundred and ninety-seven and executed before me the undersigned Notary under the number 3517 of my original deeds.

2. That certain Deed of Sale by Mr. S. D. Poulin unto the said Company the vendor, bearing date at Quebec the tenth of April eighteen hundred and ninety seven and executed before Mtre. C A. Lafrance, Notary, under the number 1148 of his original deeds.

3. That certain Deed of Sale by "La Communauté de Religieuses de l'Hôtel-Dieu de Québec" unto the said Company the vendor bearing date at Quebec the tenth of April eighteen hundred and ninety-seven, and executed before Mtre. Cyprien Labreque, Notary, under the number 7485 of his original deeds.

4. That certain Deed of Sale by Dame Alice Dowling, widow of the late James Myler unto the said Company the vendor, bearing date at Quebec the First of September, eighteen hundred and ninety-seven and executed before Mtre. J. A. Charlebois, Notary, under the number 5532 of his original deeds.

The present Sale is made subject to all rights, rents, dues and charges for which the said property is or may be liable.

The present Sale is also made for and in consideration of the price or sum of five hundred and fifty-one thousand five hundred and sixty-seven dollars and eight cents ($551,567.08), the receipt of which the said Company the vendor doth hereby acknowledge at and before the execution of these presents, whereof General and Final Discharge.

And for the effect of the present Sale, Conveyance, Transfer and Assignment the said Company the vendor doth hereby put, substitute and subrogate the said Company the purchaser in the place and stead of it the said Company the vendor and in all its rights, title, claim, interest and demand, privileges and hypothecs for and respecting the premises and did and doth hereby constitute and appoint the said Company the purchaser to be its true and lawful attorney irrevocable, with full power and authority to use the name of the said Company the vendor, but at the cost, risk and expense of the said Company the purchaser, and to ask, demand, sue for, recover and receive from all and every person or persons, corporations, companies and institutions, the premises hereby assigned and all matters and things connected therewith and dependent thereon, and to transact, compound, acquit, release and discharge for and respecting the same. And generally all the matters and things whatsoever necessary to do and perform as fully and amply to all intents and purposes as the said Company the vendor might or could do if personally present, hereby ratifying, allowing and confirming and agreeing to ratify, allow and confirm all and whatsoever the said Company the purchaser shall lawfully do or cause to be done by virtue hereof.

And it is agreed by and between the parties hereto that the said Company the vendor shall and will from time to time and at all times hereafter at the request of the said Company the purchaser, make, do and execute every such further and other reasonable act, deed or deeds as may be necessary for the

further and better and more effectually conveying, assigning and assuring unto the said Company the purchaser the premises hereby sold, assigned and transferred.

Thus done and passed at the said City of Quebec in the office of me the said Notary under the number Three thousand eight hundred and fifty.

In witness whereof the said parties have signed these presents with me the said Notary, the same being first duly read according to law.

A. THOMSON,
President.
E. E. WEBB,
Director Quebec District Ry. Co.
H. J. BEEMER,
President.
ERNEST F. WURTELE,
Secretary-Treasurer Quebec, Montmorency and Charlevoix Ry. Co.
W. NOBLE CAMPBELL,
Notary Public.

Moved by E. W. Methot,
Seconded by Hon. Judge Chauveau,
Resolved,

That Mr. Andrew Thomson, President, and Mr. E. E. Webb be authorized and full and complete powers are hereby given to them to take such measures and to sign and execute such deed or deeds on behalf of this Company as may be necessary to convey and transfer to the Quebec, Montmorency and Charlevoix Railway Company all their property, rights and franchises as fully as the Board of Directors were themselves authorized so to do, by Resolution passed at a Meeting of the shareholders held on the Twelfth day of May, 1898, and they are hereby specially empowered to execute the draft deed of trust between the Quebec District Railway Company, of the first part, the Quebec, Montmorency and Charlevoix Railway Company, of the second part, and themselves, the said Messrs. Thomson and Webb, acting as Trustees therein, parties of the third part, the said deed now submitted and identified by the President Secretary.

Certified to be a true Extract from the Minutes of a meeting of the Board of Directors of the Quebec District Railway Company held at Quebec on the Seventeenth day of June, 1898.

J. R. H. WHITE,
Sec.-Treas. Q. D. Ry. Co.

This is the copy of the Resolution of the Quebec District Railway Company referred to in the deed of sale and conveyance to which the present is annexed, dated at Quebec this twenty-ninth day of June, one thousand eight hundred and ninety-eight.

A. THOMSON,
E. E. WEBB,
A. J. BEEMER,
ERNEST F. WURTELE.
W. NOBLE CAMPBELL,
Notary Public.

Extract from the proceedings of a Meeting of the Directors of the Quebec, Montmorency and Charlevoix Railway Company held in the City of Quebec on Wednesday the 29th day of June, 1898, at 2 p.m.

The Draft Deed transferring the Quebec District Railway Company to the Quebec, Montmorency and Charlevoix Railway Company was laid before the Board.

Moved by Mr. J. T. Ross,
Seconded by Mr. T. A. Piddington,
That the President and Secretary-treasurer of the Company be and they are hereby authorized to sign and execute the same and do such further acts as may be necessary in the premises.—Carried.

Certified correct.

ERNEST F. WURTELE,
Secretary-Treasurer.

This is the copy of the resolution of the Quebec, Mont morency and Charlevoix Railway Company, referred to in the deed of sale and conveyance to which the present is annexed, dated at Quebec this twenty-ninth day of June, one thousand eight and ninety-eight.

A. THOMSON,
E. E. WEBB,
H. J. BEEMER,
ERNEST F. WURTELE.
W. NOBLE CAMPBELL,
Notary Public.

SCHEDULE B.

Before me, Edward Graves Meredith, the undersigned Notary Public for the Province of Quebec in the Dominion of Canada, residing at the City of Quebec in the said province, came and appeared :—

The Montmorency Electric Power Company, a body politic duly incorporated by an Act of the Legislature of the Province of Quebec passed in the forty-fourth and forty-fifth year of Her Majesty's reign, amended by an Act of the said Legislature passed in the fifty-sixth year of Her Majesty's reign, and having its head office in the said City of Quebec, hereto represented by Henry Turner Machin of the said City of Quebec, the vice-president of the said Company, duly authorized for the purposes hereof under and in virtue of a resolution passed at a meeting of the directors ef the said Company held at the said City of Quebec on the fourteenth day of September [1898] a copy of which said resolution is hereto annexed marked "A" and signed by the parties hereto and by me the said Notary for identification.

Party of the first Part—hereinafter sometimes called the Vendor.

And the Quebec, Montmorency and Charlevoix Railway Company, a body politic duly incorporated by an Act of the Legislature of the Province of Quebec, forty-four and forty-five Victoria and amendments, and declared to be a body politic and corporate within the legislative authority of the Parliament of Canada by a certain Act fifty-eight and fifty-nine Victoria, Chapter 59, hereto represented by Horace Jansen Beemer of the City of Montreal, the president of the said Company, and Ernest Frederick Wurtele of the said City of Quebec, the Secretary treasurer of the said Company, duly authorized for the purposes hereof by a resolution passed at a meeting of the directors of the said Company held at the City of Quebec on the twelfth day of September instant [1898] a copy of which said resolution is hereto annexed marked "B" and signed by the said parties and by me the said Notary for identification.

Party hereto of the second Part—hereinafter sometimes called the Purchasers.

Which said parties have declared, covenanted and agreed together in the manner following, that is to say :—

Whereas the said Quebec, Montmorency and Charlevoix Railway Company by the said Statute 58 and 59 Victoria, Canada, Chap. 59, is authorized to acquire lands and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy and build and maintain power houses and stations for the development of electrical force and energy, and buy or lease the factories or stations of other like companies or lease their works, equipments and appurtenances, and also to purchase or lease the works, buildings, plant and machinery of the said Montmorency Electric Power Company provided that such purchase has been first sanctioned by two thirds of the votes at a general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person

or represented by proxy, and that such purchase has also secured the approval of the Governor in Council.

And whereas it is enacted by the Act 58 & 59 Vic., Chap. 59 as amended by the Act of the Parliament of Canada 60–61 Vic., Chap. 59 as follows: "The Company may make and issue in the manner provided by and subject to the provisions of *The Railway Act*, Bonds not exceeding in the whole thirty thousand dollars per mile of single track of its railway, extensions, branches, and sidings, constructed or under contract to be constructed, and may secure such bonds in the manner provided by *The Railway Act*" the said amendment by the said Act 60–61 Vic., Chap. 59, section 2, being as follows: "Provided that in the event of the Company acquiring the property of the Montmorency Electric Power Company, as provided for in subsection three of section fifteen of this Act the Company make and issue bonds, debentures or other securities to an amount not exceeding four million dollars, made up of the following, that is to say: an issue at the said mileage rate for at least seventy-five miles of the portions of its railway described in section twenty-three of this Act then constructed or under contract to be constructed, and the balance of the said issue of four million dollars to be in respect of the purchase of the property of the said Power Company and of the development and improvement thereof and of the other property of the Company."

And whereas the Quebec, Montmorency and Charlevoix Railway Company has issued Bonds secured upon the mileage of its railway to an amount of one million five hundred thousand dollars.

Whereas the said Quebec, Montmorency and Charlevoix Railway Company did on the eleventh of June last, [1898], before W. N. Campbell, Notary Public at Quebec, execute a Deed of Trust and Mortgage in favour of The Montreal Trust and Deposit Company whereby all the property of the said Quebec, Montmorency and Charlevoix Railway Company was conveyed to the said Montreal Trust and Deposit Company, to secure the payment of the bonds so issued, in principal and interest.

Whereas it was stipulated by the said Deed of Trust and Mortgage as follows in section 38 of said Deed: "Any provi-
"sion in this Deed to the contrary notwithstanding the Railway
"Company shall be entitled to issue gold mortgage Bonds of
"similar tenor to those hereinbefore set forth, affecting *pari-*
"*passu* with them all the mortgaged premises in the event
"only and to the extent only hereinafter set forth."

"1. In the event of the Railway Company acquiring, as
"entitled under its Charter the franchise and property of the
"Montmorency Electric Power Company, it may issue bonds
"to an amount not exceeding two thirds of the actual purchase
"price or of the reasonable value of such property, which ever
"may be lowest."

Whereas the said Montmorency Electric Power Company by the said Act 44–45 Vic., Chap. 71, is empowered to sell or otherwise dispose of its business, property or undertaking or any part thereof for such consideration as the Company may think proper.

Whereas the said Quebec, Montmorency and Charlevoix Railway Company on the twelfth day of August last [1898] offered to purchase the property, plant and undertaking of the said Montmorency Electric Power Company upon the terms and conditions hereinafter set forth, and whereas on the sixteenth day of August last [1898] the said Montmorency Electric Power Company accepted the said offer.

Now therefore in order to carry out the said agreement and to give effect to the said Sale, the said Montmorency Electric Power Company doth hereby declare to have sold, assigned, transferred, conveyed and made over, as by these presents it hereby sells, transfers, assigns, conveys and makes over with warranty against all mortgages, hindrances and troubles whatsoever, save and except as hereinafrer provided, to the said Quebec, Montmorency and Charlevoix Railway Company accepting thereof for themselves, their assigns and legal representatives, all the property, moveable and inmoveable, works, buildings, plant, machinery, good-will and assets generally of the said Montmorency Electric Power Company, save as hereinafter mentioned, and more specially the immoveable property of which the following is a description, that is to say :—

1. A certain lot of land known as lot number five hundred and eighty eight [588] upon the Official Cadastral Plan and in the Book of Reference thereto for St. Roch Ward of the said city of Quebec, being a lot of land on Prince Edward Street, with a right of passage upon the lot number five hundred and eighty-nine, to the north, upon the said Cadastral Plan for St. Roch Ward, as acquired by the said Montmorency Electric Power Company from Dame Elizabeth Lirette Plamondon widow of the late J. J. Plammondon, by deed of sale passed before E. G. Meredith, Notary Public at Quebec on the ninth of June eighteen hundred and ninety-three, registered at Quebec on the fifteenth day of the same month under the No. 90,109 ; which said lot is subject to the constituted rents mentioned in said deed.

2. A certain lot of land situated in the city of Quebec on the north side of Queen Street, measuring fifty-eight feet two inches in front on said Queen Street and fifty-three feet four inches in front at the depth of said lot, on the depth that there may be starting from said Queen Street and running north as far as the line D. E. dividing the said land from the lots numbers Five hundred and eighty-eight and part of said lot number Seven hundred and eighteen of said Cadastre, the said lot of land hereby sold being marked with the letters A. B. C. D. E. F. G. and H. upon a certain plan drawn by E. Lefrançois, land surveyor, and annexed to a deed of sale by which the said Montmorency Electric Power Company purchased the said land from W. H. Duval, passed before P. E. E. Bélanger, Notary Public at Quebec on the twelfth day of October eighteen hundred and ninety-four and registered at Quebec on the nineteenth day of the same month under the No. 92,899.

3. All the rights of property, claim, title and interest whatsoever acquired by the said Montmorency Electric Power Company from Herbert Molesworth Price by Deed of Sale from the latter to the former passed before W. N. Campbell,

Notary Public, at Quebec, on the twenty-second day of October, eighteen hundred and ninety-four, registered in the Registry Office for the County of Montmorency on the eighth day of November of the same year, under the No. 5154, and registered in the Registry Office for the Registration Division of Quebec on the tenth day of November, eighteen hundred and ninety-four [by extract], under No. 93,011, and specially the said Montmorency Electric Power Company hereby assigning and transferring unto the said Quebec, Montmorency and Charlevoix Railway Company the unexpired term of a certain Lease made to the said Herbert Molesworth Price by the Seminary of Quebec, passed before L. P. Sirois, Notary Public, at Quebec on the thirty-first of October, eighteen hundred and ninety-two, and the said Montmorency Electric Power Company, doth sub-lease to the said Quebec, Montmorency and Charlevoix Railway Company the property described in said Lease and in said Sale of the twenty-second day of October, eighteen hundred and ninety-four, and subrogates the said Quebec, Montmorency and Charlevoix Railway Company in all its rights and privileges under the said Lease and under the said Sale, including fishing rights and including the rights of renewal as set forth in said Sale, subject to the payment of the rent and other conditions and the obligations mentioned in said Lease; the said Montmorency Electric Power Company also assigning, transferring and making over to the said Quebec, Montmorency and Charlevoix Railway Company hereof accepting all and every the rights and privileges acquired by the said H. M. Price under and by virtue of a certain Deed of Cession bearing date at Quebec and Beauport the seventeenth of December, eighteen hundred and ninety-two, passed before Ed. O'Brien, Notary Public at Beauport, from one Etienne Garneau and the other parties of the first part therein named, said rights and privileges being with respect to the raising of a certain dam and fishing and other rights as in the said Deed more particularly mentioned and affecting the following described properties :

All those lots of land designated upon the Cadastral Plan and in the Book of Reference thereto for the Parish of Beauport and described in said Deed as follows, that is to say : Part of lot number Two hundred and thirty-five, lots numbers Two hundred and thirty-five A, Two hundred and thirty-seven, Two hundred and thirty-eight, Two hundred and thirty-nine, Two hundred and fifty-six, Two hundred and fifty-seven, Two hundred and fifty-eight, Two hundred and fifty-nine, Two hundred and seventy-seven, Two hundred and fifty-three, Two hundred and fifty-four, Two hundred and forty-four, Two hundred and eighty-one, Two hundred and eighty-three, Two hundred and forty-eight, Two hundred and forty-nine, Two hundred and fifty-one, Two hundred and fifty-two, Two hundred and forty, Two hundred and forty-seven, Two hundred and sixty-nine, Two hundred and seventy-six, Two hundred and seventy-nine, Two hundred and sixty-six, Two hundred and sixty-seven, Two hundred and sixty-eight, Two hundred and seventy-five, Three hundred and twenty-nine, Three hundred and twenty-eight, and Two hundred and forty-two [235, 235 A, 237, 238, 239, 256, 257, 258, 259, 277, 253, 254, 244, 281, 283, 248, 249, 251, 252, 240, 247, 269, 276, 279, 266, 267, 268,

275, 329, 328 and 242]. And the said Herbert Molesworth Price declaring in said Deed that the height of the crest of the said dam [known as the "Camp Dam"] had been determined and established by W. A. Ashe, P.L.S., as shown in and by a certain Official report and Plan made by the said W. A. Ashe, and bearing date at Quebec, the twenty-first of January Eighteen hundred and ninety-three.

And also all the rights acquired from the said H. M. Price by the said Montmorency Electric Power Company by Deed of Sale passed before W. N. Campbell, Notary Public, on the nineteenth of January Eighteen hundred and ninety-five, registered at Quebec on the 4th of March of the same year under the No. 93,666, and specially all the rights acquired by the said Deed in and to the lots numbers Two hundred and thirty-four and Two hundred and thirty-five upon the Cadastral Plan for the said Parish of Beauport, including the beach lot in front of said numbers.

The said Montmorency Electric Power Company further selling to the said Quebec, Montmorency and Charlevoix Railway Company those certain lots of land acquired from Pierre Ferdinand Giroux by the said H. M. Price and known as parts of lot number Three hundred and twenty-nine [329] upon the Official Cadastral Plan for the said Parish of Beauport, and the right to cut and remove all the wood of any kind or quality or of any dimension whatsoever, whether merchantable or unmerchantable, whether standing or cut or lying on the ground, which may be found on a certain piece of land in the said Parish of Beauport and known under the number two hundred and forty-one [241] upon the Cadastral Plan for the said Parish of Beauport.

The said Montmorency Electric Power Company hereby further selling to the said Quebec, Montmorency and Charlevoix Railway Company hereof accepting, certain lots of land known as part of lots numbers Two hundred and eleven, Two hundred and seven, Two hundred and six, Two hundred and five, Two hundred, and as lot number Two hundred and seventeen, part of lots numbers Two hundred and fifty-two, Two hundred and forty-eight, Two hundred and fourteen, Two hundred and forty-seven, lot number Two hundred and eighty-eight, the undivided eleven-fifteenths of lot number Two hundred and eighty-five, two undivided thirds in lot number Two hundred and eighty-four, the undivided eleven-twelfths of part of lots numbers Two hundred and eighteen, Two hundred and nineteen, Two hundred and twenty, Two hundred and twenty-one, Two hundred and twenty-two, Two hundred and twenty-three, Two hundred and twenty-four and Two hundred and twenty-five, part of lots numbers Two hundred and fifty-four, Two hundred and fifty-three, Two hundred and fifty-nine, Two hundred and sixty-three and Two hundred and forty-nine upon the Official Cadastral Plan and in the Book of Reference thereto for the Parish of L'Ange Gardien in the County of Montmorency, as more fully described in the said Deed of Sale of the said twenty-second of October, Eighteen hundred and ninety-four, and in the Deeds by which the said H. M. Price acquired the same and which are also mentioned in the said last mentioned Deed of Sale; the said Quebec, Montmorency and Charlevoix Railway Company being hereby

substituted and subrogated in all the rights, title, interest and privileges of the said Montmorency Electric Power Company resulting from that Deed of Sale.

The said Montmorency Electric Power Company hereby further selling and conveying to the said Quebec, Montmorency and Charlevoix Railway Company hereof accepting, the real estate, property and premises, with the dwellings, private residences and other buildings thereon erected, together with the Leases of certain parts of the said real estate and property as hereinafter set forth, and all the rights, claims and demands and possession of the said Vendors in and upon the said real estate, property and premises [which is known to the said parties hereto as The Montmorency Property] and Leases and all the dependencies and appurtenances thereunto belonging, without any reserve or exception, of which the following is a description, that is to say :—

COUNTY OF QUEBEC, PARISH OF BEAUPORT.

All those certain lots parcels of land, situate, lying and being in the Parish of Beauport in the Province of Quebec, of which the following is a description, that is to say :—

Twenty-three feet of land in front by the depth that there may be to be taken from the land adjoining to Dame Veuve Giroux to about fifty feet of the Queen's highway to the one of the said Peter Patterson along the River Montmorency, joining on the south-west and north-east to the said widow Giroux.

Twenty-eight feet of land in front by the depth that there may be to be taken from the land of the said widow Giroux to about fifty feet of the Queen's highway to the one of the said Peter Patterson, joining along the River Montmorency, on one side to the south-west to the said widow Giroux and on the other side to the north-east to Jean Vachon as the whole now is, its circumstances and dependencies, acquired from François Hebert dit Lecompt and Emelie Dupras, his wife, to the said Peter Patterson passed before A. Campbell and his colleague Notaries on the fourteenth of April, Eighteen hundred and forty-eight. And which said above described lots or pieces of land are now shown and distinguished as being the north part of lot number sixty-seven upon the Official Cadastral Plan and in the Book of Reference thereto for the Parish of Beauport in the County of Quebec.

A certain lot of land situated in the said Parish of Beauport in the first range marked on Ware's plan [hereinafter referred to] as Number Nine [No. 9] and another lot of land in the said range marked on the said plan as Number eleven, acquired under and by virtue of a certain Deed of Exchange between Peter Patterson and Jacques Garneau and Dame Marie Bureau dated the eleventh of July Eighteen hundred and thirty-seven, passed before A. Campbell, Notary, and which said two lastly described lots or pieces of land are now known and distinguished as being the north-west part of lot Number One upon the Official Cadastral Plan and in the Book of Reference thereto for the said Parish of Beauport.

A certain lot and circuit of land situated and being in the first range of the said parish of Beauport, being lot number

two on the plan deposited in the office of the Notary hereinafter mentioned, bounded to the North by the River Montmorency, to the South by a line drawn by Wm. Ware, Surveyor, above the top of the Cape, and running North twenty-one degrees West, to the South-East, by the lot number one, belonging to one named Bolduc, and to the North-West by lot number three, belonging to J. Vachon, the whole containing a superficies of forty-three and a-half perches; the said lot having thirty-six feet or two perches in width, by twenty-one perches and three quarters in depth, forming the superficies aforesaid. Acquired under and by virtue of that deed of sale from J. B. Grenier to the said Peter Patterson, dated the seventh of November eighteen hundred and forty-three, and passed before A. Campbell and colleague Notaries, and which said lastly above described lot or parcel of land is now known and distinguished as forming the North-West part of the lot number one hundred and eighty-nine, upon the Official Cadastral plan and in the book of reference thereto for the Parish of Beauport, in the said County of Quebec

A certain lot of land of an irregular form situated in the said Parish of Beauport, marked number nine on the plan hereinafter mentioned, and containing five arpents and seventy-five perches in superficies, situated and being on the South-West Shore of the River Montmorency, and to the South-West of Joseph Thomas Grenier, to the North-West of Pierre Latouche, to the North-East to the River Montmorency, and to the South-East to the land of François Grenier, sold to the said Peter Patterson on the twenty-second December eighteen hundred and forty-seven, the said lot being more amply described on the plan and *procès verbal* annexed to the deed of sale from Alexandre Tessier dit Laplante to the said Peter Patterson, on the said twenty-second day of December before the Notaries hereinafter mentioned.

And which said above described lot or parcel of land is now known and distinguished as forming the North-West part of the lot one hundred and eighty-nine A (199 A) upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

A certain lot of land situated in the said Parish of Beauport, (marked No. 2 on the plan), containing three perches and two feet in front, by twelve perches and twelve feet in depth on the South-East line of the said land, and one arpent on the North-West line, forming a superficies of thirty-seven perches and eighty feet, bounded in front to François Grenier, hereinafter mentioned, and in rear to the North-East to the River Montmorency, on one side to the South-East, to the land of Alexandre Tessier, sold to said Peter Patterson by deed before A. Campbell, Notary, on the twenty-second of December eighteen hundred and forty-seven, and on the other side to the North-West, by Joseph Thomas Grenier the whole more fully designated on the plan and Procès Verbal, annexed to the said deed of sale, as the whole now is, with its members and appurtenances. And which said lastly above described lot of land is now known and distinguished as forming the North West part of the lot number one hundred and eighty-nine A (189 A), upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

A certain lot of land situated in the first range of the said parish of Beauport, being lot No. 4 on the plan deposited in the office of the Notary hereinafter mentioned) bounded to the North by the River Montmorency, to the South by a line drawn by Wm. Ware, Suveyor, on the top of the Cape, and running North 21° West, to the South East by lot number three (No. 3), belonging to J. Vachon, and to the North West by the lot number five (No. 5), belonging to François Laplante, containing a superficies of forty-six and a quarter perches, the said lot having two perches in width, by twenty-three perches and two feet in depth, forming a superficies as above.

And which said lastly above described lot of land is now known and distinguished as forming the North West part of lot number one hundred and eighty-nine (189), upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

Another lot of land situate in the same place (being lot number eight (8) on the said Plan), bounded to the North by the said river Montmorency, to the South by the said line drawn by the said Wm. Ware, Surveyor, on the top of the Cape and running North 21° West, to the South East by lot number seven (7) belonging to A. Laplante, and to the North West by Alexander Laplante, containing eighteen perches and one foot in depth, by ten perches in width upon the said plan, with the exception of two perches of front, joining to the said Alexander Laplante, which is reserved by Edward Laplante, for himself, his heirs and assigns in perpetuity, for his and their use, upon the whole depth of the said lot.

And which said lastly above described lot of land is now known and distinguished as forming the South East part of the lot number one hundred and eighty-nine A (189 A), upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

A certain lot of land situate in the first range of the said Parish of Beauport, being lot number six upon the plan deposited in the office of the said Notary (A. Campbell), bounded to the North by the River Montmorency, to the South by a line drawn by Wm Ware, Surveyor, on the top of the Cape, and running North 21° West, to the South East by lot number five belonging to François Laplante, and to the North West by the lot number seven, belonging to Antoine Laplante the whole containing a superficies of eighty perches, the said lot having four perches in width by twenty in depth, forming the superficies aforesaid, together with its circumstances and dependencies, as acquired under and in virtue of a deed of sale by Abraham Giroux and Angélique Laplante, his mother, to the said Peter Patterson, dated the seventh of November, eighteen hundred and forty-three and passed before A. Campbell and colleague, Notaries. And which said lastly above described lot of land is now known and distinguished as forming the north west part of the lot number one hundred and eighty-nine (189), upon the Official Cadastral plan and in the book of reference thereto for the said parish of Beauport.

A certain lot of land situated in the first range of the said parish of Beauport, being lot number five (5), on the plan deposited in Mtre. Campbell's office, bounded to the north by

the River Montmorency, to the south by a line drawn by said Wm. Ware, on the top of the Cape, and running north 21° degrees west, to the south east by the lot number four (4) belonging to Edward Laplante, and to the north west by lot number six (6), belonging to Abraham Giroux, and widow Pierre Giroux, the whole containing a superficies of eighty-six perches and two thirds of a perch; the said lot having four perches in width, by twenty-one perches and two thirds of a perch in depth, together with its members and appurtenances.

And which said lot of land is now known and distinguished as forming the north west part of the lot number one hundred and eighty-nine, upon the Official Cadastral plan and in the book of reference thereto for the said parish of Beauport.

A certain lot or tract of land situated in the said parish of Beauport, at the place called "Montmorency Falls," bounded on one side towards the south, by the property of Edward Laplante, where the said lot extends two perches and eight feet in front, namely, from point A to B on the plan of the said lot annexed to the deed of sale, on one side towards the west by the property acquired from Joseph Giroux, on which said side the said lot has or extends two arpents, five perches and sixteen feet from B to C, towards the north by the property of the vendors, at which end, from C to B, it has or extends three perches, twelve feet, and towards the east from D to A, the said lot bounded by the high road and containing seventy-nine perches, thirty-four feet in superficies.

And which said above described lot or parcel of land is now known and distinguished as forming the north-west part of lot number one (No. 1) upon the official cadastral plan, and in the book of reference thereto for the said parish of Beauport.

Seven perches of land in front by the depth there may be from the king's highway to the land of the purchaser, and situated in the parish of Beauport at the place called "The Falls," on the north side of the king's highway, joining on one side towards the south-west, to the land of Charles Giroux, and on the other side towards the north-east, bounded partly by the land of J. B. Binet, and partly by the property of the purchaser.

Another lot of land situated in the same place, on the south side of the road, containing three perches in front by about five perches in depth, or thereabout, bounded in front by the high road, and in the rear and towards the north-east by the property of the purchaser, and towards the south-west by J. Bte. Giroux and Pierre Grenier, together with its members and appurtenances.

And which said two lastly above described lots of land are now known and distinguished, the first as forming the north-west part, and the second as forming the south-west part of lot number one upon the official cadastral plan, and in the book of reference thereto for the parish of Beauport aforesaid.

A certain piece or parcel of land or emplacement situated in the said parish of Beauport, containing four perches in front by five perches and one-half perch in depth, bounded in front by the highway, in rear at the end of the said depth to the land of dame widow Joseph Giroux, on one side to the north-east by Pierre Desjardins, and on the other side to the south-

west by the said widow Giroux, together with the house built of stone thereon constructed, its members and appurtenances.

And which said above described lot of land is now known and distinguished as forming the south-west part of lot number one, upon the official cadastral plan, and in the book of reference thereto for the parish of Beauport aforesaid.

A lot of land situated in the parish of Beauport, in the neighbourhood of the Falls of Montmorency, containing eight perches in front, more or less, if the same may be found, by eight perches in depth, bounded in front by the road along the beach, in rear by Louis Giroux, on the north-east side by a road reserved for Pierre Giroux, and on the south-west side by another lot belonging to Townsend, together with a stone house of two stories high thereon erected, its members and appurtenances.

And which said lastly above described lot of land is now known and distinguished as forming the south-east part of lot number one (1) upon the official cadrastral plan and in the book of reference thereto for the parish of Beauport aforesaid.

A lot of land situate, lying and being in the seigniory of Beauport, near the Falls of Montmorency, containing all such ground as may be found within the boundaries hereinafter mentioned, to wit : in front to the south to a lot belonging to the purchaser, in rear by the other half of the said lot belonging to the purchaser, on the west side by the *Côte à Courville*, and on the east side of the *ruisseau* by one McLeod, the said above described lot being one half of the lot purchased by Michael Connolly from Benjamin Miville.

And which said lastly above described lot of land is now known and distinguished as forming the north part of the lot number fifty-four upon the official cadastral plan and in the book of reference thereto for the parish of Beauport aforesaid.

A certain lot or piece of land situate and being in the parish of Beauport, near the " Falls of Montmorency " of nine feet, French measure, in front, on the line of high water mark on the beach belonging to the said Peter Patterson, by the depth that there may be, thence to a stream or *ruisseau* dividing the said lot or piece of land from the land of Jacques Garneau, bounded on one side towards the east by Joseph Lacombe, and on the other side towards the west by the said Peter Patterson ; together with all and singular the appurtenances and dependencies thereunto belonging or appertaining, and all the right, title and interest, property, claim and demand, whatsoever, both at law and in equity.

And which said lastly above described lot of land is now known and distinguished as being the south-west part of the lot number one (1) upon the official cadastral plan and in the book of reference thereto for the parish of Beauport aforesaid.

A certain lot or circuit of land situated in the first range of the said parish of Beauport, (lot number one on the plan deposited in the office of A. Campbell, Notary), bounded to the north by the River Montmorency, to the south by a line drawn by Wm. Ware, surveyor, on the summit of the Cape and running north twenty-one degrees west, towards the south-east to the present purchaser, and towards the north-west by the lot number two belonging to Jean Grenier, the whole containing in superficies forty-two and six feet, said lot having thirty-six feet or two perches in width, by three hundred and

eighty-one feet in depth, forming the aforesaid superficies, as the whole now is, its members and appurtenances.

And which said lastly above lot of land is now known and distinguished as being the central part of the lot number one hundred and eighty-nine (189) upon the official cadastral plan and in the book of reference thereto for the parish of Beauport aforesaid.

A certain lot of land situated in the said Parish of Beauport, in the first range, marked number thirty-four on Ware's plan, deposited in the office of A. Campbell, Notary, the said lot containing six perches and three feet in front by twenty perches and five feet in depth, forming a superficies of one hundred and fifty-three perches, bounded in front by the river Montmorency, close to the land of the said Peter Patterson, at "Montmorency Falls," and as the said lot is more fully designated on the plan; and which said lastly above described lot of land is now known and distinguished as being the central part of the lot number one hundred and eighty-nine (189) upon the Official Cadastral plan and in the book of reference thereto for the Parish of Beauport aforesaid.

A certain lot of land situated in the Parish of Beauport in the first range, (marked number thirty-three on Wm. Ware's plan) containing three perches in front by twenty-three perches in depth, forming a superficies of sixty-nine perches bounded in front by the river of the Falls of Montmorency, close to Mr Patterson's property at the said Falls, and as the said lot is more particularly designated on the said plan.

And which said lastly above described lot of land is now known and distinguished as being the central part of the lot number one hundred and eighty-nine, upon the Official Cadastral plan and in the book of reference thereto for the Parish of Beauport.

A certain lot of land situated in the said Parish of Beauport, in the first range, (marked number thirty-two on Ware's plan) containing one perch in front, by twenty-two perches in depth, more or less, forming a superficies of twenty-two perches; the said lot being bounded in front by the river Montmorency.

And which said lastly above described lot of land is now known and distinguished as forming the central part of the lot number one hundred and eighty-nine, upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

The lots numbers twenty-one (21), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), and thirty-four (34), mentioned and designated on a certain plan annexed to a certain deed of declaration and agreement between Alexandre Tessier *dit* Laplante and *alias*, and Peter Patterson, dated the twenty-first day of June eighteen hundred and thirty-nine, and executed before A. Campbell and colleague, Notaries; it being agreed thas the fencing separating the said lots should be make at the cost of the said Peter Patterson.

And which said lastly above described lots of land are now known and distinguished as being part of the lot one hundred and eighty-nine upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

That certain lot of land situated in the said Parish of Beauport, in the first range, (marked number thirty-one on Ware's Plan) said lot containing two perches and fifteen feet by twenty-one perches in depth forming a superficies of fifty-nine perches, bounded in front by the River Montmorency; and which said lastly above described lot of land is now known and distinguished as being the central part of the lot number one hundred and eighty-nine, upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

That certain lot of land situated in the first range of the said Parish (marked thirty on Ware's Plan) containing seven perches in front by nineteen perches in depth, forming a superficies of one hundred and thirty-three perches, bounded in front by the River Montmorency.

That certain lot of land situated in the first range of the said Parish of Beauport (marked twenty-nine on Ware's plan) containing one perch and fifteen feet in front, by seventeen perches in depth, more or less, containing a superficies of thirty perches, bounded in front by the River Montmorency.

That certain lot of land situate in the first range of the said Parish of Beauport (marked number twenty-eight on Ware's Plan), the said lot containing six perches and three feet in front, by fourteen perches and seven feet in depth, more or less, containing a superficies of ninety perches, bounded in front by the River Montmorency.

That certain lot of land consisting of two lots situated in the first range of the said Parish of Beauport (marked twenty-five and twenty-seven on Ware's plan) the said lot number twenty-five containing three perches and nine feet in front by ten perches in depth, forming a superficies of twenty-five perches, the second lot (number twenty-seven,) containing four perches and sixteen feet in front and eleven perches in depth, forming a superficies of fifty-three perches, the said lots bounded in front by the River Montmorency.

Those two lots of land situated in the first range of the said Parish of Beauport (marked twenty-four and twenty-six on Ware's plan) the said lot number twenty-four containing twenty-eight feet in front, and nine feet in depth, more or less, forming a superficies of fourteen perches, the second (being the lot twenty-six) containing ninety-three feet in front, by ten perches in depth, forming a superficies of thirteen perches, the said lots bounded in front by the River Montmorency.

Those two lots of land situated and being in the first range of the said Parish of Beauport, (marked twenty-one and twenty-three on Ware's plan,) the first lot (21) containing two perches in front, by nine perches and five feet in depth, more or less, forming a superficies of twenty-one perches; the second lot (23) containing two perches and fifteen feet and ten inches and a half in front, by nine perches five inches in depth, forming a superficies of twenty-one perches, the said lots bounded in front by the river Montmorency; and which said six lastly above described lots or parcels of land are now known and distinguished as forming the South East part of the lot number one hundred and eighty-nine, upon the official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

That certain lot of land situated in the said Parish of Beauport, of about four perches in front, to be taken from the barn of the land of the vendor, continuing on to the river Montmorency, bounded on one side to the North East by the said Peter Patterson, to the South West by the land of Widow Giroux, in rear by the said river, and in front by the said barn, its members and appurtenances ; with the reserve in favor of the said vendor of the right to pass over the said lot to repair the said barn.

That certain lot of land (marked number eighteen on Ware's plan) in the first concession of the said Parish of Beauport, containing seven perches and three and a half feet in width, by eighty-six perches and three hundredths of a perch in depth, forming six arpents twenty-one perches, bounded to the West by Charles Giroux, to the East by the Purchaser, and to the South by the Vendors, and to the North by the Montmorency river, starting from the foot of the cape, from the river Montmorency, to a line which divides two large rocks, marked numbers one and two, at the foot of the hill.

A certain lot of land situated in the said place and range, containing four and a half perches in front, by seventeen and a half perches in depth, forming a superficies of sixty-seven and a half perches bounded to the West by Jean Vachon, to the East by François Tessier, to the North by the river Montmorency, and to the South by Charles Giroux ; the land being part of the foot of the Cape on the borders of the Waters of the river Montmorency up to the line which serves as a boundary, running to the North sixty-two degrees forty-eight minutes east.

Another lot of land situated in the first range of the said Parish of Beauport, (marked number fourteen on Ware's plan) containing six and a half perches in front, by twenty-four perches, forming a superficies of two arpents and forty-two perches, bounded to the West by Widow Benjamin Giroux, to the East by Michel Ménard, to the North by the river Montmorency and to the South by Charles Giroux, starting from the foot of the Cape from the border of the Waters of the river Montmorency up to a line which serves as a boundary and runs North sixty-two degrees and forty-eight minutes East.

Another lot of land situated in the same place and range (and marked number seventeen on Ware's plan), containing three perches in front, by eighty-two perches and seventy hundredths of a perch in depth, forming a superficies of two arpents and forty-eight perches and ten hundredths of a perch, bounded to the West by the Widow Benjamin Giroux, to the East by Widow Joseph Giroux, and Joseph Giroux, fils, to the North by the river Montmorency, and to the South, that is to say, starting from the foot of the cape on the borders of the waters of the river Montmorency, up to a line which serves as a boundary, and which has been enclosed by the said Peter Patterson, at his own cost.

That certain lot of land (marked number fifteen on Ware's plan), situated in the first range of the said Parish, containing three perches and thirty-three hundredths in width, by twelve arpents, one perch and fifty-five hundredths in length, in all three arpents ninety-four perches and seventy-seven hundredths bounded to the West by Charles Giroux, to the East by Widow

Benjamin Giroux, to the North by the river Montmorency, and to the South by the vendor, that is to say, starting from the foot of the cape on the border of the water of the river Montmorency, going towards the South a distance of one hundred and eighteen and a half perches, or eleven arpents and eight and a half perches, its members and appurtenances

That certain lot of land (marked number thirteen on Ware's plan), situated in the first range of the Parish of Beauport, containing four and a half perches in front by the depth that may be found from the border of the waters of the River Montmorency, to the land of Joseph Boutet, and of the vendor, to the South, forming seven arpents, thirty-seven perches and twenty centièmes, bounded to the West by Antoine Tessier, to the East by Charles Giroux, to the North by the river Montmorency, and to the South by Joseph Boutet.

Another lot of land situated in the same place (marked number sixteen on the said plan,) containing twelve feet in width, by one hundred and eighty-two perches in depth, forming one arpent and one *cinquième* in superficies, bounded to the West by Michel Menard, to the East by Charles Giroux, to the South by the Queen's Highway, to the North by the river Montmorency, that is to say, starting from the foot of the Cape from the border of the waters of the river Montmorency to a line which serves as a boundary and runs North, sixty-two degrees forty-eight minutes true East, its members and appurtenances.

That certain lot of land (marked number twelve on Ware's plan,) in the first range of the Parish of Beauport, containing three perches in width, by twenty four perches and $\frac{50}{100}$ths. in depth, forming seventy-two perches, bounded to the West by Jacques Garneau, to the East by Widow Benjnmin Giroux, to the North by the river Montmorency, to the South by Antoine Plante, that is to say: starting from the foot of the Cape on the border of the water of the river Montmorency to the South up to the line serving as a boundary and running north sixty-two degrees forty-eight minutes true East.

The said Peter Patterson enclosing the said lot towards the south, if he wished, at his own expense.

That certain lot of land (marked number ten on Ware's plan) situated in the first range of the said Parish of Beauport, containing two perches in width, by nineteen perches, forming thirty-eight perches, bounded to the West and to the East by Jacques Garneau, to the North by the River Montmorency, and to the South by the vendor, that is to say: starting from the foot of the Cape on the border of the River Montmorency, going towards the south to the line which serves as a boundary, and runs sixty-two degrees and forty-eight minutes true East, with its members and appurtenances.

That certain lot of land (marked number eight on Ware's plan) situated in the first concession of the said Parish of Beauport, containing ten perches and thirty-three hundredths in depth, forming one arpent and twenty-nine perches and twelve hundredths of a perch, bounded to the West by Widow Pierre Giroux, to the East by Jacques Garneau, to the North by the river Montmorency, and to the South by the said Joseph Raphaël Giroux, that is to say: starting from the foot of the Cape (cap) on the border of the waters of the River

Montmorency, towards the south to the line which serves as a boundary, and running north sixty-two degrees, forty-eight minutes true East.

That certain lot of land situated in the said Parish of Beauport, containing ten perches and thirty-three hundredths in width, by fifteen perches in depth, forming one arpent and fifty-four perches and eighty-five hundredths, bounded to the West by Widow Pierre Giroux, to the East by Jacques Garneau, to the North by the River Montmorency, and to the South by the said Vendor, that is to say : starting from the foot of the Cape upon the border of the waters of the River, going towards the South to the line which serves as a boundary, and running north sixty-two degrees forty-eight minutes true East.

That certain lot of land (marked number six on Ware's plan), containing one perch in width, by thirteen perches and fifty hundredths, forming altogether thirteen perches and fifty hundredths of a perch, bounded to the West by the widow Pierre Binet, to the East by widow Pierre Giroux, to the north by the River Montmorency, and to the South by the Vendor, that is to say : starting from the foot of the Cape on the border of the water of the River Montmorency, going towards the South to the line which serves as a boundary, running North sixty-two degrees and forty-eight minutes true East, its members and appurtenances.

That certain lot of land (marked number five on Ware's plan), situated in the first concession of the said parish, containing eighteen feet in width by thirteen perches and fifty centièmes in depth, forming altogether thirteen perches and fifty centièmes, bounded to the West by François Tessier, to to East by Pierre Fortier, to the North by the River Montmorency, and to the South by the Vendor, starting from the foot of the Cape on the border of the water of the River Montmorency going towards the South of the line serving as a boundary, and running North sixty-two degrees and forty-eight minutes true East.

That certain lot of land (marked number three on Ware's plan), situated in the first concession of the said Parish of Beauport, containing two perches and sixty-six centièmes in width, by thirteen perches in depth, forming together thirty-four perches and fifty-eight centièmes, bounded to the West and to the East by François Tessier, to the South by the Vendors, and to the North by the River Montmorency, that is to say : starting from the foot of the Cape on the border of the water of the River, going towards the South to the line serving as a boundary, and running North sixty-two degrees forty-eight minutes true East, its members and appurtenances.

That certain lot of land (marked number two on Ware's plan), situated in the first concession of the said Parish of Beauport, containing one perch in width by thirteen and one-half perch in depth, starting from the foot of the Cape on the border af the River Montmorency, going towards the South to the line which serves as a boundary, and which runs North sixty degrees and forty-eight minutes true East, bounded to the West by Charles Giroux, to the East by the widow Pierre Dupras, to the South by the Vendor, and to the North by the River Montmoreney.

Another lot of land (marked number four on Ware's plan) situated in the same place containing six perches and sixteen centièmes in width, by thirteen perches in depth, forming eighty perches in all, bounded towards the West by the widow Dupras, to the East by the widow Pierre Binet, to the South by the Vendor, and to the North by the said River Montmorency, starting from the bank or border of the water of the said River, going towards the South to a line serving as a boundry, and mentioned above, which said two lots contain ninety-three perches and fifty centièmes, its members and appurtenances.

And which said seventeen lastly above described lots or parcels of land are now known and distinguished as forming the North West part of the lot number one (1) upon the Official Cadastral plan and in the Book of Reference thereto for the said Parish of Beauport.

That certain lot of land containing in front whatever may be found from the lot of ground of Andrew Forgues, or his representatives to the land of Jean Mathieu, by such depth as may be found from the highway to the depth of the lot of representatives of Andrew Forgues, and at the end of which depth the said lot contains in front whatever may be found from the land of François Tessier to the land of Jacques Galarneau, on the depth that may be found, to the summit of the hill, bounded in front by the highway and in the rear at extremity of the said depth, by the summit of the said hill, adjoining on one side towards the North East partly by the representatives of the said Andrew Forgues, and partly by the said Jacques Galarneau ; and on the other side to the South West, partly by the said Jean Mathieu or his representatives, and partly by the said François Tessier, as the whole now is and extends ; except eighteen feet square reserved for Charles Giroux, on the line of the road.

And which said lastly above described lot of land is now known and distinguished as the South West (central part) of the lot number one upon the Official Cadastral plan and in the Book of Reference thereto for the Parish of Beauport aforesaid.

That certain lot of land situated in the said Parish of Beauport containing one arpent and six and a half feet in front, by seventeen perches in depth on the South East line, and twelve perches and thirteen feet, on the North West line forming a superficies of one arpent fifty-three perches and one hundred and ninety-three feet and thirty-six inches, bounded in front to the South West to Alexandre Tessier, and in rear to the North East by the River Montmorency, on one side to the South East by the land of the said Peter Patterson, and on the other side to the North West by the said François Grenier, and more fully designated on the plan and procès-verbal annexed to a Deed of Sale, (said lot being marked number one on said plan) from Alexandre Tessier dit Laplante and *uxor*, to the said Peter Patterson, dated the twenty-second of December eighteen hundred and forty-seven, and passed before A. Campbell, Notary, and which said lastly above described lot of land is now known and distinguished as being the South East part of lot number one hundred and eighty-nine A (189A) upon the Official Cadastral plan and in the Book of Reference thereto for the said Parish of Beauport.

That certain lot of land situated in the first range of the said Parish of Beauport (marked number nine on Ware's plan), containing five perches and 88/100ths in width, by fifteen perches in depth, forming in all a superficies of ninety-three perches and 28/100ths, bounded to the West by Joseph Raphaël Giroux, to the East by Charles Menard, to the North by the River Montmorency, and to the South by the line which serves as a boundry.

And which said lastly above described lot of land is now known and distinguished as forming part of the lot number one, upon the Official Cadastral plan and in the book of reference thereto for the said Parish of Beauport.

That certain lot of land situated in the said Parish of Beauport, consisting of fifty-three and a half feet in front, by twenty-six and a half feet in depth, afterwards twenty-seven feet in front, continuing only to make a depth of seven and a half perches, embracing the twenty-six and a half feet above mentioned, joining on one side to the North East, that is to say: the twenty-six and a half feet by the said Peter Patterson, and to the North to the same, and afterwards the remainder of the depth, joining to the North East by the said Peter Patterson, to the North by Charles Menard, to the South West by Louis Giroux, and to the South by the said Peter Patterson, its members and appurtenances; and which said lastly described lot or parcel of land is now known and distinguished as being the central part of the lot number one, upon the Official Cadastral plan and in the book of reference thereto for the Parish of Beauport aforesaid.

That certain piece or lot of land situated in the said Seigniory, being an emplacement in the first range near the falls, containing three perches in front by three and a half perches in depth, more or less, such as the same is enclose, bounded in front by the highway, in rear and on one side to the North East by the representatives of the late Peter Patterson, and on the other side to the South West by Jean Giroux, with the house thereon erected.

And which said lastly above described piece or lot of land is now known and distinguished as being the South West part of lot number one upon the Official Cadastral Plan and in the book of reference thereto for the Parish of Beauport aforesaid.

All that certain lot of land situated, lying and being in the Parish of Beauport at Montmotency, bounded towards the South East by highwater mark, towards the South West partly by property belonging to the Estate of the late Peter Patterson, and partly by land belonging to Dame Widow Giroux, towards the North West by the bed of the small stream or cove, and on the North East partly by property belonging to the said estate, and partly by the representatives of the late Dame Widow Giroux, containing twenty-three feet in width by such depth as may be found between highwater mark to the bed of the stream or cove.

And which said lastly above described lot of land is now known and distinguished as being the South part of the lot number sixty-five upon the Official Cadastral Plan and in the book of reference thereto for the Parish of Beauport aforesaid.

That certain lot of ground or emplacement situated and being at Montmorency aforesaid, in the said Parish of Beau-

port; containing four perches in front by one arpent in depth, more or less, bounded on one side towards the North East by the Queen's highway, and on all the other sides by property belonging to the Purchasers, together with a stone house two stories high, a barn and other buildings thereon erected and being.

And which said lastly above described lot of land is now known and distinguished as being the North West part of the lot number one upon the Official Cadastral Plan and in the book of reference thereto for the Parish of Beauport aforesaid.

That certain tract of land situated and being along the shore of the River St. Lawrence, on the North side thereof, over which the tide ebbs and flows, the western boundry whereof commences at a boundary stone placed by Benjamin Ecuyer, at the land of Alexander Tessier, or representatives, at or near the Falls of Montmorency, being at the distance of nine arpents, one perch and twelve feet from the boundary stone placed by Benjamin Ecuyer, on the North East side of the road known as the *Côte à Courville*, the said Western boundary being a perpendicular line running South from the stone boundary first above mentioned to low water mark, thirty-nine degrees thirty minutes East, and being the same line as is stated to be the Western line mentioned in the Deed of Concession from Ant. J. Duchesnay, to the said Peter Patterson and Henry Usborne, executed before Plante and Colleagne, Notaries, on the third of May eighteen hundred and nineteen, and the Eastern boundary of the said tract of land being the prolongation of the Eastern line of the Seigniory of Beauport, in the River Montmorency, until it strikes the low water mark of the River St. Lawrence, the Southern or front boundary being the low water mark of the River St. Lawrence, and the North or rear being the highwater mark of the same, together with all the hereditaments and appurtenances whatsoever to the said tract of land and premises belonging or in anywise appertaining.

And which said last above mentioned lot or tract of land is now known and distinguished as being the West half of lot number fifty-seven (57) upon the Official Cadastral Plan and in the book of reference thereto for the Parish of Beauport aforesaid.

That certain lot of land situated in the said Parish of Beauport, near the falls of Montmorency on the North side of the Queen's highway, containing three perches and eleven feet in front from the said highway, to the boundary at the end of the depth of the emplacement of the heirs of the late Michel Menard, afterwards seven perches in front by the remainder of the depth of the said land which there is from the said road the boundary to the South, up to the land of the purchaser near the River Montmorency, the boundary to the North, about nine arpents in depth, the whole more or less, without warranty as to measurement precise ; bounded on one side to the North East to the land of the purchasers, and to the South West by the said Purchasers and Vendors.

And which said lastly above described lot of land is now known and distinguished as being the North West part of lot number one, upon the Official Cadastral Plan and in the book of reference thereto for the Parish of Beauport aforesaid.

A certain lot or parcel of land situated and being in the first range of the said parish of Beauport, bounded to the south by the highwater mark of the River St. Lawrence, in rear to the North, partly by the lot number one hundred and thirty-one (131), and partly by lot number one hundred and thirty-six (136); on one side towards the East by the lot number one hundred and twenty-eight (128), and on the other side towards the West by lots numbers one hundred and thirty-eight (138), and one hundred and thirty-nine (139) as far as the lot number one hundred and fifty-two (152) inclusive, containing three and a half perches in front, by three arpents, five perches and three feet in depth, and containg one arpent nineteen perches and three hundred and twenty-three feet in superficies, more or less. And which said lastly above described lot or parcel of land is now known and distinguished as being the lot number one hundred and thirty-seven (137) upon the Official Cadastral Plan and in book of reference thereto for the Parish of Beauport aforesaid; to be deducted however from the contents and measurements of the said lastly described lot.

Firstly, a certain piece of land or emplacement sold by the said George Benson Hall and Mrs. Mary Hall, his wife, to Octave Caron, by deed of sale passed before E. O'Brien, Notary Public, dated the ninth of November eighteen hundred and seventy-five, and registered at the Registry Office for the Registration Division of Quebec, on the twenty-fourth of December of the same year (1875).

Secondly, a certain piece of land or emplacement sold by the said George Benson Hall and *uxor* to Flavien Flamand, by Deed of Sale passed before E. O'Brien, Notary, on the tenth of November eighteen hundred and seventy-five, and registered at the Registry Office for the County of Quebec on the twenty-fourth day of December of the same year (1875).

Thirdly, a piece of land or emplacement sold by Mrs. Mary Hall, widow of the late George Benson Hall, to Séraphin Jean, by Deed of Sale passed before E. O'Brien, Notary, on the twenty-seventh of February eighteen hundred and seventy-seven, and registered at the Registry Office for the County of Quebec, on the twenty-ninth of September of the same year.

And fourthly, a certain emplacement or piece of land sold by the said Mrs. Mary Hall, widow of the said George Benson Hall, to William Poyer, by Deed of Sale passed before E. O'Brien, Notary, on the twenty-fifth of November eighteen hundred and seventy-six, and registered at the Registry Office for the County of Quebec, on the thirteen of August eighteen hundred and seventy-eight.

The said lot one hundred and thirty-seven being sold subject to the rights, if any, of Marie Esther Tessier dit Laplante and Anastasie dit Laplante, daughters of Dame Marie Anastasie Vallée, wife of Louis Alexander Tessier dit Laplante, for the *part de communauté* and other rights in and to the South part of the said lot of their said mother as bequeathed to them by her Will and Testament, passed before J. D. Marcoux, Notary, of the third of June eighteen hundred and eighty-one and registered at the Registry Office for the County of Quebec, on the eighth of May eighteen hundred and eighty-two.

That certain lot of land or emplacement of three perches in front, by three perches in depth to be taken from the land of

widow Pierre Giroux, situated in the said Parish of Beauport the said lot of land, being bounded as follows, that is to say : in front towards the South East to the fence now existing- in rear towards the North West, and on one side towards the South West to the lot of land of widow Pierre Giroux, and on the other side towards the North East, to François Hebert dit Lecompte, together with such quantity of land that may belong to the said widow Pierre Giroux, between the lot of land above described and the land of the said George B. Hall, situated to the South East of the said fence, on the beach of the River St. Lawrence and which said lastly described lot of land is now known and distinguished as being lot number ninety-nine (99) upon the Official Cadastral Plan and in the book of reference thereto to the Parish of Beauport aforesaid.

That certain lot of land or emplacement situated in the Parish of Beauport at the place called " *Bas du Sault*, " containing about five thousand nine hundred and fifty feet in surperficies, having sixty-two feet in width to the South West, and seventy-five feet in width at the North East, by a depth of eighty-five feet, bounded to the North by Abraham Giroux, to the South by Joseph Soucy, to the East by Jacques Hamel, to the West by Antoine Laplante ; with a small house thereon erected its members and appurtenances.

And which said lastly above described lot of land is now known and distinguished as being lot number one hundred and nine (109) upon the Official Cadastral Plan and in the book of reference thereto for the Parish of Beauport aforesaid.

All that certain piece or parcel of land situate, lying and being at Montmorency aforesaid, in the said Parish of Beauport, containing such quantity of land as may be found within the following boundaries, that is to say : bounded in front by highwater mark, in rear by the fence as it now stands at the top hill, and the said Vendors, which fence is to be hereafter kept up and maintained at the sole expense of the Purchaser, on one side towards the South West by Edward Provencal, and on the other side towards the North East, by land belonging to the Estate of the late Peter Patterson, together with its members and appurtenances. And which said lot of land is now known as forming the South West part of lot number one upon the Cadastral Plan and in the book of reference thereto for the Parish of Beauport aforesaid.

A certain lot of land containing three perches and six feet in front, situate near the Montmorency Falls in the said Parish of Beauport, and containing about six arpents in superficies, more or less, bounded in front by the highway, in rear by Charles Giroux, and towards the North East by the said Charles Giroux, together with the buildings thereon erected, circumstances and dependencies

And which said lot of land is now known and distinguished as forming the North West part of lot number one, upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

A certain lot of land situate in the said Parish of Beauport, bounded as follows : on one side towards the East by the said Peter Patterson, towards the South West by Charles Giroux, towards the North within sixty feet from the highway, on the

South West line, and within one hundred and fifty feet from the highway on the North East line, which is more fully described in a certain Plan annexed to a certain deed of sale by Joseph Giroux to Peter Patterson, passed before A. Campbell, Notary Public, on the third November eighteen hundred and forty-three, which said lot of land is now known and distinguished as forming the North West part of lot number one upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

A lot of land situate in the Parish of Beauport, of six perches or thereabouts in front, by one arpent or thereabouts in depth, bounded in front by the king's highway, and in rear by the land of Jacques Garneau, joining towards the North East to Charles Benjamin Giroux, and towards the South West to Charles Menard, with all the buildings thereon erected, and which said lot of land is now known as forming the South West part of lot number one upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

A certain lot of land of an irregular figure, situated in the said Parish of Beauport, connected with the land of François-Olivier Tessier dit Laplante, bounded on one side towards the North East by a small stream dividing the said lot from the land of the said François-Olivier dit Laplante, and on the other side by the Queen's highway, commonly called "Côte Ville," and by Edward Laplante, circumstances and dependencies.

Another lot of land of an irregular figure, situated in the said Parish of Beauport, and being circumscribed by the lastly above described lot of land containing thirty-six feet in width, more or less, the said lot of land running South and becoming narrower towards the South, and one arpent in depth, and more over eight feet of land on the North East line and becoming narrower as it extends towards the bridge on the South West side, bounded on one side towards the North by François Lecompte, and towards the South by the Public Road, towards the South West and North East by the above lastly described piece of land, and which said lots are now known and designated as follows: the first as lot number fifth-three and the second as lot number fifty-five upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

A lot of land situated in the said Parish of Beauport, containing fifty-three feet and one half in front, and twenty-six feet and one half-in depth, thence containing twenty-seven feet in front only to the depth of seven perches and one-half containing twenty-six feet and one-half as above mentioned, joining on one side towards the North East, as follows: the above mentioned twenty-six, feet and a half to the said Peter Patterson, and towards the North to the said Peter Patterson, thence the remaining portion of the said depth joining towards the North East to the said Peter Patterson, towards the North to Charles Menard, towards the South West to Louis Giroux, and towards the South to the said Peter Patterson, circumstances and dependencies.

Which said lot is now known as forming the South West part of lot number one, upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

That certain lot of land or emplacement situate in the said Parish of Beauport, which is now known and distinguished as being lot number fifty-six (56) upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

All that certain lot of land or emplacement, situated at the Falls of Montmorency in the said Parish of Beauport, containing three perchés in front, by one-half an arpent in depth, bounded to the South by the heirs of the late Peter Patterson, towards the North by Jacques Quiriau, towards the South West by the said Jacques Quiriau, and towards the North East by the heirs and representatives of the late François-Xavier Giroux, together with all and singular the house and other buildings thereon erected and being save and except however the part of the said lot which was sold by the late Mrs. Mary Hall to Wilbrod Grenier, by Deed of Sale passed before E. O'Brien, Notary Public, on the sixteenth of February eighteen hundred and seventy-seven, and registered at the Registry Office for the County of Quebec on the twenty-ninth of September of the same year (1877).

And also save and except the part of the said lot (No. 128) sold by the said Mrs Mary Hall to Louis Grenier, Senior, by Deed of Sale passed before E. O'Brien, Notary Public, on the nineteenth of February eighteen hundred and seventy-seven, and registered at the Registry Office for the County of Quebec, on the twenty-ninth day of the same year (1877).

Also save and except that part of the said lot (No. 128) sold by the said late Mrs Mary Hall to Ferdinand Ouellet, by Deed of Sale, passed before E. O'Brien, Notary Public, on the third day of March eighteen hundred and seventy-seven, and registered at the Registry Office for the County of Quebec on the twenty-ninth of September of the same year (1877).

And which said lastly described lot of land is now known and distinguished as being the South part of lot number one hundred and twenty-eight, upon the Official Cadastral Plan and in the Book of Reference thereto for the said parish of Beauport.

A lot of land situate in the said Parish of Beauport, forming part of a larger extent of land belonging formerly to Jacques Quiriau, and known as the *prairie*, at the *Bas du Sault*, containing the said lot three perches and six feet in width, by two and a half acres in depth, more or less, bounded towards the South by the lands of the late George Benson Hall, towards the North by a fence separating this lot from that belonging to Edward Quiriau, towards the North East by Olivier Tessier dit Laplante, and towards the South West by Alexandre Laplante. And which said lot of land is now known and distinguished as forming the North part of lot number one hundred and twenty-eight, upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport; and is sold subject to the aforecited Sales in favor of Wilbrod Grenier, Louis Grenier and Ferdinand Ouellette, in so far as the same may effect this part of the said lot number one hundred and twenty-eight.

All the rights, titles, interest and claims whatsoever which may have been acquired by Henry Usborne and Peter Patterson from the Honorable Antoine Louis Juchereau

Duchesnay, by Deed of Concession before Mtre Plante and colleague, Notaries at Quebec, on the third May eighteen hundred and nineteen, in and upon a certain beach lot situate in the said Parish of Beauport, of which the following is a description : starting at a stone boundary on the North East side of the road commonly called " Côte à Courville," placed by Benjamin Ecuyer, Land Surveyor, on the twenty-eight January eighteen hundred and twelve, thence running on a Southerly direction, fifty degrees, thirty minutes West, nine arpents one perch and twelve feet up to the land of Alexandre Tessier, at the end of which said nine arpents one perch and twelve feet, another post has been fixed by the same Surveyor ; as stated in the procès-verbal of the said Benjamin Ecuyer, bearing date the twenty-third December eighteen hundred and eighteen ; thence running South a perpendicular line and as far as low water mark, thirty-nine degrees thirty minutes East, joining on the North West side to the line of low water mark and on the North East to the said Henry Usborne and the said Peter Patterson, Esquires, and on the South West to the said Honorable Antoine Louis Juchereau Duchesnay.

And which said lot of land is now known as forming the West half of lot number fifty-seven upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

A certain lot of land situate in the said Parish of Beauport, containing thirteen perches and seven feet in front,on the beach at highwater mark of the River St. Lawrence, forming the front of the land of Charles Giroux, and sixty-seven feet in depth on the East side, at the place where a boundary stone has been placed by Robert Smith, Land Surveyor, as stated in a certain procès-verbal made by him together with a plan of said property, and bearing date the fourth of April, eighteen hundred and eighteen, both of which said procès-verbal and plan are annexed to the deed of sale hereafter cited ; bounded in depth by a line starting from the said stone boundary, and running South West as far as another stone boundary placed by the said Land Surveyor, as stated in the said procès-verbal joining in front to the beach lot belonging to the said Peter Patterson, and in rear to the said Charles Giroux, and on the North East to the said Peter Patterson, and on the South West to Benjamin Giroux or representatives.

Another lot of land situate on the beach of the River St. Lawrence, in the Parish of Beauport, measuring two perches in front at high water, forming the front of a part of the land of the late Benjamin Giroux, and five perches, ten feet and four inches in depth, on the South West side, and a little less on the North East side, bounded in front by the land of the said Henry Usborne and Peter Patterson, in rear by a line at the place where three stone boundaries have been placed by the said Robert Smith, Land Surveyor, to divide the said piece of land from other lots belonging to the said Henry Usborne, and to the said Peter Patterson, as stated in a certain procès-verbal and upon a plan made by the said Robert Smith, on the fourth of April, eighteen hundred and eighteen, and remaining annexed to the original minute of the lastly above mentioned deed of sale of Charles Giroux to the said Henry Usborne and Peter Patterson, joining on the South West to

Joseph Lacombe, and on the North East to the late Benjamin Giroux, to be deducted however from the aforesaid piece of land, twenty-six feet of land on the front part of the said lot, by twenty feet four inches in depth; upon which said piece so deducted is erected a house belonging to Joseph Lacombe or representatives.

A certain lot of land situate in the Parish of Beauport, measuring twenty-one feet in front joining on the North side to the *Cime du Cap* or hill along the River St. Lawrence, running South up to high water mark of the said River St. Lawrence, joining on the North East side to Joseph Giroux, and on the South West side to Charles Giroux.

A certain lot of land measuring twelve feet in front, bounded on the North side by the *Cime du Cap*, and on the South side by the high water mark of the River St. Lawrence, joining on one side to the North East to Charles Menard, and on the South West side to Michel Menard; which said lot of land being the front part of the land of the said Jean Benjamin Giroux, situated in the said Parish of Beauport.

A certain beach lot situate in the said Parish of Beauport, forming the front part of a part of the land of the said late Benjamin Giroux, and extending as far as the high water mark of the River St. Lawrence, measuring five perches and seven feet in front, by the depth that there may be found as far as the line dividing the said lot and many other lots belonging to the said Henry Usborne and the said Peter Patterson; at which place three stone boundaries have been placed by the said Robert Smith, Land Surveyor, as stated in the Procès-Verbal, and upon the plan annexed to the aforesaid Deed of Sale made by Charles Giroux, to Henry Usborne and Peter Patterson, on the seventeenth of April eighteen hundred and eighteen. The said lot joining on the North East to the said Peter Patterson, and Henry Usborne representing the said Charles Giroux, and on the South West to the said Peter Patterson, and the said Henry Usborne, representing Mrs. Widow Benjamin Giroux.

A lot of land situated in the said Parish of Beauport, measuring twenty-one feet in front, bounded on the North side by the *Cime du Cap* along the said River St. Lawrence and on the South side by the high water mark of the River St. Lawrence; joining on the North East side to Michel Menard, and on the South West side to Charles Menard.

Another lot of land situate in the said Parish of Beauport, measuring seven perches in front, bounded in the front by the said *Cime du Cap*, towards the South by the high water mark of the said River St. Lawrence, joining on the North East side to the said vendors and on the South West side to the said Charles Menard.

A lot of land situate in the said Parish of Beauport, near the Montmorency Falls, forming the front part of a lot of land of three perches and six feet in front, belonging to Michel Menard; the said lot hereby sold measuring three arpents six perches in front, by the depth that there may be found from the high water mark up to the Cape; bounded in front by the River St. Lawrence, and in rear by the *Cime du Cap;* on one side towards the South West by Joseph Giroux and on the

other side towards the North East by Jean Giroux, representing Marie Louise Giroux.

And which said eight lots lastly above described are now known as forming the South West part of lot number one, upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

A land or farm situated at the falls of Montmorency, in the Parish of Beauport, consisting of three lots contiguous to each other, which contain all the land that may be found between the land of one Pierre Menard, on the West side, and the River of the falls of Montmorency on the East side, being about three arpents in front, more or less, on the River St. Lawrence, and running in depth about twenty-four arpents, more or less, along the East line of the land of the said Menard, bounded in front by the River St. Lawrence, and in the rear partly by the line which devides the Seigniory of Beauport from the Seigniory of Beaupré; and partly by the River Montmorency, according to its turnings.

Together with the houses, barns, stables and other buildings thereon erected, and all the appurtenances thereof, without any exception or reserve.

All that spacious lot or beach in front of the land above described, the said land to begin from the high water mark in the River St. Lawrence, running down towards low-water mark so far as the same may extend, as the whole may be without any exception or reserve, according to a reservation made by the Honorable Antoine Juchereau Duchesnay in a deed of sale by him made to Sir John Johnson of the land of the falls of Montmorency (above firstly described) passed before J. Plante and his confrère Notaries Public, bearing date the twentieth September one thousand eight hundred and five.

All the rights of property and other rights of whatever nature or kind whatsoever, which the said vendors may or might have acquired in and to all that extent of beach from high water mark to low water mark, which may be found between the second lot or beach hereinabove described and the road which leads up the hill of Beauport, known by the name of Côte à Courville, containing about seven acres in front, more or less, without nevertheless guaranteeing the extent of the same with all the buildings and improvements thereon.

And which said three lastly above described pieces of land are now known and distinguished as being the East part of lot number one, upon the Official Cadastal Plan, and in the book of reference thereto for the said Parish of Beauport.

A lot of land measuring two perches in front, situated in the said Parish of Beauport, joining to Alexandre Laplante, which said lot of land was reserved by Edouard Laplante on a certain land measuring eighteen perches and one foot in depth, by ten perches in width and sold by the said Edouard Laplante to the said Peter Patterson, under and in virtue of a certain Deed of Sale passed before A. Campbell, and his colleague, Notaries at Quebec, on the seventh November eighteen hundred and forty-three, so that the said Vendors are proprietors of the whole lot.

And which said lot of land is now known as being the North West part of lot number one upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

A certain lot of land situated in the said Parish of Beauport, measuring four perches in front by all the length or depth that may be found from the River St. Lawrence, running from thence to the King's highway, bounded on the North East side by land appertaining to the said Vendors (the heirs P. Patterson) and on the South West side by land appertaining to Joseph Giroux, without any buildings, and which said lot of land is now know and designated as being the South East part of lot number one upon the Official Cadastral Plan and in the book of reference thereto for the said Parish of Beauport.

COUNTY OF MONTMORENCY.

PARISH OF L'ANGE GARDIEN.

That certain extent of land situated in the parish of l'Ange Gardien, taken off the land of Louis Bureau, from the East shore or border of the River of the Falls of Montmorency, which extent of land contains twenty-seven arpents and eighty hundredths, and is particularly designated on the plan made by Wm. Ware.

And which said lot or extent of land is now known and distinguished as being the east part of the lot number three hundred and thirty-four, upon the Official Cadastral Plan and in the book of reference thereto for the Parish of l'Ange Gardien, in the County of Montmorency.

That certain extent of land situated in the said Parish of l'Ange Gardien taken off the land of Louis Bureau, from the East Shore or border of the River of the Falls of Montmorency, the said extent of land contains three arpents, more or less, in superficies, and is particularly designated on the plan and procès-verbal of survey made by Wm. Ware, annexed to the deed of sale from the said Louis Bureau and uxor to the said Peter Patterson, dated the tenth of October, eighteen hundred and thirty-eight, and executed before A. Campbell and his colleague, Notaries.

And which said lastly above described extent of land is now known and distinguished, as being the Norrh West part of the lot number three hundred and thirty-four A, upon the Official Cadastral Plan and in the book of reference thereto for the said parish of l'Ange Gardien.

A certain lot of land situated in the said Parish of l'Ange Gardien, of the form and figure of a Trapazium, containing six arpents, eleven perches and one hundred and seventy-one feet in superficies, bounded on one side towards the South East by the mitoyenne line of Louis Bureau, of the said Parish of l'Ange Gardien, and J. Bte. Bourbeau, prolonged for the purpose, and on the South West, North West and North East sides, by the land of the said J. Bte. Bourbeau, the whole more amply designated in the procès-verbal and bornage of N. Lefrançois, P. L. S. dated the 9th Dec. 1845.

And which said lastly above described lot of land is now known and distinguished as being the centre part of the lot number three hundred and thirty four, upon the official Cadastral plan and in the book of reference thereto for the said Parish of l'Ange Gardien.

That certain lot of land situated in the said Parish of l'Ange Gardien, of the form and figure of a Trapezium, and containing one arpent, fifty-nine perches and three hundred and fourteen feet in superficies, bounded at the foot, towards the South East, and North East, by the land of the said Louis Bureau, on the South West, by the land of the said Peter Patterson, and upon the North West by the land of J. Bte. Bourbeau.

And which said lastly above described lot or parcel of land is now known and distinguished as the centre part of the lot number three hundred and thirty-four, upon the official Cadastral plan and in the book of reference thereto for the said Parish of l'Ange Gardien.

Another lot of land situated in the said Parish of l'Ange Gardien, of a triangular form, containing one arpent eight perches in superficies, bounded on one side towards the South East, at its base, by the land of the said Peter Patterson, on the South West by the land of the said J. Bte. Bourbeau ; and which said two lastly above described lots, (the superficies of the same) added together, from two arpents sixty-seven perches and three hundred and fourteen feet, more or less, described in the procès verbal of N. Lefrançois.

And which said lastly above described lot of land is now known and distinguished as being the centre part of the lot number three hundred and thirty-four, upon the official Cadastral plan, and in the book of reference thereto for the said Parish of l'Ange Gardien.

A certain lot of land of one arpent in front, measured according to the declivity of the land, by the depth which may be found starting from a line and boundry, which serves as the principal boundary of the said Peter Patterson, and extending to the middle of the stream known under the name of Rivière Farie, bounded on one side towards the South West by the windings of the river Montmorency, and at the other side at the North East line parallel to the said river, forming a superficies of thirteen arpents and a third, the whole more amply described in the procès-verbal of N. Lefrançois, P. L. S., remaining annexed to the deed of sale by Louis Bureau and uxor, to the said Peter Patterson, dated the eighteenth of December eighteen hundred and forty-five, and executed, before A. Campbell, Notary.

And which said lastly above described lot of land is now known and distinguished as being the north part of the lot number three hundred and thirty-four (334), upon the official Cadastral plan and in the book of reference thereto for the said Parish of l'Ange Gardien.

That certain extent of land mentioned on the plan annexed to the Deed of Exchange hereinafter referred to, designated under the letters L M I and G., bounded in front by low water, in rear by a line running S. G. E. ninety feet and a half, also designated upon the said plan as follows—Covered with water when the river is up in the spring of the year, being designated under the letter A, its members and appurtenances.

And which said lastly above described lot or extent of land is now known as being the north west part of lot number three hundred and thirty-four A upon the official Cadastral plan and in the book of reference thereto for the said Parish of l'Ange Gardien.

An emplacement situated in the said Parish of l'Ange Gardien, at the foot of the falls of Montmorency, consisting of all that may be found of land to be taken from eleven feet to the North East of the house occupied by Sieur et Dame Bureau, running towards the South West to the river Montmorency, by ninety feet in depth, bounded in front to the north by the new highway, on one side to the South West by the river Montmorency, and on the other side to the North East by other land belonging to the vendors, together with the houses and buildings thereon erected, circumstances and dependencies.

And which said lastly above described lot of land is now known and distinguished as being the North West part of the lot number three hundred and thirty four A, upon the official Cadastral plan and in the book of reference thereto for the Parish of l'Ange Gardien aforesaid.

A certain lot or piece of land situated in the said Parish of l'Ange Gardien, having eight perches, more or less in front, first range, by such depth as may be found from the river St. Lawrence at low water, going twelve feet from the summit of the cape, forming about fourteen arpents of a depth, the whole without guarantee of precise measurement, bounded in front to the south by the river St. Lawrence, at low water, and in rear to the North, to twelve feet beyond the summit of the Cape, to the North East side by François Vézina, and to the South West side by Jean Bte. Bourbeau, circumstances and dependencies ; and which said last above described lot of land is now known and distinguished as being lot number three hundred and twenty upon the official Cadastral plan and in the book of reference thereto, for the Parish of l'Ange Gardien aforesaid.

That certain lot of land of an irregular form, situated in the first range of the Parish of l'Ange Gardien, near the Montmorency river, bounded to the North on the South line of the Queen's Highway, where the said lot has four perches in width, and running from thence, towards the South East, widening by a broken line, on the North East side, and by a straight line on the South West side, to the foot of the Cape, which forms the falls of the river Montmorency. To the West, from thence the said lot of land increasing towards the West following the foot of the Cape, until it reaches the North East border of the said river Montmorency, and continues from thence towards the South East between the broken line on the North East side of the North East border of the said river Montmorency, to high water mark of the river St. Lawrence, and from thence to the lower water of the said river, without however any kind of warranty as to the contents or measurement of the said land, but to be taken according to the vendors titles, bounded on one side to the North East by Etienne Bourbeau and partly by Prisque Vézina, and on the other side to the South West, partly by the Seminary of Quebec and partly by other land belonging to the Vendors.

And which said lastly above mentioned lot of land is now known and distinguished as being the North East part of lot number three hundred and thirty-four A upon the official Cadastral plan and in the book of reference thereto for the Parish of l'Ange Gardien aforesaid.

That certain lot of land of an irregular form, situated in the first range of the Parish of l'Ange Gardien, close to the said river Montmorency, in the Seigniory of Beaupré, in the county of Montmorency, containing three arpents and eighty-seven perches in superficies, (without including a part of the irregularity of the falls of Montmorency which has not been chained), and deduction made of the superficies of the new road of the suspension bridge which traverses the lot of land now sold, and the lot of land situated on the South line of the said highway where there is constructed a lime kiln. The said new road marked in yellow upon the plan annexed to the deed of sale herein after referred to: also the lot of ground upon which the lime kiln is constructed, in green upon the said plan; containing three perches and a half in front by three perches and a half in depth which is not included in this present sale, but is expressly reserved, it being well understood between the parties that the said lot of land so reserved is only reserved, in favor of the said Louis Bureau for the purpose of making lime, and that the moment that the said Louis Bureau or his children, who may replace him in the paternal house, cease to make lime, the said lot of land shall belong without any other consideration but that in the deed of sale herein after mentioned set forth, to the present purchaser and assigns, (the whole as is set forth in the deed of sale herein after mentioned and upon the terms therein set forth), bounded in front to the South East by the river Montmorency, to North West partly by the high way now used, and partly by the land of Louis Bureau above reserved for his lime kiln, to the North East by the land sold on the eleventh of July above mentioned by the said Louis Bureau and uxor, and on the South West side by property belonging to the Estate of the said Peter Patterson, its circumstances and dependencies. The whole as designated on the plan and *procès verbal* of the same made by N. V. Lefrançois, surveyor, dated the twenty-sixth of November, eighteen hundred and fifty-seven, annexed to the deed of sale.

And which shall lastly above described lot of land is now known and distinguished as being the centre part of the lot number three hundred and thirty-four A upon the official Cadastral plan and in the book of reference thereto for the Parish of l'Ange Gardien aforesaid.

A certain beach lot is situated at the foot of Montmorency Falls, in the Parish of l'Ange Gardien, supposed to contain sixty arpents and thirty-eight perches in superficies, according to a certain plan and report made by Nicholas V. Lefrançois, Land Surveyor, on the twenty-fourth October, eighteen hundred and sixty-three, bounded towards the North to the Montmorency Falls, towards the South to the line of low water mark of the river St. Lawrence, towards the South West of the Seigniorial Line between the Seigniory of Beaupré and that of Beauport, towards the North East to Louis Bureau or representatives.

And which said lastly above described lot of land is now known and distinguished as being the lots numbers three hundred and twenty-seven (327) and three hundred and thirty-four B (334 B), upon the official Cadastral plan and in the book of reference thereto for the Parish of l'Ange Gardien aforesaid.

Another lot of land situated in the said Parish of l'Ange Gardien, in the said County of Montmorency, in the first range of the said parish, bounded in front towards the South by the high water mark of the river St. Lawrence, in depth towards the North East by the lot number three hundred and twenty-four, and towards the East by the lot number three hundred and nineteen, and towards the West by the lot number three hundred and twenty-three, measuring in front one arpent and two perches, and two arpents and five perches in depth, at which said depth the said lot is eight perches and five feet wide, containing sixty-two perches, and one hundred and sixty-two feet in superficies.

And which said lot is now known as being the lot number three hundred and twenty-five (325) upon the official Cadastral plan and in the book of reference thereto for the said Parish of l'Ange Gardien, in the said County of Montmorency.

COUNTY OF QUEBEC.

PARISH OF BEAUPORT.

A lot of land known as lot Number Two hundred and nineteen A (219 A) upon the Official Cadastral Plan and in the Book of Reference thereto for the said Parish of Beauport, being an emplacement at the foot of the Falls, measuring four perches and fifteen feet in front and seven perches and six feet in depth, more or less, with buildings thereon erected; with the reserve in favour of the proprietor of lot Number Two hundred and nineteen (219) of the said Cadastre of a right of passage on foot and with vehicles at all times on the North East side by a road nine feet wide which shall be left free and open for the wants of the proprietor of said lot (No. 219) Two hundred and nineteen of the said Cadastre for the said Parish of Beauport, as acquired by the said Montmorency Electric Power Company from Ed. Trudel by Deed of Sale passed before J. D. Marcoux, Notary Public of Beauport, on the twenty-fifth day of January Eighteen hundred and ninety-four and registered at Quebec on the twenty-fifth day of the same month under the No. 91,269.

All that part of the lot of land known under the Number One hundred and seventeen (117) upon the Official Cadastral Plan of the said Parish of Beauport, extending from the line of the Quebec, Montmorency and Charlevoix Railway Company up to the South extremity of the said lot, measuring about thirty feet in front on the depth that there may be up to the South end of said lot; bounded on one side to the North East by Ed. O'Brien and to the South West by Isaïe Laplante, with the reserve of the right of passage in favour of Napoleon Binet, his heirs and assigns at all times on foot and with vehicles on the said ground along the North East line thereof

to communicate from the highway to the remaining portion of said lot number One hundred and seventeen, as acquired by the said Montmorency Electric Power Company from Napoleon Binet by Deed of Sale passed before J. D. Marcoux, Notary Public at Beauport on the thirteenth day of January Eighteen hundred and ninety-four and registered at Quebec on the twenty-fifth day of the same month under the No. 91,266.

The said Vendors also selling and transferring unto the said Purchasers hereto accepting, viz. :—

The right of planting or erecting poles and of fixing wires and electric or other appliances, the right of passage and other rights and servitudes acquired by the said Vendors in and by or resulting from the following Deeds, and affecting the property therein described, viz. :—

A Deed of Constitution of Servitude by Dame Marie Giroux wife of Grégoire Couture, in favour of the said Montmorency Electric Power Company passed before J. D. Marcoux, Notary Public at Beauport, on the thirtieth day of November Eighteen hundred and ninety-three and registered at Quebec on the fourth day of December of the same year under No. 91,028.

A Deed of Constitution of Servitude by Sylvain Parent in favour of the said Montmorency Electric Power Company, passed before J. D. Marcoux, Notary Public, on the twenty-first day of April Eighteen hundred and ninety-four and registered at Quebec on the twenty-fifth day of the same month under No. 91,872.

A Deed of Constitution of Servitude by Frs. Marcoux and others in favor of the said Montmorency Electric Power Company, passed before J. D. Marcoux, Notary Public, on the twenty-sixth day of October, Eighteen hundred and ninety-three, and registered at Quebec on the fourth day of December of the same year under the No. 91,027.

A Deed of Constitution of Servitude by Jos. Grenier and others in favor of the said Montmorency Electric Power Company passed before J. D. Marcoux, Notary Public, on the twenty-sixth day of October, Eighteen hundred and ninety-three, and registered at Quebec on the fourth day of December of the same year under the No. 91,026.

A Deed of Constitution of Servitude by Frs. Lafleur and others in favor of the said Montmorency Electric Power Company passed before J. D. Marcoux, Notary Public, on the twenty-second day of January, eighteen hundred and ninety-four, and registered at Quebec on the twenty-fifth day of the same month under the No. 91,268.

A deed of Constitution of Servitude by J. B. Paré and others in favor of the said Montmorency Electric Power Company, passed before J. D. Marcoux, Notary Public, on the twenty-second day of January, eighteen hundred and ninety-four, and registered at Quebec on the twenty-fifth day of the same month under the No. 91,267.

A Deed of Constitution of Servitude by Jos. Rob. Racey, in favor of the said Montmorency Electric Power Company, passed before J. D. Marcoux, Notary Public, on the twenty-ninth day of May, eighteen hundred and ninety-four, and registered at Quebec on the first of June of the same year under the No. 92,129.

A Deed of Constitution of Servitude by The Honourable Philippe Landry and George Alford, in favor of the said Montmorency Electric Power Company, passed before J. D. Marcoux, Notary Public, on the twenty-third day of March, eighteen hundred and ninety-five, and registered at Quebec on the twenty-fifth day of the same month under the No. 93,789.

A Deed of Constitution of Servitude by Leon Poulin and others in favor of the said Montmorency Electric Power Company, passed before J. D. Marcoux, Notary Public, on the fourth day of June, eighteen hundred and ninety-four and registered at Quebec on the sixth day of June of the same year under the No. 92,158.

A Deed of Constitution of Servitude by Jean Mathieu and others in favor of the said Montmorency Electric Power Company, passed before J. D. Marcoux, Notary Public at Quebec, on the thirtieth day of November, eighteen hundred and ninety-three, and registered at Quebec on the fourth day of December of the same year under the No. 91,029.

A Deed of Agreement between Les Sœurs de la Charité and the said Montmorency Electric Power Company, passed before L. P. Sirois, Notary Public at Quebec, on the third day of July, eighteen hundred and ninety-four, and registered at Quebec on the fifth day of the same month under the No. 92,323.

A Deed of Agreement between Le Séminaire de Québec and the said Montmorency Electric Power Company, passed before L. P. Sirois, Notary Public at Quebec on the twenty-second day of June Eighteen hundred and ninety-four and registered at Quebec on the fifth day of July of the same year under the No. 92,322.

It being understood that nothing herein contained shall be construed as selling what is known as the "Church lot" near the toll-gate on the Queen's Highway in the said Parish of Beauport; together with the machinery, plant and other gear belonging to the said Montmorency Property and as acquired by the said Montmorency Electric Power Company from Andrew Thomson by Deed of Conveyance passed before E. G. Meredith, Notary Public on the seventh of December Eighteen hundred and ninety-two, registered at Quebec on the third of January Eighteen hundred and ninety-three and in the Registry Office for the County of Montmorency on the fifth of January of the same year, and together with all the machinery, plant, poles, wires, lamps, motors, stores and generally all the moveable property of the said Montmorency Electric Power Company wherever the same is situated, also all the sums of money due to the said Montmorency Electric Power Company which have accrued since the sixteenth day of August last [1898] whether for the supply of electricity or power or rent of property or other cause whatsoever.

To have and to hold the above described and hereby sold real estate, property and premises with all and every the appurtenances and dependencies thereunto belonging of every nature and kind whatsoever erected thereon or thereunto in anywise belonging, together with the hereinafter mentioned and hereby transferred Leases unto the said Purchaser and

assigns forever, with the right to enter upon and take possession of the same at the time hereinafter mentioned, subject however to all the reserves and conditions hereinafter mentioned, and also subject on the part of the said Purchaser and assigns to all and every the terms, conditions, provisions, reserves and stipulations mentioned and set forth or resulting under the terms mentioned in the following Deeds of Sale and Conveyance, Leases or Agreements or other the Deeds of Agreement hereinabove mentioned, of which said Deeds the said Purchaser declares to have a perfect knowledge having taken communication thereof, which said Leases or Agreements and all sums of money to become due and payable thereunder from the sixteenth day of the month of August last [1898] and all the rights, claims and interests of the said Vendors thereunder are hereby sold and transferred to the said Purchasers as forming part of the present Sale, the said Purchasers hereby assuming all the obligations of the said Vendors under the Titles to the said property hereby sold as also all the obligations of the said Vendors under any Leases or Agreements mentioned herein from the date last above mentioned, that is to say:

1st. A certain emphyteutic lease of land, water-power and other rights by Peter Patterson Hall and others in favor of Charles Ross Whitehead which was passed before E. G. Meredith, notary public at Quebec, on the fourth day of June, eighteen hundred and eighty-nine, under the notarial No. 3728, and registered in the registry office for the registration division of Quebec, on the eighteenth day of the said month of June, [1889] the unexpired term of which said emphyteutic lease and all the rights and obligations of the said Charles Ross Whitehead having been transferred by him to the Montmorency Cotton Manufacturing Company, limited, under a certain deed of transfer [to which Andrew Thomson was an intervening party] bearing date and passed before E. G. Meredith, notary public on the third day of the month of December, eighteen hundred and ninety-two and registered at Quebec, on the sixth day of the said month of December, [1892].

2nd. A certain deed of agreement [or supplementary deed to the aforecited emphyteutic lease] made between the said Andrew Thomson and the said Charles Ross Whitehead bearing date and passed before E. G. Meredith, Notary Public on the twenty-ninth day of November, eighteen hundred and ninety-two, and registered at Quebec, on the first day of the month of December of the same year [1892].

3rd. A deed of emphyteutic lease by the said Montmorency Electric Power Company to the Montmorency Cotton Manufacturing Company, executed before W. N. Campbell, Notary Public on the tenth day of January, eighteen hundred and ninety-four, under the Notarial No. 2708, duly registered at Quebec, on the nineteenth day of January of the same year [1894] under the No. 91,22ɔ.

4th. A certain emphyteutic lease by the said Montmorency Electric Power Company in favor of the said Charles Ross Whitehead, executed before W. N. Campbell, Notary Public, on the said tenth day of January [1894] under the Notarial No. 2709, registered at Quebec, on the nineteenth day of said month of January under No. 91,226.

5th. A certain lease by the said Montmorency Electric Power Company to Herbert Molesworth Price, executed before W. N. Campbell, Notary Public, on the twenty-eighth day of April, one thousand eight hundred and ninety-four under the Notarial No. 2739.

6th. A deed of trust and mortgage by the said Montmorency Electric Power Company to James King and Henry T. Machin, as trustees, as therein mentioned, passed before E. G. Meredith, Notary Public at Quebec, on the eighth day of March, eighteen hundred and ninety-three, registered in the registry office, for the Registration Division of Quebec on the sixteenth day of the same month under the No. 89,448 and in the Registry Office for the County of Montmorency, on the twenty-first day of the same month under the No. 4641.

7th. A deed of lease by the Montmorency Electric Power Company to Theophile Bureau, passed before W. N. Campbell, Notary Public at Quebec, on the third of May, eighteen hundred and ninety-three under the Notarial No. 2497.

8th. A Deed of Agreement between the said Montmorency Electric Power Company and the Montmorency Cotton Manufacturing Company, Limited, passed before E. G. Meredith, Notary Public, on the thirteenth day of August eighteen hundred and ninety-seven under the Notarial No. 6377—duly registered at Quebec on the twenty-third day of August of the same year, [1897] under the No. 98,503.

9th. A Deed of Agreement between the said Montmorency Electric Power Company and the Quebec North Shore Turnpike Trust, passed before E. G. Meredith, Notary Public at Quebec on the twenty-seventh of August last [1898] under the Notarial No. 6589.

10th. A resolution adopted at a special meeting of the Council of the Municipality of Beauport held on the eleventh day of November Eighteen hundred and ninety-two, with respect to the Municipal taxes on the property of the said Montmorency Electric Power Company, revoking a Resolution adopted at a special meeting of said Council held on the thirty-first of October Eighteen hundred and ninety-two and replacing it by the Resolution on said eleventh of November, Eighteen hundred and ninety-two; a public Notice of said resolution having been given by the Secretary-Treasurer of the said Municipality of the Parish of Beauport on the twelfth day of November Eighteen hundred and ninety-two.

11th. A Lease of what is called "The Farm" to one Curtis Billing.

12th. A Lease of a dwelling house and dependencies to Leslie G. Craig.

13th. A Lease of the property called the "Boarding House" in favor of The Montmorency Cotton Manufacturing Company.

The said Vendor hereby selling, transferring and making over unto the said Purchaser all their rights, claims, demands, interests and privileges resulting from or derivable under the aforecited Emphyteutic Leases or other Leases or Agreements and the aforecited Deeds of Sale and Deeds of Agreement, and both hereby constitute and appoint the said Purchaser their true and lawful Attorney irrevocable in the premises with full power to ask, demand, sue for, recover and receive all and

every the sum or sums of money to become due and payable under the Deeds above mentioned or the said Leases or any of them, and for the purposes of the present Transfer and Assignment the said Vendor doth hereby substitute and subrogate the said Purchaser and assigns in the place and stead of them the said Vendors and in all their right, title, interest, demand and privileges resulting from or derivable under the aforecited Deeds of the said Leases or any of them

The present Sale is moreover made subject on the part of the said Purchasers and assigns to all, each and every, the stipulations, provisoes, reserves and conditions mentioned and set forth in the various Title Deeds to the said real estate in favor of the *Auteurs* of the said Vendors, copies of which said several Title Deeds to the said property having been delivered by the said Vendors to the said Purchasers at the time of the execution hereof, the receipt whereof is hereby acknowledged, and with all of which the said Purchasers declare to be content and satisfied having taken communication thereof.

And further the said Vendors did declare to have sold, assigned, transferred and made over and by these presents do sell, assign, transfer and make over unto the said Purchaser all their right, title and interest to a certain tract of land on the banks of Lac des Neiges and that portion of River des Neiges included in the Lease made by the Government of the Province of Quebec to the said Montmorency Electric Power Company dated the nineteenth day of July Eighteen hundred and ninety-seven.

The property hereby sold shall be delivered to the said Purchasers as soon as the present Deed shall have been approved by the Governor in Council as provided by the Act 58 and 59 Vic. Chap. 59 Sec. 15, and upon due payment of the purchase price as hereinafter provided.

And the said Montmorency Electric Power Company hereby undertakes and binds itself to complete the works and improvements now under construction at Montmorency Falls, viz: the completion of the dam, the covering of the eight-foot pipe with wood, the installing of a new water wheel and generator, being all the improvements contemplated at the time of the purchase, and the Montmorency Electric Power Company represents that according to the estimates of its Engineer that when completed a minimum of not less than three thousand three hundred electrical horse power shall be generated and deliverable at the Power Station at Montmorency.

The said Quebec, Montmorency and Charlevoix Railway Company will take the property moveable and immoveable hereby sold in the condition in which it shall be when deliverable [save however the guarantee hereinbefore given as to the termination of the works] and shall be entitled to all moneys earned, had and received by the said Montmorency Electric Power Company and all moneys payable to it in respect of the property hereby sold on, from and since the sixteenth day of August last, and all profits realized since that date, and shall be responsible for and chargeable with all moneys expended by the said Montmorency Electric Power Company for the purposes of the said business, and shall be responsible for all debts and liabilities incurred by the said Montmorency Electric Power Company for the purpose of running the said

business or in any way in connection therewith, the intention of the parties being that the business carried on by the said Montmorency Electric Power Company on, from and since the sixteenth day of August last shall be so carried on for the sole profit and advantage of the said Quebec, Montmorency and Charlevoix Railway Company, but at the sole risk, cost and charges of the said Quebec, Montmorency and Charlevoix Railway Company in the same manner and to the same effect as though the said business had been carried on by the said Quebec, Montmorency and Charlevoix Railway Company; and the said Quebec, Montmorency and Charlevoix Railway Company hereby undertakes, binds and obliges itself to indemnify and hold harmless the said Montmorency Electric Power Company from all liability of every nature and kind whatsoever incurred by the said Montmorency Electric Power Company in connection with the business carried on by it since the sixteenth day of August last, save and except always the cost of or any liability arising from the improvements now being carried on and which the said Montmorency Electric Power Company undertakes by this deed to complete; and until the said hereby sold property shall have been transferred to the said Quebec, Montmorency and Charlevoix Railway Company the Manager of the said Quebec, Montmorency and Charlevoix Railway Company shall be entitled to the supervision and control of the business of the said Montmorency Electric Power Company and the officers of the said Montmorency Electric Power Company shall obey all lawful orders of the Manager of the said Quebec, Montmorency and Charlevoix Railway Company, provided such power shall not apply to the improvements now being carried on and the cost of which is to be borne by the said Montmorency Electric Power Company—the said Montmorency Electric Power Company hereby undertakes to pay and satisfy all debts incurred by it previous to the sixteenth day of August last, save and except the bonded indebtedness of the said Montmorency Electric Power Company as hereinafter specified, and debts incurred for plant or supplies received since the sixteenth of August last [1898] but hereby agrees to pay the interest on its said bonds accrued prior to the said sixteenth day of August last, the said Quebec, Montmorency and Charlevoix Railway Company undertaking to pay and satisfy all interest accrued and to accrue from and since the sixteenth day of August last, together with the capital as hereinafter specified.

After the said Montmorency Electric Power Company shall have paid the interest on its bonds to the sixteenth day of August last and all debts and liabilities due by it [save the capital of its bonded indebtedness and any debts incurred for plant or supplies since the sixteenth of August last] and the costs of the improvements which it has undertaken to complete, and a dividend upon its stock from the first of June to the sixteenth day of August last at the rate of six per cent per annum, it shall pay over to the Quebec, Montmorency and Charlevoix Railway Company the surplus, if any, of the moneys on hand and shall transfer any remaining assets of any nature or kind whatsoever it may be possessed of.

The said Montmorency Electric Power Company shall pay the proportion of Municipal and school taxes and other chages

including Insurance upon the property hereby sold, accrued, payable or due up to the sixteenth day of August last and the said Quebec, Montmorency and Charlevoix Railway Company shall pay all municipal, school and other taxes or charges payable upon the said property after the said date and shall repay to the said Montmorency Electric Power Company the proportion of all such taxes, Insurance and charges which may have been paid by it, chargeable in respect of the time elapsed or to elapse on from and after the said sixteenth day of August last.

The present Sale is thus made subject on the part of the said Purchasers to the payment of all constituted rents representing seigniorial dues and all other rents to which the said properties may respectively be liable, warranted free and clear of all arrears of such constituted or other rents up to the said sixteenth day of August last.

The property hereby sold shall be from the date of the present Deed at the risk of the said Quebec, Montmorency and Charlevoix Railway Company and the said Montmorency Electric Power Company shall not be responsible for any loss or deterioration which the same may suffer from any cause whatsoever, save and except any damage to the improvements contracted to be completed by the said Montmorency Electric Power Company, for which the Montmorency Electric Power Company shall remain responsible till completion of each such works respectively.

PRICE.

The present Sale is thus made for the price or sum of One Million five hundred thousand Dollars, payable as follows:—

1. The sum of Five hundred thousand Dollars in and by first Mortgage Bonds of the said Quebec, Montmorency and Charlevoix Railway Company bearing Interest at the rate of five per cent per annum payable semi-annually on the first of June and first of December and maturing on the first of June One thousand nine hundred and twenty-three, the Interest on the said Bonds to be payable from the sixteenth of August last [1898] including said day.

2. The said Quebec, Montmorency and Charlevoix Railway Company hereby undertakes to pay in principal and Interest the present bonded indebtedness of the Montmorency Electric Power Company amounting to the sum of Five hundred thousand Dollars bearing Interest at the rate of five per cent per annum when and as such Interest and principal respectively become due and payable, the Interest on said sum to be paid from the sixteenth of August last [1898] and the said Quebec, Montmorency and Charlevoix Railway Company hereby assumes, as its own debt the said bonds, hereby covenanting and agreeing that all and singular the obligations and undertakings of the said Montmorency Electric Power Company towards the holders of Bonds issued by it according to the tenor of such Bonds and towards the Trustees of such Bondholders shall be carried out and fulfilled to the entire exoneration of the said Montmorency Electric Power Company.

And as to the balance of the said purchase price, to wit: the sum of Five hundred thousand Dollars, the Quebec, Montmorency and Charlevoix Railway Company undertakes to pay the same by delivering to the said Montmorency Electric Power Company or any person or persons named by the said Company, five thousand shares of One hundred Dollars each of fully paid up unassessable ordinary stock of the said Quebec, Montmorency and Charlevoix Railway Company, such stock being part of the unissued stock of the said Quebec, Montmorency and Charlevoix Railway Company now in the Treasury, and such stock to carry with it the right to any dividend, or proportion of dividend earned, declared or paid since the sixteenth of August last [1898].

The said Quebec, Montmorency and Charlevoix Railway Company hereby covenants and undertakes and warrants, with the said Montmorency Electric Power Company and the shareholders thereof, that the first mortgage bonds of the said Quebec, Montmorency and Charlevoix Railway Company to be given in payment of the present purchase, are part of an issue of Bonds duly authorized and which with the Bonds issued or to be issued to pay and redeem the bonds of the said Montmorency Electric Power Company assumed by the said Quebec, Montmorency and Charlevoix Railway Company amount in the whole to Two Million five hundred thousand Dollars and such bonds shall rank concurrently on all the property of the said Quebec, Montmorency and Charlevoix Railway Company including that purchased by the present deed [saving the prior rank of the bonds issued by the Montmorency Electric Power Company upon the property hereby sold] and the said Quebec, Montmorency and Charlevoix Railway Company further covenants that they shall not issue any further or additional bonds which shall rank concurrently with the bonds now issued or hereafter to be issued for the purpose of paying the price of the present purchase—unless the consent of a majority in value of the Bondholders for the time being be first obtained.

And the said Quebec, Montmorency and Charlevoix Railway Company further covenants that it will, either exchange the Bonds of the said Montmorency Electric Power Company now outstanding or any of them at the option of each and every holder thereof, for bonds issued by the said Quebec, Montmorency and Charlevoix Railway Company of a like amount and bearing interest at five per cent per annum, which bonds shall rank concurrently with all its present issue, or shall pay and satisfy the bonds of the Montmorency Electric Power Company in principal and Interest when and as the same shall fall due and that so long as the bonds of the said Montmorency Electric Power Company are outstanding unexchanged and unredeemed and to the extent that such bonds are outstanding the said Quebec, Montmorency and Charlevoix Railway Company shall not negotiate or put upon the market bonds to a larger amount than the above mentioned sums of One Million five hundred thousand Dollars already issued, Five hundred thousand Dollars undertaken to be issued and the amount of the redeemed or exchanged bonds of the said Montmorency Electric Power Company.

And the said vendor doth hereby covenant and agree to do all such further acts and to sign and execute all such further deeds or instruments in writing as may be required or necessary in order to transfer and convey the whole of the real estate, property and premises and rights above described and hereby sold, or intended so to be, unto the said purchaser according to the true intent and meaning of these presents.

THUS DONE AND PASSED at the said City of Quebec on the fifteenth day of the month of September in the year of Our Lord one thousand eight hundred and ninety-eight under the number six thousand five hundred and ninety-seven of the Minutes of the said Notary, and signed by the said parties hereto and by me the said Notary, these presents having been first duly read according to law.

"H. T. MACHIN."
"H. J. BEEMER,
President."
"ERNEST F. WURTELE."
"E. G. MEREDITH, N.P."

84—7

No. 85.] **BILL.** [1899

An Act further to amend the Railway Act.

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

1. Section 90 of *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by adding thereto the following subsection:— 1888. c. 29 s. 90. amended.

"2. When any company has power by any Act of Parliament to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway or public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway or public place, subject, however to the following provisons:— Power to enter on highway etc.

(*a.*) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building; Travel not to be obstructed.

(*b.*) The Company shall not permit any wire to be less than twenty-two feet above such highway or public place, nor, without the consent of the municipal council, erect more than one line of poles along any highway; Height of wires.

(*c.*) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council; Kind of poles.

(*d.*) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Cutting poles or wires in case of fire.

(*e.*) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; Injury to trees.

(*f.*) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company; Supervision of municipality. Surface of street to be restored.

(*g.*) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be Future legislation as to carrying wires under ground.

deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Workmen to wear badges.

(*h.*) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified;

Private rights.

(*i.*) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of wires and poles.

(*j.*) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;

Notice to Company.

Liability for damage.

(*k.*) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works."

Section added.

2. The said Act is further amended by adding thereto the following section:—

Power of Parliament as to future legislation.

"**310.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section."

Commencement of Act.

3. This Act shall be deemed to have come into force on the first day of May, one thousand eight hundred and ninety-nine.

No. 85.

4th Session, 8th Parliament, 62

BILL.

An Act further to amend Act.

First reading, April 26

OTTAWA
Printed by S. E. Dawso
Printer to the Queen's most Excelle
1899

No. 85.] **BILL.** [1899.

An Act further to amend the Railway Act.

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

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

1. Section 90 of *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by adding thereto the following subsection:— 1888. c. 29 s. 90. amended.

"2. When any company has power by any Act of Parliament to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway or public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway or public place, subject, however to the following provisons:— Power to enter on highway etc.

(*a.*) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building; Travel not to be obstructed.

(*b.*) The Company shall not permit any wire to be less than twenty-two feet above such highway or public place, nor, without the consent of the municipal council, erect more than one line of poles along any highway; Height of wires.

(*c.*) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council; Kind of poles.

(*d.*) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Cutting poles or wires in case of fire.

(*e.*) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; Injury to trees.

(*f.*) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company; Supervision of municipality. Surface of street to be restored.

(*g.*) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be Future legislation as to carrying wires under ground.

deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Workmen to wear badges.

(*h.*) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified;

Private rights.

(*i.*) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of wires and poles.

(*j.*) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;

Notice to Company.

Liability for damage.

(*k.*) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works."

Section added.

2. The said Act is further amended by adding thereto the following section :—

Power of Parliament as to future legislation.

"**310.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section."

Railway Committee may order stations to be built at certain points.

3. In case it appears to the Railway Committee of the Privy Council to be expedient or necessary for the public convenience that a station shall be located at any point on the line of any railway, the Committee may make an order requiring the company to place, maintain and operate a station at the place named and described therein, and may define the accommodation to be provided in connection therewith, and may order and require tracks to be laid down from and in connection with the Company's main line to and from such station and for sidings wherever deemed necessary by the Commitee; and it shall be the duty of the company owning or operating the line of railway to carry out the order within the time mentioned therein.

4. The said Railway Committee may make, revise, cancel or amend, from time to time, rules and regulations, not inconsistent with *The Railway Act*, for the operating of railways, which rules shall be applicable to all railways which are now or may hereafter be subject to the jurisdiction of the Parliament of Canada. Railway Committee may regulate operation of railways.

2. Such rules and regulations shall be subject to the approval of the Governor in Council, and shall be published in the Canada Gazette for weeks. Approval and publication of regulations,

5. This Act shall be deemed to have come into force on the first day of May, one thousand eight hundred and ninety-nine. Commencement of Act.

No. 85.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Railway Act.

(*Reprinted as proposed to be amended in the Railway Committee.*)

Mr. BLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

[SECOND REPRINT.]

No. 85.] **BILL.** [1899.

An Act further to amend the Railway Act.

(Reprinted as proposed to be further amended in the Railway Committee.)

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

1. Section 90 of *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by adding thereto the following subsection:— 1888. c. 29 s. 90. amended.

"2. When any company has power by any Act of Parliament to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway or public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway or public place, subject, however to the following provisons:— Power to enter on highway etc.

(*a.*) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building; Travel not to be obstructed.

(*b.*) The Company shall not permit any wire to be less than twenty-two feet above such highway or public place, nor, without the consent of the municipal council, erect more than one line of poles along any highway; Height of wires.

(*c.*) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council; Kind of poles.

(*d.*) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Cutting poles or wires in case of fire.

(*e.*) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; Injury to trees.

(*f.*) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company; Supervision of municipality. Surface of street to be restored.

(*g.*) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be Future legislation as to carrying wires under ground.

deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Workmen to wear badges.

(*h.*) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified;

Private rights.

(*i.*) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of wires and poles.

(*j.*) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;

Notice to Company.

Liability for damage.

(*k.*) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works."

2. Subsections 2 and 3 of section 273 of the said Act are hereby repealed, and the following subsections are substituted therefor:—

Destruction of fences, buildings, etc.

"2. Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding four months.

Penalty.

Wrongfully entering train.

"3. Every person who enters upon any railway train without the knowledge or consent of an officer or servant of the company with intent fraudulently to be carried upon the said railway without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses upon any of the stations, yards, cars or buildings of the company or premises connected therewith, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with in like manner, as mentioned in subsection 2 of this section in regard to the offences therein mentioned.

Penalty.

"4. Any person charged with an offence under this section shall be a competent witness on his own behalf." Person charged a competent witness.

3. The said Act is further amended by adding thereto the following section :— Section added.

"**310.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section." Power of Parliament as to future legislation.

4. In case it appears to the Railway Committee of the Privy Council to be expedient or necessary for the public convenience that a station shall be located at any point on the line of any railway, the Committee may make an order requiring the company to place, maintain and operate a station at the place named and described therein, and may define the accommodation to be provided in connection therewith, and may order and require tracks to be laid down from and in connection with the Company's main line to and from such station and for sidings wherever deemed necessary by the Commitee; and it shall be the duty of the company owning or operating the line of railway to carry out the order within the time mentioned therein. Railway Committee may order stations to be built at certain points.

5. The said Railway Committee may make, revise, cancel or amend, from time to time, rules and regulations, not inconsistent with *The Railway Act*, for the operating of railways, which rules shall be applicable to all railways which are now or may hereafter be subject to the jurisdiction of the Parliament of Canada. Railway Committee may regulate operation of railways.

2. Such rules and regulations shall be subject to the approval of the Governor in Council, and shall be published in the Canada Gazette for . weeks. Approval and publication of regulations,

6. This Act shall be deemed to have come into force on the first day of May, one thousand eight hundred and ninety-nine. Commencement of Act.

No. 85.

4th Session, 8th Parliament, 62 Victoria, 1899

[Second Reprint.]

BILL.

An Act further to amend the Railway Act.

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

Mr. BLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

[THIRD REPRINT.]

No. 85.] **BILL.** [1899.

An Act further to amend the Railway Act.

(*Reprinted as proposed to be amended in the Railway Committee.*)

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

1. Section 90 of *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by adding thereto the following subsection:— 1888. c. 29 s. 90. amended.

"2. When any company has power by any Act of Parliament to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway or public place, subject, however to the following provisons:— Power to enter on highway etc.

(*a.*) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building; Travel not to be obstructed.

(*b.*) The company shall not permit any wire to be less than twenty-two feet above such highway or public place, nor, without the consent of the municipal council, erect more than one line of poles along any highway; provided that this paragraph shall not apply to any wire which was put up for the first time before the first day of August, one thousand eight hundred and ninety-nine, unless the Railway Committee has ordered it to be raised to the said height, in which case the company shall obey such order; Height of wires.

(*c.*) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council; Kind of poles.

(*d.*) The company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Cutting poles or wires in case of fire.

(*e.*) The company shall not cut down or mutilate any shade, fruit or ornamental tree without the approval of the corporation of the municipality in which it is situate, and then only so far as it may be necessary; Injury to trees.

(*f.*) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such Supervision of municipality.

Surface of street to be restored.

poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the company;

Future legislation as to carrying wires under ground.

(*g.*) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the company shall not be entitled to damages therefor;

Workmen to wear badges.

(*h.*) Every person employed upon the work of erecting or repairing any line or instrument of the company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the company and a number by which he can be readily identified;

Private rights.

(*i.*) Nothing herein contained shall be deemed to authorize the company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of wires and poles.

(*j.*) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the company so doing, such person may remove such wires and poles at the expense of the company. The said notice may be given either at any office of the company, or to any agent or officer of the company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the company in the nearest or any adjoining municipality to that in which such wires or poles are;

Notice to company.

Liability for damage.

(*k.*) The company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works."

Section added.

2. The said Act is further amended by adding thereto the following section:—

Bridges.

"**192A.** When any company has power under a special Act to construct, maintain and use a bridge for railway purposes or for railway and general traffic purposes, such power shall be exercised subject to the following provisions:—

Plans to be approved by Governor in Council.

(*a.*) The company shall not commence the construction of the bridge until it has first submitted to the Governor in Council plans of such bridge, and of all intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with, nor shall such plans be altered, or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he shall impose.

Equal rights in passage of bridge to all railways.

(*b.*) So soon as the said bridge is completed and ready for traffic all trains and cars of all railways, tramways and electric railways connecting therewith, then constructed or hereafter to be constructed, and also the trains and cars of all companies

whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in the tariff rates for transportation, shall be made in favour of or against any railway, tramway or electric railway whose trains or cars pass over the said bridge.

Rate of tolls to be approved by Governor in Council.

(*c.*) If the said bridge is constructed or arranged for the use of foot passengers and carriages, or either, as well as for railway purposes, then the toll to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time by the Governor in Council; but the company may, at any time, reduce the said 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.

Disputes to be determined by Railway Committee.

(*d.*) In case of any disagreement as to the rights of any company whose trains or cars cross, or business passes over, the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Railway Committee.

Bond issue.

(*e.*) Any issue of bonds, debentures, or other securities in respect of the said bridge 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 by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Time for construction of bridge limited.

(*f.*) The bridge shall be commenced within two years and completed within five years from the passing of the special Act, otherwise the powers granted shall cease and be null and void as respects so much of the said bridge as then remains uncompleted."

Destruction of fences, buildings, etc.

3. Subsections 2 and 3 of section 273 of the said Act are hereby repealed, and the following subsections are substituted therefor:—

"2. Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

Penalty.

Wrongfully entering train.

"3. Every person who enters upon any railway train without the knowledge or consent of an officer or servant of the company with intent fraudulently to be carried upon the said railway without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in

Penalty.

the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with in like manner, as mentioned in subsection 2 of this section in regard to the offences therein mentioned.

Person charged a competent witness.

"4. Any person charged with an offence under this section shall be a competent witness on his own behalf."

Railway Committee may order stations to be built at certain points.

4. In case it appears to the Railway Committee of the Privy Council expedient or necessary for the public convenience that a station should be located at any point on a railway subsidized in money or land under the authority of an Act of the Parliament of Canada or of any province in or through which the railway is constructed, then the Committee (with the approval of the Governor in Council) may order the company owning or operating such railway to erect, maintain and operate a station at that point, and may define the accommodation to be provided in connection therewith, and the company shall obey every such order whether there be or be not any covenant on the subject in any agreement relating to the subsidy.

Railway Committee may regulate operation of railways.

5. The Railway Committee may, from time to time, make rules and regulations, not inconsistent with *The Railway Act*, for the operating of all or any of the railways which are now or may hereafter be subject to the jurisdiction of the Parliament of Canada, and such rules and regulations shall supersede all previous rules and regulations made by the company operating any of such railways in so far as they differ therefrom.

Approval and publication of regulations.

2. Such rules and regulations shall be subject to the approval of the Governor in Council, and shall be published in the *Canada Gazette* for weeks.

No. 85.

4th Session, 8th Parliament, 6

[Third Reprint

BILL.

An Act further to amend Act.

(*Reprinted as proposed to be Railway Committe*

OTTAWA
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1899

[FOURTH REPRINT.]

No. 85.] **BILL.** [1899.

An Act further to amend the Railway Act.

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

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

1. Section 90 of *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by adding thereto the following subsection; provided that the said subsection shall not apply to any Act of Parliament passed prior to the first day of January one thousand eight hundred and ninety-nine. 1888. c. 29 s. 90. amended.

"2. When any company has power by any Act of Parliament to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway or public place, subject, however to the following provisons:— Power to enter on highway etc.

(*a.*) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building; Travel not to be obstructed.

(*b.*) The company shall not permit any wire to be less than twenty-two feet above such highway or public place, nor, without the consent of the municipal council, erect more than one line of poles along any highway; Height of wires.

(*c.*) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council; Kind of poles.

(*d.*) The company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Cutting poles or wires in case of fire.

(*e.*) The company shall not cut down or mutilate any shade, fruit or ornamental tree without the approval of the corporation of the municipality in which it is situate, and then only so far as it may be necessary; Injury to trees.

(*f.*) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such Supervision of municipality.

Surface of street to be restored.

poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the company;

Future legislation as to carrying wires under ground.

(*g.*) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the company shall not be entitled to damages therefor;

Workmen to wear badges.

(*h.*) Every person employed upon the work of erecting or repairing any line or instrument of the company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the company and a number by which he can be readily identified;

Private rights.

(*i.*) Nothing herein contained shall be deemed to authorize the company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of wires and poles.

(*j.*) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the company so doing, such person may remove such wires and poles at the expense of the company. The said notice may be given either at any office of the company, or to any agent or officer of the company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the company in the nearest or any adjoining municipality to that in which such wires or poles are;

Notice to company.

Liability for damage.

(*k.*) The company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works."

Section added.

Bridges.

2. The said Act is further amended by adding thereto the following section:—

"**192A.** When any company has power under a special Act to construct, maintain and use a bridge for railway purposes or for railway and general traffic purposes, such power shall be exercised subject to the following provisions:—

Plans to be approved by Governor in Council.

(*a.*) The company shall not commence the construction of the bridge until it has first submitted to the Governor in Council plans of such bridge, and of all intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with, nor shall such plans be altered, or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he shall impose.

Equal rights in passage of bridge to all railways.

(*b.*) So soon as the said bridge is completed and ready for traffic all trains and cars of all railways, tramways and electric railways connecting therewith, then constructed or thereafter to be constructed, and also the trains and cars of all companies

whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in the tariff rates for transportation, shall be made in favour of or against any railway, tramway or electric railway whose trains or cars pass over the said bridge.

Rate of tolls to be approved by Governor in Council.

(*c.*) If the said bridge is constructed or arranged for the use of foot passengers and carriages, or either, as well as for railway purposes, then the toll to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time by the Governor in Council; but the company may, at any time, reduce the said 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.

Disputes to be determined by Railway Committee.

(*d.*) In case of any disagreement as to the rights of any company whose trains or cars cross, or business passes over, the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Railway Committee.

Bond issue.

(*e.*) Any issue of bonds, debentures, or other securities in respect of the said bridge 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 by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Time for construction of bridge limited.

(*f.*) The bridge shall be commenced within two years and completed within five years from the passing of the special Act, otherwise the powers granted shall cease and be null and void as respects so much of the said bridge as then remains uncompleted."

Destruction of fences, buildings, etc.

3. Subsections 2 and 3 of section 273 of the said Act are hereby repealed, and the following subsections are substituted therefor:—

"2. Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

Penalty.

Wrongfully entering train.

"3. Every person who enters upon any railway train without the knowledge or consent of an officer or servant of the company with intent fraudulently to be carried upon the said railway without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in

Penalty.

the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with in like manner, as mentioned in subsection 2 of this section in regard to the offences therein mentioned.

Person charged a competent witness.

"4. Any person charged with an offence under this section shall be a competent witness on his own behalf."

Railway Committee may order stations to be built at certain points.

4. In case it appears to the Railway Committee of the Privy Council expedient or necessary for the public convenience that a station should be located at any point on a railway subsidized in money or land under the authority of an Act of the Parliament of Canada or of any province in or through which the railway is constructed, then the Committee (with the approval of the Governor in Council) may order the company owning or operating such railway to erect, maintain and operate a station at that point, and may define the accommodation to be provided in connection therewith, and the company shall obey every such order whether there be or be not any covenant on the subject in any agreement relating to the subsidy.

Railway Committee may regulate operation of railways.

5. The Railway Committee may, from time to time, make rules and regulations, not inconsistent with *The Railway Act*, for the operating of all or any of the railways which are now or may hereafter be subject to the jurisdiction of the Parliament of Canada, and such rules and regulations shall supersede all previous rules and regulations made by the company operating any of such railways in so far as they differ therefrom.

Approval and publication of regulations.

2. Such rules and regulations shall be subject to the approval of the Governor in Council, and shall be published in the *Canada Gazette* for weeks.

No. 85.

4th Session, 8th Parliament,

[Fourth Repri

BILL.

An Act further to amend Act.

(*Reprinted as proposed to be Railway Commit*

OTTAWA
Printed by S. E. Da
Printer to the Queen's most Exc
1899

No. 86.] **BILL.** [1899.

An Act to further amend the Insurance Act.

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

R.S.C., 124, new sections 6A and 6B.

1. Sections 6A. and 6B. added to *The Insurance Act* by sections 2 and 3 of chapter 20 of the statutes of 1894, are hereby repealed and the following substituted therefor: provided that the sections so substituted shall not interfere with the renewal of licenses heretofore granted:—

Interpretation.

"**6A.** In this section,—

"Guarantee insurance."

"(*a*) 'Guarantee Insurance' means the guaranteeing the fidelity of persons in positions of trust;

"Accident insurance."

"(*b*) 'Accident Insurance' means insurance against bodily injury and death by accident, including the liability of employers for injuries to persons in their employment;

"Plate glass insurance."

"(*c*) 'Plate Glass Insurance' means insurance against the breakage of plate or other glass either local or in transit.

"Steam-boiler insurance."

"(*d*) 'Steam Boiler Insurance' means insurance against loss or damage to the life, person or property of the insured or of another for which the insured is liable, caused by the explosion of steam boilers;

"Inland transportation insurance."

"(*e*) '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."

"(*f*) 'Sickness Insurance' means insurance against loss through illness not ending in death, or disability not arising from accident or old age;

Classes of insurance business that may or may not be done together.

"2. 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.

"3. A license may be granted to a company to carry on the four following classes of insurance, viz.: fire insurance, inland marine insurance, inland transportation insurance, and cyclone or tornado insurance, or any one or more of the said classes.

"4. A license may be granted to a company to carry on any two of the classes of insurance mentioned in subsection 1 of this section.

"5. A license may, on the report and recommendation of the Superintendent approved by the Treasury Board, be granted to a company:—

"(*a*) To carry on accident insurance and sickness insurance and also one other class of insurance, or—

"(*b*) To carry on any class or classes of insurance not hereinbefore in this section mentioned; but no such license shall be granted for more than two such classes of insurance, or—

"(c) To carry on any of the classes of insurance hereinbefore in this section mentioned and also one other class of insurance not in this section mentioned.

"6. Except as hereinbefore in this section provided, a license shall not be granted to a company to carry on more than two classes of insurance.

As to companies having wider field under charter.

As to companies incorporated elsewhere than in Canada.

"6B. 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 next preceding section. Provided, however, that any company incorporated elsewhere than in Canada, regardless of its charter powers, which has a paid-up capital, in the case of a company authorized to transact among other classes of business the business of fire insurance, of at least three hundred thousand dollars, and in the case of any other company, of at least one hundred thousand dollars, wholly unimpaired, and in addition to such paid-up capital 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 which has carried on successfully, for a period of at least five years, the business for which a license is sought, being only one class of insurance, or if more than one then such classes as may be combined under the provisions of the next preceding section, 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 10 of this Act, over and above and in excess of the amount which would be required if such company's charter powers were limited to the purposes for which such license is asked, to such an amount as the Treasury Board, on the report of the Superintendent, fixes or determines, such excess not being in any case more than two hundred thousand dollars, and not being less, in the case of a company applying for a license to transact fire insurance or life insurance, than fifty thousand dollars, and in the case of any other company, than ten thousand dollars. Provided further, that a license may, upon the terms and conditions and subject to the limitations with regard to the depositing and maintaining of excess assets in the preceding proviso contained, be granted to a company, which, while not in all respects complying with the requirements of the said proviso, does not materially fall short thereof in any essential particular."

Section 20 amended.

2. Subsection 8 of the section substituted for section 20 of the said Act by section 8 of chapter 20 of the statutes of 1894 is hereby repealed.

Section 25 amended.

3. Subsection 10 of section 25 of the said Act is hereby repealed and the following substituted therefor :—

Valuation of life insurance policies every five years.

"10. (*a.*) Once in every five years or oftener, at the discretion of the Minister, the Superintendent shall himself value, or procure to be valued under his supervision, all the policies of life insurance of Canadian companies and the Canadian policies of life insurance of companies other than Canadian companies

licensed under this Act to transact the business of life insurance in Canada; and such valuation shall, until the first day of January, 1907, as to policies issued prior to the first day of January, 1900, and bonus additions or profits accrued or declared in respect thereof, be based on the mortality table of the Institute of Actuaries of Great Britain, and on a rate of interest of four and one-half per cent per annum, and as to policies issued on or after the said last mentioned date and bonus additions or profits accrued or declared in respect thereof, shall be based upon the said mortality table and a rate of interest of three and one-half per cent per annum; provided that, on and after the said first day of January, 1907, the basis of valuation last mentioned shall be applicable to all such policies and bonus additions or profits accrued or declared in respect thereof. In this and the next succeeding paragraph of this subsection the word "policies" includes annuity contracts, provided however that in the valuation of annuity contracts the table of mortality experience of (British) Government Life annuitants may be used instead of the table of the Institute of Actuaries in paragraph clause mentioned.

Basis of valuation.

Interpretation.

"(*b.*) 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 next preceding paragraph of this subsection, exceeds 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 them, may,

If liabilities of Canadian life insurance company exceed assets, license may be withdrawn.

"(i.) Forthwith withdraw the company's license, or

"(ii.) Upon such terms and conditions as they deem proper, limit a time, not exceeding one year, 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 liabilities exceed its assets by twenty per cent or upwards its license shall be forthwith withdrawn.

"(*c.*) For the purpose of carrying out the provisions of the next preceding paragraph of this subsection the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuators or other persons as they deem 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.

Treasury Board may appoint valuators.

"(*d.*) The provisions of paragraph (*b*) of this subsection shall prevail in any case where there appears to be a conflict between it and subsection 1 of section 10 of this Act."

Rule of construction.

4. The section substituted for section 35 of the said Act by section 12 of chapter 20 of the statutes of 1894 is hereby repealed and the following substituted therefor:—

New section 35.

"**35.** This section shall apply to all the policies of Canadian companies and to all Canadian policies of companies other than Canadian companies.

Application.

"2. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders, each company may, until the first day of January 1907, as to policies

Computation by company of reserve for covering

libilities to policy-holders.

issued prior to the first day of January 1900, and bonus additions or profits accrued or 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 four and one-half per cent per annum, and as to policies issued on or after said last mentioned date and bonus additions or profits accrued or declared in respect thereof, may employ any such standard table of mortality and any rate of interest not exceeding three and one-half per cent per annum, and on and after the said first day of January 1907, may, as to all its policies in this section referred to and bonus additions or profits accrued or declared in respect thereof, employ any of such standard tables of mortality and any rate of interest not exceeding three and one-half per cent per annum ; but if it appears to the Superintendent that such reserve falls below that computed on the basis stated in subsection 10 of section 25 of this Act, he shall so report to the Minister, who may thereupon direct the Superintendent to compute, or to procure to be computed under his supervision, the reserve on the basis therein mentioned, 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; and 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.

When Minister may order re-computation.

Costs.

Computation by superintendent at company's request.

"3. Any company, instead of itself computing or estimating the reserve above mentioned, may require it to be computed by the Superintendent on the basis stated in the said subsection 10 of section 25 of this Act, on payment of a like amount as is mentioned in the next preceding subsection.

Interpretation.

"4. In this section the word 'policies' includes annuity contracts, and the expression 'policy-holders' includes the holders of annuity contracts."

New section 50.

Existing powers not affected.

5. The said Act is hereby amended by adding thereto the following section : provided that nothing therein contained shall be construed to diminish, impair, or in any way take away or limit any power of lending or investing now possessed by any company therein mentioned or referred to :—

Investment of funds of life insurance company.

"**50.** 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—

"(*a.*) The debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or public school corporation in Canada, or

"(*b.*) The debentures of any building society, loan or investment company, water works company, gas company, street railway company, electric light or power company, telegraph or telephone company, or electric railway company, every such society or company being incorporated in Canada, or

"(*c.*) Life or endowment policies issued by the company, or by any other life insurance company, or

"(*d.*) The public consols, stocks, bonds, debentures or other securities, of the United Kingdom, or of any colony or dependency thereof, or of the United States or of any State thereof, or

"(*e.*) Ground rents and mortgages on real estate in any province of Canada, or

"(*f.*) Any securities accepted by the Treasury Board as deposits from insurance companies under this Act.

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

"(*a.*) Any of the bonds, stocks, debentures or securities mentioned in the preceding subsection, or

"(*b.*) Paid up shares of any company mentioned in paragraph (*b.*) of the next preceding subsection: Provided that any loan on the security of any such shares shall not exceed ninety per cent of the market value of such shares, or

"(*c.*) Real estate or leaseholds for a term or terms of years or other estate or interest in real property in any province of Canada, or

"(*d.*) The stock of any chartered bank in Canada, under and subject, however, to such regulations as are from time to time made by order of the Treasury Board.

Investment for maintenance of foreign branch.

"3. Any such life insurance company may invest in foreign securities, or deposit outside of Canada, such portion of its funds as is necessary or desirable for the maintenance of any foreign branch: Provided that such investment or deposit, when not required by the law of the country where such branch is established, but deemed desirable in the interest of such branch, shall not exceed one hundred thousand dollars, Canadian currency.

In case of company doing business in United States.

"4. Any such life insurance company doing business in the United States, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United States exceeding the amount which may be invested or deposited under the authority of the next preceding subsection, may invest a portion of its funds in the purchase of bonds or debentures of any of the States of the United States, or of any municipal corporation in the United States, or in mortgages on real estate therein, or may lend it on the security of any such bonds, debentures or mortgages; but in such event the amount so invested or lent in the United States, including any sum invested or deposited under the authority of the next preceding subsection, shall not at any time exceed by over ten per cent the said reserve or reinsurance value of its policies in force in the United States, such reserve to be calculated upon the basis prescribed in this Act.

Doing business in United Kingdom.

"5. Any such life insurance company doing business in the United Kingdom, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United Kingdom exceeding the amount which may be invested or deposited under the authority of subsection 3 of this section, may invest a portion of its funds in the purchase of bonds or debentures of any of the municipalities of the United Kingdom, or mortgages on real estate therein, or may lend it on the security of any such bonds, debentures or mortgages; but in such event the amount so invested or lent in the United

Kingdom, including any sum invested or deposited under the authority of subsection 3 of this section, shall not at any time exceed by over ten per cent the said reserve or reinsurance value of its policies in force in the United Kingdom, such reserve to be calculated on the basis prescribed by this Act.

Doing business outside of Canada elsewhere than in U. K. and U. S.

"6. Any such life insurance company which does business outside of Canada elsewhere than in the United Kingdom and the United States and also does business in the United Kingdom and the United States, in the event of the reserve or the reinsurance value upon its outstanding policies in force outside of Canada exceeding the amount which may be invested or deposited under the authority of subsections 3, 4 and 5 of this section, may invest a further portion of its funds in the purchase of the bonds or debentures of any of the States of the United States or of any municipal corporations in the United Kingdom or the United States, or mortgages on real estate in the United Kingdom or the United States, or may lend such further portion upon the security of any such bonds, debentures or mortgages; but in such event the total amount so invested or lent outside of Canada under the authority of the said subsections 3, 4 and 5 and of this subsection, shall never exceed by over ten per cent. the said reserve upon its said outstanding policies in force outside of Canada, such reserve to be calculated on the basis prescribed by this Act.

Investment of funds of other than life insurance companies.

"7. 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 mentioned in subsection 1 of this section, except those mentioned in paragraph (*c.*) of the said subsection, or may lend its said funds, or any portion thereof, on the security of any of the bonds, stocks, debentures or other securities mentioned or referred to in subsection 2 of this section, except those mentioned in the said paragraph (*c.*) of the said subsection 1 of this section; subject, however, to the terms and conditions in the said second subsection mentioned.

Collateral securities.

"8. Any company in this section mentioned 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 hereby authorized to invest or lend any of its funds.

Conditions of loans.

"9. Any loan in this section 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.

In whose name securities may be taken.

"10. 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."

New section 51.

Existing powers not affected.

6. The said Act is hereby further amended by adding thereto the following section: provided that nothing therein contained shall be construed to diminish the period during which any such company may, by virtue of its present corporate powers, hold any parcel of real estate or any interest therein.

"**51.** 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 authority of the said Parliament, may hold such real estate as is *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, and not held by way of security, shall be held by such company or any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that such company shall no longer retain any interest therein, except 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 such company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided that the Treasury Board may extend the said period, from time to time, such extension or extensions not exceeding, in the whole, five years: Provided further, that no such forfeitures shall take effect or be enforced until the expiration of at least six calendar months after notice in writing from the Minister to such company of the intention of Her Majesty to claim such forfeiture; and 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 said provisoes."

Power as to real estate.

Proviso: as to such estate not held for company's own use or as security.

Extension of time for sale thereof.

Notice of forfeiture.

Statement of such estate to be furnished by company.

7. The said Act is hereby further amended by adding thereto the following section:—

New section 52.

"**52.** 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,

Change of head office by by-law.

"(*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, represented at a special general meeting duly called for considering the by-law, or

"(*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

"(*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 the head office of such company from any place in Canada to any other place in Canada."

No. 86.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to further amend the Insurance Act.

First reading, April 26, 1899.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 86.] **BILL.** [1899

An Act to further amend the Insurance Act.

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

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

R.S.C., c. 124, s. 2 amended.

1. Section 2 of *The Insurance Act*, chapter 124 of the revised statutes, is hereby amended by adding thereto the following paragraphs:—

"President."

"(*l.*) The expression "president," as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof."

"Secretary."

"(*m.*) The expression "Secretary" means and includes the officer by whom the usual duties of a secretary are performed."

New sections 6A and 6B.

2. Sections 6A. and 6B. added to the said Act by sections 2 and 3 of chapter 20 of the statutes of 1894, are hereby repealed and the following substituted therefor: provided that the sections so substituted shall not interfere with the renewal of licenses heretofore granted:—

Interpretation.

"**6A.** In this section,—

"Guarantee insurance."

"(*a*) 'Guarantee Insurance' means the guaranteeing the fidelity of persons in positions of trust;

"Accident insurance."

"(*b*) 'Accident Insurance' means insurance against bodily injury and death by accident, including the liability of employers for injuries to persons in their employment;

"Plate glass insurance."

"(*c*) 'Plate Glass Insurance' means insurance against the breakage of plate or other glass either local or in transit.

"Steam-boiler insurance."

"(*d*) 'Steam Boiler Insurance' means insurance against loss or damage to the life, person or property of the insured or of another for which the insured is liable, caused by the explosion of steam boilers;

"Inland transportation insurance."

"(*e*) '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."

"(*f*) 'Sickness Insurance' means insurance against loss through illness not ending in death, or disability not arising from accident or old age;

Classes of insurance business that may or may not be done together.

"2. 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.

"3. A license may be granted to a company to carry on the four following classes of insurance, viz.: fire insurance, cyclone

or tornado insurance, inland and marine insurance, inland transportation insurance, or any one or more of the said classes.

"4. A license may be granted to a company to carry on any two of the classes of insurance mentioned in subsection 1 of this section.

"5. A license may, on the report and recommendation of the Superintendent approved by the Treasury Board, be granted to a company :—

"(*a*) To carry on accident insurance and sickness insurance and also one other class of insurance, or—

"(*b*) To carry on any class or classes of insurance not hereinbefore in this section mentioned; but no such license shall be granted for more than two such classes of insurance, or—

"(c) To carry on any of the classes of insurance hereinbefore in this section mentioned and also one other class of insurance not in this section mentioned.

"6. Except as hereinbefore in this section provided, a license shall not be granted to a company to carry on more than two classes of insurance.

As to companies having wider field under charter.

As to companies incorporated elsewhere than in Canada.

"6B. 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 next preceding section. Provided, however, that any company incorporated elsewhere than in Canada, regardless of its charter powers, which has a paid-up capital, in the case of a company authorized to transact among other classes of business the business of fire insurance, of at least three hundred thousand dollars, and in the case of any other company, of at least one hundred thousand dollars, wholly unimpaired, and in addition to such paid-up capital 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 which has carried on successfully, for a period of at least five years, the business for which a license is sought, being only one class of insurance, or if more than one then such classes as may be combined under the provisions of the next preceding section, 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 10 of this Act, over and above and in excess of the amount which would be required if such company's charter powers were limited to the purposes for which such license is asked, to such an amount as the Treasury Board, on the report of the Superintendent, fix or determine, such excess not being in any case more than two hundred thousand dollars, and not being less, in the case of a company applying for a license to transact fire insurance or life insurance, than fifty thousand dollars, and in the case of any other company, than ten thousand dollars. Provided further, that a license may, upon the terms and conditions and subject to the limitations with regard to the depositing and maintaining of excess assets in the preceding proviso contained, be granted to a company, which, while not in all respects complying with the requirements of the said proviso, does not materially fall short thereof in any essential particular."

3. The subsections substituted by section 1 of chapter 20 of the statutes of 1895 for subsection 7 of the section substituted by section 8 of chapter 20 of the statutes of 1894, for section 20 of the said Act, is hereby amended by striking out the word "fifteen" in the eighth line thereof and substituting therefor the word "thirty," and by striking out the word "May" in the fifteenth line thereof and substituting therefor the word "June." Section 20 amended.

4. Subsection 8 of the section substituted for section 20 of the said Act by section 8 of chapter 20 of the statutes of 1894 is hereby repealed. Section 20 further amended.

5. Subsection 10 of section 25 of the said Act is hereby repealed and the following substituted therefor :— Section 25 amended.

"10. (*a.*) Once in every five years or oftener, at the discretion of the Minister, the Superintendent shall himself value, or procure to be valued under his supervision, all the policies of life insurance of Canadian companies and the Canadian policies of life insurance of companies other than Canadian companies licensed under this Act to transact the business of life insurance in Canada; and such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits accrued or declared in rsspect thereof, be based on the mortality table of the Institute of Actuaries of Great Britain, and on a rate of interest of three and one-half per cent per annum; and as to policies issued prior to the said date, and bonus additions or profits accrued or declared in respect thereof, such valuation shall, until the first day of January, one thousand nine hundred and seven, be based on the said martality 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 of January, one thousand nine hundred and twelve, be based on the said mortality table and a rate of interest of four per cent per annum, and on and after the said first day of January, one thousand nine hundred and twelve, shall be based on the said mortality, table and a rate of interest of three and one half per cent per anuum. In this and the next succeeding paragraph of this subsection the word "policies" includes annuity contracts, provided however that in the valuation of annuity contracts the table of mortality experience of (British) Government Life annuitants may be used instead of the table of the Institute of Actuaries in this paragraph mentioned. Valuation of life insurance policies every five years. Interpretation.

"(*b.*) 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 next preceding paragraph of this subsection, exceeds 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 them, may, If liabilities of Canadian life insurance company exceed assets, license may be withdrawn.

"(i.) Forthwith withdraw the company's license, or

"(ii.) Upon such terms and conditions as they deem proper, limit a time, not exceeding three years, 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 liabilities exceed its assets by twenty per cent or upwards its license shall be forthwith withdrawn.

Treasury Board may appoint valuators.

"(*c.*) For the purpose of carrying out the provisions of the next preceding paragraph of this subsection the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuators or other persons as they deem 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.

Rule of construction.

"(*d.*) The provisions of paragraph (*b*) of this subsection shall prevail in any case where there appears to be a conflict between it and subsection 1 of section 10 of this Act."

New section 35.

6. Section 35 of the said Act, as amended by section 12 of the said chapter 20 of the statutes of 1894, is hereby repealed and the following section is substituted therefor:—

Application.

"**35.** This section shall apply to all the policies of Canadian companies and to all Canadian policies of companies other than Canadian companies.

Computation by company of reserve for covering libilities to policy-holders.

"2. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders, each company may, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits accrued or 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 one-half per cent per annum, and as to policies issued prior to the said date, and bonus additions or profits accrued or declared in respect thereof, may, until the first day of January, one thousand nine hundred and seven, employ any of such standard tables or mortality and any rate of interest not exceeding four and one-half per cent per annum, and on and after the said last mentioned date may, until the first day of January, one thousand nine hundred and twelve, 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 said first day of January, one thousand nine hundred and twelve, may employ any of such standard tables of mortality and any rate of interest not exceeding three and one half per cent per annum, and on and after the said first day of January, one thousand nine hundred and twelve, may, as to all its policies in this section referred to and bonus additions or profits accrued or declared in respect thereof, employ any of such standard tables of mortality and any rate of interest not exceeding three and one-half per cent per annum; but if it appears to the Superintendent that such reserve falls below that computed on the basis stated in subsection 10 of section 25 of this Act, he shall so report to the Minister, who may thereupon direct the Superintendent to compute, or to procure to be computed under his supervision, the reserve on the basis therein mentioned, 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; and in such case the com-

When Minister may order re-computation.

pany 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. Costs.

"3. Any company, instead of itself computing or estimating the reserve above mentioned, may require it to be computed by the Superintendent on the basis stated in the said subsection 10 of section 25 of this Act, on payment of a like amount as is mentioned in the next preceding subsection. Computation by superintendent at company's request.

"4. In this section the word 'policies' includes annuity contracts, and the expression 'policy-holders' includes the holders of annuity contracts." Interpretation.

7. The said Act is hereby amended by adding thereto the following section: provided that nothing therein contained shall be construed to diminish, impair, or in any way take away or limit any power of lending or investing now possessed by any company therein mentioned or referred to :— New section 50. Existing powers not affected.

"**50.** 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— Investment of funds of life insurance company.

"(*a.*) The debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or public school corporation in Canada, or

"(*b.*) The debentures, bonds, stocks or other securities of any building society, loan or investment company, trust company, water works company, water power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, fire insurance company, or the debentures or bonds of any steam railway company, every such society, commission or company being incorporated in Canada, or the stock of any chartered bank in Canada, or

"(*c.*) Life, endowment, or other policies or contracts issued by the company, or by any other life insurance company, or

"(*d.*) The public consols, stocks, bonds, debentures or other securities, of the United Kingdom, or of any colony or dependency thereof, or of the United States or of any State thereof, or

"(*e.*) Ground rents and mortgages on real estate in any province of Canada, or

"(*f.*) Any securities accepted by the Treasury Board as deposits from insurance companies under this Act.

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

"(*a.*) Any of the bonds, stocks, debentures or securities mentioned in the preceding subsection, or

"(*b.*) Real estate or leaseholds for a term or terms of years or other estate or interest in real property in any province of Canada, or

Investment for maintenance of foreign branch.

"3. Any such life insurance company may invest in foreign securities, or deposit outside of Canada, such portion of its funds as is necessary or desirable for the maintenance of any foreign branch: Provided that such investment, when not required by the law of the country where such branch is established, but deemed desirable in the interest of such branch, shall not exceed one hundred thousand dollars, Canadian currency.

In case of company doing business in United States.

"4. Any such life insurance company doing business in the United States, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United States exceeding the amount which may be invested or deposited under the authority of the next preceding subsection, may invest a portion of its funds in the purchase of bonds or debentures of any of the States of the United States, or of any municipal corporation in the United States, or in mortgages on real estate therein, or the debentures, bonds or preferred stocks of any building society, loan or investment company, trust company, water works or water power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, every such society, commission or company being incorporated in the United States, or may lend it on the security of any such bonds, debentures, preferred stocks or mortgages; but in such event the amount so invested or lent in the United States, including any sum invested or deposited under the authority of the next preceding subsection, shall not at any time exceed by over ten per cent the said reserve or reinsurance value of its policies in force in the United States, such reserve to be calculated upon the basis prescribed in this Act.

Doing business in United Kingdom.

"5. Any such life insurance company doing business in the United Kingdom, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United Kingdom exceeding the amount which may be invested or deposited under the authority of subsection 3 of this section, may invest a portion of its funds in the purchase of bonds or debentures of any of the municipalities of the United Kingdom, or mortgages on real estate therein, or may lend it on the security of any such bonds, debentures or mortgages; but in such event the amount so invested or lent in the United Kingdom, including any sum invested or deposited under the authority of subsection 3 of this section, shall not at any time exceed by over ten per cent the said reserve or reinsurance value of its policies in force in the United Kingdom, such reserve to be calculated on the basis prescribed by this Act.

Doing business outside of Canada elsewhere than in U. K. and U. S.

"6. Any such life insurance company which does business outside of Canada elsewhere than in the United Kingdom and the United States and also does business in the United Kingdom and the United States, in the event of the reserve or the reinsurance value upon its outstanding policies in force outside of Canada exceeding the amount which may be invested or deposited under the authority of subsections 3, 4 and 5 of

this section, may invest a further portion of its funds in the purchase of the securities mentioned in subsections 4 and 5 of this section, or may lend such further portion upon the security thereof; but in such event the total amount so invested or lent outside of Canada under the authority of the said subsections 3, 4 and 5 and of this subsection, shall never exceed by over ten per cent. the said reserve upon its said outstanding policies in force outside of Canada, such reserve to be calculated on the basis prescribed by this Act.

Investment of funds of other than life insurance companies.

"7. 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 mentioned in subsection 1 of this section, except those mentioned in paragraph (*c.*) of the said subsection, or may lend its said funds, or any portion thereof, on the security of any of the bonds, stocks, debentures or other securities mentioned or referred to in subsection 2 of this section, except those mentioned in the said paragraph (*c.*) of the said subsection 1 of this section.

Collateral securities.

"8. Any company in this section mentioned 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 hereby authorized to invest or lend any of its funds.

Conditions of loans.

"9. Any loan in this section 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.

In whose name securities may be taken.

"10. 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."

New section 51.

8. The said Act is hereby further amended by adding thereto the following section: provided that nothing therein contained shall be construed to diminish or limit the period during which any such company may, by virtue of its present corporate powers, hold any parcel of real estate or any interest therein:—

Existing powers not affected.

Power as to real estate.

"**51.** 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 authority of the said Parliament, may hold such real estate as is *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, 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 be absolutely sold and disposed of, so that such company shall no longer retain any interest therein, except by way of security; and any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned,

Proviso: as to such estate not held for company's own use or as security.

which has been held by such company for a longer period than twelve years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided further, that no such forfeitures shall take effect or be enforced until the expiration of at least six calendar months after notice in writing from the Minister to such company of the intention of Her Majesty to claim such forfeiture; and 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 said provisoes."

Notice of forfeiture.

Statement of such estate to be furnished by company.

New section 52.

Change of head office by by-law.

9. The said Act is hereby further amended by adding thereto the following section:—

"**52.** 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,

"(*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, represented at a special general meeting duly called for considering the by-law, or

"(*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

"(*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 the head office of such company from any place in Canada to any other place in Canada."

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Printed by S. I
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1899

(Reprinted as proposed Committee on Bankin

An Act to further am Act

BIL

No. 8

4th Session, 8th Parliam

No. 86.] **BILL.** [1899.

An Act to further amend the Insurance Act.

(*Reprinted as amended and reported by the Committee on Banking and Commerce.*)

HER 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 Insurance Act*, chapter 124 of the revised statutes, is hereby amended by adding thereto the following paragraphs:— R.S.C., c. 124, s. 2 amended.

"(*l.*) The expression "president," as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof." "President."

"(*m.*) The expression "Secretary" means and includes the officer by whom the usual duties of a secretary are performed." "Secretary."

2. Sections 6A. and 6B. added to the said Act by sections 2 and 3 of chapter 20 of the statutes of 1894, are hereby repealed and the following substituted therefor: provided that the sections so substituted shall not interfere with the renewal of licenses heretofore granted:— New sections 6A and 6B.

"6A. In this section,— Interpretation.

"(*a*) 'Guarantee Insurance' means the guaranteeing the fidelity of persons in positions of trust; "Guarantee insurance."

"(*b*) 'Accident Insurance' means insurance against bodily injury and death by accident, including the liability of employers for injuries to persons in their employment; "Accident insurance."

"(*c*) 'Plate Glass Insurance' means insurance against the breakage of plate or other glass either local or in transit. "Plate glass insurance."

"(*d*) 'Steam Boiler Insurance' means insurance against loss or damage to the life, person or property of the insured or of another for which the insured is liable, caused by the explosion of steam boilers; "Steam-boiler insurance."

"(*e*) '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."

"(*f*) 'Sickness Insurance' means insurance against loss through illness not ending in death, or disability not arising from accident or old age; "Sickness insurance."

"2. 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. Classes of insurance business that may or may not be done together.

"3. A license may be granted to a company to carry on the four following classes of insurance, viz.: fire insurance, cyclone

or tornado insurance, inland marine insurance and inland transportation insurance, or any one or more of the said classes.

"4. A license may be granted to a company to carry on any two of the classes of insurance mentioned in subsection 1 of this section.

"5. A license may, on the report and recommendation of the Superintendent approved by the Treasury Board, be granted to a company :—

"(*a*) To carry on accident insurance and sickness insurance and also one other class of insurance, or—

"(*b*) To carry on any class or classes of insurance not hereinbefore in this section mentioned; but no such license shall be granted for more than two such classes of insurance, or—

"(c) To carry on any of the classes of insurance hereinbefore in this section mentioned and also one other class of insurance not in this section mentioned.

"6. Except as hereinbefore in this section provided, a license shall not be granted to a company to carry on more than two classes of insurance.

As to companies having wider field under charter.

As to companies incorporated elsewhere than in Canada.

"6B. 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 next preceding section. Provided, however, that any company incorporated elsewhere than in Canada, regardless of its charter powers, which has a paid-up capital, in the case of a company authorized to transact among other classes of business the business of fire insurance, of at least three hundred thousand dollars, and in the case of any other company, of at least one hundred thousand dollars, wholly unimpaired, and in addition to such paid-up capital 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 which has carried on successfully, for a period of at least five years, the business for which a license is sought, being only one class of insurance, or if more than one then such classes as may be combined under the provisions of the next preceding section, 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 10 of this Act, over and above and in excess of the amount which would be required if such company's charter powers were limited to the purposes for which such license is asked, to such an amount as the Treasury Board, on the report of the Superintendent, fix or determine, such excess not being in any case more than two hundred thousand dollars, and not being less, in the case of a company applying for a license to transact fire insurance or life insurance, than fifty thousand dollars, and in the case of any other company, than ten thousand dollars. Provided further, that a license may, upon the terms and conditions and subject to the limitations with regard to the depositing and maintaining of excess assets in the preceding proviso contained, be granted to a company, which, while not in all respects complying with the requirements of the said proviso, does not materially fall short thereof in any essential particular."

3. The subsections substituted by section 1 of chapter 20 of the statutes of 1895 for subsection 7 of the section substituted by section 8 of chapter 20 of the statutes of 1894, for section 20 of the said Act, is hereby amended by striking out the word "fifteen" in the eighth and eleventh lines thereof and substituting therefor the word "thirty," and by striking out the word "May" in the fifteenth line thereof and substituting therefor the word "June." Section 20 amended.

4. Subsection 8 of the section substituted for section 20 of the said Act by section 8 of chapter 20 of the statutes of 1894 is hereby repealed. Section 20 further amended.

5. Subsection 10 of section 25 of the said Act is hereby repealed and the following substituted therefor :— Section 25 amended.

"10. (*a.*) Once in every five years, or oftener at the discretion of the Minister, the Superintendent shall himself value, or procure to be valued under his supervision, all the policies of life insurance of Canadian companies and the Canadian policies of life insurance of companies other than Canadian companies licensed under this Act to transact the business of life insurance in Canada; and such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits accrued or declared in respect thereof, be based on the mortality table of the Institute of Actuaries of Great Britain, and on a rate of interest of three and one-half per cent per annum; and as to policies issued prior to the said date, and bonus additions or profits accrued or 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 said first day of January, one thousand nine hundred and fifteen, shall be based on the said mortality, table and a rate of interest of three and one half per cent per annum. In this and the next succeeding paragraph of this subsection the word "policies" includes annuity contracts, provided however that in the valuation of annuity contracts the table of mortality experience of (British) Government Life annuitants may be used instead of the table of the Institute of Actuaries in this paragraph mentioned. Valuation of life insurance policies every five years. Interpretation.

"(*b.*) 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 next preceding paragraph of this subsection, exceeds 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 them, may, If liabilities of Canadian life insurance company exceed assets, license may be withdrawn.

"(i.) Forthwith withdraw the company's license, or

"(ii.) Upon such terms and conditions as they deem proper, limit a time, not exceeding three years, 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 liabilities exceed its assets by twenty per cent or upwards its license shall be forthwith withdrawn.

Treasury Board may appoint valuators.

"(*c.*) For the purpose of carrying out the provisions of the next preceding paragraph of this subsection the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuators or other persons as they deem 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.

Rule of construction.

"(*d.*) The provisions of paragraph (*b*) of this subsection shall prevail in any case where there appears to be a conflict between it and subsection 1 of section 10 of this Act."

New section 35.

6. Section 35 of the said Act, as amended by section 12 of the said chapter 20 of the statutes of 1894, is hereby repealed and the following section is substituted therefor:—

Application.

"**35.** This section shall apply to all the policies of Canadian companies and to all Canadian policies of companies other than Canadian companies.

Computation by company of reserve for covering libilities to policy-holders.

"2. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders, each company may, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits accrued or 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 one-half per cent per annum, and as to policies issued prior to the said date, and bonus additions or profits accrued or declared in respect thereof, may, until the first day of January, one thousand nine hundred and ten, employ any of such standard tables of mortality and any rate of interest not exceeding four and one-half per cent per annum, and on and after the said last mentioned date may, 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 said first day of January, one thousand nine hundred and fifteen, may employ any of such standard tables of mortality and any rate of interest not exceeding three and one half per cent per annum; but if it appears to the Superintendent that such reserve falls below that computed on the basis stated in subsection 10 of section 25 of this Act, he shall so report to the Minister, who may thereupon direct the Superintendent to compute, or to procure to be computed under his supervision, the reserve on the basis therein mentioned, 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; and 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.

When Minister may order re-computation.

Costs.

"3. Any company, instead of itself computing or estimating the reserve above mentioned, may require it to be computed by the Superintendent on the basis stated in the said subsection 10 of section 25 of this Act, on payment of a like amount as is mentioned in the next preceding subsection. Computation by superintendent at company's request.

"4. In this section the word 'policies' includes annuity contracts, and the expression 'policy-holders' includes the holders of annuity contracts." Interpretation.

7. The said Act is hereby further amended by inserting therein the following section immediately after section 42 :— New section added.

"**42A.** If any company licensed or registered under this Act to carry on the business of life insurance on the assessment system files 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 sections 25 and 35 of 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 section 4 of this Act, and it shall, as to such policies, be exempt from all special provisions and conditions imposed by this Act upon assessment life insurance companies, except the provisions of subsection 10 of section 39. Assessment company, may, after notice, maintain reserve like ordinary life company. Exemption thereupon from certain conditions.

"2. The deposit of any such company in the hands of the Minister, at the date mentioned in the notice in the preceding subsection 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, and the provisions of this Act applicable to assessment life insurance companies (other than the provisions contained in this section) 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 this section had not been passed. Application of deposit to all policies.

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

"4. For the purpose of carrying out the provisions of this section, 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 ; and 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 entire business of the said respective portions shall be kept absolutely separate and distinct ; and the reserves or assets applicable to the Accounts, etc. of assessment and ordinary business to be kept distinct.

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.

New section 50.

8. The said Act is hereby amended by adding thereto the following section: provided that nothing therein contained shall be construed to diminish, impair, or in any way take away or limit any power of lending or investing now possessed by any company therein mentioned or referred to :—

Existing powers not affected.

Investment of funds of life insurance company.

"**50.** 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—

"(*a.*) The debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or public school corporation in Canada, or

"(*b.*) The debentures, bonds, stocks or other securities of any building society, loan or investment company, trust company, water works company, water power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, every such society, commission or company being incorporated in Canada, or the stock of any chartered bank in Canada, or

"(*c.*) Life, endowment, or other policies or contracts issued by the company, or by any other life insurance company, or

"(*d.*) The public consols, stocks, bonds, debentures or other securities, of the United Kingdom, or of any colony or dependency thereof, or of the United States or of any State thereof, or

"(*e.*) Ground rents and mortgages on real estate in any province of Canada, or

"(*f.*) Any securities accepted by the Treasury Board as deposits from insurance companies under this Act.

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

"(*a.*) Any of the bonds, stocks, debentures or securities mentioned in the preceding subsection, or

"(*b.*) Real estate or leaseholds for a term or terms of years or other estate or interest in real property in any province of Canada.

Investment for maintenance of foreign branch.

"3. Any such life insurance company may invest in foreign securities, or deposit outside of Canada, such portion of its funds as is necessary or desirable for the maintenance of any foreign branch: Provided that such investment, when not required by the law of the country where such branch is established, but deemed desirable in the interest of such branch, shall not exceed one hundred thousand dollars, Canadian currency.

In case of company doing business in United States.

"4. Any such life insurance company doing business in the United States, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United States exceeding the amount which may be invested or deposited

under the authority of the next preceding subsection, may invest a portion of its funds in the purchase of bonds or debentures of any of the States of the United States, or of any municipal corporation in the United States, or in mortgages on real estate therein, or the debentures, bonds or preferred or guaranteed stocks of any building society, loan or investment company, trust company, water works or water power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, every such society, commission or company being incorporated in the United States, or may lend it on the security of any such bonds, debentures, preferred or guaranteed stocks or mortgages; but in such event the amount so invested or lent in the United States, including any sum invested or deposited under the authority of the next preceding subsection, shall not at any time exceed by over ten per cent the said reserve or reinsurance value of its policies in force in the United States, such reserve to be calculated upon the basis prescribed in this Act.

Doing business in United Kingdom.

"5. Any such life insurance company doing business in the United Kingdom, in the event of the reserve or reinsurance value upon its outstanding policies in force in the United Kingdom exceeding the amount which may be invested or deposited under the authority of subsection 3 of this section, may invest a portion of its funds in the purchase of bonds or debentures of any of the municipalities of the United Kingdom, or mortgages on real estate therein, or may lend it on the security of any such bonds, debentures or mortgages; but in such event the amount so invested or lent in the United Kingdom, including any sum invested or deposited under the authority of subsection 3 of this section, shall not at any time exceed by over ten per cent the said reserve or reinsurance value of its policies in force in the United Kingdom, such reserve to be calculated on the basis prescribed by this Act.

Doing business outside of Canada elsewhere than in U. K. and U. S.

"6. Any such life insurance company which does business outside of Canada elsewhere than in the United Kingdom and the United States and also does business in the United Kingdom and the United States, in the event of the reserve or reinsurance value upon its outstanding policies in force outside of Canada exceeding the amount which may be invested or deposited under the authority of subsections 3, 4 and 5 of this section, may invest a further portion of its funds in the purchase of the securities mentioned in subsections 4 and 5 of this section, or may lend such further portion upon the security thereof; but in such event the total amount so invested or lent outside of Canada under the authority of the said subsections 3, 4 and 5 of this section, shall never exceed by over ten per cent the said reserve upon its said outstanding policies in force outside of Canada, such reserve to be calculated on the basis prescribed by this Act.

Investment of funds of other than life insurance companies.

"7. 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 mentioned in subsection 1 of this section, except those mentioned in paragraph (*c.*) of the said subsection, or may lend its said funds, or any portion thereof, on the security of any of the bonds, stocks, debentures or other securities mentioned or referred to in subsection 2 of this section, except those mentioned in the said paragraph (*c.*) of the said subsection 1 of this section.

Collateral securities.

"8. Any company in this section mentioned 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 hereby authorized to invest or lend any of its funds.

Conditions of loans.

"9. Any loan in this section 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.

In whose name securities may be taken.

"10. 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."

New section 51.

Existing powers not affected.

9. The said Act is hereby further amended by adding thereto the following section: provided that nothing therein contained shall be construed to diminish or limit the period during which any such company may, by virtue of its present corporate powers, hold any parcel of real estate or any interest therein :—

Power as to real estate.

"**51.** 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 authority of the said Parliament, may hold such real estate as is *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, 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 be absolutely sold and disposed of, so that such company shall no longer retain any interest therein, except 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 such company for a longer period than twelve years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided further, that no such forfeitures shall take effect or be enforced until the expiration of at least six calendar months after notice in writing from the Minister to such company of the intention of Her Majesty to claim such forfeiture; and 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 said provisoes."

Proviso: as to such estate not held for company's own use or as security.

Notice of forfeiture.

Statement of such estate to be furnished by company.

10. The said Act is hereby further amended by adding thereto the following section :— New section 52.

"**52.** 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, Change of head office by by-law.

"(*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, represented at a special general meeting duly called for considering the by-law, or

"(*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

"(*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 the head office of such company from any place in Canada to any other place in Canada."

No. 86.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to further amend the Insurance Act.

(Reprinted as amended and reported by the Committee on Banking and Commerce.)

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 87.] **BILL.** [1899.

An Act respecting the Incorporation of Benevolent Societies.

HER 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 Benevolent Societies Act*, 1899. Short title.

2. This Act applies only to associations which are conducted on the lodge system for the sole benefit of their members and the beneficiaries of such members and not for profit, and which do not employ paid agents in soliciting or procuring business other than in the preliminary organization of local lodges, branches or divisions by whatever name known. Application of Act.

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

(*a.*) The expression "society which is subject to the provisions of this Act" means a society incorporated under this Act or brought under its provisions by the issue of a certificate thereto to that effect. "Society, etc."

(*b.*) The expression "Minister" means the Minister of Finance and Receiver General. "Minister."

(*c.*) The expression "Superintendent" means the Superintendent of Insurance. "Superintendent."

(*d.*) The expression "insurance business" means everything relating or appertaining to the contracts of insurance made by a society which is subject to the provisions of this Act, and includes the establishment, maintenance and administration of benefit funds for which the society provides. "Insurance business."

(*e.*) The expression "policy" means any written contract of insurance whether contained in one or more documents. "Policy."

(*f.*) The expression "by-laws" includes rules and regulations. "By-laws."

4. The Treasury Board may from time to time make regulations with respect to the following matters ; viz. :— Regulation by Treasury Board.

(*a.*) The cases in which notice of application for incorporation under this Act or for a certificate bringing the applicants thereunder, must be given, and the requirements, evidence and information necessary in support of such application ;

(*b.*) The forms of certificates, petitions, notices, and other instruments and documents relating to applications and proceedings under this Act ;

(*c.*) The form and manner of giving and the length of any notice required by this Act or by regulations made nuder it.

What Provincial associations may apply to Treasury Board for certificate.

5. Any association or organization of persons incorporated by, or under the authority of, an Act of the Legislature of the late Province of Canada, or by or under the authority of an Act of the legislature of any province now forming part of Canada, for benevolent, social, fraternal, industrial or religious purposes which makes with its members exclusively—

(*a.*) Contracts of life insurance for the benefit of the widows, orphans, dependents or other beneficiaries of such members, or

(*b.*) Such contracts of life insurance and also contracts of accident, sickness, disability or other insurance of a like character,

may apply to the Treasury Board for a certificate incorporating its members as a society under this Act.

What associations with Dominion charters may apply for certificate.

6. Any association or organization of persons incorporated by or under the authority of an Act of the Parliament of Canada, whose purposes and objects are of the character mentioned in the next preceding section, may apply to the Treasury Board for a certificate bringing such association or organization under the provisions of this Act.

What application under s. 5 shall show.

7. If the application be made under section 5, the applicants shall show (1) the proposed name of the new society, (2) the place where its head office is to be established, (3) the number of its members at the time such application is made, and (4) such other information as is required by regulations made under this Act.

What may be embodied in certificate.

8. Any provision which might be made by a by-law of a society which is subject to the provisions of this Act may be embodied in the certificate of incorporation issued to an association or organization applying under section 5, or in a certificate bringing under the provisions of this Act an association or organization applying under section 6 hereof, and a provision so embodied shall not be subject to alteration or repeal without the consent of the Treasury Board.

Issue of certificate.

9. Upon the terms of this Act and of any regulations made hereunder being complied with, and unless it appears that the granting of an application under section 5 or section 6 hereof would not be in the public interest, the Treasury Board may grant such application and issue or cause to be issued the certificate of incorporation or certificate bringing the applicants under this Act, as the case may be.

Name of association.

10. The name given to a society incorporated under this Act may differ in whole or in part from that asked for by the petition; provided that the name given is not the name of any known society, association or organization carrying on business in Canada, or so nearly resembling that name as to be calculated to deceive, or to cause confusion; provided also that an existing name may be given in whole or in part with the consent of the society, association or organization entitled thereto; provided further that where an association applying under section 5 hereof was using its name before the name of the other society, association or organization above referred to was used, the first proviso in this section shall not apply.

Change of name of association applying under s. 6.

11. The name of an association applying under section 6 hereof may be changed in whole or in part by the certificate bringing it within the provisions of this Act, subject, however, to the provisions of the next preceding section.

Change to be made by Treasury Board.

12. When any society which is subject to the provisions of this Act is desirous of adopting another name, the Treasury Board, upon the recommendation of the Superintendent and upon being satisfied that the change is not desired for any improper purpose, may change the name of such society to some other name set forth in the order of the Treasury Board.

Registration and notice of change.

13. When any change of name is made under the next preceding section the Superintendent shall enter the new name in the register hereinafter mentioned in the place of the former name and shall issue to the society a certificate of such change, and notice thereof shall be forthwith given in such manner as the Treasury Board directs; but no such change of name shall affect any rights or obligations of the society, or render defective any legal proceedings instituted, or to be instituted, against the society, and any legal proceedings may be conducted or commenced against the society by its former name.

Saving.

What shall be specified in certificate.

14. The certificate of incorporation issued upon an application under section 5 of this Act by an existing association (hereinafter referred to as the old society) incorporating such association as a society under this Act (hereinafter referred to as the new society) shall set forth its name, the place of its head office, and the names of its principal officers, and shall state clearly and concisely the objects and purposes for which such society has been incorporated, being such objects and purposes only as are indicated in the said section.

Certificate creates a body corporate.

2. By virtue of such certificate the persons thereby incorporated, and such others as thereafter become members of such society, shall be a body corporate with the rights and powers conferred by law upon corporations and with the rights and powers and subject to the obligations and restrictions hereinafter declared.

New society to take place of old one.

3. Upon the issue of such certificate the officers of the old society shall become officers of the new society and the by-laws of the old society, lawfully enacted, shall become the by-laws of the new society, subject to repeal, amendment or other change lawfully made, and all the property, real and personal, including all rights and interests in, to and out of, property, real and personal, including choses in action and all such rights of every kind as belong to or are vested in the old society at the time of the issue of such certificate of incorporation, shall pass to and vest in the new society, and the new society shall be liable to have enforced against it any debt or obligation incurred, or any contract lawfully entered into by, with or on behalf of, the old society, and all such actions, suits or other legal proceedings as have, at the time of the issue of such certificate of incorporation, been commenced by or against the old society or any officer or member thereof, may be continued in the same manner as if such certificate of incorporation had not been issued.

In case of society with Dominion charter, this Act to prevail.

15. Upon the issue of a certificate bringing an association under the provisions of this Act upon an application under section 6 hereof, this Act shall apply to the society so brought under this Act and to the business an doperations carried on by it, and the powers of investment and all other powers thereof shall be governed by the provisions of this Act, and any provision of such association's act of incorporation, or any other Act applicable thereto, which is inconsistent with the provisions of this Act shall cease to have effect.

Registration of certificate.

16. Every certificate of incorporation and every certificate bringing an association under the provisions of this Act shall be registered and entered at length by the Superintendent in a book or books to be kept by him for that purpose.

Fees.

2. There shall be paid to the Superintendent, in respect of the several matters mentioned in schedule A hereto, the several fees therein specified or such other fees as the Treasury Board from time to time directs.

Disposal of fees.

3. All fees paid to the Superintendent shall be placed to the credit of the Receiver General and shall be applied towards the expenses of the office of the Superintendent.

Chief agent to be appointed by society.

17. Every society which is subject to the provisions of this Act shall file in the office of the Superintendent a power of attorney from the society to a member thereof, who shall be known as its chief agent and whose office shall be known as the chief agency thereof, which power of attorney shall be under the seal of the society and be signed by the chief officer and the secretary thereof, by whatever names known, 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 the witness or by some other person cognizant to the facts necessary in that behalf.

Service of process and of notices.

2. The power of attorney shall declare at what place the chief agency of the society is or is to be established, and shall expressly authorize the "chief agent" to receive service of process in all actions and proceedings against the society in any province of Canada, in respect of any liabilities incurred by the society therein, and also to receive from the Minister and the Superintendent all notices which the law requires to be given, or which it is deemed advisable to give, and shall declare that service of process for or in respect of such liabilities, and the receipt of such notices at the chief agency or personally on or by the chief agent at the place where the chief agency is established, shall be legal and binding on the society to all intents and purposes.

Change of chief agent or agency.

3. Whenever the society changes its chief agent or chief agency it shall file, in the office of the Superintendent, 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; and the society shall, at the time of making the annual return hereinafter provided for, declare that no amendment or alteration affecting its insurance business has been

made by the society in its by-laws, since the last annual return was made, or specifying the amendment if one was made, and that no change has been made in the chief agent or chief agency without such change having in either case been duly notified to the Superintendent.

Filing of documents.

4. Duplicates, duly verified as aforesaid, of the documents mentioned in the preceding subsections of this section shall be filed in the office of one of the superior courts of the province in which the chief agency of the society is situated, or, if the chief agency is in the province of Quebec, with the prothonotary of the Superior Court of the district wherein the chief agency is established.

Certificate of registration.

18. Every society which is subject to the provisions of this Act shall, upon compliance with the provisions hereof, be entitled to receive a certificate of registration under this Act.

Renewable annually.

2. Such certificate shall expire on the thirty-first day of March in each year, but shall be renewable from year to year so long as the society complies with the requirements of this Act.

May be cancelled or suspended for cause.

3. The Treasury Board, upon the report of the Superintendent, may cancel or suspend any such certificate of registration if sufficient cause is shown therefor by such report, and such society shall, during the continuance of such cancellation or suspension, be unauthorized to transact any new insurance business: Provided that such certificate may be renewed if within sixty days after such cancellation or suspension the society complies with the requirements of this Act to the satisfaction of the Minister.

Proviso.

Publication of registered societies.

4. The Superintendent shall, under a separate heading, include the names of all such registered societies in the list required to be published in the *Canada Gazette* in pursuance of section 18 of *The Insurance Act*.

Annual payment by society.

5. Every such registered society shall contribute annually towards the expenses of the office of the Superintendent a sum in proportion to the premiums, dues and assessments received by it during the previous year in respect of its insurance business.

By-laws.

19. Any society which is subject to the provisions of this Act may, make by-laws not contrary to law or to this Act for the following purposes, viz. :—

(*a.*) Regarding the election of officers, defining their duties and powers, and fixing the security to be given by them to the society ;

(*b.*) Regulating the admission of new members ;

(*c.*) The constitution and government of subordinate lodges or branches, by whatever name known ;

(*d.*) The amount and the time and manner of payment of assessments, dues, premiums and other payments by members ;

(*e.*) The time and place of holding the annual meeting, the calling of meetings, regular and special, the quorum and procedure in all things at such meetings;

(*f.*) The imposition and recovery of penalties and forfeitures which admit of regulation by by-law, and

(*g.*) The conduct in all other particulars of the affairs of the society.

To be filed.

2. Copies of such by-laws and of the amendments and alterations at any time made therein, together with a copy of its certificate of membership or form of policy and copies of all such forms, if more than one is issued by the society, and copies of all other printed or written forms issued in connection with the business of the society, all duly verified, shall be filed in the office of the Superintendent before they are acted on or made use of by the society.

Treasury Board may amend by-laws or substitute others.

3. The Treasury Board, upon the report of the Superintendent, after due notice to any such society and after hearing what such society has to allege, may, by order of said Board repeal such of the by-laws of such society relating to its insurance business as to the Board appears expedient, and may also, if deemed proper, substitute others therefor or may alter or amend any of such by-laws in such manner as to the Board appears necessary or desirable; and from the date of such repeal, or repeal and substitution, or of such amendment or alteration, the changes, amendments and alterations so made shall be binding upon the society and every member thereof. Due notice of any such change, amendment or alteration shall be forthwith given by the Superintendent to the society.

Notice to society.

Copies of by-laws for members.

4. A copy of the by-laws of every such society shall be delivered by the society to every member thereof, upon payment of the price of such copy, not exceeding twenty-five cents.

Reserve fund to be formed.

20. Every society which is subject to the provisions of this Act, shall, in respect of all policies or contracts of life insurance made or issued by it after its incorporation under this Act, or after the issue of the certificate bringing it under the provisions of this Act, as the case may be, accumulate and maintain a fund which shall never be less than the reserve or reinsurance value of such policies or contracts, computed according to the standard provided for in *The Insurance Act* —every such policy or contract being regarded, for the purpose of such computation as a level premium contract—and such reserve shall be held and charged as a liability against the society and such fund shall be the property of and shall be held, maintained and administered for the exclusive use and benefit of the holders of such policies or contracts and their beneficiaries.

Separate account of business begun before society came under this Act.

2. The society shall keep separate and distinct books for, and separate and distinct accounts of, business in respect of policies, or contracts of life insurance, made or issued both before and subsequent to the society's incorporation under this Act or the issue of the certificate bringing it under the provisions of this Act, as the case may be, and each set of books shall contain all the details of the business to which such set of books applies and of the moneys received and expended respect such business, and of the moneys, securities, assets and liabilities appertaining thereto; and the fund provided for in the next preceding subsection shall be, at all times, maintained over and above and in addition to, any moneys, securities or assets in the possession of the society arising from or received in respect of life insurance policies or contracts issued prior to the society's incorporation under this Act, or prior to the issue of the certificate

As to reserve fund.

bringing the society under the provisions of this Act, as the case may be.

Separate account for each branch.

3. The society shall also keep separate and distinct books for, and a separate and distinct account of, each branch of its insurance business other than that in the next preceding two subsections mentioned; and each set of books shall contain all the details of the branch of the said insurance business to which such set of books refers and of the moneys received and expended respect such branch, and of the moneys, securities, assets and liabilities appertaining to such branch.

Statement for Superintendent of insurance.

4. The society, whenever required to do so by the Superintendent, shall transmit to him a statement of the condition and affairs of the insurance business of the society and of the several branches of such business, showing the assets and liabilities thereof at any named date and the income and expenditure during the twelve months, or any other named period, prior to such date, and such other information as is deemed necessary by the Superintendent.

Examination by Superintendent.

5. The Superintendent may, from time to time, examine or cause to be examined at its head office, the books, vouchers, accounts and securities of such society relating to its said insurance business, and its officers shall facilitate such examination so far as in their power; and the Superintendent may at any time address inquiries to the said officers in relation to the assets, liabilities, doings or condition of the society as regards its said insurance business, and the officers so addressed shall promptly answer such inquiries in writing.

Information to be furnished him.

Penalty for not complying with this s. or not obtaining renewal of certificate.

(6.) Failure

(*a*) to comply with the provisions of the preceding subsections of this sections or any of them, or

(*b*) to obtain a renewal of its certificate of registration provided for in section 18 of this Act within sixty days after the expiry, cancellation or suspension thereof,

shall render such society liable to be dealt with in the manner prescribed by *The Winding Up Act* in the case of insolvency of a life insurance company, and shall also create a forfeiture of its rights and franchises and render it liable to be dissolved.

Investment of funds.

21. (1.) Any society which is subject to the provisions of this Act may invest its funds, or any portion thereof, in the purchase of,—

(*a.*) The debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or school corporation in Canada, or

(*b.*) The debentures of any building society, loan or investment company, water-works company, gas company, or street railway company—every such society or company being incorporated in Canada—or

(*c.*) The public consols, stocks, bonds, debentures or other securities, of the United Kingdom, or of any colony or dependency thereof, or of the United States or of any state thereof, or

(*d.*) Ground rents and mortgages on real estate in any province of Canada.

(2.) Any such society may lend its funds, or any portion thereof, on the security of,—

(*a.*) Any of the bonds, stocks or other securities mentioned in the next preceding subsection, or

(*b.*) Paid up shares of any company mentioned in paragraph (*b.*) of the next preceding subsection: provided that any loan on the security of any such shares shall not exceed seventy-five per cent of the market value of such shares, or

(*c.*) Real estate, or leasehold for a term or terms of years or other estate or interest in real property in any province of Canada.

Powers as to real estate.

22. Any society which is subject to the provisions of this Act may hold such real estate as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or of judgments recovered: provided that no parcel of land, or interest therein, at any time acquired by such society, and not required for its actual use and occupation, and not held by way of security, shall be held by the society, or any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the society shall no longer retain any interest therein, unless by way of security; and any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by the society for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: provided that the Treasury Board may extend the said period, from time to time, such extension or extensions not exceeding in the whole five years: provided further that no such forfeiture shall take effect, or be enforced, until the expiration of at least six calendar months after notice in writing to the society of the intention of Her Majesty to claim such forfeiture. And it shall be the duty of such society to give the Minister, when required, a full and correct statement of all lands at the date of such statement held by the society, or in trust for it, and subject to such provisoes.

Proviso: as to such estate not held for society's own use or as security.

Extension of time for sale thereof.

Notice of forfeiture.

Statement of such estate to be furnished by society.

As to real estate required for use of society or branch.

(2.) Any such society, or any branch thereof, may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the society or branch, but the value of such real estate shall not, in the case of the society, exceed twenty thousand dollars, and in the case of any branch, five thousand dollars, and the society may by by-law determine the manner in which such real estate shall be held and conveyed, subject always to the laws of the province where such real estate is situate: provided always that no part of the benefit or insurance funds of such society shall be used in acquiring any such property for any such branch.

Annual return.

23. It shall be the duty of the chief officer and the secretary of every society which is subject to the provisions of this Act, by whatever names such officers are known, to prepare annually on the first day of January, or within two months thereafter, under their oath, and cause to be deposited at the office of the Superintendent, a statement of the financial condition and affairs of such society on the 31st day of December preceding, which statement (herein called the annual return) shall exhibit the assets and liabilities of the society, as regards the insurance business thereof, and the number of its members and its income and expenditure during the previous year, in respect of its said business, and shall

show separately the assets and liabilities and the income and expenditure during the preceding year, of the several branches of its said insurance business, when the society has more than one branch, and shall give such other information as is deemed necessary by the Superintendent.

To be sworn to.

2. Such annual return shall be sworn to before some person duly authorized to administer oaths in any legal proceedings, in the form in schedule B to this Act.

Form of return.

3. The Superintendent shall furnish to each such society blank forms for such annual returns, and he may, from time to time, make such changes therein as seem to him best adapted to elicit from the society a true exhibit of its condition in respect of the several points herein indicated.

Report to Minister.

4. The Superintendent shall include such annual returns in the annual report prepared by him for the Minister under the provisions of *The Insurance Act.*

Penalty for delaying return.

(5.) Any such society which makes default in depositing in the office of the Superintendent the annual return hereinbefore provided for, shall incur a penalty of ten dollars for each day during which such default continues: all such penalties shall be recoverable and enforceable with costs at the suit of Her Majesty, instituted by the Attorney General of Canada, and shall, when recovered, be applied towards the payment of the expenses of the office of the Superintendent.

Liability of property of branch.

24. Only the property of each branch of any society which is subject to the provisions of this Act shall be liable for the engagements of such branch.

Decision of Treasury Board, final.

25. The decisions of the Treasury Board as to questions arising under this Act shall be final; and the provisions of this Act relating to matters preliminary to the issue of a certificate of incorporation or a certificate bringing a society under the provisions of this Act, or of any other certificate, order or other proceeding by or on behalf of the Treasury Board, or of the Minister, or of the Superintendent, or other officer under this Act, shall be deemed to be directory only, and they shall not be void or voidable on account of any irregularity, or otherwise, in respect of any matter preliminary thereto, done or omitted to be done.

Proceedings, etc., not to be void for irregularity.

SCHEDULE A.

Table of fees to be paid to the Superintendent.

Upon an application for the issue of a certificate of incorporation under section 5	$100 00
Upon an application for the issue of a certificate bringing a society under the provisions of this Act as provided for in section 6	100 00
Upon an application for the issue of a certificate changing the name of a society	50 00

SCHEDULE B.

FORM OF DECLARATION TO ACCOMPANY ANNUAL RETURN.

Province of County of
President and Secretary of
Society being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said society, and that on the 31st day of December last, all the above described assets were the absolute property of the said society, 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 society and of the several branches thereof as regards its insurance business, on the said 31st day of December last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively.

(Signatures.)

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

No. 87.

4th Session, 8th Parliament,

BILL.

An Act respecting the Benevolent Soc

First reading, April

OTTAWA
Printed by S. E. D
Printer to the Queen's most E
1899

A.] **SENATE BILL.** [1899.

An Act for the Relief of David Stock.

Preamble.

WHEREAS David Stock of the city of Toronto, in the province of Ontario, machinist, has by his petition, humbly setforth that on the first day of July, one thousand eight hundred and seventy-five, he was married to Mary Stock, formerly Mary Spaulding, by license at the city of Toronto in the province of Ontario; that they lived and cohabited together as husband and wife from the said day till the twenty-second of March, one thousand eight hundred and ninety-three; that there were born of the said marriage nine children, seven of whom are still living; that on or about the twenty-second of March, one thousand eight hundred and ninety-three, she deserted him and has not since then resided with him; that on or about the tenth of December, one thousand eight hundred and ninety-three, she (under the name of Mary Spaulding) went through a form of marriage with one William Jones of the city of Toronto; that on the fifth of November, one thousand eight hundred and ninety four, she was charged before George Taylor Denison, Esquire, Police Magistrate in and for the city of Toronto, with having committed bigamy with the said William Jones, and on the fifteenth day of the same month she pleaded guilty to the said charge of bigamy was convicted thereof and was sentenced by the said magistrate to imprisonment for a term of sixty days in the common gaol at Toronto; that after her release at the expiration of the said term of sixty days she continued to live and cohabit with the said William Jones as his wife and has had by him two children, and still continues to reside with the said William Jones at the city of Toronto; and whereas the said David Stock has humbly prayed that the said marriage may be dissolved so as to enable him to marry again and that such further relief may be afforded him as may be deemed meet; and whereas the said David Stock has proved the said allegations in his said petition, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the consent and advice of the Senate and House of Commons of Canada enacts as follows:—

Marriage dissolved.

1. The said marriage between the said David Stock and the said Mary Stock, his wife, is hereby dissolved and shall be from henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said David Stock may at any time hereafter contract matrimony with any other woman whom he might lawfully marry in case the said first mentioned marriage with the said Mary Stock had not been solemnized.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

No. 88

A

An Act for the Relief of David Stock.

Received and read a first time, Friday, 24th March, 1899.
Second reading, Wednesday, 12th April, 1899.

The Honourable Mr. AIKINS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 89.] **BILL.** [1899

An Act relating to the Canada Life Assurance Company.

Preamble.

WHEREAS many stockholders in the Canada Life Assurance Company and many holders of policies of assurance issued by the Company have, by their petitions, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"Policy holder" defined.

1. In this Act the term "policy holder" shall mean and include any person of the full age of twenty-one years who is the holder of one or more policies issued by the Canada Life Assurance Company, hereinafter called "the Company," whether on the life of the holder or on the life or lives of some other person or persons, and whether for the benefit of the holder or of another, or others, and whose policy or policies amount to the sum of five thousand dollars, and upon which policies the premiums for two full years or more have been paid.

1849, c. 168, s. 7 amended.

2. Section 7 of chapter 168 of the statutes of 1849 of the late province of Canada, incorporating the Company, is hereby repealed, and the following is substituted therefor:—

Voting powers.

"**7.** At all general meetings of the Company the stockholders of the Company shall be entitled to cast one vote for every share he or she may hold; provided always that no one stockholder shall, either in person or by proxy, cast more than forty votes."

Proviso.

Election void if s. 2 evaded.

3. The election as a director of any stockholder who shall have transferred any share, or caused or procured any share to be transferred to, or be placed or left in the name of, any person, with intent to evade the limitation of votes provided in section 2 of this Act, and the election as a director of any person accepting or retaining a share with such intent, shall be void. And every person who shall make, or cause, or procure, or accept any such transfer, or be party to the placing or leaving a share in the name of any person with the intent aforesaid shall be disqualified from voting and from being a director.

Disqualification.

Number of directors.

4. There shall be fifteen directors of the Company, of whom eight shall be elected by the policy holders and seven by the stockholders.

General meeting to elect new board.

5. The present board of directors shall call a general meeting of stockholders and policy holders to be held on a day not less than ten weeks, nor more than twelve weeks, from the passing of this Act, for the election of a board of fifteen directors, and the present board of directors shall hold office only until their successors are elected at such meeting, but they shall be eligible for re-election by the stockholders under section 7 of this Act, if duly qualified.

Notice of general meetings.

6. Notice of the meeting to be called as provided for in section 5 of this Act, and of all subsequent general meetings of the Company, shall be given to policy holders in the same way as notice of such meetings is given to stockholders.

Stock holders and policy holders each to elect directors.

7. At the said meeting the stockholders, voting separately from the policy holders, shall elect from among the stockholders duly qualified under the provisions of this Act seven directors to form part of the general board of directors of the Company ; and at the said meeting to be called as provided in section 5 of this Act the policy holders, voting separately from the stockholders, shall elect from among the policy holders (not being stockholders), qualified under the provisions of this Act eight directors, to form with the aforesaid stockholders' directors the general board of directors of the Company.

Term of office.

8. The general board of directors so elected shall hold office until the annual general meeting in the year one thousand nine hundred, or until their successors are elected. At the said annual meeting in the year one thousand nine hundred, two of the stockholders' directors, to be selected by lot among themselves, shall retire, but shall be eligible for re-election, and in their place two stockholders' directors, duly qualified, shall be elected in the manner provided in section 7 of this Act, to serve as directors for four years ; and at the same annual meeting two of the policy holders' directors shall likewies retire, and shall be eligible for re-election, and in their place two policy holders' directors, duly qualified, shall be elected in the manner also provided in said section 7, to serve as directors for four years. And at the annual general meeting of the Company in each of the years one thousand nine hundred and one and one thousand nine hundred and two, two others of each of the said two classes of directors, and in the year one thousand nine hundred and three, the remainder of the said firstly elected fifteen directors shall retire, and be elegible for re-election, and in their places duly qualified directors of each class shall be elected in manner aforesaid to fill the respective vacancies as they occur and to hold office for four years. And thereafter from year to year, as vacancies shall occur by lapse of time, duly qualified directors shall be elected by each class and in like manner for periods of four years.

Each class to elect directors separately.

9. At all meetings of the Company where directors are to be elected each of the two classes may assemble apart from the other for the purpose of such election, and may appoint its own chairman and conduct the proceedings of such election as

it may see fit, subject to the provisions of this Act; and all other business of the meeting of the Company shall be suspended until the completion of such respective elections.

Vacancy among directors.

10. If any vacancy occur in the office of any director before the expiry of his term the remaining directors of the class to which he belonged may elect in his place a duly qualified stockholder, or a duly qualified policy holder, as the case may be, who shall continue in office until the date of the expiry of such term.

Policy holders qualification to vote.

11. The election of directors by policy holders shall be by the majority of votes of those entitled to vote for their election present at the meeting or represented by proxy, and a policy holder shall be entitled at such elections, and at all meetings of the Company, to one vote for each five thousand dollars insured under the policies held (exclusive of bonus additions or profits) and upon which the full premiums for two years or more have been paid; provided always that no policy holder shall be entitled to more than forty votes. Proviso.

Policy holders proxies.

12. A policy holder's proxy must be himself a policy holder entitled to vote, and not a stockholder.

Stockholders proxies.

13. A stockholder's proxy must be himself a stockholder entitled to vote.

Appointment of proxies.

14. A proxy must be appointed in writing under the hand of his principal—or if such principal be a corporation, under the corporate seal—and every such appointment must be delivered to the secretary, and entered in a book to be kept for the purpose, at least ten days before the meeting at which it is to be acted upon; provided always that such appointment shall not be acted upon except within twelve months after the making thereof.

Officials, etc., of Company not to be directors or proxies.

15. No official, medical officer, solicitor, manager, agent or other servant or employee of the Company shall be a director, nor shall he act or vote as a proxy.

Names and addresses of stockholders and policy holders.

16. Any stockholder and any policy holder shall be entitled during business hours to take the names and addresses of all stockholders and of all holders of policies issued by the Company, a list of which names and addresses shall at all times be kept for that purpose at the chief office of the Company; and also to examine all proxies deposited with the secretary and the book kept for the entry thereof.

Qualification of shareholders' directors.

17. The qualification of a director to be elected by the stockholders shall be ten shares held and owned absolutely in his own right.

Qualification of policyholders' directors.

18. The qualification of a director to be elected by policyholders shall be the holding of one or more policies issued by the Company, in force and unencumbered, amounting to ten thousand dollars or more, exclusive of bonus additions or profits, and upon which the full premiums for five years or more have been paid.

proposed directors to be posted.

19. At least thirty days before a meeting at which directors are to be elected notice in writing must be given to the secretary of the name of any person other than a retiring director intended to be proposed for election as a director by either stockholders or policy holders, otherwise such person shall not be eligible for election at that meeting. And the secretary shall forthwith conspicuously post up and keep posted up at the chief office of the Company for the information of those concerned, during the whole of such thirty days, a list of such notices, and every stockholder and policy holder shall be entitled to examine such notices.

Annual general meeting.

20. The annual general meeting of the Company shall be held at the Company's office in the city of Hamilton on the last Wednesday in February in each year, and notice thereof shall be given in the first two issues in that month of the *Canada Gazette*, and also in the first six consecutive issues in that month of a daily newspaper published in the city of Hamilton, and of one published in the city of Toronto, and such notice shall contain the names of the retiring directors and of any persons proposed for election to the office of director.

Majority of votes to decide.

21. At general meetings of the Company every question and matter shall (subject to the special provisions with regard to the election of directors) be decided by the majority of votes of stockholders and policy holders present or represented by proxy.

Election of president.

22. The president of the Company shall be elected annually by the general board of directors at the first meeting of the board after the annual meeting.

Election of vice-president

23. There shall also be a vice-president who shall be elected annually as soon as may be after the election of the president; and to whichever class of directors the president so elected shall belong the other class shall alone elect the vice-president.

Quorum of directors.

24. Five directors shall be necessary to constitute a quorum of the board, of whom there shall be at least one of each of the two classes of directors.

How committees to be composed.

25. Upon every committee appointed by the board of directors there shall be at least one director of each of the two classes of directors.

Inconsistent provisions repealed.

26. All provisions in the Acts relating to the Company inconsistent with the provisions of this Act are hereby repealed.

No. 89.

4th Session, 8th Parliament

BILL.

An Act relating to th
Assurance Con

First reading, April

(PRIVATE B

OTTAWA
Printed by S. E. D
Printer to the Queen's most E
1899

No. 90.] **BILL.** [1899.

An Act respecting the Great North-West Central Railway Company.

WHEREAS the Great North-West Central 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Section 3 of chapter 64 of the statutes of 1898 is hereby amended by striking out all the words after the word "same" in the seventh line thereof to the end of the section. 1898, c. 64, s. 3 amended.

2. Subsection 7 of section 4 of the said Act is hereby repealed. Section 4, s-s 7 repealed.

3. Section 5 of the said Act is hereby amended by striking out the words "eight hundred and ninety-nine" in the seventh and eighth lines thereof, and substituting therefor the words "nine hundred." Section 5 amended.

No. 90.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Great North-West Central Railway Company.

First reading, April 27, 1899.

(PRIVATE BILL.)

Mr. MacPherson.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

[CORRECTED COPY]

No. 90.] **BILL.** [1899.

An Act respecting the Great North-West Central Railway Company.

Preamble.

WHEREAS the Great North-West Central 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1898, c. 64, s. 3 amended.

1. Section 3 of chapter 64 of the statutes of 1898 is hereby amended by striking out all the words after the word "same" in the eleventh line thereof to the end of the section.

Section 4, s-s 7 repealed.

2. Subsection 7 of section 4 of the said Act is hereby repealed.

Section 5 amended.

3. Section 5 of the said Act is hereby amended by striking out the words "eight hundred and ninety-nine" in the seventh and eighth lines thereof, and substituting therefor the words "nine hundred."

No. 90.

4th Session, 8th Parliament, 62 Victoria, 1899

[Corrected Copy.]

BILL.

An Act respecting the Great North-West Central Railway Company.

First reading, April 27, 1899.

(PRIVATE BILL.)

Mr. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

BILL No. 91.

An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners.

Preamble.

WHEREAS by chapter fifty-five of the Statutes of 1875, the corporation of the Trinity House of Quebec was dissolved, and its then remaining powers, authority, jurisdiction, rights, duties and liabilities were transferred to the corporation of the Quebec Harbour Commissioners; and whereas enactments relating to these two corporations are contained in a number of Acts of the late province of Canada and of the Dominion of Canada, which enactments it is expedient to revise, to amend in accordance with the present requirements of trade and commerce, and to consolidate into one Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Quebec Harbour Commissioners' Act*, 1899.

Repeal.

2. The Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the said schedule, and the provisions of this Act are substituted for the provisions of the Acts so repealed.

Effect of repeal.

3. The said repeal shall not in any way affect the corporate existence of the corporation of "The Quebec Harbour Commissioners," which, together with all such persons as hereafter become members thereof, shall continue to be the same corporation, under the said name, as that constituted by the Act of the late province of Canada, twenty-second Victoria, chapter thirty-two, and continued by the Acts of the Dominion of Canada, thirty-sixth Victoria, chapter sixty-two, and thirty-eighth Victoria, chapter fifty-five.

Corporation continued.

Members and officers continued.

2. Nothing in this Act shall be construed as requiring that any member or officer of the corporation should be appointed or elected anew before the time at which, under the subsequent provisions of this Act, his period of membership expires or his office becomes vacant.

INTERPRETATION.

Designation.

4. The said corporation is hereinafter referred to as "the corporation" and as "the Harbour Commissioners;" the members thereof are referred to as "commissioners."

Interpretation of words.

2. In this Act the following words have the meaning assigned to them in this section, unless the context requires otherwise :—

"By-law."

(*a.*) The word "by-law" means any by-law, rule, order or regulation made by the corporation under the authority of this Act;

"Vessel."

(*b.*) The word "vessel" includes every kind of ship, boat, barge, dredge, elevator, scow, or floating craft, and whether propelled by steam or otherwise, and also includes "rafts," as hereinafter defined;

"Raft."

(*c.*) The word "raft" means any raft, crib, dram, or bag-boom of logs, timber or lumber of any kind, and includes logs, timber or lumber in boom orbeing towed;

"Goods."

(*d.*) The word "goods" means any moveables other than vessels and rafts;

"Rates."

(*e.*) The word "rates" means any rate, toll or duty whatsoever imposed by or under this Act.

12 V., c. 114, s. 119; 22 V. (1858), c. 32, s. 26; 25 V., c. 46, s. 6, *part;* 36 V., c. 62, s. 22, *part.*

Port of Quebec defined.

5. For the purposes of this Act the port of Quebec comprises :—

(*a.*) The River St. Lawrence and the shores thereof to high water mark, between a line drawn from the Roman Catholic church of the Parish of Deschambault in the County of Portneuf, directly towards the lighthouse on Richelieu Island, and thence produced to an intersection with high water mark on the south shore of the River St. Lawrence, and a line drawn from the eastern anchorage ground off Isle Barnabé on the south shore to the eastern anchorage ground under Cape Columbia on the north shore;

(*b.*) Those parts of all tributaries falling into the River St. Lawrence, between the said lines, where the tide ebbs and flows;

(*c.*) The Harbour of Quebec.

12 V., c. 114, ss. 11 *and* 13.

Harbour of Quebec defined.

What is comprised therein.

6. For the purposes of this Act the Harbour of Quebec comprises :—

(*a.*) The River St. Lawrence and the shores thereof to high water mark, between a line drawn from the western abutment of the roadway bridge which crosses the mouth of the River Cap Rouge, in a direction S 15° E astronomical, to an intersection with high water mark on the south shore of the River St. Lawrence, and a line drawn from the east side of the mouth of the River Montmorency, directly towards the Roman Catholic church of the parish of Ste. Pétronille on the Island of Orleans, and thence produced to an intersection with high water mark on the south shore of the River St. Lawrence;

(*b.*) Those parts of all tributaries falling into the River St. Lawrence, between the said lines, where the tide ebbs and flows;

(*c.*) All lands, buildings, wharves, quays, piers, docks, slips and other immoveables, situate between the said lines, and, at the date of the passing of this Act, vested, whether in trust or otherwise, in, or owned, possessed, occupied or used by the Quebec Harbour Commissioners; or which, after the said date, become so vested, owned, possessed, occupied or used.

12 V., c. 114, s. 12; 22 V. (1858), c. 1, s. 2, *part;* 25 V., c. 46, s. 1; 32-33 V., c. 42, s. 1, *part;* 36 V., c. 62, s. 21.

What is not comprised therein.

2. But, for the purposes of this Act, except as the application of by-laws and the levying of rates other than for wharfage and moorage, the Harbour of Quebec does not comprise :—

Certain immoveables not owned by the Commissioners.

(*a.*) Any lands, buildings, wharves, quays, piers, docks, slips or other immoveables, in respect of which the Quebec Harbour Commissioners have not acquired the right, title and interest of the owner or proprietor, or a right to the possession, occupation or use thereof;

16 V. c. 234, s. 1; 22 V. (1858), c. 32, s. 2, *part;* 29 V. (1865), s. 3, s. 4, s. 29, *subsections* 7, 37, 73 *and* 79, s. 39; 29-30 V., c. 57, s. 26.

Lévis graving dock.

(*b.*) The Graving Dock at Pointe Lévis and the lands and buildings appurtenant thereto, the same being a public work of Canada under the control of the Minister of Public Works of Canada and administered by him. 51 V., c. 6, s. 1.

COMPOSITION OF CORPORATION.

Commissioners.

7. The corporation shall consist of nine commissioners appointed and elected as hereinafter provided, and exclusive of the chairman of the corporation of pilots for and below the harbour of Quebec, who, under the provisions of section 93 of *The Pilotage Act*, is *ex officio* a member of the corporation of the Quebec Harbour Commissioners, so far as respects pilotage matters, to which alone his powers as a commissioner extend.

Ex officio commissioners.

Appointed commissioners.

2. Five commissioners shall be appointed by the Governor in Council and shall hold office during pleasure.

Elected commissioners.

3. The other four commissioners shall be elected, as follows :—

(*a.*) One by the Council of the Quebec Board of Trade;

(*b.*) One by the Council of the Lévis Board of Trade;

(*c.*) Two by The Shipping Interest, that is to say :—Such persons, partnerships, associations and companies, as are owners or consignees of, or agents for vessels or goods arriving in the harbour of Quebec, and as have, within the twelve months next preceding the day hereinafter appointed for the election of such two commissioners, paid to the corporation harbour dues, on such vessels or goods, to the amount of at least one hundred dollars.

Term.

4. Each commissioner so elected shall hold office for a term of three years.

36 V. c. 62. s. 1, *part*, s. 2, *part;* 38 V. c. 55. s. 7, *part;* 39 V. c. 39. s. 1, subs. 2, *part*, subs. 4, *part*, subs. 6, and s. 2, *part;* R.S.C., c. 80, s. 93.

Resignations.

8. An elected commissioner may resign his office by notifying his resignation to the body by which he was elected in such manner as they prescribe by by-law, and by notifying the Harbour Commissioners thereof in writing.

2. Every appointed commissioner who resigns his office shall forthwith give written notice of such resignation to the Harbour Commissioners.

Date of expiration of term of elected commissioners.

9. The two commissioners who, at the date of the passing of this Act, represent The Quebec Board of Trade and The Lévis Board of Trade respectively, shall go out of office at noon on the first Monday in August, A.D. 1901—or if that be a legal holiday, then on the next following day which is not a legal holiday.

2. The two commissioners who, at the date of the passing of this Act, represent The Shipping Interest, shall go out of office at noon on the first Wednesday in August, A.D. 1901, or if that be a legal holiday, then on the next following day which is not a legal holiday.

3. And thereafter the term of office of the commissioner or commissioners representing each such body respectively shall expire at noon on the like day in every third successive year after A.D. 1901.

Re-election.

4. Any elected commissioner whose term of office has expired may be re-elected.

39 V. c. 39, s. 2, *part.*

Meetings to elect commissioners.

10. Whenever a vacancy occurs among the elected commissioners, whether by expiration of term of office or otherwise, the proper body to elect a successor shall hold a meeting to make such election.

2. If the meeting is to fill a vacancy caused by expiration of term of office, it shall be held—

(*a.*) At noon on the first Monday in August of the year when the vacancy occurs, in the case of the commissioners representing respectively The Quebec Board of Trade and The Lévis Board of Trade; and—

(*b.*) At noon on the first Wednesday in August of such year, in the case of the commissioners representing The Shipping Interest; and—

(*c.*) In both cases, if such Monday or Wednesday falls on a legal holiday, then at noon on the next day following which is not a legal holiday.

3. If the meeting is to fill a vacancy otherwise caused, it shall be held within thirty days after the proper body, or the secretary thereof, becomes aware of the occurrence of such vacancy.

Certificates of election.

4. The secretary of every such meeting shall give the person duly elected thereat a certificate of such election, and shall forthwith certify to the Minister of Marine and Fisheries the name of the person so elected.

36 V. c. 62, s. 3, *part*; s. 4, *part*; 38 V. c. 55, s. 7, *part*; 39 V. c. 39, s 2, *part*.

Place of meeting.

11. The said meetings of the Council of the Quebec Board of Trade and of the Council of the Lévis Board of Trade shall be held at their respective chambers or usual places of meeting, and shall be summoned and conducted in the manner provided by their respective charters or by-laws.

36 V., c. 62, s. 3, *part*; 38 V., c. 55, s. 7, *part*; 39 V., c. 39, s. 2, *part*.

Place of meeting of Shipping Interest.

12. The said meetings of The Shipping Interest shall be held at the office of the Harbour Commissioners in the city of Quebec.

Notice.

2. Notice of the time, place and purpose of every such meeting shall be given by the secretary of the Harbour Commissioners by advertisement during at least ten days previous thereto in at least one English and one French newspaper published in the city of Quebec.

Secretary.

Records.

3. The secretary-treasurer of the Harbour Commissioners shall be *ex officio* secretary of the meeting, and shall keep a record of the minutes and proceedings thereof; he shall be the custodian of and shall preserve all vouchers deposited with him.

Qualification of voters.

4. A member of The Shipping Interest may give the following number of votes according to the amount of harbour dues paid by such member within the twelve months next preceding the election:—

Number of votes.

One vote, if such amount be one hundred dollars or more;

Two votes, if such amount be five hundred dollars or more;

One additional vote for each five hundred dollars in excess of the last-mentioned amount.

But no member may give more than ten votes in any case.

Issue of vouchers as to qualification.

5. The Collector of Customs at the port of Quebec, and all other officers appointed by the Harbour Commissioners to collect harbour dues, if so required to do by any person who has paid harbour dues within the twelve months next preceding the election, shall issue to such person a voucher showing the amount so paid by such person.

Determination of qualification.

6. The qualification of and the number of votes to be cast by each member of The Shipping Interest shall be determined by reference to such vouchers, which shall be deposited with the secretary.

Partnerships and companies, how to vote.

7. In the case of any partnership, association or company, which is a member of The Shipping Interest, any one of the partners, and no more, may vote for and in the name of such member.

Vote may be by attorney.

8. The vote of any member of The Shipping Interest may be given by any person duly authorized for that purpose by power of attorney.

Time for voting.

9. The person in whose favour a majority of votes is cast between noon and one o'clock p.m. on the day fixed for the election, shall be held to be duly elected.

Inspection of voters' list.

10. A list of persons who have voted shall be kept by the secretary, and, together with the vouchers deposited, shall be open to inspection at the office of the Harbour Commissioners during the meeting.

Decision of questions.

11. Any question which arises under any of the foregoing provisions of this section shall be decided forthwith by the Harbour Commissioners, and such decision shall be conclusive.

36 V. c. 62, s. 2, *part*, s. 4, *part;* 38 V. c. 55, s. 7, *part;* 39 V. c. 39. s. 2, *part.*

Governor in Council to fill vacancy after certain delay.

13. Whenever a vacancy occurs, if the proper body to elect a commissioner fails to do so or fails to cause the name of the person duly elected to be certified to the Minister of Marine and Fisheries within one month from the last day on which the election might have been held under this Act, the Governor in Council may appoint a person to fill such vacancy. The commissioner so appointed shall hold office in all respects as the commissioner in whose place he is appointed would have held it.

Tenure of office in such case.

36 V. c. 62, s. 8, *part;* 39 V. c. 39, s. 2, *part.*

Oath of commissioner.

14. Before any commissioner enters upon the execution of his duties as commissioner, he shall take and subscribe an oath that he will truly and impartially, to the best of his skill and understanding, execute the powers vested in him as a member of the corporation of The Quebec Harbour Commissioners; which oath shall be filed of record in the office of the corporation.

12 V. c. 114, s. 14; 38 V. c. 55, s. 2, *part.*

PRESIDENT AND QUORUM.

President.

15. The corporation may from time to time elect its own chairman, and may pay him an annual salary not exceeding two thousand dollars.

36 V., c. 62, s. 10, *part;* 39 V., c. 39, s. 4.

Salary.

2. The commissioners may be paid such remuneration for their services as the corporation determines by by-law.

Quorum.

16. Five commissioners shall be a quorum.

2. The powers of the corporation as Pilotage Authority may be delegated to any three commissioners, of whom the chairman of the corporation of pilots for and below the Harbour of Quebec shall be one.

3. The other judicial powers of the corporation may be delegated to any three commissioners exclusively of the chairman of the corporation of pilots for and below the Harbour of Quebec.

4. The powers so delegated may be exercised by the commissioners to whom such delegation is made, although the corporation is acting in other matters.

5. If a quorum be present and act, vacancies in the corporation do not prevent or impair the effect of such action.

36 V., c. 62, s. 10, *part;* 39 V., c. 39, s. 1, subs. 5, *part.*

OFFICERS AND EMPLOYEES.

Officers and salaries.

17. The corporation shall appoint a Secretary-Treasurer; and may appoint the Superintendent of Pilots for the Pilotage District of Quebec and the Harbour Master of the Harbour of Quebec; and shall appoint such other officers, assistants and servants as it deems necessary to carry out the objects and provisions of this Act, and may allow all persons so appointed such compensation or salaries as it deems fitting, and require and take from them such security for the due and faithful performance of their respective duties as it deems necessary.

22 V. (1858), c. 32, s. 6, *part;* 38 V., c. 55, s. 2, *part*, s. 10, *part.*

Appointment of deputies.

2. In case of the illness or absence of the Secretary-Treasurer, the Superintendent of Pilots, or the Harbour Master, the corporation may appoint a deputy to act during such illness or absence, who shall have the same power and authority as the officer in whose stead he acts. The provisions of subsection one of this section, as to compensation or salaries and security, shall apply to any deputy so appointed.

12 V., c. 114, s. 115, *amended;* 20 V., c. 121, s. 3.

DISQUALIFICATIONS OF COMMISSIONERS AND OFFICERS.

Commissioner etc., interested in property or contract is disqualified.

18. Any commissioner or officer of the corporation who—

(*a*) owns or has any pecuniary interest in any property, moveable or immoveable, which the corporation proposes to acquire for the purposes of this Act; or—

(*b*) directly or indirectly, is a party to or concerned in any contract under which the money of the corporation is to be paid;

shall *ipso facto* cease to be a commissioner or an officer of the corporation.

12 V., c. 114, s. 2, *fifthly;* 22 V. (1858), c. 32, s. 3, *part.*

GENERAL POWERS.

Territorial limits of jurisdiction.

19. The corporation shall, for the purposes of and as provided in this Act, have jurisdiction within the limits of the port of Quebec.

12 V., c. 114; 22 V. (1858), c. 32; 38 V., c. 55, s. 2.

Pilotage jurisdiction.

2. Under *The Pilotage Act*, chapter 80 of the Revised Statutes of Canada, the corporation is the Pilotage Authority of the pilotage district of Quebec. The general powers and duties of the corporation with respect to pilotage are contained in that Act and the amendments thereto.

R.S.C., c. 80.

R.S.C., c. 80, s. 4.

Powers to hold property.

20. The corporation may hold, take, acquire and purchase such immoveable property as it considers necessary for purposes of extending and improving the harbour of Quebec or the accommodations thereof, including the construction for such purposes of wet and dry docks, wharves, piers, slips and other such works, and of warehouses and elevators, or for purposes of improving the navigation of the River St. Lawrence within the port of Quebec, or for any other purpose of this Act; and may acquire, hold, possess and build such moveable property, vessels, plant, and machinery as it deems necessary for the efficient discharge of the duties devolved upon it by this Act, and may take out registers for such vessels in its corporate name and capacity, and may dispose of the said immoveable and moveable property, vessels, plant, and machinery as often as it sees fit to do so, and may do all other things necessary to carry out the provisions of this Act according to their true intent and spirit.

Immoveables.

Moveables, vessels, etc.

General powers.

12 V. c. 114, s. 2, *part*, s. 91, *part*, s. 104; 22 V. (1858), c. 32, s. 3, *part*, s. 8, *part*; 36 V. c. 62, s. 14, *part*, s. 21; 38 V. c. 55, s. 2.

Sale of deep-water lots.

2. But the sale of any deep-water lot forming part of the property vested in the corporation shall not be valid or effectual until sanctioned by the Governor in Council.

32-33 V. c. 44, s. 4.

Former property remains vested.

21. All property acquired or held by the corporation and vested in it in trust for the purposes of its creation shall continue to be so vested in the corporation.

36 V., c. 62, s. 15.

Crown land vested in corporation.

2. All land within the limits of the harbour of Quebec as defined by this Act, belonging to Her Majesty in right of the Dominion of Canada, the moneys arising from which are not by law appropriated or directed to be applied exclusively to any other purpose—together with all rents and sums of money now due or hereafter to become due to Her Majesty in such right in respect of any such land heretofore granted by Her Majesty, and not already by law appropriated or directed to be applied exclusively to any other purpose, either for interest, or principal, or in any other way—shall be deemed to be vested in and held by the corporation in trust for the purposes of its creation and of this Act.

22 V. (1858), c. 32, s. 2, *part*; 25 V., c. 46, s. 1; *See also* 32-33 V., c. 44, s. 5; 36 V., c. 62, s. 15.

Suits and actions.

3. The corporation may institute and defend all suits, actions and proceedings in any court of justice in respect of the said property and the land comprised within the harbour as fully as can be done by proprietors holding lands by valid title, or as might be done by or on behalf of Her Majesty in respect of the bed or beach of the river St. Lawrence, within the harbour of Quebec.

36 V., c. 62, s. 16.

22. In this section the expression "harbour tracks" means railways and tramways within the boundaries of the harbour of Quebec, and "harbour lines" means branch lines connecting harbour tracks with main lines of railway; but nothing in this section shall be deemed to constitute the corporation a railway company within the meaning of *The Railway Act* and its amendments. Definition. "Harbour tracks." "Harbour lines." 1888, c. 29.

2. The corporation may— Powers as to construction, acquisition and operation of railway tracks.

(*a.*) Construct harbour tracks:

(*b.*) Acquire harbour tracks, by purchase, lease or otherwise; and—If necessary for effectual working of any harbour tracks, so acquire any harbour lines;

(*c.*) Maintain harbour tracks and harbour lines;

(*d.*) Enter into an agreement with any railway company or street-railway company for the operation by such company of the corporation's harbour tracks and harbour lines, by any motive power, and so as at all times to afford all other railway or street-railway companies whose lines reach the harbour, the same facilities for traffic as those enjoyed by such company; Agreements with railway companies.

(*e.*) Make agreements with railway companies or street-railway companies for—

(i.) Facilitating traffic to, from, and in the harbour;

(ii.) Making connections within the harbour between such companies' railways and those of the corporation;

(iii.) The maintenance, management, control and working of harbour tracks and harbour lines, by the parties to the agreement severally or by any of them jointly;

(iv.) The use by any party to the agreement of any real or personal property of any other party thereto, for purposes of facilitating traffic to, from, and in the harbour.

23. The corporation may load and unload vessels, and vehicles of every kind, wherein goods are brought by water or by land to the harbour of Quebec; and may receive, store and deliver all goods so brought; and for such purposes may own, acquire, erect and lease warehouses, elevators and all necessary buildings and appliances, and may enter into any contract for the exercise of such powers by any person on behalf of the corporation. Loading and unloading of vessels. Storage. Warehousing, etc.

24. The corporation may own, acquire, erect, and operate by any motive power, all kinds of appliances, apparatus, plant, and machinery, for the purposes of increasing the usefulness of the harbour or facilitating the traffic therein. Owning and operation of machinery.

25. Nothing contained in any Act of the late province of Canada with respect to the city of Quebec or in any by-law of the corporation of the said city made under the authority of any such Act shall restrict or affect in any manner the exercise of the powers conferred upon the Harbour Commissioners under this Act. By-laws of city of Quebec.

29 V. (1865), c. 57, s. 39; 29-30 V. (1866), c. 57, s. 67; 38 V., c. 55, s. 2.

BY-LAWS.

Powers to make by-laws.

26. The corporation may from time to time make by-laws, not contrary to or inconsistent with law or the provisions of this Act, for the following purposes:—

General management.

(*a.*) The direction, conduct and government of the corporation, and of its officers and servants, and the management and improvement of its property, moveable and immoveable;

22 V. (1858), c. 32, s. 4, subs. 1.

Navigation.

(*b.*) The establishment of rules and regulations for navigation within the limits of the port of Quebec;

12 V., c. 114, s. 6, *secondly;* 38 V., c. 55, s. 2.

Harbour of Quebec.

(*c.*) The good government, improvement and regulation of the harbour of Quebec;

22 V. (1858), c 32, *preamble and* s. 4.

Obstructions to navigation.

(*d.*) The prevention and removal of obstructions to the navigation of the River St. Lawrence within the limits of the harbour of Quebec; but nothing in any by-law made under this authority shall prevent or interfere with the provisions of

R.S.C., c. 91.

The Wrecks and Salvage Act or with any powers of any receiver of wreck appointed thereunder; and the powers hereby granted to the corporation shall be exercised only by and with the consent of such receiver, and in conjunction with him, if necessary to give effect to the said Act and to this Act;

32-33 V., c. 42, *the whole;* 37 V., c. 29, s. 2; 36 V., c. 55, s. 39 *part;* 38 V., c. 55, s. 2 *part;* 48-49 V., c. 77, s. 1; 49 V., c. 36, s. 6; R.S.C., c. 91, s. 6.

Encroachments.

(*e.*) The prevention of injury to and of encroachments and encumbrances on the harbour of Quebec, or any waters within the port of Quebec, or to or on the property of the corporation, moveable or immoveable; the prescribing where ballast or other

Ballast.

substances may be deposited within the port of Quebec; the prohibiting of the depositing of ballast or other substances

Removal of encumbrances.

within the port of Quebec; and the removal of anything of a nature to cause such injury, encroachment or encumbrance;

12 V., c. 114, s. 6, *secondly, and fifthly, part*; 22 V. (1858), c. 32, s. 4, ss. 2; 36 V., c. 62, s. 20; 38 V., c. 55, s. 2.

Lost property.

(*f.*) For the disposal of things belonging to any vessel or used for purposes of navigation, which are not "wreck" within the meaning of *The Wrecks and Salvage Act*, and are found within the port of Quebec; including the duties of losers and finders of such things; the notices to be given of such finding, the remuneration of finders thereof, the public sale of all such things if unclaimed after a reasonable delay, and the application of the proceeds of such sale after deduction of all expenses connected therewith;

12 V., c. 114, s. 93, *part, as enacted by* 36 V., c. 55, s. 38; 22 V. (1858) c. 31, s. 2 *part;* 29-30 V., c. 53, s. 5 *part.*

Ice in Quebec harbour.

(*g.*) The supervision and control of the ice in the harbour of Quebec;

But nothing in this paragraph shall be construed as obliging the Harbour Commissioners to lay out or maintain roads upon the ice in the harbour, or to provide for the safety of travel on any such roads laid out or maintained by other persons than the Harbour Commissioners ;

Vessels.

(*h.*) The control, order, anchoring, mooring, riding and fastening of vessels in the harbour of Quebec ;

12 V., c. 114, s. 6, *seventhly ;* 38 V., c. 55, s. 2.

Light and fire.

(*i.*) The regulation and control of the use of light and fire in the harbour of Quebec ;

12 V., c. 114, s. 6, *eighthly ;* 38 V., c. 55, s. 2.

Explosives.

(*j.*) The regulation and control of explosive and inflammable substances brought into the harbour of Quebec, and particularly as to the storage thereof on board of vessels and as to the precautions to be observed with regard to the landing and shipping and conveyance thereof ;

12 V., c. 114, s. 6, *tenthly ;* 38 V., c. 55, s. 2.

Boiling of pitch, etc.

(*k.*) The boiling, melting and use of pitch, tar, turpentine, resin, or any other inflammable substance, in the harbour of Quebec ;

12 V., c. 114, s. 6, *ninthly ;* 38 V., c. 55, s. 2.

Use of whistles and bells, etc.

(*l.*) The regulation and control of the use of whistles, bells, sirens and other apparatus for signalling by sound, on board of vessels in the harbour of Quebec ;

Loading appliances.

(*m.*) The regulation of all machinery and appliances used in loading or unloading vessels ;

Railway traffic

(*n.*) The regulation of railway and other traffic on the quays and wharfs in the harbour of Quebec, and the prevention and removal of all obstructions, impediments or hindrances of such traffic ;

Enforcement of railway arrangements.

(*o.*) The enforcement of arrangements made, under the powers given by this Act, with railway or street railway companies having communication with the harbour of Quebec ;

Order ; prevention of theft.

(*p.*) The maintenance of order and regularity, and the prevention of theft and depredations ;

Procedure before corporation.

(*q.* For regulating the procedure of and before, and the fees that may be received by, the corporation in the exercise of its judicial powers and of its powers as Pilotage Authority for the Pilotage District of Quebec ; and such by-laws may extend to any matter of procedure, or otherwise, not provided for by this Act, but respecting which it is found necessary to provide for the proper exercise of such powers and the better attainment of the objects of this Act ;

Enforcement of orders of officers.

(*r.*) The regulation of the powers of the officers of the corporation in respect of the enforcement of their lawful directions and orders, and in respect of any force, aid or assistance required by them for that purpose.

Collection of rates and penalties.

(*s.*) The collection of all rates and penalties imposed by this Act, or by any by-law made under the authority of this Act, with power, for such purpose, to include in any such by-law regulations requiring the Collector of Customs, or other proper officer, to refuse clearances to vessels ; and also

regulations as to the sale, by public auction, of goods unclaimed after such reasonable delay, having regard to the nature of the goods, as is fixed by such regulations ;

22 V. (1858), c. 32, s. 4, subsect. 3, s. 15 *part*, s. 18; 25 V., c. 46, s. 3, *part*, s. 4 ; 36 V., c. 62, s. 22, *part*.

Imposition of penalties under by-laws.

(*t.*) The imposition of penalties upon persons infringing the by-laws authorized by this section to be made, but such penalties shall not exceed one hundred dollars or sixty days' imprisonment; and in default of payment of such pecuniary penalty and of the costs of conviction, a period of imprisonment to be fixed by by-law, but not to exceed thirty days nor to continue after such payment is made ;

12 V., c. 114, s. 9, s. 79 ; 22 V. (1858), c. 32, s. 4, *part ;* 25 V., c. 46, s. 2; 40 V., c. 51, s. 5, *part*.

Execution of objects of Act.

(*u.*) The doing of everything necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof.

22 V. (1858), c. 32, s. 4, ss. 4.

Confirmation of by-laws.

27. No by-law shall have force or effect until confirmed by the Governor in Council and published in *The Canada Gazette*.

22 V. (1858), c. 32, s. 4, subsect. 5.

Force and effect.

2. Upon such confirmation and publication any by-law made in accordance with this Act shall have the same force and effect as if specifically enacted in this Act, and judicial notice shall be taken thereof in all proceedings under this Act.

Copies, when evidence.

3. A copy of any by-law bearing a certificate, under the seal of the corporation and signed by the secretary-treasurer, that it is a true copy and that such by-law has been confirmed and published as by this section required, shall be admitted in all courts in Canada as full and sufficient evidence of such confirmation and publication and shall make proof of the contents of the by-law.

22 V. (1858), c. 32, s. 5.

HARBOUR RATES.

Levying of harbour rates.

28. The corporation may, from time to time, levy such rates as are approved of by the Governor in Council upon—

(*a.*) All vessels entering or plying in the harbour of Quebec, except vessels merely passing through the harbour to or from places outside of the harbour without discharging or loading goods or ballast ;

25 V., c. 46, s. 3, *part ;* 36 V., c. 62, s. 18, *part ;* 40 V., c. 51, s. 2, *part*.

(*b.*) All vessels moored, or fastened to or lying at any dock, pier, wharf or slip belonging to the corporation ;

(*c.*) All goods landed, shipped or brought on any such dock, pier, wharf or slip, or moved by rail within the harbour, or stored, warehoused or handled by the corporation ;

22 V. (1858), c. 32, s. 15, *part*.

(*d.*) All goods imported into or exported from the Customs Port of Quebec by sea to or from any place out of the Pro-

vince of Quebec; and all goods imported into or exported from the Customs Port of Quebec, to or from the United States or by transit from any other country through the United States, whether by sea or otherwise.

But no rate to be levied under this paragraph shall exceed one tenth of one per cent on the invoice value of the goods.

40 V., c. 51, s. 2. *part.*

2. The corporation shall not levy any rates for wharfage or moorage in respect of any of the lands, buildings, wharves, quays, piers, docks, slips or other immoveables mentioned in paragraph (*a*) of subsection 2 of section 6 of this Act.

22 V (1858) c. 32, s. 2. *part.*

Valuation of goods.

29. The valuation of goods on which *ad valorem* rates are imposed by or under this Act shall be made according to the provisions of *The Customs Act*, or any Act in amendment thereof, and the said provisions shall for the purposes of such valuation be held to form part of this Act as if actually embodied herein; and the collector of customs at Quebec shall direct the appraiser to attend and make such valuation at any place and time needful, on application being made to him to that effect by the corporation or its authorized agent; and the said appraiser shall act herein without taking any new oath of office for the purpose.

22 V. (1858), c. 32, s. 25; 36 V., c. 62, s. 22.

Payment of rates.

30. Rates imposed upon or in respect of vessels shall be paid by the master or person in charge of the vessel.

2. Rates imposed upon or in respect of goods landed from or shipped on sea-going vessels shall be paid by the owner, consignee, agent or shipper of the goods.

3. Rates imposed upon or in respect of goods landed from or shipped on other vessels, shall be paid by the master or person in charge of the vessel; but the corporation may demand and recover, if it sees fit so to do, such rates from the owner, consignee or agent of the vessel, or from the shipper of the goods.

4. Nothing in this section shall affect the recourse which the master or person in charge of any vessel may have by law against any other person for the recovery of any sum paid by him to the corporation for rates.

22 V. (1858), c. 32, s. 15, *part;* 25 V., c. 46, s. 3, *part;* 36 V., c. 62, s. 22 *part.*

Commutation of rates.

31. The corporation may commute any rates authorized by this Act to be levied, on such terms and conditions and for such sum or sums of money as the corporation deems expedient.

22 V., c. 32, s. 17, *part;* 25 V., c. 46, s. 3, *part;* 36 V., c. 62, s. 22, *part.*

Collection of rates through customs.

32. The corporation may require the collectors of customs at Montreal, Quebec and any intermediate ports, to collect on

its behalf such portion of the rates authorized by this Act to be levied as it deems expedient for the convenience of trade to collect through them, and may allow them therefor a commission not exceeding one-half per cent.

22 V. (1858), c. 32, s. 18.

Duty of collectors of customs as to accounting.

2. Every collector so required to make collections on account of the corporation, shall pay over to the corporation on the first day of each month all moneys collected for it; and shall make monthly returns in detail, specifying the date of each collection, the name and tonnage of each vessel, and the name of the commander or master thereof.

EXPROPRIATION OF LANDS.

Expropriation of lands, how made.

33. Whenever the corporation desires to acquire any immoveable property for the improvement or extension of the Harbour of Quebec or the accommodations thereof, it shall cause to be prepared a plan of such immoveable property in triplicate, one triplicate whereof shall be deposited in the office of the Clerk of the Peace of the City of Quebec, another triplicate thereof in the office of the Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works:—And such plan shall be submitted to the Governor in Council for approval, and upon being duly approved, if an amicable arrangement with the proprietor of such immoveable property is not made, the corporation shall have the right to acquire the same without the consent of the proprietor or proprietors thereof, and the provisions of sections 99 to 172, both inclusive, of *The Railway Act*, shall apply to the acquisition of immoveable property for the purposes aforesaid, to the same extent and in the same manner as if the said sections had been passed with express reference to the harbour of Quebec instead of with reference to railways and as if the corporation were therein referred to instead of the railway company.

1888, c. 29.

36 V., c. 62, s. 14, *part*.

Notice, how given.

2. The notice required under section 149 of *The Railway Act* shall be given by inserting the said notice three times in the course of one month in two newspapers, one in the French and the other in the English language, published in the city of Quebec.

36 V., c. 62, s. 14, *part*.

ADVANCES BY GOVERNMENT, BORROWING POWERS, &c.

Power of Governor in Council to raise money.

34. For the relief of the corporation and for the improvement of the harbour of Quebec, the Governor in Council may raise, under the provisions of *The Consolidated Revenue and Audit Act*, the sum of three hundred and sixty-two thousand one hundred and ninety-seven dollars and fifty-eight cents, being the amount, unborrowed and negotiable, of the loans authorized for that purpose by the several Acts, chapter 62 of the statutes of 1873, chapter 17 of the statutes of 1880, chapter 47 of the statutes of 1882, chapter 9 of the statutes of 1884, chap-

R.S.C., c. 29.

ter 19 of the statutes of 1886, and chapter 41 of the statutes of 1887.

And make advances for harbour improvements.

2. The sum so raised shall be advanced from time to time to the corporation to meet payments on account of improvements in the harbour of Quebec, if such improvements have been previously sanctioned by the Governor in Council, on the joint report of the Minister of Marine and Fisheries and the Minister of Public Works; and shall be applied to no other purpose whatever.

Corporation to deposit bonds as security.

3. Upon the advance of any sum, by the Governor in Council to the corporation, under the foregoing provisions of this section, the corporation shall deposit with the Minister of Finance and Receiver General their own bonds for the same amount, in such form as the Minister of Finance and the Receiver General may approve, and bearing interest, at the rate of four per cent per annum, payable by the corporation from the time of such advance.

Rate of interest.

Interest, how secured.

4. The said interest shall be payable by the corporation out of its income from the rates, penalties and other sources of income under this Act; and shall rank as a charge thereon as provided by section 36 of this Act.

36 V., c. 62, s. 17; 43 V., c. 17, ss. 1, 2, 3; 45 V., c. 47, s. 1; 46 V., c. 39, s. 1; 47 V., c. 9, s. 1; 49 V., c. 19, ss. 1, 2, 3; 51 V., c. 6, ss. 3, 4; 61 V., c. 48, s. 1, *proviso as to priority.*

Borrowing powers.

35. To acquire additional lands upon the river front and to improve the same, and to extend the wharf accommodation for vessels using the harbour of Quebec, or for any or either of such purposes, the corporation may borrow, in such sums, and for such number of years not exceeding thirty years, and at such rates of interest not exceeding four per cent per annum, as is found expedient, an amount not exceeding in the whole two hundred thousand dollars, being the balance of the amount authorized so to be borrowed under chapter 48 of the statutes of 1898.

Amount.

Issue of bonds.

2. The corporation may issue, under the hands of three of the commissioners and the seal of the corporation, debentures or bonds, to be countersigned by the secretary-treasurer of the corporation, for the sum or sums so borrowed, and may make such bonds or debentures payable at such time or times as are agreed upon, to the bearer thereof, either within the province of Quebec or at any place or places without the said province, and either in Canada currency or in sterling, with interest payable semi-annually and with coupons for such interest annexed and signed by one of the commissioners, and countersigned by the secretary-treasurer, which coupons shall be payable to bearer at the times when the said interest is payable.

Security for bonds

3. Any sum so borrowed, together with the interest thereon, shall be payable by the corporation out of all its property, assets, tolls, rates, dues, penalties and other sources of revenue and income whatsoever, and shall rank as a charge thereon as provided by section 36 of this Act.

61 V., c. 48, s. 1 *part.*

Charges on revenue.

36. The lawful charges upon the revenue of the corporation, arising from all sources whatsoever, shall be as follows and shall be paid in the following order:—

Collection.

(1°.) All necessary expenses incurred in collecting the said revenue and the indispensable expenses of management;

22 V. (1858) c. 32, s. 9, *part*; 36 V., c. 62, s. 17 *part*.

Repairs.

(2°.) The necessary expenses attendant on keeping the wharfs and other works and property of the corporation in a thorough state of repair;

22 V. (1858) c. 32, s. 9, *part*; 36 V., c. 62, s. 17 *part*.

Principal and interest of bonds.

(3°.) The principal and interest of all debentures or bonds issued by the corporation under the provisions of chapter 48 of the statutes of 1898 or of this Act;

61 V., c. 48, s. 1.

Claims of Government.

(4°.) All claims and charges of the Government of Canada, on account of moneys borrowed for, and paid on account of or advanced to the corporation by the Governor in Council under the authority of chapter 62 of the statutes of 1873, chapter 17 of the statutes of 1880, chapter 47 of the statutes of 1882, chapter 39 of the statutes of 1883, chapter 9 of the statutes of 1884, chapter 19 of the statutes of 1886, and chapter 41 of the statutes of 1887, for improvements in the Harbour of Quebec, and interest upon all sums so borrowed, paid or advanced by the Governor in Council under any of the said Acts or under this Act;

61 V., c. 48, s. 1., *part*.

Principal of Government advances.

(5°.) The principal of all sums so borrowed and paid or advanced by the Governor in Council under any such Act or under this Act;

22 V (1858) c. 32, s. 9, *part*; 36 V., c. 62, s. 17 *part*; 51 V. c. 6, s. 4 *part*; 61 V. c. 48, s. 1., *part*.

Liabilities on former bond issues.

(6°.) All liabilities, if any, of the corporation to any person other than the Governor in Council, on account of bonds or debentures issued by it under the authority of any Act repealed by this Act, other than chapter 48 of the statutes of 1898, according to the respective privileges and priorities of such bonds or debentures;

Other liabilities.

(7°.) All other liabilities of the corporation.

RECOVERY OF RATES, PENALTIES, &c.

Summary procedure for the recovery of money and penalties.

37. All sums of money due (except the expenses referred to in subsection 3 of this section) and all penalties incurred under this Act or under any by-law in force under this Act, may be recovered in a summary manner under the provisions of Part LVIII of *The Criminal Code*, 1892, before any two justices, or before any person having the power of two justices.

22 V. (1858), c. 32, s. 20, s. 23 *part*; 25 V., c. 46, s. 3 *part*; 36 V., c. 62, s. 22. *part*; 40 V., c. 51, s. 5 *part*; "*The Criminal Code*, 1892," ss. 840, 842.

2. In certain cases they may also be recovered by proceeding as hereinafter provided before the corporation sitting in its judicial capacity and exercising, under the provisions of this Act, the judicial powers formerly vested in the Trinity House of Quebec. Recovery before corporation.

12 V., c. 114, s. 66, s. 105, *part;* 23 V., c. 123, s. 28 *part;* 32-33 V., c. 42, s. 4 *part;* 36 V., c. 55, s. 38 *part;* R.S.C., c. 79, s. 8; R.S.C., c. 80, s. 101; R.S.C., c. 91, s. 6.

3. Expenses incurred by the corporation, in placing or maintaining signals or lights to indicate obstructions to navigation in the Port of Quebec, may be recovered by civil suit or action in any court in Canada, within the limits of whose jurisdiction the defendant is served with process, if such court has jurisdiction in civil cases to the amount of the expenses claimed. Recovery of expenses in certain cases.

32-33 V., c. 42, s. 4.

38. The corporation may, in the following cases, seize and detain any vessel at any place within the limits of the province of Quebec:— Seizure and detention of vessels.

(*a.*) Whenever any sum is due, in respect of the vessel, for rates, or for commutation of rates, or for any other charge which under this Act the corporation may lawfully make; For non-payment of rates.

23 V. (1858), c. 32, s. 16, *part;* 25 V., c. 46, s. 3, *part;* 36 V., c. 62, s. 22, *part.*

(*b.*) Whenever the master, owner, or person in charge of the vessel has infringed any provision of this Act or any by-law in force under this Act, and has thereby rendered himself liable to a penalty; For penalties.

22 V. (1858), c. 32, s. 16, *part*, s. 17, *part;* s, 23, *part;* 32-33 V., c. 42, s. 4, *part;* 36 V., c. 55, s. 38, *part*

(*c*) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew while acting as the crew or under the orders of their superior officers, to any property of the corporation. For injury to property.

22 V. (1858), c. 32, s. 21, *part*,

2. In the last mentioned case the vessel may be seized and detained until the injury so done has been repaired by the master or crew, or by other persons interested, and until all other damages thereby directly or indirectly caused to the corporation, including the expense of following, searching for, discovering and seizing such vessel, have been paid to the corporation, (for the amount of all which injury, damages, expenses and costs, the corporation shall have a preferential lien on the vessel and upon the proceeds thereof,) or until security has been given by the master to pay such amount for such damage, direct or indirect, and for such injury and costs, as may be awarded in any suit brought against him for the same, and he shall be liable to the corporation for any such injury and damages. Effects of seizure, duration, etc. Lien on vesse and proceeds. Master's liability.

22 V. (1858), c. 32, s. 21, *part.*

Special privilege for rates, penalties, etc.

3. The corporation shall have a special privilege upon any vessel and upon the proceeds thereof, by preference to all other claims and demands whatsoever, for the payment of all or any rates or penalties, due and payable in respect of such vessel, or in respect of the acts of the master, owner or person in charge thereof, or in respect of commutation of rates.

Seizure after judgment.

4. Such vessel may be seized and sold, under any writ or warrant of execution, or of distress issued by any court or by any magistrate, upon any judgment or conviction at the suit of the corporation against the master, owner or person in charge thereof.

In whose hands seizure may be made.

5. A vessel may be so seized and detained or so seized and sold, in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates, or commutation thereof, or penalties accrued, or in the charge or possession or the property of any third person.

Prescription.

6. The rights conferred by this section shall not be exercised after one year from the period when such rates, or commutation thereof, or penalties accrued and became exigible.

Seizure and detention of goods.

39. The corporation may in the following cases seize and detain any goods:—

(*a.*) Whenever any sum is due for rates in respect of such goods, or for any other charge which under this Act the corporation may lawfully make, and is unpaid;

22 V. (1858), c. 32, s, 16, *part;* 25 V., c. 46, s. 3, *part;* 36 V., c. 62, s. 22, *part.*

(*b*) Whenever any provision of this Act, or any by-law in force under this Act, is infringed in respect of such goods and a penalty is thereby incurred;

22 V. (1858), c. 32, s. 16, *part*, s. 17, *part;* 25 V., c. 46, s. 3, *part;* 36 V., c. 62, s. 22, *part.*

Sale of goods seized.

2. Any goods so seized may be sold by the corporation, at public auction, if an advertisement containing a description of the goods, an announcement of the intention to sell them, and the reason of the sale, has been inserted for at least eight days previous to the sale, in at least two newspapers published daily in the city of Quebec, one of which is published in the English and the other in the French language

22 V. (1858), c. 32, s. 22, *part;* 25 V., c. 46, s. 3, *part;* 36 V., c. 62, s. 22, *part.*

Seizure and detention to be at owner's charge.

40. Every seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel or goods seized, until all sums due and penalties incurred, together with all costs and charges incurred in the seizure and detention, and the costs of any conviction obtained for the infringement of any provision of this Act or of any by-law in force under this Act, have been paid in full.

22 V. (1858), c. 32, s. 16, *part*, s. 17, *part*, s. 21, *part*, s. 23, *part;* 25 V., c. 46, s. 3, *part;* 32-33 V., c. 42 s. 4, *part;* 36, V., c. 55 s. 38, *part;* 36 V., c. 62 s. 22, *part.*

When seizure may be made.

2. The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such action or proceeding, or as an incident thereto.

22 V. (1858), c. 32 s. 24, *part;* 25 V., c. 46, s. 3, *part;* 36 V., c. 62, s. 22, *part.*

Order for seizure.

3. The seizure and detention may be effected upon the order of any judge, of any magistrate having the power of two justices, of the collector of customs at either of the ports of Quebec or Montreal, or of the president or president *pro tempore* of the corporation, who, for the purposes of such order and of all proceedings for enforcing it, shall have concurrent jurisdiction with such magistrate.

Application and affidavit.

4. The said order may be made at the application of the corporation, or of its authorized agent, or of its attorney or solicitor, on the affidavit of any one credible person, that any sum is due to the corporation for any rates or commutation thereof whatever, or for any other charge which the corporation may lawfully make under this Act, or that any penalty has been incurred under the by-laws of the corporation, or under the provisions of this Act, by the master, owner or person in charge of the vessel or goods, or that the provisions of this Act have been infringed by any vessel or by the master, owner or person in charge thereof, or by the owner or person in charge of any goods, stating the particulars of such infringement.

22 V. (1858), c. 32, s. 24, *part.*

Execution of order.

5. Such order may be executed by any constable, bailiff or other person whom the corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and to demand all necessary aid, to enable him to execute the same.

22 V. (1858), c. 32, s. 24, *part.*

SPECIAL JUDICIAL POWERS.

Special judicial jurisdiction.

41. The corporation may continue to exercise, within the limits of the port of Quebec, jurisdiction, power and authority, civil and criminal, for the hearing and decision of the following matters:—

R.S.C., c. 80.

(*a.*) Any matter arising from the provisions of *The Pilotage Act* or of any by-law made thereunder;

12 V., c. 114, s. 66, *First and Secondly, part;* 23 V., c. 123, s. 28, *part;* 25 V., c. 70, s. 4, *part;* 38 V., c. 55, s. 2, *part; The Pilotage Act*, R. S. C., c. 80, s. 4, s. 20.

Pilotage matters under this Act.

(*b.*) Any matter arising from the provisions of this Act or of any by-law made thereunder, if such matter relates to pilots or pilotage;

12 V., c. 114, s. 66, *Secondly, part;* 23 V., c. 123, s. 28, *part;* 25 V., c. 70, s. 4, *part;* 38 V., c. 55, s. 2, *part; The Pilotage Act* R. S. C., c. 80, s. 4, s. 20

Navigation matters under this Act, if no other jurisdiction exists.

(*c.*) Any matter arising from such provisions of this Act or of any by-law made thereunder, as relate to navigation or shipping, if it is a contravention of any such provision and if no

express provision is made by law for the hearing and decision thereof by any other judicial tribunal.

12 V., c. 114, s. 66, *thirdly;* 32-33 V., c. 42, s. 4, *part;* 37 V., c. 29, s. 2, *part;* 38 V., c. 55, s. 2, *part;* 48-49 V., c. 36, s. 6; R. S. C., c. 91, s. 6.

Procedure.

2. The provisions of Part LVIII of *The Criminal Code*, 1892, except sections 861 and 902 to 906 both inclusive, shall apply to all proceedings had under this section, with the following modifications :—

Reference of certain cases to other authority.

(*a.*) If, upon application to the corporation to receive any information or complaint, the corporation is of opinion that the questions involved do not affect any interests of the port or harbour of Quebec, the corporation may require the informant or complainant to go before any other proper authority having jurisdiction to receive such information or complaint;

Record of proceedings.

(*b.*) All proceedings and evidence had before the corporation shall be preserved of record;

Service of process.

(*c*) Service of any warrant shall be made by the proper person designated by the provisions of the said Part LVIII of *The Criminal Code*, 1892; but service of any summons, order, or notice may also be made by any bailiff of the Superior Court in and for the province of Quebec.

SERVICE OF SUMMONS, &C.

Mode of service of process, etc.

42. Service of any warrant, summons, writ, order, notice or other document, may be made as follows, when personal service cannot be effected :—

On owners and masters of vessels.

(*a.*) Upon the owner, master or person in charge of any vessel, at his residence on shore, by showing the original to and leaving a copy with any reasonable person there found, or by showing the original to, and leaving a copy with, any reasonable person found on board the vessel and appearing to be one of her crew;

12 V., c. 114, s. 67, *part.*

On pilots.

(*b.*) Upon any pilot by showing the original to, and leaving a copy with, any reasonable person found at the pilot's residence, or found on board of any vessel belonging to the pilot, or found on board of any vessel then under the pilot's charge, or found on board of any vessel belonging to the Corporation of Pilots for and below the Harbour of Quebec, if the pilot to be served is then cruising in such vessel but is not in charge of any other vessel.

12 V., c. 114, s. 75.

No writs to be served on H. M. vssels.

43. Nothing in this Act contained shall authorize the service of any summons or the execution of any warrant on board of any vessel in Her Majesty's service or of the Government of Canada.

12 V., c. 114, s. 67, *part*, s. 71, *part.*

APPLICATION OF PECUNIARY PENALTIES.

44. Every pecuniary penalty recovered before any court or magistrate, or before the corporation in the exercise of its judicial powers, shall be applied as follows:— Application of penalties.

(*a.*) If recovered from a pilot for a violation of such provisions of this Act or of any by-law in force thereunder as relate to pilots or pilotage, it shall be paid over to the corporation of pilots for and below the Harbour of Quebec for the purposes of the fund for the support and maintenance of decayed pilots, their widows and children ; If recovered from pilot.

12 V., c. 114, s. 106, *part;* 25 V., c. 70, s. 4, *part;* 23 V., c. 123, s. 21, *as substituted by* 25 V., c. 70, s. 2. *The Pilotage Act*, R.S.C., c. 80, s. 102.

(*b.*) If so recovered from any person other than a pilot for a violation of any provisions of this Act or of any by-law in force thereunder, it shall be paid into and form part of the income of the Quebec Harbour Commissioners. If recovered from any other person.

12 V., c. 114, s. 106, *part;* 22 V. (1858), c. 32, s. 23, *part;* 32-33 V., c. 42, s. 4, *part;* 36 V., c. 62, s. 22, *part.* *The Pilotage Act*, R.S.C., c. 80, s. 102.

45. Whenever any person is required by or in pursuance of this Act to take any oath, any commissioner, the secretary-treasurer of the corporation, the harbour master of Quebec, or any justice of the peace may administer such oath. Administration of oaths.

12 V., c. 117, s. 102.

ACCOUNTING FOR MONEYS.

46. The corporation shall, within twenty-one days after the first of January in every year, make a report to the Minister of Marine and Fisheries of their doings in office during the preceding calendar year and furnish him with an account in detail of their receipts and expenditure during the same period, in such form as the Minister directs. Report and statement of accounts.

38 V. c. 55, s. 14.

LIMITATION OF SUMMARY PROCEEDINGS.

47. In the case of any violation of this Act or of any by-law in force under this Act no complaint or information shall be made or laid under Part LVIII of *The Criminal Code*, 1892, after two years from the time when the matter of complaint or information arose. Prescription of prosecutions.

12 V., c. 114, s. 100 ; 38 V., c. 55, s. 2, *part.*

SCHEDULE.

ACTS REPEALED.

Year and Chapter.	Title of Act.	Extent of repeal.
	ACTS OF THE FORMER PROVINCE OF LOWER CANADA.	
9 Geo. IV, c. 24.	An Act to appropriate a certain sum of money towards erecting Lighthouses on the Shores of the River St. Lawrence, and for other purposes therein-mentioned.	The whole.
10-11Geo.IV,c.13	An Act to amend an Act passed in the ninth year of His Majesty's reign, intituled "An Act to appropriate a certain sum of money towards erecting Light-houses on the Shores of the River St. Lawrence and for other purposes therein-mentioned."	The whole.
1 Wm. IV., c. 12.	An Act to make further provision for establishing Lighthouses on the Island of Anticosti.	The whole.
2 Wm. IV., c. 49.	An Act to appropriate certain sums of money for ascertaining the practicability of ensuring the annual formation of an Ice Bridge from Quebec to the South Shore, in the manner proposed by John Le Breton, and for remunerating him in the event of his success therein.	The whole.
	ACTS OF THE FORMER PROVINCE OF CA ADA.	
9 V., c. 55.....	An Act to authorize the Quebec Trinity House to licence as Pilots a certain class of persons therein mentioned.	The whole.
9 V., c. 60	An Act to authorize the appropriation of nineteen thousand pounds to the improvement of the Gulf of St. Lawrence.	The whole.
10-11 V., c. 27 ..	An Act to amend the Act to authorize the Quebec Trinity House to licence as Pilots a certain class of persons therein mentioned.	The whole.
12 V., c. 114....	An Act to consolidate the Laws relative to the Powers and Duties of the Trinity House of Quebec, and for other purposes.	The whole.
12 V., c 116....	An Act to provide for the Health of the City of Quebec.	The whole.
13-14 V., c. 99 ..	An Act to oblige the Trinity House of Quebec to lay down buoys to mark the Shoals in the North Channel of the River St. Lawrence, and to facilitate the Traverse from Cape Tourmente to Isle-aux-Reaux.	The whole.
14-15 V., c. 25 ..	An Act to provide for defraying the expense of the River Police at Quebec.	The whole.
16 V. (1853) c. 234.	An Act to transfer the possession and control of the *Cul-de-Sac* Harbour from the Trinity House of Quebec, to the Mayor and Councillors of the City of Quebec.	The whole.
20 V., c. 121....	An Act to amend the Act intituled, *An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes.*	The whole.

SCHEDULE—*Continued.*

Year and Chapter.	Title of Act.	Extent of repeal.
22 V., (1858) c. 31	An Act to extend the powers of the Trinity House of Quebec.	The whole.
22 V., (1858) c. 32	An Act to provide for the improvement and management of the Harbour of Quebec.	The whole.
23 V., c. 123...	An Act to incorporate the Pilots for and below the Harbour of Quebec.	Sections 36, 37, 38, 39; all the words from "Quebec" in the fifth line of section 41 to the end of section 41: and by substituting the words "Quebec Harbour Commissioners" for the words "Trinity House of Quebec" throughout the Act.
25 V., c. 46.....	An Act to amend the Act to provide for the improvement and management of the Harbour of Quebec.	The whole.
25 V., c. 70.....	An Act to amend an Act to incorporate the Pilots for and below the Harbour of Quebec.	Section 7.
26 V., c. 53.....	An Act to amend the Act twelfth Victoria, chapter one hundred and fourteen, relating to the Quebec Trinity House.	The whole.
29 V. (1865), c. 57.....	An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and supply of water to the City of Quebec.	Sections 3 and 4; subsections 7, 37, 73 and 77 of section 29; and the first paragraph of section 39.
29-30 V., c. 57..	An Act to amend the Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of, and the supply of water to, the City of Quebec.	Section 26.
29-30 V., c. 58..	An Act to extend the powers of the Trinity House of Quebec.	The whole.
	ACTS OF THE PARLIAMENT OF CANADA.	
31 V., (1868) c. 79.	An Act to amend "An Act to provide for the improvement and management of the Harbour of Quebec," and the Act amending the same.	The whole.
32-33 V., c. 42..	An Act to amend the Act of the late Province of of Canada twelfth Victoria, Chapter one hundred and fourteen, *To consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes.*	The whole.
32-33 V., c. 44..	An Act to amend the Acts respecting the improvement and management of the Harbour of Quebec.	The whole.

SCHEDULE—*Continued.*

Year and Chapter.	Title of Act.	Extent o repeal.
33 V. c. 44.....	An Act further to amend the Acts respecting the Improvement and Management of the Harbour of Quebec.	The whole.
34 V. c. 31.....	An Act respecting certain officers of the Trinity House of Quebec.	The whole.
34 V. c. 34.....	An Act further to amend the Acts respecting the improvement and management of the Harbour of Quebec.	The whole.
36 V. c. 10.....	An Act to add to the number of the Members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof.	The whole.
36 V. c. 55.....	An Act respecting Wreck and Salvage.	Sections 38 and 39.
36 V. c. 62.....	An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec.	The whole.
38 V. c. 55.....	An Act respecting the Trinity House and Harbour Commissioners of Quebec.	The whole.
38 V. c. 56.....	An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof.	The whole.
39 V. c. 39.....	An Act to remove doubts under the Acts therein mentioned respecting the Corporation of the Quebec Harbour Commissioners.	The whole.
40 V., c. 51.....	An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec, and "The Pilotage Act, 1873."	The whole.
43 V. c. 17.....	An Act to authorize the raising of a further sum to enable the Quebec Harbour Commissioners to complete their Tidal Dock.	The whole.
45 V. c. 47.. ...	An Act further to amend the Acts to provide for the improvement and management of the Harbour of Quebec.	The whole.
46 V. c. 39.....	An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbour Commissioners.	The whole.
46 V. c. 40.....	An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting "the Graving Dock in the Harbour of Quebec, "and authorizing the raising of a loan in respect "thereof"	The whole.
47 V., c. 9 , ...	An Act to make further provision towards the completion of the Tidal Dock in the Harbour of Quebec.	The whole.
47 V., c. 10.....	An Act to authorize the advance of a further sum for completing the Graving Dock in the Harbour of Quebec.	The whole.
48-49 V., c. 77..	An Act for facilitating navigation of the River St. Lawrence, in and near the Harbour of Quebec.	The whole.
49 V., c. 19.....	An Act respecting the Improvement of the Harbour of Quebec.	The whole.

Year and Chapter.	Title of Act.	Extent of repeal.
50-51 V., c. 41..	An Act to authorize the advance of further sums for completing the Graving Dock and the Improvements in the Harbour of Quebec.	The whole
51 V., c. 6.....	An Act relating to certain advances made to the Quebec Harbour Commissioners.	The whole.
61 V., c. 48.....	An Act to authorize the Quebec Harbour Commissioners to borrow money.	The whole.

No. 92.] **BILL.** [1899.

An Act respecting the Saskatchewan Railway and Mining Company.

Preamble.

WHEREAS the Saskatchewan Railway and Mining 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

1898, c. 85, s. 3 amended.

1. Sub-section 1 of section 2 of chapter 78 of the statutes of 1891, as amended by section 3 of chapter 85 of the statutes of 1898, is hereby amended by striking out paragraphs (*a*) and (*b*) thereof and by substituting the following paragraphs (*a*) and (*b*) therefor :—

Branch lines.

"(*a*) easterly to Humboldt and eastward to any point on the Canadian Pacific Railway, the Great North West Central Railway or the Canadian Northern Railway which may be approved by the Governor in Council ;

"(*b*) westerly to Battleford and westward to the Rocky Mountains, at such point as may be approved by the Governor in Council ; such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act ;* and "

Division into sections.

2. The Saskatchewan Railway and Mining Company, hereinafter called "the Company," may divide its undertaking into sections which may be known as follows :—

A. The Athabasca Section.
B. " Assiniboia "
C. " Kinistino "
D. " Battleford "
E. " Humboldt "

Points of commencement of railway.

3. The Company may commence the construction of its railway at any point thereon, and may commence the construction of any section or branch of the undertaking at such junction or crossing of the main line by any other railway over its main line, and prior to the construction of the main line or any part thereof, as may be approved by the Governor in Council.

Bond issue limited.

4. The Company may issue the bonds, debentures, or other securities authorized by its Act of incorporation separately in respect of each Section or combination of Sections, and such bonds, debentures or other securities if so issued shall, subject to the provisions contained in section 94 of *The Railway Act*, 1888, c. 29.

from a first charge thereon and be limited to the particular Section or Sections in respect of which respectively they are issued, and upon the rents and revenues thereof, and upon all the property of the Company of or belonging to the said Section or Sections.

Time for construction limited.

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

Qualification of directors.

6. No person shall be a director of the Company unless he is a registered holder and absolute owner in his own right and possession of at least fifty shares in the capital stock of the Company, and shall have paid all calls due upon such shares, and is qualified to vote for the election of directors at the election at which he is chosen. No pledgee, trustee, mortgagee, or holder of any lien, of shares in the Company, may be a director.

Voting qualification.

7. No person (a trustee excepted) shall be admitted to vote for the election of directors, or for the controlling or ordering of the directors, at any annual or special meeting of the Company on any shares other than such as would, when sufficient in number, qualify such person for election as a director under the provisions of the next preceding section.

1888, c. 29.

8. Section 89 of *The Railway Act* shall not apply to the Company.

No. 92.

4th Session, 8th Parliament,

BILL.

An Act respecting the Railway and Mining

First reading, April

(PRIVATE B

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OTTAWA
Printed by S. E. D.
Printer to the Queen's most E
1899

No. 93.] **BILL.** [1899.

An Act to incorporate the Edmonton and Saskatchewan 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. William Henry Roughsedge, of the town of South Edmonton, district of Alberta; Henry MacLaren, John A. MacLaren, Daniel MacLaren and John E. O'Meara, all of the city of Ottawa; George F. Cleveland, of the town of Danville, Quebec; William MacLaren, of the town of South Edmonton, district of Alberta, and Richard B. Bennett, of the town of Calgary, district of Alberta, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Edmonton and Saskatchewan 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 and calls thereon.

3. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Head office.

4. The head office of the Company shall be in the city of Ottawa, or in such other place in Canada as the directors from time to time determine by by-law.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the fifteenth day of December in each year.

Election of directors.

6. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three and not more than nine persons, to be directors of the Company, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway or tramway of the gauge of four feet eight and one-half inches, from a point at or near the town of South Edmonton, in the district of Alberta, in the North-West Territories, thence north-easterly through the settlements of Clover Bar, or Cloverton, and the settlement of Agricola, thence north to a

point in or near the village or settlement of Fort Saskatchewan, thence north-easterly to a point in or near the settlement of Edna, thence north-easterly to a point on the North Saskatchewan River, at, in or near the town, village or settlement of Victoria, thence running southerly to a point at, in or near the settlement of Manawan, thence southerly or south-westerly to a point at, in or near the Beaver Lake (or Beaver Hills Lake), thence south to the settlement of Logan, thence running east to Cooking Lake, and to the point of commencement of the line at or near South Edmonton aforesaid.

Powers of Company vessels.

8. The Company may, for the purposes of its business,—

(*a.*) construct, charter, navigate and dispose of steam and other vessels upon Beaver Lake, adjacent to the proposed railway or tramway, and may carry on generally the business of transportation in connection with the said railway or tramway and vessels;

Transportation.

Roads, wharfs etc.

(*b.*) construct or aid in, and subscribe towards the construction, maintenance and improvement of roads, ways, docks, piers, wharfs, elevators and other buildings which are necessary or convenient for the purposes of the Company.

Aid to undertaking.

9. The Company may receive by grant from any government or person as aid in the construction of the railways, vessels and works authorized by this Act, any Crown lands, real or personal estate or property, sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment of or as subventions for services.

Preferred stock.

10. The Company may, under the authority of the ordinary shareholders given at a special general meeting duly called for that purpose (at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy), issue any portion of its capital stock as preferred stock, and such preferred stock shall have the special incidents and privileges defined by the following paragraphs, that is to say:—

Preferential dividend.

(*a.*) The profits of each year shall be first applied to pay a cumulative preferential dividend at a rate not exceeding six per cent per annum:

Ordinary dividend.

(*b.*) The residue of surplus profits applicable for dividend in each year shall be divided among the holders of the ordinary shares:

Discretion of directors.

(*c.*) Nothing herein contained shall prejudice or limit the powers or discretions of the directors as to the time or mode of application and distribution of profits, or as to the setting aside of profits for a reserve fund and depreciation accounts:

Return of capital.

(*d.*) The holders of the said preference stock shall also be entitled to the preferential payment of the amount paid up on their shares out of the assets available for the return of capital, in priority to any return of capital in respect of ordinary shares in the Company; and, subject thereto, the residue of such surplus assets shall belong to, and be divided among the ordinary shareholders.

11. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed, or under contract to be constructed, and the Company may issue such bonds, debentures or other securities, in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgage deed made to secure such separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which are described in the mortgage deed made to secure the same.

Bond issue limited.

12. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Calgary and Edmonton Railway Company, or the Edmonton District Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Agreement with another company.

Approval of shareholders.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production the *Canada Gazette* containing snch notice shall be prima facie evidence of the requirements of this Act having been complied with.

Agreement to be filed.

No. 93.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Edmonton and Saskatchewan Railway Company.

First reading, April 28, 1899.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 94.] **BILL.** [1899.

An Act respecting the Yukon Mining, Trading and Transportation Company (Foreign).

Preamble.

WHEREAS the Yukon Mining, Trading and Transportation Company (Foreign) 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1897, c. 91 revived.

1. The Act respecting the Yukon Mining, Trading and Transportation Company (Foreign), being chapter 91 of the statutes of 1897, is hereby revived and declared to be in force.

Section 20 amended.

Time for construction extended.

2. Section 20 of the said Act is hereby repealed, and in lieu thereof it is enacted that the line of railway mentioned in section 7 of the said Act shall be commenced, and three hundred thousand dollars expended thereon within two years after the passing of this Act, and the said railway shall be finished and put in operation within five years after the passing of this Act, otherwise the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 94.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Yukon, Mining, Trading and Transportation Company (Foreign).

First reading, April 28, 1899.

(PRIVATE BILL.)

Mr. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 95.] **BILL.** [1899.

An Act respecting the Lindsay, Haliburton and Mattawa Railway Company.

Preamble.

WHEREAS the Lindsay, Haliburton and Mattawa 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended.

1897, c. 51, s. 1.

1888, c. 29.

1. Notwithstanding anything contained in section 1 of chapter 51 of the statutes of 1897 the time limited for the commencement of the railway of the Lindsay, Haliburton and Mattawa Railway Company, and for the expenditure of fifteen per cent on the amount of its capital stock as required by section 89 of *The Railway Act*, is hereby extended for a period of two years from the twenty-second day of July, one thousand eight hundred and ninety-nine; and if such expenditure is not so made, and if the railway is not finished and put in operation within five years from the said date, then the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 95.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Lindsay, Haliburton and Mattawa Railway Company.

First reading, April 28, 1899.

(PRIVATE BILL.)

MR. HUGHES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 96.] **BILL.** [1899.

An Act respecting the Buffalo and Fort Erie Bridge Company.

Preamble.

WHEREAS the Buffalo and Fort Erie Bridge Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1891, c. 65, 1893, c. 64, s. 1; and 1895, c. 70, s. 4 revived.

1. The Act to incorporate the Buffalo and Fort Erie Bridge Company, being chapter 65 of the statutes of 1891, and the Acts amending it, being chapter 64 of the statutes of 1893 and chapter 70 of the statutes of 1895, are hereby revived and declared to be in force.

Time for construction of work extended.

2. The times limited by the said Acts for the commencement and completion of the undertaking of the Company are hereby extended for two years and five years respectively from the passing of this Act, otherwise the powers of construction conferred upon the Company by Parliament shall cease and be null and void.

1891, c. 65, new section 1. 1893, c. 64, s. 1; 1895, s. 70. s. 4.

3. The section substituted for section 1 of chapter 65 of the statutes of 1891 by section 1 of chapter 64 of the statutes of 1893, as amended by section 4 of chapter 70 of the statutes of 1895, is hereby repealed, and the following is substituted therefor:—

Incorporation.

"**1.** William M. German, James A. Lowell, Alexander Logan, Frederic W. Hill, J. G. Cadham, H. H. O'Reilly, Banker R. Paine, J. N. Adam and Charles D. Marshall, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Buffalo and Fort Erie Bridge Company," hereinafter called "the Company."

Corporate name.

1895, c. 70, s. 2 amended.

4. Section 3 of chapter 65 of the statutes of 1891 as amended by section 2 of chapter 70 of the statutes of 1895, is hereby amended by striking out the words "south of a point five miles north of the village of Fort Erie," and inserting in lieu thereof the words "south of a point five miles north of the International Bridge measured in a straight line therefrom."

1891, c. 65, s. 3 amended.

5. Section 3 of chapter 65 of the statutes of 1891 is hereby further amended by striking out in the twelfth and thirteeth lines thereof the words "not exceeding six miles in length," and inserting instead thereof the words "within the said county of Welland."

No. 96.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Buffalo and Fort Erie Bridge Company.

First reading, April 28, 1899.

(PRIVATE BILL.)

Mr. McCleary.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 97.] **BILL.** [1899.

An Act in further amendment of the Railway Act.

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

1888, c. 29, s. 14 amended.

1. Section 14 of *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by inserting the words " person or " before the word " municipality " wherever it occurs in the said section.

No. 97.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act in further amendment of the Railway Act.

First reading, April 28, 1899.

MR. COWAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 98.] **BILL.** [1899.

An Act respecting the Cobourg, Northumberland and Pacific Railway Company.

Preamble.

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

1889, c. 62 revived.

1. The Act to incorporate the Cobourg, Northumberland and Pacific Railway Company, chapter 62 of the statutes of 1889, as amended by chapter 90 of the statutes of 1891, chapter 38 of the statutes of 1892 and chapter 68 of the statutes of 1894, is hereby revived and declared to be in force.

1891, c. 90 ; 1892, c. 38 ; 1894, c. 68.

Time for construction extended.

2. The times limited for the commencement and completion of the railway of the said company are hereby extended for one year and three years respectively from the passing of this Act ; and if the railway is not so commenced and completed the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Issue of stock confirmed.

3. The capital stock of the said company heretofore issued as fully paid-up stock is hereby declared to have been validly issued, and to be fully paid-up stock.

Issue of debentures confirmed.

4. The debentures of the said company heretofore issued are hereby declared to have been validly issued, and to be binding upon the said company.

No. 98.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the Cobourg, Northumberland and Pacific Railway Company.

First reading, May 1, 1899.

(PRIVATE BILL)

Mr. GUILLET.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 99.] **BILL.** [1899.

An Act to incorporate the Canadian Mutual Benefit Advertising Company, Limited.

Preamble.

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

Incorporation.

1. Frank B. Allen and William Linn Allen, of Newark, in the State of New Jersey, one of the United States; Daniel McNeil and Gerald B. Ternan, of the city of Halifax, and Finlay McDonald, of Port Hawkesbury, in the province of Nova Scotia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Canadian Mutual Benefit Advertising Company, (Limited)," 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 three hundred thousand dollars, divided into shares of one hundred dollars each.

Increase of capital.

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

Election of directors.

4. When and so soon as shares to the amount of seventy-five thousand dollars in the capital stock of the Company have been subscribed, and ten per cent paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock at the city of Halifax, for the purpose of electing directors of the Company, giving at least two weeks notice in writing, postage prepaid, to each of the said subscribers.

Head office.

5. The head office of the Company shall be at the city of Halifax, or such other place in Canada as the Company from time to time determines by by-law.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the last Tuesday in September in each year.

Business of Company.

7. The Company may carry on a general advertising and canvassing business in Canada, and may promote and stimulate trade between merchants, consumers, customers or dealers, and originate, acquire, perfect and carry out plans, systems and methods for such purposes, and may procure copyrights therefor, and may buy or sell the same, and may carry on such other businesses as are necessary, incidental or convenient thereto.

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

No. 99.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Canadian Mutual Benefit Advertising Company, Limited.

First reading, May 1, 1899.

(PRIVATE BILL.)

Mr. McALISTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 100] **BILL.** [1899.

An Act respecting the Guarantee and Pension Fund Society of the Dominion Bank, and to change its name to the Pension Fund Society of the Dominion Bank.

Preamble.

WHEREAS the Dominion Bank and its employees have, by their petition, represented that they are desirous of discontinuing the giving of security to the said bank for the good conduct of its employees out of the fund referred to in chapter 55 of the statutes of 1887, and desire to confine the said fund to the payment of pensions, and to providing for the support of officers and employees of the said bank under the conditions set forth in the said Act, and have prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1887, c. 55.

Name changed.

Existing rights preserved.

1. The name of the Guarantee and Pension Fund Society of the Dominion Bank is hereby changed to "The Pension Fund Society of the Dominion Bank," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the said society nor in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of or against the said society, which, notwithstanding such change in the name of the said society may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Name of fund.

Application of fund.

2. The fund described in the said Act as the Guarantee and Pension Fund shall hereafter be known as the Pension Fund, and shall not be applied for giving security to the said bank for the good conduct of the members of the said society, but shall be used exclusively as a pension fund under the provisions of the said Act.

No. 100.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Guarantee and Pension Fund Society of the Dominion Bank, and to change its name to the Pension Fund Society of the Dominion Bank.

First reading, May 2, 1899.

(PRIVATE BILL.)

Mr. BERTRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 101.] **BILL.** [1899

An Act to incorporate the Glenora 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

1. F. E. Ward, of Spokane, in the State of Washington, J. A. Gemmill, A. F. May and Alphonse Macfarlane, all of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Glenora Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock and calls thereon.

4. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Head office.

5. The head office of the Company shall be in the city of Ottawa, in the province of Ontario, or such other place in Canada as the directors from time to time determine by by-law.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in October in each year.

Election of directors.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons, to be directors of the Company, 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 [either standard or narrow gauge], and utilizing steam, electricity or other motive power, from a point at or near Ashcroft or Kamloops, or some point between the same, thence in a northerly direction to Barkerville, in the district of Cariboo, and thence by the most feasible route to Glenora, on the Stikine River.

Bond issue limited.

9. The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of

the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with C.P.R.

10. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to that company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with the said company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in the district through which the railway of the Company runs.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

No. 101.

4th Session, 8th Parliament

BILL.

An Act to incorporate the way Company

First reading, May

(PRIVATE BILL)

OTTAWA
Printed by S. E. D.
Printer to the Queen's most E
1899

No. 102.] **BILL.** [1899.

An Act to incorporate the Yukon 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Allen Haley, of Windsor, Nova Scotia, John C. Browne, of the city of Ottawa, Thomas H. Macpherson, of the city of Hamilton, Anthony Raymond, of London, England, and Benjamin Franklin Pearson, of Halifax, Nova Scotia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Yukon Pacific 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 and calls thereon.

3. The capital stock of the Company shall be two hundred thousand pounds sterling, divided into shares of one pound each, and may be called up by the directors from time to time as they deem necessary, but no one shall exceed ten per cent on the shares subscribed.

Head office.

4. The head office of the Company shall be in the city of London, England, or at such other place in Great Britain or in Canada as the directors from time to time determine by by-law.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Tuesday in September in each year.

Election of directors.

6. At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose not less than five and not more than nine persons to be directors of the Company, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of [any gauge] from some point on or near the international boundary at or near the head of Chilkat Pass and the commencement of Dalton Trail, running thence along or near the Dalton Trail to a point at or near Selkirk, and thence to a point in or near Dawson City in the Yukon District.

Gauge may be changed.

2. In the event of the railway or any portion thereof being in the first instance constructed of a gauge of less than four feet eight and one-half inches, the same may be converted by the Company into the standard gauge.

Bond issue limited.

3. The Company may issue bonds, debentures or other securities to the extent of five thousand pounds sterling per mile of its railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

No. 102.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Yukon Pacific Railway Company.

First reading, May 2, 1899.

(PRIVATE BILL.)

Mr. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 103.] **BILL.** [1899.

An Act to incorporate the Klondike Mines 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Thomas W. O'Brien of Dawson City, James Arthur Seybold of Ottawa, William D. Ross of New Glasgow, Nova Scotia, and Llewellyn N. Bate and Harold Buchanan McGiverin of Ottawa, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Klondike Mines Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, of whom a majority shall form a quorum, and they may forthwith open stock books and procure subscriptions of stock and receive payments on account of stock subscribed, and carry on the business of the Company.

Capital stock.

3. The capital stock of the Company shall be one million dollars.

Calls.

2. No one call shall exceed twenty-five per cent on the amount subscribed, nor be made at intervals of less than thirty days.

Head office.

4. The head office of the Company shall be in the city of Ottawa, in the province of Ontario, or in such other place in Canada as the directors from time to time determine by by-law.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Monday in November in each year.

Election of directors.

6. At such meeting the shareholders present or represented by proxy, who have paid all calls due on their shares, shall choose not more than nine and not less than three persons to be directors of the Company, each of whom shall hold at least fifty shares of the capital stock of the Company, and one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate single or double lines of railway or tramway, or both, worked by

electric or any other motive power in Klondike City, and also from Klondike City along the Klondike River to Bonanza Creek, thence along Bonanza Creek to the Divide, thence across the Divide by the most feasible route to Dominion Creek, thence along Dominion Creek to the Indian River, thence along the Indian River to the Yukon River, and thence along the Yukon River to Klondike City, and may also lay out, construct and operate branch lines of such railway or tramway on Klondike River, Hunker Creek, Bean Creek, Quartz Creek, Sulphur Creek, Eldorado Creek and other creeks in the vicinity.

Route to be approved.

2 The Company shall not commence the construction of any one of such lines of railway or tramway until the proposed route thereof has been approved of by the Governor in Council; and, as to any portion of any such lines which lies along or through any mountain pass or river gorge, and which in the opinion of the Governor in Council, has room for only one line of rails, every other railway company whose authorized line necessarily runs through such pass or gorge, shall, upon such conditions, terms and regulations as the Governor in Council makes in that behalf, also have the right to operate its line of railway by the exercise of running powers, or otherwise, as the Governor in Council determines, over any such portions of the line of the Company which lies along or through such pass or gorge.

Telegraph and telephone lines.

8. The Company may, in Klondike City, and elsewhere in the district covered by its said lines of railway or tramway construct, maintain and operate telegraph and telephone lines, establish offices for the transmission of messages for the public, and collect tolls therefor, and, for the purposes of operating such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease the Company's lines, and may connect its lines with the lines of any other telegraph or telephone companies in the United States at or near some point or points on the international boundary between British Columbia or the Yukon District and the District of Alaska, and with the lines of any other telegraph or telephone companies in Canada, for the purposes of its business.

Arrangements with other companies.

2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the making in whole or in part of the lines of the Company.

Rates to be approved.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone or for leasing or using the telegraphs or telephones of the Company until such rates or charges have been approved of by the Governor in Council.

R.S.C., c. 132.

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

Powers of Company.

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

Electricity.

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

(*b*) build and maintain power houses and stations for the development of electrical force and energy; Power houses

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

(*d*) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting the same into electricity, or other force for the distribution of light, heat, or power, or for all purposes for which electricity can be used, with power to transmit the same. Surplus power.

10. The Company may receive from any government or person in aid of the construction, equipment or maintenance of any of its works, grants of land, bonuses, loans or gifts of money or securities for money, and may dispose of the same, and may alienate such property as is not required for the purposes of the Company. Aid to Company.

11. The Company may, under the authority of the ordinary shareholders given at a special general meeting duly called for that purpose (at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy) issue any portion of its capital stock as preferred stock, and such preferred stock shall have the special incidents and privileges defined by the following paragraphs, that is to say :— Preferred stock.

(*a*) The profits of each year shall be first applied to pay a cumulative preferential dividend at a rate not exceeding six per cent per annum : Preferential dividend.

(*b*) The residue of surplus profits applicable for dividend in each year shall be divided among the holders of the ordinary shares : Ordinary dividend.

(*c*) Nothing herein contained shall prejudice or limit the powers or discretion of the directors as to the time or mode of application and distribution of profits, or as to the setting aside of profits for a reserve fund and depreciation accounts : Application of profits.

(*d*) The holders of the said preferred stock shall also be entitled to the preferential payment of the amount paid up on their shares out of the assets available for the return of capital, in priority to any return of capital in respect of ordinary shares in the Company; and, subject thereto, the residue of such surplus assets shall belong to, and be divided among the ordinary shareholders. Return of capital.

2. The holders of such preferred stock shall have and enjoy the rights, privileges and qualifications of holders of capital stock for voting at all meetings of the shareholders and for the purpose of becoming directors. Rights of preferred stockholders.

12. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special general meeting called for that purpose, or at any annual meeting at which shareholders representing, at least, two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may from time to time, at their discretion, borrow money for the purposes of the Company, and may issue bonds or debentures in respect of the same, and secure the repayment of the said moneys in Bond issue on Company's property generally.

such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate, or charge all or any of the assets and property of the Company other than the railway.

Bond issue on railway.

13. The Company may, in addition to the powers granted by the next preceding section, issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of its railways and tramways, and such bonds, debentures or other securities may be issued only in proportion to the length of railways and tramways constructed or under contract to be constructed.

Agreements with other companies.

14. The Company may enter into any agreement with [any railway company incorporated by the province of British Columbia, or the Dominion of Canada, for acquiring such railway], or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in the district through which the railway or tramway of the Company runs, and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in section 14 of this Act shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*; and the production of the *Canada Gazette* containing such notice shall prima facie evidence of the requirements of this Act having been complied with.

Time for construction limited.

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

1888, c. 29.

16. *The Railway Act* shall apply to the Company, and shall be incorporated with and from part of this Act in so far as it is not inconsistent with any of the provisions hereof.

R.S.C., c. 118.

17. *The Companies Clauses Act* shall not apply to the Company.

No. 103.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Klondike Mines Railway Company.

First reading, May 2, 1899.

(PRIVATE BILL.)

MR. MAXWELL.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 103.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Klondike Mines Railway Company.

First reading, May 2, 1899.

(PRIVATE BILL.)

Mr. MAXWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 104.] **BILL.** [1899.

An Act respecting the Dominion Permanent Loan Company.

Preamble.

WHEREAS the Dominion Permanent Loan 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1897, c. 85, s. 2, repealed.

1. Section 2 of chapter 85 of the statutes of 1897 is hereby repealed.

Borrowing powers.

2. The Dominion Permanent Loan Company, hereinafter called "the Company," may borrow money and receive money on deposit upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures, debenture stock and other securities for moneys borrowed; provided that the total of the Company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid up and unimpaired capital, and of its cash actually in hand, or deposited in any chartered bank in Canada, and belonging to the Company.

Limitation of liabilities and money deposits.

Investment powers.

3. The Company may lend money on the security of, or purchase, or invest in,—

Mortgages.

(*a*) mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;

Debentures stocks, etc.

(*b*) debentures, bonds, stocks and other securities of any government, municipal or school corporation, chartered bank or company incorporated by or under the authority of the Parliament of Canada, or of the legislature of any former, present or future province of Canada, or licensed to do business by the said Parliament or any such legislature; or of any corporation listed upon the London or New York Exchange; provided that the Company shall not lend upon the security of bills of exchange or promissory notes; provided that the Company may take securities of any class, real or personal, as collateral for any advance made, or to be made, or contracted to be made, by or for any debt due to the Company.

Proviso as to bills and notes.

Collateral security.

No. 104.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Dominion Permanent Loan Company.

First reading, May 2, 1899.

(PRIVATE BILL.)

Mr. CLARKE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

C.] **SENATE BILL.** [1899.

An Act for the preservation of health on Public Works.

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

1. The expression "public work" or "work" in this Act means and includes in addition to every public work of Canada, every railway, canal, bridge, telegraph and other work within the legislative authority of the Parliament of Canada. Interpretation. "Public work." "Work."

2. The Governor in Council may, from time to time, make regulations for the preservation of health and the mitigation of disease among persons employed in the construction of public works, and any regulations so made may be either general or special, applying to all such public works or to all of a named class, or applying only to one or more public works named therein. Governor in Council may make regulations. General or special.

3. Such regulations may provide— Regulations as to—

(*a*) As to the extent and character of the accommodation to be afforded by the houses, tents, or other quarters occupied by the employees on the works ; Accommodation of employees.

(*b*) For the inspection of such houses, tents or other quarters, and the cleansing, purifying and disinfecting thereof where necessary ; Inspection and cleansing.

(*c*) As to the number and qualifications of the medical men to be employed on the works ; Doctors.

(*d*) For the provision of hospitals on the works and as to the number, location and character of such hospitals ; Hospitals.

(*e*) For the isolation and care of persons suffering from contagious or infectious diseases ; Isolation.

and may make such other provisions for the attainment of their object as the Governor in Council thinks proper.

4. The Governor in Council may until Parliament otherwise provides prescribe punishments, penalties and forfeitures for breach or non-observance of such regulations, and may also prescribe the procedure for enforcing the same ; Provided that no punishment by way of imprisonment to be prescribed by the Governor in Council shall exceed three months, and that such punishments, penalties or forfeitures shall be prescribed in addition to any others to which under the criminal law the offender may be liable. Penalties and procedure. Proviso.

5. This Act may be cited as "*The Public Works* (*Health*) *Act*, 1899." Short title.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

105

C

An Act for the preservation of health on Public Works.

Received and read first time, Thursday, 13th April, 1899.
Second reading, Tuesday, 18th April, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 106.] **BILL.** [1899.

An Act to incorporate the Canadian Birkbeck Investment and Savings Company.

Preamble.

WHEREAS the Birkbeck Investment, Security and Savings Company of Toronto has, by its petition, represented that it is incorporated under the provisions of chapter 169 of the Revised Statutes of Ontario, 1887, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her 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 said the Birkbeck Investment, Security and Savings Company of Toronto, hereinafter called "the old Company," together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Canadian Birkbeck Investment and Savings Company," hereinafter called "the new Company."

Corporate name.

Officers.

2. The president, vice-presidents and directors of the old Company shall respectively be the president, vice-presidents and directors of the new Company until their successors are appointed.

Directors.

3. The affairs of the new Company shall be managed by a board of not less than five directors.

Capital stock.

4. The capital stock of the new Company shall be five million dollars, divided into fifty thousand shares of one hundred dollars each, of which thirty-five thousand shares shall be fixed and permanent capital stock. The remaining fifteen thousand shares may be issued and re-issued as terminating shares, repayable to the holders thereof on such terms and conditions as may be provided by by-laws of the new Company relating thereto.

Shares in old Company converted.

5. The shareholders of the old Company holding shares of fixed and permanent capital stock therein are hereby declared to be holders respectively of shares in the fixed and permanent capital stock of the new Company to the same extent and with the same amounts paid up thereon as they are holders respectively of such shares in the old Company. The shareholders of the old Company holding shares of terminating capital stock therein are hereby declared to be the holders respectively of shares in the terminating capital stock of the new Company to the same extent and with the same amounts paid up thereon, and with the same rights and privileges in respect thereof, as

Conversion of terminating stock.

they are holders respectively of such shares in the old Company. Shares of terminating capital stock may from time to time be converted into shares of fixed and permanent capital stock on such terms as the by-law (if any) under which such terminating stock was issued, may provide, or on such terms as may be agreed on with the holders of such terminating stock.

Head office.

6. The head office of the new Company shall be at the city of Toronto in the province of Ontario, or in such other place in Canada as the directors from time to time determine by a by-law confirmed at a special general meeting of the new Company duly called for the purpose of considering it.

Agencies.

7. The new Company may have agencies in any cities in England, Scotland or Ireland.

8. The by-laws, rules and regulations of the old Company, lawfully enacted, shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made.

Acquisition of old Company's assets.

9. The new Company may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act, or to the like effect, shall be sufficient.

Liability for obligations of old Company.

10. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

11. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Investment powers.

12. The new Company may lend money on the security of, or purchase or invest in,—

Mortgages.

(*a.*) mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;

Debentures, etc.

(*b.*) the debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank, to the extent of not more than twenty per cent of the paid-up capital stock of any such bank or incorporated company, if incorporated by or under the

authority of the parliament of Canada or of the legislature of any former or present or future province of Canada; provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes.

Borrowing powers.

13. The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new Company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its fixed and permanent capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired fixed and permanent capital and of its cash actually in hand or deposited in any chartered bank in Canada, and belonging to the new Company.

Limitations.

Liabilities assumed.

14. The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks and belonging to the new Company shall be deducted from such total liabilities for the purposes of the said section.

Real estate which may be held.

15. So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not, from time to time, exceed such a percentage of its total assets as will leave the balance of the said assets over the said percentage equal to at least twenty-five per cent of the new Company's indebtedness in respect of money received upon deposit.

Debenture stock.

16. The directors of the new Company may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the new Company and shall be included in estimating the new Company's liabilities to the public under section 13 of this Act, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the new Company.

Registration of debenture stock.

17. The debenture stock aforesaid shall be entered by the new Company in a register to be kept for that purpose in the head office of the new Company, wherein shall be set forth the names and addresses of the persons from time to time entitled to such stock, with the respective amounts thereof to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said register shall be accessible for in-

spection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the new Company without the payment of any fee or charge.

Transfers to be registered.

18. All transfers of debenture stock of the new Company shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agents in the United Kingdom as the new Company appoints for that purpose, for transmission to the new Company's head office for registration.

Exchange of ordinary debentures.

19. The holders of the ordinary debentures of the new Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation of debenture stock.

20. The new Company, having issued debenture stock, may, from time to time, as it thinks fit, and for the interest of the new Company, and in accordance with the terms of the by-law creating the same, redeem and cancel the said debenture stock or any portion thereof.

No liability on trusts.

21. The new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of the new Company, may be subject ; and the receipt of the person in whose name such share, debenture stock or money stands in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share, stock or money, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust ; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

Real estate to be sold within 7 years.

22. No parcel of land, or interest therein at any time acquired by the new Company, and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein unless by way of security, and any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada : Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years : Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the new Company of the intention of Her Majesty to claim such forfeiture ; and the new Company shall, when required, give the Governor in Council a full and correct statement of all lands at the date of such statement held

Forfeiture.

Proviso for extension.

Notice of enforcing forfeiture.

Statement.

by the new Company, or in trust for the new Company, and subject to these provisos.

Annual return to Minister of Finance.

23. The new Company shall transmit, on or before the first day of March in each year, to the Minister of Finance and Receiver General, a statement in duplicate up 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 new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he, from time, to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

When Act to take effect.

Approval of shareholders.

24. This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for considering it, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by the shareholders present or represented by proxy at such meeting, and holding not less than seventy-five per cent of the subscribed capital stock of the old Company represented at such meeting; and a certified copy of such resolution shall, within fifteen days from the passing thereof, be transmitted to the Secretary of State of Canada, and shall be, by him, published in the *Canada Gazette*; but upon such resolution being passed this Act shall take effect from the time or event fixed by such resolution: Provided that, prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the new Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 9 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the new Company, in any province of Canada.

Proviso as to organization.

Future legislation.

25. Nothing herein contained shall be held to exempt the new Company from the effect of any legislation hereafter passed by Parliament with respect to the powers to be exercised by loan companies.

R.S.C., c. 118.

26. *The Companies Clauses Act*, chapter 118 of the Revised Statutes, except sections 7, 18, 38 and 39 thereof, shall apply to the new Company.

SCHEDULE.

This indenture, made the _____ day of _____ A.D., 18__, between the Birkbeck Investment, Security and Savings Company of Toronto, of the first part, hereinafter called "the old Company," and the Canadian Birkbeck Investment and Savings Company, of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being the Act of the Parliament of Canada passed in the year 1899, intituled: "An Act to incorporate the Canadian Birkbeck Investment and Savings Company," and by the resolution of shareholders duly passed in that behalf the _____ day of _____ [*or* the execution hereof, *as the case may be*] was fixed as the date [*or* event] from which the said Act should take effect:

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company:

And whereas the old Company has agreed to convey and assign the same to the new Company:

Now this indenture witnesseth that in consideration of the said Act and of the shares in the capital stock of the new Company which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company does hereby grant, assign, transfer and set over unto the new Company, its sucessors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled; to have and to hold unto the new Company, its successors and assigns, to and for their sole and only use for ever; and the old Company covenants with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

No. 106.

4th Session, 8th Parliament, 62 V

BILL.

An Act to incorporate the Birkbeck Investment and Savings Company.

First reading, May 4, 18

(PRIVATE BILL.)

Mr.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent
1899

No. 107.] **BILL.** [1899

An Act respecting the Bedlington and Nelson Railway Company.

Preamble.

WHEREAS the Bedlington and Nelson Railway Company has, by its petition, represented that it was incorporated by chapter 47 of the statutes of the province of British Columbia of 1897, and that it was thereby authorized to build a railway as therein mentioned; 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

B.C., 1897, c. 47.

Declaratory.

1. In this Act the expression "the Company" means the body corporate and politic heretofore created by the Act mentioned in the preamble under the name of the Bedlington and Nelson Railway Company, and the works which the Company by its said Act of incorporation is empowered to undertake and operate are hereby declared to be works for the general advantage of Canada.

Existing rights not affected.

2. Nothing herein contained shall affect anything done, or any right or privilege acquired, or any liability incurred under the said Act of incorporation 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.

Agreement with another company.

3. The Company may enter into an agreement with the Canadian Pacific Railway Company, the British Columbia Southern Railway Company, the Spokane Falls and Northern Railway Company, the Nelson and Fort Sheppard Railway Company, the Kaslo and Slocan Railway Company, or the Kaslo and Lardo-Duncan Railway Company, for conveying or leasing to any of such companies the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

No. 107.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Bedlington and Nelson Railway Company.

First reading, May 4, 1899.

(PRIVATE BILL.)

Mr. Bostock.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 108.] **BILL.** [1899.

An Act respecting the Roman Catholic Episcopal Corporation of Pontiac, and to change its name to the Roman Catholic Episcopal Corporation of Pembroke.

Preamble.

WHEREAS the Right Reverend Narcisse Zephirin Lorrain Bishop of the Diocese of Pembroke has, by his petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The name of the Roman Catholic Episcopal Corporation of Pontiac is hereby changed to "The Roman Catholic Episcopal Corporation of Pembroke," and the said Right Reverend Narcisse Zephirin Lorrain and his successors, being bishops of the said diocese for the time being in communion with the Church of Rome, shall be deemed to be and to constitute the said "The Roman Catholic Episcopal Corporation of Pembroke," and shall have and possess under the said corporate name all the powers, rights and privileges mentioned in chapter 105 of the statutes of 1884, and be subject to the same restrictions and limitations as are contained therein, and shall have and hold all the property, real and personal, held and enjoyed by the said The Roman Catholic Episcopal Corporation of Pontiac at the time of the passing of this Act, subject, however, to all claims, charges and liabilities then attaching thereto.

Powers of new corporation.

1884, c. 105.

Property.

1884, c. 105 amended.

2. The said Act is hereby further amended by substituting the words "Diocese of Pembroke" for the words "Vicariate Apostolic of Pontiac" or the word "Vicariate" wherever the same occur in the said Act; and by substituting the words "Bishop of Pembroke" for the words "Vicar Apostolic of Pontiac" or "Vicar Apostolic" wherever the same occur in the said Act.

No. 108.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Roman Catholic Episcopal Corporation of Pontiac, and to change its name to The Roman Catholic Episcopal Corporation of Pembroke.

First reading, May 4, 1899.

(PRIVATE BILL.)

Mr. POUPORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 109.] **BILL.** [1899.

An Act to further amend the Canada Temperance Act.

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

R.S.C., c. 106, s. 100 amended.

1. Subsection 1 of section 100 of *The Canada Temperance Act*, chapter 106 of the Revised Statutes, is hereby repealed and the following is substituted therefor :—

Punishment of sale, etc., in violation of second part of this Act.

"**100.** Every one who, by himself, his clerk, servant or agent exposes or keeps for sale, or directly or indirectly, on any pretence or by any device, sells or barters, or in consideration of the purchase of any other property, gives to any other person any intoxicating liquor, in violation of the second part of this Act shall, in summary conviction, be liable to a penalty, for the first offence of not less than fifty dollars or imprisonment for a term not exceeding two months with or without hard labour, and for the second offence to a fine of not less than one hundred dollars or imprisonment for four months with or without hard labour, and for the third and every subsequent offence, to imprisonment for a term not exceeding *six* months with or without hard labour."

New section 108.

2. The section substituted for section 108 of the said Act by section 10 of chapter 34 of the statutes of 1888, is hereby repealed, and the following is substituted therefor :—

Officer may search for liquor.

"**108.** Any policeman or constable or officer appointed by any incorporated town or municipality to enforce the provisions of this Act, may, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at any time enter into any part of any hotel, shop, warehouse, or other place wherein intoxicating liquors are reputed or supposed to be sold, or where he believes that liquors are kept for sale contrary to the provisions of the second part of this Act, and may make searches in every part thereof and of the premises connected therewith as he thinks necessary for the purpose aforesaid."

Assistance to be given him.

"2. All policemen, constables, or other peace officers shall, on the demand of the officer appointed by any incorporated town or municipality to enforce the provisions of this Act, aid and assist him in carrying out the said provisions under a penalty of not less than twenty dollars."

Refusing to admit officer.

"3. Every person being therein or having charge thereof, who refuses or fails to admit such policeman or constable or officer demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to

obstruct the entry of such officer, policeman or constable on any such searches as aforesaid, shall be liable to a penalty of not less than fifty dollars."

Search warrant.

"4. Any one of the officers named in section 103 of this Act, if satisfied by information on the oath of a credible witness that there is reasonable ground for belief that intoxicating liquor is sold or being kept for sale contrary to the provisions of the second part of this Act, or of *The Temperance Act of* 1864, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or other place, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant, at any time or times within ten days from the date thereof, to enter, by force if necessary, the dwelling house, store, shop, warehouse, outhouse, garden, croft, vessel or place named in the warrant, and every part thereof, or of the premises connected therewith, and to examine the same and search for intoxicating liquor therein; and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock or fastening of such premises or any part thereof, or of any closet, cupboard, box or other article likely to contain such liquor; and in the event of any intoxicating liquor being found in any such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or place, the owner or occupant or person in possession thereof, shall, until the contrary is proved, be deemed to have such intoxicating liquor for the purpose of sale, contrary to the provisions of the second part of this Act; and any information to obtain a warrant under this section may be in the form M in the schedule to this Act, and any search warrant under this section may be in the form N in the said schedule."

Presumption, if liquor is found.

Forms.

Seizure of liquor and vessels.

"5. When any policeman, constable or officer, in making or in attempting to make any search under or in pursuance of the authority conferred by subsection 1 of this section, or under the warrant mentioned in subsection 4 of this section, finds in any such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or place, or in the possession of any person or his servants, any intoxicating liquor which, in his opinion, is unlawfully kept for sale or disposal contrary to the provisions of the second part of this Act, he may forthwith seize and remove such liquor and the vessels in which it is kept; and upon the conviction of the owner, tenant or occupant of such house or place, or any dweller therein, or of any other person employed in or about it, for selling intoxicating liquor or of keeping intoxicating liquor for sale contrary to the provisions of the second part of this Act, the magistrate making such conviction may, in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels to be forfeited to Her Majesty, and may order and direct that the said constable, policeman or other officer, shall destroy such liquor, and the said constable, policeman or other officer as aforesaid, shall forthwith destroy it, as directed by such conviction or order; and in case no conviction is made and no person establishes his ownership thereof, within two months after the seizure, to the satisfaction of the magistrate, then the magistrate may, at any time after the expiration of the said period of two months, order and direct that the said

Upon conviction, Magistrate may order destruction of liquor.

Destruction of liquor if ownership not established.

constable, policeman or other officer, shall destroy the said liquor, and the latter shall thereupon forthwith destroy it accordingly."

3. Paragraph (*a*) of section 115 of the said Act is hereby amended by adding the following words at the end thereof:— Section 115 amended.

"If the accused is not present, the justices or magistrate or other officer shall proceed in the same manner as if he were present and denied that he was so previously convicted."

No. 109.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to further amend the Canada Temperance Act.

First reading, May 5, 1899.

MR. FLINT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 110.] **BILL.** [1899.

An Act respecting the Hudson's Bay and Yukon Railways and Navigation Company.

Preamble.

WHEREAS the Hudson's Bay and Yukon Railways and Navigation Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Telegraph and telephone lines.

1. The Hudson's Bay and Yukon Railways and Navigation Company, hereinafter called "the Company," may, in the North-West Territories, construct and maintain telegraph and telephone lines, establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof; and may connect its lines with the lines of any other telegraph or telephone company in Canada.

Arrangements with other companies.

2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.

Rates to be approved.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.

R.S.C., c. 132.

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

Business of Company.

2. The Company may—

Construction of docks, buildings, etc.

(*a*) construct and operate, or aid in and subscribe towards the construction, operation, maintenance and improvement of stage or wagon roads, tramways, docks, piers, viaducts, flumes, ditches, mills, elevators or other buildings and works which may be deemed necessary or convenient for the purposes of the Company;

Electricity.

(*b*) erect, use and manage or aid or subscribe towards works, machinery and plant for the generation, transmission and distribution of electric power and energy;

Carriers.

(*c*) carry on in the North-West Territories the business of carriers, forwarding and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners;

Acquisition of lands, vessels, etc.

(*d*) acquire timber, lands, buildings, docks, works, vessels, vehicles, goods, wares or merchandise and other property, real

and personal, movable and immovable; and improve, extend, manage, develop, lease, mortgage, dispose of or turn to account the same;

Fisheries.

(*e*) establish and carry on fisheries and fishing industries, and the operations and business incidental thereto, in and along the shores of Hudson's Bay and waters tributary thereto, and other water within the North-West Territories;

Shops and merchandise.

(*f*) establish shops or stores within the North-West Territories, and purchase and vend general merchandise, clothing, provisions, stores, machinery appliances and supplies, fish and mineral and other products, and improve, extend, manage, develop, lease, mortgage, or dispose of the properties or business aforesaid or the revenues or profits derived therefrom, and generally may do all such things as are incidental or conducive to the attainment of the above objects or any of them.

Tolls to be approved.

2. The fares, tolls and other charges in respect of any stage or wagon roads or tramways operated by the Company for the conveyance of passengers or freights shall be subject to the approval of the Governor in Council under the provisions of *The Railway Act*.

Agreement with other companies.

3. The Company may enter into an agreement with the Ontario, Hudson's Bay and Western Railway Company, [or with any railway company incorporated for the construction of a railway in the North-West Territories for connections and traffic arrangements with or for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging [or for acquiring or leasing from any such company its railway, in whole or in part, or any rights or powers of such company, as also its franchise, surveys, plans, works, plant, material, machinery or other property] or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor-in-Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act* and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

Aid to Company.

4. The Company may receive from any government or person in aid of the construction, equipment or maintenance of any of its works, grants of land, bonuses, loans or gifts of money or securities for money or the guaranty of bonds of the Company, and may dispose thereof, and may alienate such property as is not required for the purposes of the Company.

5. The Company may issue its bonds, debentures, or other securities separately with respect to any specified portion of its works or business, or with respect to any section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon and be limited to the particular works, business or section, branch or extension in respect of which the same are thus respectively issued, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to such works, business, section, branch or extension, and the Company may guarantee the amount of the rent or revenues to be derived from any such works, business, sections, branch or extension. Bond issue. 1888, c. 29.

6. Notwithstanding anything contained in chapter 46 of the statutes of 1897, if the construction of the railway of the Company is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon within three years after the passing of this Act, or if the railway is not finished and put in operation within seven years after the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. 1897, c. 46. Time for construction of railway extended.

No. 110.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Hudson's Bay and Yukon Railways and Navigation Company.

First reading, May 8, 1899.

(PRIVATE BILL.)

Mr. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 111.] **BILL.** [1899.

An Act in further amendment of the Criminal Code, 1892.

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

1892, c. 29, section 525 amended.

1. Section 525 of *The Criminal Code*, 1892, is hereby amended by adding thereto the following subsections:—

Intimidation by employer in relation to election.

"(*e.*) being an employer of, or in a position of authority over, labour during a period of one month before and three months after any municipal, provincial or federal election, whether a general or by-election, dismisses, or gives notice of dismissal to, any person employed by him or under his orders, and the court is satisfied that any action taken, or the fear of any action being taken, by such person in relation to any such election, contributed in any degree to the dismissal or giving notice of dismissal; or

Ministers unduly influencing voters.

"(*f.*) being a minister of any religious denomination, of whatever rank, title or designation, and having been in professional relations with any such denomination within three months next preceding any municipal, provincial or federal election, whether a general or by-election, influences or takes any action, publicly or privately, designed or reasonably calculated to influence voters at any such election."

No. 111.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act in further amendment of the Criminal Code, 1892.

First reading, May 8, 1899.

Mr. McINNES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 112.] **BILL.** [1899.

An Act respecting the Montreal Island Belt Line Railway Company.

Preamble.

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

1898, c. 79, s. 5 amended.

1. The section substituted by section 5 of chapter 79 of the statutes of 1898 for section 22 of chapter 83 of the statutes of 1894 is hereby amended by striking out the fourth paragraph thereof, and by substituting the following therefor :—

Montreal Section.

" The Montreal Section consisting of that portion of the Railway of the Company extending across the city of Montreal, as located and defined in the Company's franchise from the city of Montreal, passed before O. Marin, notary, on the thirteenth day of March, one thousand eight hundred and ninety-five, together with a connecting line from a point at or near Montcalm Avenue to the point in Hochelaga Ward mentioned in Section one above mentioned, and consisting also of all terminal lands (and works thereon), branch lines, sidings and spurs, constructed, purchased or otherwise acquired by the Company in connection with its railway across the said city of Montreal."

Section 6 repealed.

2. The section substituted by section 6 of chapter 79 of the statutes of 1898 for section 24 of chapter 83 of the statutes of 1894 is hereby repealed, and the following is substituted therefor :—

New section.

Bond issue on Montreal Section.

" **24.** The Company may issue bonds, debentures or other securities to the extent of four million dollars for the Montreal Section consisting of that portion of the railway of the Company extending across the city of Montreal, from the southern limit to the northern limit thereof, and a connecting line from a point at or near Montcalm Avenue to the point in Hochelaga Ward mentioned in the second paragraph of the section substituted by section 5 of chapter 79 of the statutes of 1898 for section 22 of chapter 83 of the statutes of 1894, and all terminal lands (and works thereon), branch lines, sidings and spurs, constructed, purchased or otherwise acquired by the Company in connection with the said Montreal Section. Such bonds or debentures shall be secured by a deed of mortgage specifying the security therefor, and such deed may also provide that the tolls and revenues derived from the use of the said Montreal Section, terminal lands (and works thereon),

1894, c. 83.

branch lines, sidings and spurs, as defined in the said substituted section, by the Company or other corporations or persons, shall be specially charged and pledged as security for such bonds, which bonds shall be designated "Montreal Section Bonds."

Bond issue on bridges.

"2. The Company may also issue bonds, debentures or other securities to the extent of three hundred thousand dollars for each bridge which it has authority to construct across the Ottawa River and across Rivière Des Prairies in the parish of Sault au Recollet, and across rivers Des Prairies and Mille Ile from Bout de L'Ile to Ile Bourdon, and Ile Bourdon to Charlemagne, which bonds shall be designated "Bridge Bonds" and shall be secured by deeds of mortgage specifying the security therefor, and such deeds may also provide that the tolls and revenues derived from the use of such bridges shall be specially charged and pledged as security for such bonds.

Bond issue on elevators, buildings, etc.

"3. The Company may also issue bonds, debentures or other securities to the extent of one million dollars for the docks, dock-yards, wharfs, slips, piers, warehouses and elevators, or other buildings or works, constructed, purchased or acquired by the Company in connection with its Montreal Section, which bonds shall be called "Elevator Bonds," and such bonds shall be secured by deed of mortgage specifying the security therefor, and further providing that all tolls and revenues derived from the use of the said docks, dock-yards, wharfs, slips, piers, warehouses or elevators by the Company or other corporations or persons, shall be specially charged and pledged as security for such bonds."

1894, c. 83, s. 3, s-s. 6 repealed.

3. Subsection 6 of section 3 of chapter 83 of the statutes of 1894 is hereby repealed.

Branch lines.

4. The Company may lay out, construct and operate branch lines from St. Anne de Bellevue, in the county of Jacques Cartier, to a point on the Canada Atlantic Railway at or near St. Justine, in the county of Vaudreuil, and from Bout de L'Ile in the parish of Pointe aux Trembles to the town of Joliette, in the county of Joliette, and to a junction with the Great Northern Railway at or near the said town of Joliette.

Power to acquire another railway.

5. The Company may acquire the railway, charter rights, franchises, privileges and powers of the Chateauguay and Northern Railway Company, and the surveys, plans, works, plant, machinery and other property to it belonging, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

3. A duplicate of the agreement referred to in subsection 1 of this section, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with. Agreement to be filed with Secretary of State.

6. Notwithstanding anything in any other Act contained the Compay may commence the construction of its bridges, branches and extensions at any time within two years after the passing of this Act. Time for construction of works extended.

No. 112.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Montreal Island Belt Line Railway Company.

First reading, May 9, 1899.

(PRIVATE BILL.)

Mr. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 112.] **BILL.** [1899.

An Act respecting the Montreal Island Belt Line Railway Company.

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

WHEREAS the Montreal Island Belt Line Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. The section substituted by section 5 of chapter 79 of the statutes of 1898 for section 22 of chapter 83 of the statutes of 1894 is hereby repealed, and in lieu thereof it is hereby enacted that the Company may divide its undertakings into sections, which shall be designated and known as— 1898, c. 79, s. 5 repealed. Undertaking may be divided into sections.

(*a.*) Section One : that part of the main line extending from a point in Hochelaga Ward in the city of Montreal northerly to Rivière des Prairies in the parish of Point aux Trembles, a distance of about thirteen miles, and including all branches therefrom.

(*b.*) Section Two : that part of the main line extending from the southern limit of the city of Montreal westerly to St. Anne and thence north-easterly to the northerly end of Section One.

(*c.*) The Montreal Section : consisting of that portion of the railway of the Company extending across the city of Montreal, as located and defined in the Company's franchise from the city of Montreal, passed before O. Marin, notary, on the thirteenth day of March, one thousand eight hundred and ninety-five, together with a connecting line from a point at or near Montcalm Avenue to the point in Hochelaga Ward mentioned in paragraph (*a*) of this section, and consisting also of all terminal lands (and works thereon), branch lines, sidings and spurs, constructed, purchased or otherwise acquired by the Company in connection with its railway across the said city of Montreal.

(*d.*) Section Three : the Joliette extension.

(*e.*) Section Four : the Grenville extension.

(*f.*) Section Five : the St. Justine extension

(*g.*) Section Six ; the Rivière des Prairies Bridge Section.

(*h.*) Section Seven : the Ottawa River Bridge Section.

2. The section substituted by section 6 of chapter 79 of the statutes of 1898 for section 24 of chapter 83 of the statutes of 1894 is hereby repealed, and in lieu thereof it is hereby enacted that the Company may issue bonds, debentures or other Section 6 repealed.

Bond issue on Montreal Section.

securities to the extent of four million dollars for the Montreal Section consisting of that portion of the railway of the Company extending across the city of Montreal, from the southern limit to the northern limit thereof, and a connecting line from a point at or near Montcalm Avenue to the point in Hochelaga Ward mentioned in paragraph (*a*) of section 1 of this Act and all terminal lands (and works thereon), branch lines, sidings and spurs, constructed, purchased or otherwise acquired by the Company in connection with the said Montreal Section. Such bonds or debentures shall be secured by a deed of mortgage specifying the security therefor, and such deed may also provide that the tolls and revenues derived from the use of the said Montreal Section, terminal lands (and works thereon), branch lines, sidings and spurs, as defined in the said substituted section, by the Company or other corporations or persons, shall be specially charged and pledged as security for such bonds, which bonds shall be designated "Montreal Section Bonds."

Bond issue on bridges.

2. The Company may also issue bonds, debentures or other securities to the extent of three hundred thousand dollars for each bridge which it has authority to construct across the Ottawa River and across Rivière Des Prairies in the parish of Sault au Recollet, and across rivers Des Prairies and Mille Ile from Bout de L'Ile to Ile Bourdon, and Ile Bourdon to Charlemagne, which bonds shall be designated "Bridge Bonds" and shall be secured by deeds of mortgage specifying the security therefor, and such deeds may also provide that the tolls and revenues derived from the use of such bridges shall be specially charged and pledged as security for such bonds.

Bond issue on elevators, buildings, etc.

3. The Company may also issue bonds, debentures or other securities to the extent of one million dollars for the docks, dock-yards, wharfs, slips, piers, warehouses and elevators, or other buildings or works, constructed, purchased or acquired by the Company in connection with its Montreal Section, which bonds shall be called "Elevator Bonds," and such bonds shall be secured by deed of mortgage specifying the security therefor, and further providing that all tolls and revenues derived from the use of the said docks, dock-yards, wharfs, slips, piers, warehouses or elevators by the Company or other corporations or persons, shall be specially charged and pledged as security for such bonds.

1894, c. 83, s. 3, s-s. 6 repealed.

3. Subsection 6 of section 3 of chapter 83 of the statutes of 1894 is hereby repealed.

Damages caused by elevated railway.

4. The Company shall be responsible for all damages caused either to persons or property by the construction, maintenance, repairs or operation of the Company's elevated railway on Common and Commissioners streets in the city of Montreal, as provided in the deed of agreement made between the Company and the city of Montreal on the thirteenth day of March, one thousand eight hundred and ninety-five, before O. Marin, notary; the damages, if any, resulting from the construction and operation of the said elevated railway on Common and Commissioners streets aforesaid shall be fixed and determined under the provisions of *The Railway Act*.

Damage to be fixed under Railway Act.

Extensions and branch lines.

5. The Company may lay out, construct and operate—

(*a.*) an extension of its main line from Ste. Anne de Bellevue in the county of Jacques Cartier to a point on the Canada Atlantic Railway at or near St. Justine, which shall be known as the St. Justine extension;

(*b.*) an extension of its main line from Bout de L'Ile in the parish of Point aux Trembles to the town of Joliette in the county of Joliette, and to a point on the Great Northern Railway at or near the said town of Joliette, which shall be known as the Joliette extension;

(*c.*) a branch line from a point on the main line extension described in paragraph (*a.*) of this section, to the town of l'Assomption;

(*d.*) a branch line from a point on the main line extension described in paragraph (*b.*) of this section, to the village of Rawdon in the county of Montcalm, passing by or near the village of St. Jacques.

2. The provisions of the Acts relating to the Company with respect to its main line shall apply also to the extensions and branches hereby authorized.

Power to acquire another railway.

6. The Company may acquire the railway, charter rights, franchises, privileges and powers of the Chateauguay and Northern Railway Company, and the surveys, plans, works, plant, machinery and other property to it belonging, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

Time for construction of works extended.

7. Notwithstanding anything in any other Act contained the Compay may commence the construction of its bridges, branches and extensions at any time within two years after the passing of this Act.

No. 112.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Montreal Island Belt Line Railway Company.

(*Reprinted as proposed to be amended in the Railway Committee.*)

(PRIVATE BILL.)

MR. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 113] **BILL.** [1899.

An Act to incorporate the Canada Mining and Metallurgical 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation

1. Robert M. Thompson, of New York; John J. Thompson, of Bayonne, New Jersey; James R. Wilson and E. Goff Penny, of Montreal; Hon. C. C. Colby, of Stanstead, and Robert Gilmour Leckie, of Truro, Nova Scotia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Canada Mining and Metallurgical Company (Limited)," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby constituted the first or provisional directors of the Company, four of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

Capital stock

3. The capital stock of the Company shall be five 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, or at such other place in Canada as the directors from time to time determine by by-law.

First general meeting.

5. So soon as five per cent of the capital stock of the Company has been subscribed, and ten per cent of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company, at such time, and at such place in Canada as they think proper; and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of the time and place, postage prepaid and registered, to the address of each shareholder of the Company.

Election of directors.

6. At the first general meeting of the Company and at each annual meeting thereafter, the subscribers for the capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose not less than five nor more than

fifteen persons to be directors of the Company, a majority of whom shall form a quorum and one or more of whom may be paid directors.

Business of Company.

7. The Company may—

Mining.

(*a.*) acquire and operate mines, mineral and mining rights;

Smelting.

(*b.*) smelt, reduce, refine, amalgamate and in any other manner manufacture and treat metals, minerals and ores, and dispose thereof, and generally carry on the business of manufacturing therefrom;

Patent rights.

(*c.*) acquire patent rights, letters patent of invention, processes, options, powers, water and other rights and privileges, and such real property and such other personal property as it requires, and again dispose thereof;

Tramways, telegraphs, etc.

(*d.*) so far as is necessary for its purposes construct and operate and, when no longer required for the purposes of the Company, dispose of tramways, telegraph and telephone lines, water powers, piers, wharfs, smelting works, refineries and other factories;

Vessels.

(*e.*) construct, acquire, navigate and employ steam and other vessels for the purpose of transporting the produce of its mills, mines and works to any place in Canada or elsewhere;

Issue of paid-up stock.

(*f.*) issue paid up shares of its capital stock for real and personal property, claims, mining location privileges, or other rights which are deemed suitable or necessary for its purposes.

Borrowing powers.

8. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and property of the Company.

Limitation.

2. The amount borrowed shall not at any time be greater than seventy-five per cent of the actual paid up stock of the

Proviso.

Company; but this limitation shall not apply to commercial paper discounted by the Company.

Aid to Company.

9. The Company may receive from any government or person, as aid in the construction of the works provided for in this Act, any Crown lands, real or personal property, sums of money or debentures, either by grant or as gifts by way of bonus, and may dispose thereof for the purposes of the Company in carrying out the provisions of this Act.

R.S.C., c. 118.

10. Section 18 of *The Companies Clauses Act*, and section 41 of the said Act in so far as it is inconsistent with the provisions of this Act, shall not apply to the Company.

No. 113.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Canada Mining and Metallurgical Company, Limited.

First reading, May 9, 1899.

(PRIVATE BILL.)

Mr. HALEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 114.] **BILL.** [1899.

An Act to amend the Act respecting Joint Stock Companies.

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

1. Section 41 of *The Companies Clauses Act*, chapter 118 of the Revised Statutes of Canada, is hereby repealed, and the following is substituted therefor:— R.S.C., c. 118, new s. 41.

"**41.** Any dock company or transportation company incorporated by special Act of the Parliament of Canada, may, by by-law of the directors, approved of by the majority in number of the shareholders and representing at least two-thirds in value of the subscribed stock of such company at a special general meeting of the company duly called for considering the same, purchase and hold stock in an elevator company incorporated by letters patent under the Great Seal, or by special act of the Parliament of Canada; provided always, that for the purchase of such stock, no money shall be borrowed or debt created by such dock or transportation company; and, except as aforesaid, no company shall use any of its funds in the purchase of stock in any other corporation unless in so far as such purchase is specially authorized by the special Act and also by the Act or letters patent creating such other corporation." Purchase by Company of stock in other corporations.

No. 114.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Act respecting Joint Stock Companies.

First reading, May 9, 1899.

Mr. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 115.] **BILL.** [1899.

An Act to incorporate the Sudbury and Wahnapitae Railway Company.

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

1. John McKinley, of the city of Boston, in the state of Massachusetts, one of the United States, John McKay, of the town of Sault Ste. Marie, in the province of Ontario, Henry Paret Taylor and Charles Conrad Williams, of the city of Sault Ste. Marie, in the state of Michigan, one of the United States, and William Howard Hearst, of the said town of Sault Ste. Marie, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Sudbury and Wahnapitae Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock.

5. The head office of the Company shall be in the town of Sault Ste. Marie, in the district of Algoma in the province of Ontario. Head office.

6. The annual meeting of the shareholders shall be held on the second Monday in January in each year. Annual meeting.

7. At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may de paid directors. Election of directors.

8. The Company may lay out, construct and operate a railway of the gauge of four feet, eight and one-half inches from a point in or near the town of Sudbury, in the district of Nipissing, thence north-easterly passing near the southerly Line of railway described.

shore of Lake Wahnapitae, and thence northerly and easterly to a point near the south shore of Lake Tamagamingue.

Electricity.

9. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting, motor and heating purposes in connection with its railway.

Bond issue limited.

10. The Company may issue bonds, debentures or other securities to the extent of ten thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with another company.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, or the James Bay Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council.

Agreement to be approved by shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the districts through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in section 1 of this section, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

No. 115.

4th Session, 8th Parliam

An Act to incorporat
Wahnapitae Rail

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18

No. 116.] **BILL.** [1899.

An Act to amend the Criminal Code, 1892, with respect to cruelty to animals.

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

1892, c. 29 new section.

1. *The Criminal Code*, 1892, is hereby amended by adding the following section thereto immediately after section 512 :—

Docking of horses.

"**512A.** Every one is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding fifty dollars, or to three months' imprisonment with or without hard labour, or to both, who—

"(*a.*) not being a veterinary surgeon, or an otherwise qualified person, docks, nicks or pricks, or undertakes to dock, nick or prick the tail of any horse, by any method or means ; or

"(*b.*) causes or knowingly permits this to be done by a person other than those mentioned in paragraph (*a*) upon premises of which he is the owner, lessee, proprietor, or user ; or

"(*c.*) assists in or is present at such cutting.

"2. If the horse is found with its tail so cut, and with the wound resulting from such cutting unhealed, upon the premises of any person other than a veterinary surgeon or otherwise qualified person as aforesaid, such facts shall be *prima facie* evidence that the person who occupies or has the use of the premises on which such horse is so found has committed an offence against this section, unless it is shown that the cutting was done by a veterinary surgeon or an otherwise qualified person.

"3. Every veterinary surgeon who docks, nicks or pricks a horse or mare shall keep a record thereof, and of the date of such operation, and the sex, colour, markings, breed, age, height and any special mark which may serve to identify the animal, and he shall give a copy of such record, signed by him, to the owner of the animal or his representative.

"4. No person other than a duly qualified veterinary surgeon shall be deemed to be a qualified person within the meaning of this section, unless he holds a certificate from a veterinary surgeon or a veterinary college, establishing that he has received instruction and is qualified to dock, nick, or prick a horse or mare ; and such certificate shall be exhibited to any person upon demand.

"5. Any person who, not being duly qualified as aforesaid, nevertheless attempts to make use of any such certificate, shall be guilty of an offence and liable to conviction and fine in the manner and to the extent hereinabove provided.

" 6. Any person who refuses to exhibit any such certificate on demand, shall be guilty of an offence and liable to conviction and fine in the manner and to the extent hereinabove provided."

No. 116.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Criminal Code, 1892, with respect to Cruelty to Animals.

First reading, May 12th, 1899.

Mr. PENNY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 117.] **BILL.** [1899

An Act to incorporate the Ottawa Suburban Railway Company.

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

1. F. A. Heney, R. H. Cowley, Geo. E. Kidd and Geo. C. Holland, all of the city of Ottawa; Donald McGillivray, of the city of Vancouver, and George K. Leeson, of the town of Calgary, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Ottawa Suburban Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock.

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

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

6. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.

7. The Company may lay out, construct and operate a railway of the guage of four feet eight and one-half inches from a point in or near the city of Ottawa, thence through the township of Nepean to the Ottawa River at or near the Remous Rapids; and thence by a bridge over the Ottawa River to the township of Hull, in the province of Quebec, and thence to Kingsmere, Meach's Lake and Chelsea, all in the said township; and may also lay out, construct and operate branches to the city of Hull, and to Hog's Back and Graham's Bay, in the said township of Nepean. Line of railway described.

Lines in other municipalities.

8. The Company may construct and carry the said lines of railway along and upon such streets and highways in any municipality as it may be authorized under any agreement and by-law with the corporations respectively having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements to be made between the councils of any of the said corporations and the Company.

Poles, wires, etc.

1888, c. 29.

9. The Company, subject to any restrictions contained in any resolution or agreement with any municipality having jurisdiction over any of the streets or highways upon which it may be authorized to carry its lines of railway as aforesaid, and subject to the provisions contained in subsection 2 of section 90 of *The Railway Act*, except paragraphs (*b*) and (*g*) thereof, may lay conduits under or erect poles and wires along, over and upon any of the public roads and highways of the said municipalities respectively, and may also acquire the right to lay conduits under or to erect poles and wires along, over and upon, and to convey electricity required for the working of the railway, or lighting or heating the same, upon, over or under lands other than the right-of-way of the railway, and upon, over, under or across any streams, rivers, lakes or waters, and for any of the purposes aforesaid to erect the necessary fixtures, including posts, piers or abutments for sustaining wires, cables, conduits and other electrical appliances.

Bond issue on railway.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Powers of Company.

11. The Company may—

Bridge.

(*a.*) construct, maintain, and use a low level bridge for railway and general traffic purposes over the Ottawa River from a point in the township of Nepean, near the Deschenes Rapids or Remous Rapids, to a point on the opposite side of the Ottawa River, in the township of Hull, with the necessary approaches, and with a clear span over the water channel of one hundred feet, with a head of twelve feet above high water;

Piers, etc.

(*b.*) construct piers, coffer-dams and other erections in the Ottawa River for the purpose of constructing the said bridge; but such coffer-dams shall be removed by the Company after the completion of the said bridge;

Electricity.

(*c.*) erect, use and carry on works for the generation, transmission and distribution of electrical power and energy; and acquire and utilize water and steam power for the purpose of generating electricity for all purposes in connection with its railway and works, and may dispose of any surplus electricity or other power generated by its works, and not required for operating its railway or other works;

Patent rights.

(*d.*) acquire exclusive rights in letters patent, franchises or patent rights for the purposes of the works hereby authorized, and again dispose of the same.

Bridge plans to be approved by Governor in Council.

12. The Company shall not commence the said bridge or any coffer-dam, pier, boom or other structure in the Ottawa River, or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge, coffer-dam, pier, boom or other structure, and of all the intended works thereunto appertaining, nor until the plans and site of such bridge, coffer-dam, pier, boom or other structure have been approved by the Governor in Council, and such conditions as he thinks fit to impose touching the said bridge and other works for the public good have been complied with; nor shall any such plans be altered, or any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Tolls to be approved.

13. If the said bridge is constructed or arranged for the use of foot passengers and carriages, or either, as well as railway purposes, the toll to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time by the Governor in Council; but the Company may at any time reduce the said 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.

Equal rights of passage to all companies.

14. So soon as the said bridge is completed and ready for traffic, all trains and cars of all railways, tramways and electric railways connecting with the same, then constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in the tariff rates for transportation, shall be made in favour of, or against any railway, tramway or electric railway whose trains pass over the said bridge.

Disputes.

15. In case of any disagreement as to the rights of any company whose trains or cars cross, or business passes over, the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council, as provided by *The Railway Act.*

Bond issue on bridge.

16. The Company may also issue bonds, debentures, or other securities to an amount not exceeding two hundred and fifty thousand dollars, in aid of the construction of the said bridge, 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 by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Time for construction limited.

17. The bridge shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respect so much of the said bridge as then remains uncompleted.

Agreement with another company.

18. The Company may enter into an agreement with the Ottawa and Gatineau Railway Company, the Pontiac Pacific Junction Railway Company, the Hull Electric Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Ottawa Electric Railway Company or the Canadian Pacific Railway Company for conveying or leasing to any of such companies the railway and bridge of the Company, in whole or in part, or any rights or powers acquired under this Act, also the franchises, surveys, plans, works, plant, materials, machinery, and other property to it belonging, or for an amalgamation with any of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the Counties through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

No. 117.

4th Session, 8th Parliament, 62

BILL.

An Act to incorporate Suburban Railway Co

First reading, May 12,

(PRIVATE BIL

Mr.

OTTAWA
Printed by S. E. Daws
Printer to the Queen's most Excel
1899

No. 118.] **BILL.** [1899.

An Act respecting the Great Northern Railway Company, and to change its name to the Great Northern Railway Company of Canada.

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

1. The name of the Great Northern Railway Company, hereinafter called "the Company," is hereby changed to "The Great Northern Railway Company of Canada;" but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Name changed.

2. Notwithstanding anything contained in the Acts relating to the Company, the time for the completion of the Great Northern Railway and of the bridge across the River Ottawa, at a point between Carillon and Grenville, is hereby extended for a period of three years from the passing of this Act, and the time for the completion of the railway from Lake St. John to James Bay is extended for a period of five years from the passing of this Act, and if not then so completed the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction extended.

3. Section 2 of chapter 64, of the statutes of 1884 is hereby repealed, and the following is substituted therefor:— 1884, c. 64, s. 2 repealed. New section.

2 The capital stock of the Company shall be eight million dollars, divided as follows, viz:—(*a.*) Four million five hundred and fifty thousand dollars of ordinary or common stock, divided into forty-five thousand five hundred shares of one hundred dollars each. (*b.*) Three million dollars of debenture stock, divided into thirty thousand shares of one hundred dollars each, upon which interest or a dividend not exceeding five per cent per annum may be paid by the Company, but no interest or dividend shall be paid on such debenture stock until the interest upon all the bonds issued by the Company shall have been Capital stock.

fully satisfied in each year; provided that such interest or dividend shall be non-cumulative, and shall only be paid to the extent which the net earnings of the Company in any one year may permit. (*c.*) Four hundred and fifty thousand dollars of preference stock, divided into four thousand five hundred shares of one hundred dollars each, which shall rank after the debenture stock of the Company, and upon which interest or dividends not exceeding four and a half per cent per annum may be paid; provided such interest shall be non-cumulative, and shall only be paid out of the net earnings in any one year after payment of the interest on all the bonds and debenture stock outstanding in such year; provided further that such preference stock shall only be issued for the purpose of replacing the preference stock held by the city of Quebec in the Quebec and Lake St. John Railway Company, in the event of the purchase by the Great Northern Railway Company of the railway of the Quebec and Lake St. John Railway Company, and such preference stock may be issued in whole or in part as paid up stock of the Company and shall, in such event, not be assessable for calls.

Issue of paid-up stock.

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

1892, c. 40, s. 13.

First mortgage bonds.

5. In addition to the bonds authorized by section 13 of chapter 40 of the statutes of 1892, the Company may issue first mortgage bonds to the extent of twenty thousand dollars per mile of railway acquired by it from any other railway company, under the authority of the Acts governing it, which bonds shall form part of series A referred to in the said section.

Terminal and postal mortgage bonds.

2. The Company may also issue bonds, to be designated as Terminal and Postal Mortgage bonds, not exceeding three hundred thousand dollars, redeemable in not more than fifty years, and bearing interest not exceeding five per cent per annum, specially secured as to principal by a first mortgage upon the terminal property of the Company in the city of Quebec, and specially secured as to interest by a first charge upon the mail and colonization subsidies of the railway to be earned upon the railways acquired from the Lower Laurentian Railway and the Quebec and Lake St. John Railway, or either of them.

Special toll to make up interest.

3 In the event of such subsidies being insufficient to meet the interest upon the bonds so issued, the Company may levy a special toll upon each loaded car entering or leaving the

terminal property at Quebec, for the purpose of completing the necessary sum to make up such interest.

Branch lines.

6. The Company may construct and operate a branch line from some point on its main line to the industrial establishments at the Shawenegan Falls; a branch line from some point on the Lower Laurentian line to a point on the Quebec and Lake St. John line between Riviere à Pierre and Quebec; and branch lines to connect the main line with other manufacturing industries or other points; provided the length of any one such branch shall not exceed twenty miles.

Elevators, hotels, etc.

Mortgaging powers.

7. The Company may also construct and operate grain elevators, warehouses, hotels and wharves at any point touched or reached by its railway or connecting lines, and may also build and run steam vessels on any navigable waters touched or reached by its railway or connecting lines; and may separately mortgage and hypothecate such branch lines, elevators, warehouses, hotels, wharves and steam vessels for the cost thereof, and may pledge the revenue thereof for the payment of the interest upon the bonds issued in respect of each thereof.

1892, c. 40, s. 11 repealed. New section.

Annual meeting.

8. Section 11 of chapter 40 of the statutes of 1892, is hereby repealed, and the following is substituted therefor:

"**11.** The annual meeting of the shareholders shall be held at the head office of the Company on the first Tuesday in October in each year."

Section 12 amended.

Increase in number of directors.

9. Section 12 of chapter 40 of the statutes of 1892 is hereby amended by adding thereto the following sub-section:—

"2. The number of directors may be increased, from time so time, by by-law of the Company to any number not exceeding eleven, which by-law may also regulate the quorum of directors; and provided that the mayor of any city, town or municipality subscribing stock in or granting a bonus to the Company of twenty-five thousand dollars or more, may, after payment of the same, be ex-officio a director of the Company, and such ex-officio members of the board shall be in addition to the number of directors authorized by this section."

No. 118.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Great Northern Railway Company, and to change its name to the Great Northern Railway Company of Canada.

First reading, May 12, 1899.

(PRIVATE BILL.)

MR. SAVARD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 119.] **BILL.** [1899.

An Act respecting the Red Deer Valley Railway and Coal Company.

WHEREAS the Red Deer Valley Railway and Coal 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Notwithstanding anything contained in chapter 60 of the statutes of 1897, if the construction of the railway of the Red Deer Valley Railway and Coal Company is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon within two years from the first day of July, one thousand eight hundred and ninety-nine, or if the railway is not finished and put in operation within four years from the said date, the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. 1897, c. 60. Time for construction of railway extended.

No. 119.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Red Deer Valley Railway and Coal Company.

First reading, May 12, 1899.

(PRIVATE BILL.)

MR. FROST.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 120.] **BILL.** [1899

An Act to incorporate the Rutland and Noyan 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Percival W. Clement and Henry G. Smith of Rutland, of the state of Vermont, one of the United States, and D'Arcy Scott, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Rutland and Noyan 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 and calls thereon.

3. The capital stock of the Company shall be one 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.

Head office.

4. The head office of the Company shall be in the parish of St. Thomas, in the county of Missisquoi and province of Quebec, or such other place in Canada as the directors from time to time determine by law.

Annual meeting.

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

Election of directors.

6. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose three persons to be directors of the Company, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the junction of the Canada Atlantic Railway and the East Richelieu Valley Railway, in the said parish of St. Thomas, to a point at or near the international boundary, at the terminus of the Rutland Canadian Railroad

Bond issue limited.

8. The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of

the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with another company.

9. The Company may enter into an agreement with the East Richelieu Valley Railway Company, the Canada Atlantic Railway Company, the Canadian Pacific Railway Company, the Rutland Canadian Railroad Company or the Rutland Railroad Company, for conveying and leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, [or may purchase or lease the railway of] or may amalgamate with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that every such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

No. 120.

4th Session, 8th Parliament, 6

BILL.

An Act to incorporate the
Noyan Railway Co

First reading, May 1

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OTTAWA
Printed by S. E. Dav
Printer to the Queen's most Exc
1899

No. 121.] **BILL.** [1899.

An Act respecting the Ontario and Rainy River Railway Company.

Preamble.

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

Power to acquire railway of another company.

Authority of shareholders.

1. The Ontario and Rainy River Railway Company, hereinafter called "the Company," may acquire and operate all or any part of the railway of the Port Arthur, Duluth and Western Railway Company, together with its rights, franchises, powers, privileges and property, in such manner and upon such terms and conditions as the directors deem expedient under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present or represented by proxy.

Power to exercise rights of other company.

2. The Company may, with reference to the said railway so purchased, as well as all other rights, franchises, powers, privileges and property acquired in connection therewith, exercise in the name of the Company, in addition to all the rights, franchises, powers and privileges conferred upon the Company by *The Railway Act* and the special Acts relating thereto, all the rights, franchises, powers and privileges conferred upon the Port Arthur, Duluth and Western Railway Company by any of its special Acts.

No. 121.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Ontario and Rainy River Railway Company.

First reading, May 16, 1899.

(PRIVATE BILL.)

MR. DYMENT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

[CORRECTED COPY.]

No. 121.] **BILL.** [1899.

An Act respecting the Ontario and Rainy River Railway Company.

Preamble.

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

Power to acquire railway of another company.

1. The Ontario and Rainy River Railway Company, herein after called "the Company," may acquire and operate all or any part of the railway of the Port Arthur, Duluth and Western Railway Company, and also the capital stock, bonds, rights, franchises, powers, privileges and property thereof, or any part thereof, in such manner and upon such terms and conditions as the directors deem expedient under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present or represented by proxy.

Authority of shareholders.

Power to exercise rights of other company.

2. The Company may, with reference to the said railway so purchased, as well as all other rights, franchises, powers, privileges and property acquired in connection therewith, exercise in the name of the Company, in addition to all the rights, franchises, powers and privileges conferred upon the Company by *The Railway Act* and the special Acts relating thereto, all the rights, franchises, powers and privileges conferred upon the Port Arthur, Duluth and Western Railway Company by any of its special Acts.

"Railway" defined.

3. The expression "the railway" when used in this Act means the railway which the Port Arthur, Duluth and Western Railway Company was authorized to construct and operate, and includes everything comprised in the meaning given to the word "railway" as used in *The Railway Act*.

No. 121.

4th Session, 8th Parliament, 62 Victoria, 1899

[Corrected Copy.]

BILL.

An Act respecting the Ontario and Rainy River Railway Company.

First reading, May 16, 1899.

(PRIVATE BILL.)

MR. DYMENT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 122.] **BILL.** [1899.

An Act in further amendment of the Weights and Measures Act.

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

1. *The Weights and Measures Act*, chapter 104 of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section 18:— R.S.C., c. 104 amended.

"**18A.** Unless otherwise specially agreed upon between the buyer and seller, eggs shall be sold by weight, and the weight equivalent to a dozen shall be one pound and one-half." How eggs shall be sold.

No. 122.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act in further amendment of the Weights and Measures Act.

First reading, May 17th, 1899.

Mr. McMillan.

OTTAWA.
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 123.] **BILL.** [1899.

An Act further to amend the Adulteration Act.

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

R.S.C., c. 407, s. 2 amended.

1. The paragraph lettered (*f*) of the section substituted for section 2 of *The Adulteration Act*, by section 1 of chapter 26 of the statutes of 1890, is hereby repealed, and the following substituted in lieu thereof :—

Adulterated drugs ; what shall be deemed.

"(*f.*) Every drug shall be deemed to be 'adulterated' within the meaning of this Act,—

"(i.) If, when sold or offered or exposed for sale under or by a name recognized in the British Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein ;

"(ii.) If, when sold or offered or exposed for sale under or by a name recognized in any foreign pharmacopœia, such as *Le Codex Medicamentarius* in France or the Pharmacopœia of the United States, and having the name of such pharmacopœia, plainly labelled, upon the article, it differs from the standard of strength, quality or purity laid down therein ;

"(iii.) If, when sold, or offered or exposed for sale under or by a name which is not recognized in any pharmacopœia, but which is found in some generally recognized standard work on *materia medica* or chemistry, it differs from the standard of strength, quality or purity laid down therein ;

"(iv.) If its strength, quality or purity falls below or differs from the professed standard under which it is sold or offered for sale."

No. 123.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Adulteration Act.

First reading, May 18th, 1899.

Sir H. Joly de Lotbinière.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 124.] **BILL.** [1899

An Act to amend the Inland Revenue Act.

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

R.S.C., c. 34, section 121 amended.

1. The paragraph substituted for paragraph (*g*) of section 121 of *The Inland Revenue Act*, chapter 34 of the Revised Statutes, by section 3 of chapter 46 of the statutes of 1891, is hereby amended by striking out the word "one" in the fourteenth line and substituting therefor the word "two."

Section 131 amended.

2. Paragraph (*a*) of subsection 1 of section 131 of the said Act is hereby repealed and the following is substituted therefor:—

Computation of duty.

"(*a.*) Upon the grain used for its production, at the rate of one gallon of proof spirits for every twenty and four-tenths pounds,—or, in a distillery where malt only is used, upon the malt used for its production, at the rate of one gallon of proof spirits for every twenty-four pounds;"

Section 260 amended.

3. The paragraphs substituted for paragraphs (*b*) and (*c*) of section 260 of the said Act by section 4 of chapter 27 of the statutes of 1898, are hereby amended by inserting after the words "one-fourth" in the fifth and eighth lines respectively, the words "one-third."

No. 124.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Inland Revenue Act.

First reading, May 18, 1899.

Sir H. JOLY DE LOTBINIÈRE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 125.] **BILL.** [1899.

An Act to amend the Act respecting Canned Goods.

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

1. The Act respecting Canned Goods, chapter 105 of the Revised Statutes, is hereby amended by inserting the following section immediately after section 2 :— R.S.C., c. 105 amended.

"2A. Every package shall have the weight of the contents thereof legibly marked thereon. Weight to be marked.

"2. Any packer or other person selling or exposing for sale any package on which the weight of the contents is not so marked, or on which the weight is misrepresented, shall for the first offence incur a penalty of two dollars for each package, and for each subsequent offence a penalty of not less than three dollars and not more than twenty dollars for each package; and every such package shall thereby become forfeited, and shall be disposed of in such way as the Minister of Inland Revenue directs: Provided that a variation under the rate of three per cent shall not be deemed a violation of the provisions of this section." Penalty for selling packages not so marked or incorrectly marked. Proviso.

2. This Act shall come into force on the first day of June, nineteen hundred. Commencement of Act.

No. 125.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Act respecting Canned Goods.

First reading, May 18, 1899.

Mr. ELLIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 126] **BILL.** [1899.

An Act respecting Representation in the House of Commons.

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

Ontario electoral districts.

1. Subsection 2 of section 3 of chapter 6 of the Revised Statutes of Canada, subsection 2 of section 2 of chapter 11 of the statutes of 1892, and section 1 of chapter 6 of the statutes of 1893 are hereby amended as follows:—

R.S.C., c. 6; 1892, c. 11; 1893, c. 6.

(*a.*) The electoral districts of Bothwell, Cardwell and West Ontario are abolished;

(*b.*) The electoral districts of the counties of Kent, Lambton, Huron, Bruce, Grey, Wellington, Perth, Middlesex, Elgin, Oxford, Norfolk, Brant, Haldimand, Welland, Lincoln, Wentworth, Peel, Dufferin, Simcoe, York and Ontario, and the districts of Muskoka and Parry Sound, shall consist of the several townships, villages, towns and cities and other lands declared by chapter 3 of the "Revised Statutes of Ontario, 1897," intituled "An Act respecting the Territorial Division of Ontario for Municipal and Judicial purposes," to constitute the said respective counties and districts, except that, for the purposes of this Act, the county of Middlesex shall not include the City of London or any portion thereof, the county of Wentworth shall not include the City of Hamilton or any portion thereof, and the county of York shall not include the City of Toronto or any portion thereof;

(*c.*) The electoral district of the City of London shall consist of the City of London and shall return one member;

(*d.*) The electoral district of the City of Hamilton shall consist of the ity of Hamilton and shall return two members;

(*e.*) The electoral district of the City of Toronto shall consist of the City of Toronto and shall be divided into four electoral districts each of which shall return one member;

(*f.*) The counties of Dufferin, Haldimand, Lincoln, Peel, Welland and Wentworth, the territorial district of Muskoka, and the territorial district of Parry Sound shall each be an electoral district and shall each return one member;

(*g.*) The counties of Brant, Elgin, Lambton, Norfolk, Ontario, Oxford and Perth shall each be divided into two electoral districts each of which shall return one member;

(*h.*) The counties of Kent, Huron, Bruce, Grey, Middlesex, Simcoe, Wellington and York shall each be divided into three electoral districts, each of which shall return one member.

Commissioners to make certain divisions.

2. Where, under the foregoing provisions, any county or city is to be divided into more than one electoral district, such division shall be made by a Board of Commissioners, consisting of at least three persons, being judges of the Supreme Court of Judicature for Ontario, who, for that purpose, shall be appointed by letters patent under the Great Seal, and who shall divide each such county or city into the number of electoral districts by this Act assigned to it.

Directions to commissioners.

2. The letters patent appointing the commissioners shall direct them, in making the divisions, to consider the distribution of population according to the latest census of Canada, the public convenience, and such divisions as appear to them best calculated to do substantial justice.

Filling of vacancies.

3. In case of the death, resignation, or refusal to act, of any one or more of such commissioners, a successor or successors shall in like manner be appointed.

Commissioners'. reports.

4. The commissioners shall complete such divisions within a time to be limited by the said letters patent, and shall report such divisions to the Secretary of State, making a separate report as to each electoral district so set apart by them, and shall set forth in such report the boundaries of the electoral district to which such report refers and the municipalities comprised therein, and assign an appropriate designation to such electoral district.

Majority to govern.

5. Each report shall be signed by the commissioners or, in case of disagreement, by a majority of them; and the report of the majority of the commissioners shall be the report of the commissioners.

Electoral districts constituted.

6. Upon the receipt by the Secretary of State of the reports of the commissioners completing such divisions, the territories by such reports described as constituting the electoral districts into which the said city and counties are so divided shall, subject to the provisions of section 6 of this Act, become and be electoral districts as if they had been set apart and established as such by this Act.

Publication of reports.

7. Each separate report shall be published by the Secretary of State in the *Canada Gazette* forthwith after its receipt by him.

Quebec electoral districts.

3. In the Province of Quebec, the following changes shall be made in the electoral districts as constituted under chapter 6 of the Revised Statutes, chapter 11 of the statutes of 1892, and chapter 6 of the statutes of 1893 :—

(*a.*) The parish of Lavaltrie is transferred from the electoral district of L'Assomption to the electoral district of Berthier;

(*b.*) The Indian village and reserve of Caughnawaga is transferred from the electoral district of Chateauguay to the electoral district of Laprairie and Napierreville;

(*c.*) The parish of Lacolle, together with the islands situated in the river Richelieu opposite thereto, is transferred from the electoral district of Missisquoi to the electoral district of St. John's and Iberville;

(*d.*) The parishes of Notre Dame de Stanbridge and Notre Dame des Anges de Stanbridge, together with the islands situated in the river Richelieu opposite thereto, are transferred from the electoral district of St. John's and Iberville to the electoral district of Missisquoi;

(*e.*) The parish of St. Pie is transferred from the electoral district of Rouville to the electoral district of Bagot;

(*f.*) The parish of St. Marcel is transferred from the electoral district of Bagot to the electoral district of Richelieu;

(*g.*) The parish of St. Eugène de Grantham, now in the electoral district of Bagot, is transferred therefrom to the electoral district of Drummond and Arthabaska;

(*h.*) The parishes of St. Nazaire and Ste. Christine, as munipally constituted, shall be included in the electoral district of Bagot, and that electoral district, as reconstituted, shall consist of the town of Acton, the village of Upton, and the parishes of St. André d'Acton, St. Ephrem d'Upton, Ste. Helène, St. Hugues, St. Liboire, St. Pie, Ste. Rosalie, St. Simon, St. Théodore d'Acton, St. Dominique, St. Nazaire and Ste. Christine;

(*i.*) The parishes of St. Guillaume d'Upton and St. Bonaventure d'Upton are transferred from the electoral district of Drummond and Arthabaska to the electoral district of Yamaska;

(*j.*) The parishes of Ste. Eulalie and St. Samuel shall be in and form part of the electoral district of Nicolet;

(*k.*) All that part of the township of Stanfold, to wit: the first twelve lots in the first three ranges of the said township, which forms part of the parish of Notre Dame de Lourdes, in transferred from the electoral district of Drummond and Arthabaska to the electoral district of Megantic.

New Brunswick.

4. Paragraph (*b*) of subsection 5 of section 2 of chapter 11 of the statutes of 1892 is hereby repealed and the following is substituted therefor:—

"(*b.*) The electoral district of the county of St. John shall consist of the county of St. John only."

Prince Edward Island.

5. Subsection 6 of section 2 of the said Act is hereby repealed and the following is substituted therefor:—

"6. In the province of Prince Edward Island there shall be three electoral districts, designated as follows:—

"(*a.*) The electoral district of Prince, which shall consist of the county of Prince, and shall return two members;

"(*b.*) The electoral district of Queen's, which shall consist of the county of Queen's, and shall return two members;

"(*c.*) The electoral district of King's, which shall consist of the county of King's, and shall return one member."

When changes shall take effect.

6. Nothing herein contained shall operate so as to change the constitution of the electoral districts as they now exist until the dissolution of the present Parliament.

No. 126.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting Representation in the House of Commons.

First reading, May 19, 1899.

MR. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 127.] **BILL.** [1899

An Act to amend the Bank Act.

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

Note issue at agency in British possession other than Canada.

1. Notwithstanding the provisions of section 51 of *The Bank Act*, any bank to which that Act applies may issue and reissue, at any office or agency of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and intended for circulation in such colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, provided the issue and reissue of such notes is not forbidden by the laws of such colony or possession.

Redemption.

2. The notes so issued shall be redeemable at par at any office or agency of the bank in the colony or possession in which they are issued for circulation, and not elsewhere, except as hereinafter specially provided; and the place of redemption of such notes shall be legibly printed or stamped across the face of each note so issued.

Redemption if agency is abolished.

3. In the event of the bank ceasing to have an office or agency in any such British colony or possession, all notes issued in such colony or possession under the provisions of this Act shall become payable and redeemable at the par value thereof (that is to say, at four dollars and eighty-six and two-thirds cents per pound sterling) in the same manner as notes of the bank issued in Canada are payable and redeemable; provided always that no notes issued for circulation in a British colony or possession other than Canada shall be reissued in Canada, and that nothing herein shall be construed as authorizing the issue or reissue by the bank in Canada of notes payable to bearer and intended for circulation for a sum less than five dollars or for a sum which is not a multiple of five dollars.

Proviso: as to issue in Canada.

Total amount of circulation.

4. The amount of the notes at any time in circulation in any colony or possession, issued under the provisions of this Act, shall, at the rate of four dollars and eighty-six and two-thirds cents per pound sterling, form part of the total amount of the notes in circulation within the meaning of section 51 of *The Bank Act*, and, except as herein otherwise specially provided, shall be subject to all the provisions of *The Bank Act*; but nothing herein contained shall enable the bank to increase the total amount of its notes in circulation in Canada and elsewhere beyond the limit fixed by the said section 51 of *The Bank Act*.

No. 127.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Bank Act.

First reading, May 19, 1899.

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 128] **BILL.** [1899

An Act to amend the Weights and Measures Act.

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

1. On and after the day of one thousand eight hundred and ninety- , section 18 of the *The Weights and Measures Act*, chapter 104 of the Revised Statutes, shall be repealed and the following shall be substituted therefor:— R.S.C., c. 104, new s. 18.

"**18.** All apples packed in Canada for sale by the barrel shall be packed either in cylindrical veneer barrels having an inside diameter of eighteen inches and one-third, and twenty-seven inches from head to head inside measure, or in good and strong barrels of seasoned wood twenty-seven inches between the heads, inside measure, and having a head diameter of seventeen inches and a middle diameter of nineteen inches, and such last-named barrels shall be sufficiently hooped, with a lining hoop within the chimes, the whole well secured with nails. How apples shall be packed for sale.

"2. Every person who offers or exposes for sale, or who packs for exportation, apples by the barrel, otherwise than in accordance with the foregoing provisions of this section, shall be liable to a penalty of twenty-five cents for each barrel of apples so offered or exposed for sale or packed." Penalty for contravention.

No. 128.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Weights and Measures Act.

First reading, May 25, 1899.

Sir H. Joly de Lotbinière.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 129.] **BILL.** [1899.

An Act respecting the General Trust Corporation of Canada.

Preamble

WHEREAS the General Trust Corporation 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1894, c. 115, s. 2 amended.

1. Section 2 of chapter 115 of the statutes of 1894 is hereby amended by adding the following subsection thereto:—

Head office may be changed.

"2. The Corporation may change its head office to such place in Canada as may be determined upon by a resolution adopted by a majority in number and amount of the shareholders present or represented by proxy at a meeting specially called for the purpose of considering such resolution."

Section 10 amended.

2. Section 10 of the said Act is hereby amended by adding the following subsection thereto:—

Investments.

Moneys not held in trust.

Debentures, etc.

"2. The Corporation may invest any moneys other than trust moneys in, or on the security of, the debentures, bonds, stock and other securities of any government, or municipal corporation, or of any chartered bank or company incorporated by or under the authority of the Parliament of Canada or of the legislature of any former, present or future province of Canada."

Section 12 repealed.

3. Section 12 of the said Act is hereby repealed, and the following is substituted therefor:—

New s. 12.

Capital stock.

Increase of capital.

"**12.** The capital stock of the Corporation shall be two hundred thousand dollars, divided into shares of one hundred dollars each, but the Corporation may, from time to time, increase the capital stock to an amount not exceeding five million dollars, divided into shares of one hundred dollars each.

Approval of shareholders.

"2. Such increase shall be by a resolution adopted by a majority in number and amount of the shareholders present or represented by proxy at a meeting specially called for the purpose of considering it, and such resolution may prescribe the manner in which such new shares may be allotted, otherwise the control of the allotment shall be as provided in section 16 of *The Companies Clauses Act*."

R.S.C., 118.

No. 129.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the General Trust Corporation of Canada.

First reading, May 26, 1899.

(PRIVATE BILL.)

Mr. McMULLEN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 130.] **BILL.** [1899.

An Act respecting the London and Canadian Loan and Agency Company (Limited).

Preamble

WHEREAS the London and Canadian Loan and Agency Company (Limited) has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Capital may be reduced.

1. The directors of the London and Canadian Loan and Agency Company (Limited), hereinafter called "the Company," may, by by-law, reduce the capital stock of the Company to such amount, not less than two million dollars, as they think best.

Provisions of by-law.

2. Such by-law shall declare the rules by which the allotment of the reduced capital or part thereof among the existing shareholders shall be made ; provided that no shareholder shall be allotted less of the reduced capital than is equal to the amount paid up on the shares held by him ; provided also that so much of the reduced capital as may not be so allotted to existing shareholders shall be deemed unissued capital stock and may be dealt with as such.

Proviso.

Proviso.

By-law to be confirmed.

2. No by-law for reducing 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.

Continuing liability.

3. The liability of shareholders to persons who are, at the time the stock is reduced, creditors of the Company shall remain as though the stock had not been reduced.

Preference stock.

4. The directors may, by by-law, create and issue any part of the unissued capital stock mentioned in section 1 hereof as preference stock, giving the same such preference and priority as respects capital, dividends and otherwise over ordinary stock as may be declared by the by-law.

By-law to be confirmed.

2. No such by-law shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering it,

such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the Company represented at such meeting.

Preference stockholders to be shareholders.

3. Holders of shares of such preference stock shall be shareholders, and shall in all respects possess the rights of shareholders, provided however that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Creditors rights not affected.

4. Nothing in this section contained, or done in pursuance thereof, shall affect or impair the rights of creditors of the Company.

Liabilities restricted,

5. The total of the Company's liabilities to the public outstanding from time to time shall not exceed, including deposits, four times the amount paid upon its capital stock; and the amount held on deposit shall not at any time exceed the aggregate amount of its then actual paid up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada.

Lands to be disposed of in 10 years.

6. 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 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 before mentioned which has been held by the Company for a longer period than ten years without being disposed of shall be forfeited to Her Majesty for the use of Canada; provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years; provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Company of the intention of Her Majesty to claim such forfeiture; and the Company shall, when required, give the Governor in Council 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 above provisoes.

Time may be extended.

Statement of lands held.

Business may be done outside Canada.

7. 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.

Agencies.

8. 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 business of other companies.

9. The Company may purchase the entire assets and franchises and acquire and undertake the whole or any part of the business, property and liabilities and the name and goodwill of any other 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 pay therefor in

cash or in debentures or debenture stock or in stock either fully paid up or partly paid up, or in any other manner; and any such companies which are subject to the legislative authority of the Parliament of Canada, and whose assets the Company desires to purchase, are hereby authorized to sell and transfer their respective assets, franchises, business, property, name and goodwill, and the Company and any of such other companies 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.

Calls on shares.

10. Notwithstanding anything contained in the Acts relating to the Company, the directors may make calls upon the shareholders in respect of the unpaid portions of their shares, at such times and manner and for such amounts as they think best.

Inconsistent provisions repealed.

11. All provisions of the Acts relating to the Company which are inconsistent with the provisions of this Act are hereby repealed.

When Act to take effect.

12. This Act shall not take effect unless and until at a meeting of the shareholders of the Company duly called for the purpose of considering the same a resolution accepting and approving thereof has been passed by a vote of the shareholders present or represented by proxy and holding not less than two-thirds of the amount paid up upon the capital stock of the Company represented at such meeting.

No. 130.

4th Session, 8th Parliament, 62 Victoria, 189(

BILL

An Act respecting the London and Canadian Loan and Agency Company.

First reading, May 26th, 1899.

(PRIVATE BILL.)

MR. BAIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 131.] **BILL.** [1899.

An Act respecting the Inspection of Petroleum and Naphtha.

HER 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 Petroleum Inspection Act*, 1899. Short title.

INTERPRETATION.

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

(*a.*) The expression "specific gravity" means the weight of any fluid as compared with the weight of distilled water, both being at the temperature of sixty-two degrees by Fahrenheit's thermometer, the barometer standing at thirty inches; and in this Act specific gravity is expressed by stating in pounds and hundredths of a pound the weight of a gallon of the fluid compared or to be compared; Specific gravity.

(*b.*) The expression "petroleum," except as herein otherwise provided, means and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or of any other mineral substance, and having a specific gravity of not less than seven pounds and seventy-five hundredths of a pound per gallon; "Petroleum."

(*c.*) The expression "naphtha" means and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or any other mineral substance and having a specific gravity of less than seven pounds and seventy-five hundredths of a pound per gallon; "Naphtha."

(*d.*) The expression "flash-test" or "flash" means the momentary ignition or flash caused by applying a light or spark to the vapour arising from any fluid herein referred to, under conditions established by regulations made under this Act; "Flash-test" or "flash."

(*e.*) The expression "fire-test" or "burning" means the ignition and continuous burning of any fluid herein referred to, on the application of a light or spark, under conditions established by regulations made under this Act; "Fire-test" or "burning."

(*f.*) The expression "inspector" or "inspecting officer" means any officer of Inland Revenue or of Customs, and any person appointed by the Governor in Council as inspector of such articles, who is directed by Ministers of the respective departments to inspect petroleum or naphtha; "Inspector" or "inspecting officer."

"Departmental regulations."

(*g.*) The expression "departmental regulations" means and includes all regulations and rules promulgated by the Minister of Inland Revenue, or the Minister of Customs, and duly authenticated by the Minister of Inland Revenue, or the Minister of Customs, as the case requires;

"Refiners."

(*h.*) All persons engaged in producing, distilling or manufacturing any description of illuminating oil or naphtha in whole or in part from crude petroleum are "refiners" within the meaning of this Act; and all places or premises where petroleum, naphtha or other products of crude petroleum are produced, distilled, manufactured, treated or stored, and all tools, utensils, buildings and premises used for producing, distilling, manufacturing, treating, or storing any of them, shall be subject to the provisions of this Act.

REFINERS.

Refiners to be licensed.

3. No person who has not been licensed as herein provided shall carry on the business of a refiner.

Conditions of license.

4. A license to carry on the trade or business of a refiner may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved by the district inspector, and the person has, jointly

Bond.

and severally with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars; and such bond shall be entered into before the collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit indorsed upon such bond;

Conditions of bond.

and such bond shall be conditioned for the rendering of all accounts and the payment of all duties and penalties to which the person to whom the license is granted may become liable under the provisions of this Act, and that such person will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts, duties and penalties as with regard to all other matters and things whatsoever.

License fee.

5. The person in whose favour a license for refining is granted, shall, upon receiving such license, pay to the collector of Inland Revenue the sum of one dollar.

Books and returns.

6. Every refiner shall keep such books and make such returns as are required by any departmental regulation in that behalf.

PROVISIONS AS TO SALE.

Tests of petroleum intended for sale.

7. Except as herein otherwise provided, petroleum shall not be sold or offered for sale for use in Canada, for illuminating purposes,—

Flash test.

(*a.*) If, at a lower temperature than eighty-five degrees by Fahrenheit's thermometer, when tested by the pyrometer described in the schedule to this Act, it emits a vapour that will flash; or—

(*b*) If it weighs more than eight pounds and five hundredths of a pound per gallon ; or— Gravity test.

(*c*.) If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon. The same.

2. Petroleum, when sold in barrels, cans or cases, may be put up in such packages painted in any colour other than that hereinafter specifically provided with respect to packages containing naphtha. Colour of packages.

8. Petroleum designated and known as "high test petroleum" may be sold for use in Canada, for illuminating purposes, under such regulations as to gravity as are established by the Department of Inland Revenue, provided that the flash test is not lower than two hundred and seventy degrees by Fahrenheit's thermometer. Sale of high test petroleum.

2. The department may permit the sale, under regulations made in that behalf, of a composite high test oil, to be used only for outside service, if, at a temperature which such regulations determine (not however to be below one hundred and forty-five degrees), it does not emit a vapour that will flash, and if its gravity is in accordance with the requirements of such regulations. Sale of high test oil for outside service only.

9. Naphtha shall only be sold or offered for sale in Canada— Sale of naphtha.

(*a*.) For use for illuminating purposes— For illuminating.

(i.) In street lamps in which only the vapour is burned ;

(ii.) In dwellings, factories, and other places of business, when vaporized in secure underground tanks outside the building in which the vapour so generated is used for lighting ;

(*b*.) For use for mechanical or chemical purposes in buildings not inhabited as residences for family purposes. For other purposes.

2. When sold in barrels, cans or cases, such packages must be painted red with the word "Naphtha," in some other colour, legibly branded or marked thereon. Colour and marking of packages.

INSPECTION.

10. The quantity of petroleum or naphtha shall be ascertained by weighing. Mode of inspection.

2. Naphtha shall not be inspected for flash test, but only as to its gravity.

11. Every person having in his possesson any petroleum or naphtha shall, when any officer is about to inspect it, furnish for the use of such officer all necessary conveniences, and shall provide all assistance required for making such inspection. Inspection to be facilitated.

12. The inspection of petroleum and naphtha under this Act shall be performed by officers of the Inland Revenue and of the Customs, duly authorized thereto by their respective collectors. Inspectors.

2. Such instruments shall be used and process adopted in making the inspection as are directed by departmental regulations. Instruments.

13. Petroleum or naphtha which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be inspected as herein prescribed, at the Inspection of petroleum or naphtha for export.

option of the owner thereof; but if any petroleum or naphtha for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to seizure and confiscation.

Forfeiture if sold in Canada.

Forfeiture for sale without inspection.

14. All petroleum and naphtha liable to inspection, sold or offered for sale for use in Canada without having been inspected, shall be subject to seizure by any officer of Customs or Inland Revenue, and shall be dealt with under regulations made by the Governor in Council.

Reaponsibility for quality.

15. Every refiner or importer of petroleum or naphtha, and every person who deals in or keeps or offers any petroleum or naphtha for sale, shall be responsible as to its quality.

Inspection of petroleum and naphtha made in Canada.

16. All petroleum and naphtha made in Canada, except such as is to be exported under the provisions of this Act, shall, before it leaves the premises of the refiner or manufacturer, be inspected by a duly authorized inspector.

Importation of petroleum and naphtha.

2. All petroleum and naphtha imported into Canada, whether in tank cars, tank ships, barrels or other packages, shall be entered only at such customs ports as are determined by the Governor in Council, and shall be inspected as herein required, at such ports, and before such petroleum or naphtha is entered for consumption ; and, except in the case of lubricating oils, any petroleum so imported which does not conform to the requirements of this Act, shall be branded with the word "rejected," and shall, within ten days after the inspection, be exported from Canada,—and if not so exported within the prescribed time, it and the packages in which it is contained shall be seized and forfeited to Her Majesty and shall be disposed of under regulations made by the Governor in Council.

Inspection.

In case of rejection.

What shall be sufficient inspection of a number of packages.

17. Whenever any petroleum or naphtha contained in not more than ten barrels or other smaller packages is inspected, it shall be sufficient if the inspector draws samples for inspection from not less than two of such packages, and the examination of the samples so taken shall be considered as applicable to the whole.

Of certain numbers of packages.

2. When there are more than ten such packages and less than thirty, samples shall be drawn from at least three packages: for any larger number samples shall de drawn from at least one package in every ten: the samples so taken shall represent the whole, but the inspector shall, in every case, make his own selection of the packages from which he is to take such samples.

Taking of samples from tanks, etc.

3. When petroleum or naphtha is imported in bulk, in a tank ship or tank car, the sample or samples for inspection shall be drawn from each separate compartment of the tank ship or tank car after the contents of the said compartment have been well plunged or agitated.

Powers of inspectors to enter refineries, etc.

18. Any duly authorized inspector or any officer of Inland Revenue or Customs may, at any time during ordinary business hours, enter the refinery, shop or warehouse of any person

who refines or keeps petroleum or naphtha for sale, and may take from any package of petroleum or naphtha found therein such quantity of the contents as is necessary for testing the quality thereof; and he may take similar samples from any package of petroleum or naphtha found in the possession of any hawker or pedler on the public streets or highways, or offered for sale by any person.

What instruments shall be used.

19. All tests of petroleum and naphtha shall be taken by means of instruments that have been compared with and which are certified as agreeing with the standard instruments kept in the Department of Inland Revenue at Ottawa, or in some other principal testing office established under departmental regulations, where similar standard instruments are kept for that purpose.

In case of dispute as to any test.

Sample to be sent to Department.

Final test.

20. Whenever any dispute arises as to the correctness of any test of the quality of petroleum made under this Act, a sample of the petroleum in dispute shall be drawn by the inspecting officer and sealed in the presence of the owner, or other person in whose possession the said petroleum then is,—which sample shall be forwarded to the Department of Inland Revenue at Ottawa, or to some other principal testing office established by departmental regulations, where the sample shall be tested; and the test so made and certified by the officer making it shall be final and conclusive as to the quality of the petroleum in dispute.

Exemption of oils not for illuminating, if properly branded.

21. Oils intended solely for use as lubricants and unfit owing to the properties thereof, for illuminating purposes, shall be exempt from the foregoing provisions respecting inspection, —provided the packages containing such oils have conspicuously marked or branded thereon the word "non-illuminating."

PENALTIES.

Penalty for keeping petroleum or naphtha not duly entered and inspected.

22. Every person who keeps or offers for sale or has in his possession in Canada any imported petroleum or naphtha which has not been inspected and entered for consumption through one of the ports or places duly authorized by the Governor in Council, is guilty of an offence against this Act, and for a first offence shall incur a penalty of one hundred dollars and for each subsequent offence a penalty of five hundred dollars.

Penalty for removing petroleum or naphtha before inspection.

23. Every refiner who removes or allows to be removed from his manufactory any petroleum or naphtha before it has been inspected as herein provided, is guilty of an offence against this Act, and for a first offence shall incur a penalty of one hundred dollars and for each subsequent offence shall incur a penalty of five hundred dollars.

Penalty for keeping petroleum or naphtha not in conformity with this Act, except in licensed refinery.

24. Every person who keeps or offers for sale or has in his possession, except in a licensed petroleum refinery in Canada, any petroleum or naphtha which is not in conformity with this Act, is guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty dollars and for each subsequent offence shall incur a penalty of fifty dollars.

Forfeiture.

25. The petroleum or naphtha in respect of which a penalty is imposed by reason of a contravention of one of the three sections next preceding, and the packages in which such petroleum or naphtha is contained, shall be forfeited to Her Majesty, and shall be seized by any officer of Customs or Inland Revenue and disposed of under any general regulations made by the Governor in Council.

Penalties for offences against this Act or against orders or regulations.

26. Every person who keeps or stores any petroleum or naphtha in respect of which the provisions of this Act or the provisions of any order or regulation of the Governor-in-Council or of any departmental regulations made under this Act have not been complied with, is guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty-five dollars, and for each subsequent offence, a penalty of fifty-dollars; and petroleum or naphtha unlawfully imported, stored or kept shall be forfeited to Her Majesty, and seized by any revenue officer or inspector.

Penalty for refining without a license.

27. Every person who, without having a license under this Act then in force, manufactures or refines any petroleum or naphtha, is guilty of an indictable offence and shall, for the first offence, incur a penalty not exceeding one hundred dollars, and not less than twenty-five dollars, and for each subsequent offence, a penalty of five hundred dollars; and all goods subject to the provisions of this Act found on the premises wherein any such offence is committed, shall be forfeited to Her Majesty, and shall be seized by any officer of Inland Revenue and dealt with accordingly.

Forfeiture of goods.

Penalty for assuming title or office of inspector.

28. Every person not thereunto duly authorized under this Act, who, in any manner, assumes the title or office of inspector, or issues any bill, certificate or declaration purporting to establish the quality of any petroleum or naphtha shall, for every such offence, incur a penalty not exceeding one hundred dollars.

Penalty when not elsewhere provided,

29. Every person who violates any of the provisions of this Act, or who neglects any duty imposed on him by this Act, or any regulations established thereunder, for which violation or neglect no penalty is herein provided, shall incur a penalty of one hundred dollars.

Recovery of penalties and enforcement of forfeitures.

30. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, shall be recoverable and enforceable by any complainant or informant suing for it in a summary way, before a police or stipendiary magistrate or two justices of the peace; and every such penalty shall, in default of payment, be levied by warrant of distress, to be issued by such magistrate or justices against the goods and chattels of the offender; and one moiety of every such penalty, when recovered, shall belong to the complainant or informant, and the other moiety to Her Majesty for the public uses of Canada; and if the penalty, together with any costs awarded, is not paid within thirty days, or is not recovered by seizure as hereinbefore provided, such offender shall be liable to imprisonment for a term not exceeding six months, and not less than two months.

Imprisonment in default.

2. Every such complaint or information shall be heard and determined by the police or stipendiary magistrate or two justices of the peace before whom it is preferred, and no other justice of the peace shall take part in such hearing and determination. By whom alone complaint shall be heard.

31. No action or suit against any person for anything done under this Act or contrary to its provisions, shall be commenced except within six months next after the thing is done or omitted to be done; and the defendant therein may plead the general issue, and that the thing was done under this Act, and may give this Act and the special matter in evidence at any trial therein; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy therefor as defendants have in other cases. Limitation of suits for things done under this Act. Costs if plaintiff fails.

REGULATIONS.

32. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he deems necessary for the public safety, and may make special regulations as to the importation or possession of naphtha; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as are made, from time to time, by the Governor in Council, for the storage and possession of such articles; and such permit shall be produced to the proper officer of the customs before the importation of any such articles above mentioned is permitted. Regulations respecting storage of petroleum and naphtha.

33. The Governor in Council may, from time to time, designate places at which petroleum may be imported in tank cars and in tank ships respectively, and may, on the joint regulation of the Ministers of Customs and Inland Revenue, prescribe the regulations under which petroleum may be so imported. Regulations as to importation in tanks.

34. The Departement of Inland Revenue may make regulation, not inconsistent with the provisions of this Act, with respect to the transportation, shipment and sale of imported or domestic petroleum or naphtha. Regulations as to sale, etc., of domestic detroleum and naphtha.

35. This Act shall come into force upon such day as the Governor General by proclamation directs, and thereupon the *Petroleum Inspection Act*, chapter 102 of the Revised Statutes, and chapter 36 of the Statutes of 1893, chapter 40 of the Statutes of 1894, and chapter 20 of the Statutes of 1897, in amendment of the said Act, shall be repealed. Commencement of Act. Repeal.

SCHEDULE.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR.

Specification of the Test Apparatus or Pyrometer.

The following is a description of the details of the apparatus :—

The oil cup consists of a cylindrical vessel two inches in diameter, two inches and two-tenths in height (internal), with outward projecting rim five-tenths of an inch wide, three-eighths of an inch from the top, and one and seven-eighths of an inch from the bottom of the cup. It is made of gun-metal or brass (17 B.W.G.) tinned inside. A bracket consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is one and one-half inch. The cup is provided with a close-fitting overlapping cover made of brass (22 B.W.G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate ; it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be one and one-half inch below the centre of the lid.

The cover is provided with three square holes, one in the centre, five-tenths by four-tenths of an inch, and two smaller ones, three tenths by two-tenths of an inch, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of three inches in diameter and two and one-half inches in height, and an outer one of five and one-half inches in diameter and five and three-quarter inches in height ; they are soldered to a circular copper plate (20 B.W.G.), perforated in the centre, which forms the top of the bath, in such a manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about three-eighths of an inch ; that is, its diameter is about three-fourths of an inch greater than that of the body of the bath, while the diameter of the circular opening in the

centre is about that much less than that of the inner cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the inner cylinder and of the oil cup is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted in the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe and two loop handles.

The bath rests upon a tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the ring, just touches with its projecting top the inward turned flange. The diameter of this outer jacket is six and one-half inches. One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is one inch.

Two thermometers are provided with the apparatus, the one ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. The scale (in degrees of Fahrenheit) is marked on the tube. It is fitted with a metal collar, fitting the socket, and the part of the tube below the collar should have a length of about three and one-half inches, measured from the collar to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with a collar, and the scale is cut on the tube in a similar manner to the one described. It measures from end of collar to end of bulb two and one-quarter inches.

NOTE.—A model apparatus is deposited at the Weights and Measures Branch of the Inland Revenue Department.

Directions for Applying the Flash Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currants of air or draughts.

2. The heating vessel of water bath is filled by pouring water into the funnel until it begins to flow out of the spout of the vessel. The temperature of the water at the commencement of the test is to be one hundred and forty degrees Fahrenheit, and this is attained, in the first instance, either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to one hundred and forty degrees by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to one hundred and forty degrees by placing the lamp

underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape or fine sperm oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about fifteen hundredths of an inch in diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil cup, is readily maintained by simple manipulation, from time to time, with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in cold water, or by any other convenient method; or if the sample is much below that temperature, it should be raised so as not to be less than sixty degrees when placed in the test cup. The lid of the cup, with the slide closed, is then put on, and the cup is placed in the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not, under any circumstances, to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, a pendulum beating seconds or a lead or plumb-line measuring thirty-nine inches from its point of suspension to the centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about ninety degrees the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner :—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

No. 13

4th Session, 8th Parliamen

BILL

An Act respecting t
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First reading, M

Sir H. Jol

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Printed by S. E.
Printer to the Queen's most
1899

No. 132.] **BILL.** [1899.

An Act to amend the General Inspection Act.

HER 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 2 of *The General Inspection Act*, chapter 99 of the Revised Statutes, is hereby repealed, and the following is substituted therefor:— R.S.C., c. 99, s. 2 amended.

"3. The Governor in Council may appoint chief inspectors of any of the articles hereinbefore enumerated, who shall hold office during pleasure and shall perform the duties hereinafter assigned to them by the Governor in Council." Chief inspectors.

2. Subsection 4 of the section substituted for section 15 of the said Act by section 2 of chapter 23 of the statutes of 1892 is hereby repealed. Section 15 amended.

3. Section 44 of the said Act, as amended by section 2 of chapter 36 of the statutes of 1894, together with all Orders in Council passed in modification thereof, are hereby repealed and the following are substituted therefor:— New s. 44.

"**44.** The grades of grain shall be as follows:—

"*Spring Wheat.*

"Extra Manitoba hard wheat shall consist of wheat grown wholly in Manitoba or the North-West Territories of Canada and shall weigh not less than sixty-two pounds per bushel, shall be plump, sound and well cleaned, and shall contain not less than eighty-five per cent of hard red Fyfe wheat. Grades of grain.

"No. 1 Manitoba hard wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and well cleaned, weighing not less than sixty pounds to the bushel and shall be composed of at least two-thirds hard red Fife wheat. No wheat which has been subjected to scouring or brushing for the removal of smut or other fungoid growth, shall be included in this grade.

"No 2 Manitoba hard wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least two-thirds of hard red Fife wheat.

No. 1 Hard white Fife wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and well cleaned, weighing not less than

sixty pounds to the bushel, and shall be composed of not less than sixty per cent of hard white Fife wheat, and shall not contain more than twenty-five per cent of soft wheat.

"No. 1 Manitoba northern wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least fifty per cent of hard red Fife wheat.

"No. 2 Manitoba northern wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and reasonably clean, of good milling qualities, and fit for warehousing, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least fifty per cent of hard red Fife wheat.

"No. 1 spring wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel.

"No. 2 spring wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel.

"No. 3 spring wheat shall comprise all wheat fit for warehousing, not good enough to be graded as No. 2, weighing not less than fifty-six pounds to the bushel.

"Rejected spring wheat shall comprise all wheat fit for warehousing, but too low in weight or otherwise unfit to be graded as No. 3.

"Goose wheat No. 1 shall be plump and well cleaned, weighing not less than sixty-one pounds to the bushel.

"Goose wheat No. 2 shall be plump and reasonably well cleaned, weighing not less than fifty-nine pounds to the bushel.

"Goose wheat No. 3 shall comprise such as is not good enough to be graded as No. 2, reasonably clean, and weighing not less than fifty-five pounds to the bushel.

"*Winter Wheat.*

"Extra white winter wheat shall be pure white winter wheat, choice in colour, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel.

"No. 1 white winter wheat shall be pure white winter wheat, sound, plump, and well cleaned, weighing not less than sixty pounds to the bushel.

"No. 2 white winter wheat, shall be white winter wheat, sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel.

"No. 1 red winter wheat shall be pure red winter wheat, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel.

"No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than sixty pounds to the bushel.

"No. 1 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel.

"No. 2 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and well cleaned, weighing not less than fifty-nine pounds to the bushel.

"No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded as No. 2, weighing not less than fifty-seven pounds to the bushel.

"Rejected winter wheat shall include winter wheat, damp, musty, or from any cause so badly damaged as to render it unfit to be graded as No. 3.

"All good wheat that is slightly damp shall be reported and entered on the inspector's book as 'no grade,' with the inspector's notations as to quality and condition.

"All wheat that is in a heating condition or too damp to be considered safe for warehousing, or that has any considerable admixture of foreign grain or seed, or is badly bin-burnt, whatever grade it might otherwise be, shall be reported and entered on the inspector's book as 'condemned,' with the inspector's notations as to the quality and condition.

"Any material admixture of 'rice wheat' otherwise known as 'goose' or 'California' wheat, or of red chaff wheat, with other descriptions of wheat, shall exclude the parcel from inspection.

"All wheat shall be weighed and the weight per bushel entered on the inspection book.

"*Indian Corn.*

"No. 1 white corn shall be white, and in all other respects No. 1 corn.

"No. 1 yellow corn shall be yellow, and in all other respects No. 1 corn.

"No. 1 corn shall be sound, dry, plump, and well cleaned, white and yellow.

"No. 2 corn shall be dry, reasonably clean but not plump enough to be graded as No. 1.

"All damp, dirty, otherwise badly damaged corn, shall be graded "rejected."

"*Oats.*

"No. 1 oats shall be sound, plump, clean and free from other grain.

"No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain

"No. 3 oats shall be sound but not clean enough to be graded as No. 2.

"Rejected oats shall include such as are damp, unsound, dirty, or from any other cause unfit to be graded as No. 3.

"*Rye.*

"No. 1 rye shall be sound, plump, and well cleaned.

"No 2 rye shall be sound, reasonably clean and reasonably free from other grain.

"All rye which is damp, musty or dirty, or which is from any cause unfit to be graded as No. 2 rye, shall be graded as 'rejected.'

"*Barley.*

"No. 1 barley shall be plump, bright, sound, clean and free from other grain.

"No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than forty-eight pounds to the bushel.

"No. 3 extra barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than forty-seven pounds to the bushel.

"No. 3 barley shall include shrunken or otherwise slightly damaged barley, weighing not less than forty-five pounds to the bushel.

"No. 4 barley shall include all barley equal to No. 3, weighing less than forty-five pounds to the bushel.

"All barley which is damp, musty or from any cause badly damaged or largely mixed with other grain, shall be graded as 'rejected.'

"*Pease.*

"No. 1 pease shall be white, clean, sound and not worm eaten.

"No. 2 pease shall be moderately clean and sound.

"No. 3 pease shall be such as are too dirty to be graded as No. 2, or are worm eaten.

"All pease which are damp, wormy, or otherwise unfit to be graded as No. 3 pease, shall be graded as 'rejected.'

"*Fees for Inspection of Grain.*

Fees for inspection.

"2. The fees for the inspection of grain shall be as follows:

"For inspecting grain in sacks, one third of a cent per cental; for inspecting grain in bulk, per car load, forty cents; in cargoes, per 1000 bushels, fifty cents.

Hay.

Grades of hay.

"3. The grades of hay shall be as follows :—

"Prime timothy, shall be pure timothy, perfect in colour, sound and well cured ;

"No. 1 timothy, shall be timothy with not more than one-eighth of clover or other tame grasses mixed, of good colour, sound and well cured;

"No. 2 timothy, shall be timothy with not more than one-third of clover or other tame grasses mixed, of good colour, sound and well cured ;

"No. 3 timothy, shall consist of at least fifty per cent of timothy and the balance of clover or other tame grasses mixed, of fair colour, sound and well cured ;

"No. 1 clover, shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of good colour, sound and well cured ;

"No. 2 clover, shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of fair colour, sound and well cured ;

"Mixed hay, shall be hay which does not come under the description of timothy or clover, and which is in good condition, of good colour, sound and well cured ;

"No grade, shall include all kinds of hay badly cured, stained or out of condition ;

"Shipping grade, shall be hay in good condition, pressed, sound and well cured ;

"4. The rates for the inspection of hay shall be as follows:— "For every ton, twenty cents." Fees for inspection.

4. The Governor in Council may make such regulations as he deems necessary for the governance of inspectors in their work of inspection and as to the method of dealing with public elevators and grain warehouses, and may require the owners of such public elevators and warehouses to make such periodical statements and returns of their receipts and shipments of grain as to him seems necessary for the information of the Minister of Inland Revenue. Regulations by Governor in Council.

5. Notwithstanding anything in this Act or in *The General Inspection Act* contained with respect to the inspection of grains, the selection of standards, the settlement of disputes between inspectors or their deputies and the owners of inspected grains, and the duties of inspectors generally, the regulations contained in the schedule to this Act shall after the first day of September, 1899, govern with respect to all grain grown west of Port Arthur. Regulations in schedule to apply to grain grown west of Port Arthur.

SCHEDULE.

Regulations with respect to Wheat and other Grains grown west of Port Arthur.

1. On and after the first day of September, 1899, the Inspection Divisions of the city of Winnipeg, Brandon and Port Arthur shall cease to exist, and the whole of Manitoba and that portion of Ontario west of, and including, the existing district of Port Arthur, shall be known as the Inspection District of Manitoba.

2. The inspectors of grain and their qualified deputies who, at the date when these regulations come into force, are legally acting as inspectors and deputy inspectors at Winnipeg, Fort William or Emerson, shall, without necessity for further qualication or appointment, become inspectors and deputy inspectors for the District of Manitoba.

3. Inspectors shall be required and instructed, on and after the coming into force of these regulations, to grade in accordance with the *General Inspection Act* all grades defined therein.

4. Should the climatic or other conditions result in the production of a considerable proportion of grain not capable of being included in the classification provided in the said Act, the Western Grain Standard Board shall be convened for the selection of commercial grades and samples whenever the Chief Inspector notifies the chairman of the said board that such a course is necessary, and the inspectors shall grade all classes of

grain which cannot be graded according to the said Act, in accordance with the commercial samples so selected by the board.

5. On and after the first day of November in each year, or such prior date as the chief inspector fixes, inspectors shall furnish, on demand, samples of grain of any grade, such samples being equal to the average of the grain of such grade inspected by the inspectors at Winnipeg. Every sample so supplied shall be accompanied by a specific statement from the inspector that such sample is an average sample of the grain inspected by him at Winnipeg, and for the supply of such sample the inspectors shall make such charge as is approved by the Minister of Inland Revenue.

6. All grain placed in public elevators or warehouses east of Winnipeg, in the said district, shall be subject to inspection, both inwards and outwards.

7. All grain produced in the North-West Territories and in Manitoba, passing through Winnipeg or Emerson, *en route* to points to the east thereof, shall be inspected at Winnipeg or Emerson, and shall be placed in public elevators only as graded at such points; Provided that when, owing to extreme pressure of business, the Canadian Pacific Railway Company or any other transportation Company has reason to fear an undue congestion of traffic in and around the yards at Winnipeg, or that cars containing wheat are being delayed for inspection purposes in the Winnipeg yard, then the Company may, upon notification to the Chief Inspector at Winnipeg, (or, if a Chief Inspector has not been appointed or is not within immediate reach, then to the Inspector,) that a specified number of cars will be removed to Fort William, without prior inspection at Winnipeg, so remove such cars; and in such case the grain so moved shall be placed in the elevators there upon the official grading of the inspector at Fort William.

8. All grain shipped for eastern points from any public elevator within the Manitoba Inspection District, shall be shipped only as graded into such elevators by the official inspectors

9. If otherwise shipped, a Manitoba certificate for a straight grade shall be refused, and the quantity of each grade composing the mixed cargo (or carload, if shipped by rail) shall be written across the face of the certificate.

10. All grain of the same grade shall be kept together and stored only with grain of a similar grade, and a selection of different qualities of the same grade is prohibited; Provided, however, that should wheat of different grades be loaded together in the same compartment of any vessel, at any point within the jurisdiction of the inspectors of the Manitoba Inspection District, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such mixed cargo, but no certificate for a straight grade shall be issued for such mixed cargo.

11. Public warehouses for the purposes of these regulations, are those which receive grain for storage purposes only after such grain has been inspected by a government inspector of the Manitoba Inspection District.

12. The certificates of inspection given by the Manitoba inspectors shall in all cases in which straight grades are granted ex-elevator for shipment to eastward points, accompany the grain to its destination; and no new certificate of any grain purporting to be of the grades or number one or two Manitoba hard or one or two Manitoba Northern wheat shall be issued by any inspector appointed for divisions east of the Manitoba district.

13. When inspectors in the Manitoba Inspection District are called on to inspect wheat shipped from any elevator or warehouse declared by the Chief Grain Inspector for such district to be a mixing elevator or warehouse, they shall be governed in their inspection of such wheat by the general standard of grades in force in the Winnipeg Inspection Division: Provided, however, that wheat may be cleaned only (and not mixed with wheat of any other grades) under such regulations as the Chief Grain Inspector of the said Inspection District from time to time orders to be observed, without coming under the above provisions.

14. Should the Chief Grain Inspector find on investigation that wheat shipped from any elevator is being systematically reduced in quality below the general average quality of the wheat of similar grades in the bins of the public elevators, he shall instruct inspectors that no such wheat shall be allowed to pass inspection except on a lower grade.

15. In any case where an inspector or deputy inspector inspects grain and the owner of such grain is dissatisfied with the grading of such grain by the inspector or deputy, the said owner may appeal from the said inspector's grading to the Chief Grain Inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satisfactory to the Chief Inspector, and give his decision thereon, which shall be final, unless the owner, within twenty-four hours, makes further appeal to the Survey Board for such District, in which case the said Survey Board shall give a final decision to settle the proper grading of wheat in dispute: Provided that nothing herein contained shall prevent the owner of the said grain appealing direct from the inspector to the Survey Board, whose decision in all cases shall be final and binding on all parties: Provided always that no appeal shall be considered in any case where the identity of the grain in dispute has not been preserved

16. The Survey Board for the Manitoba Inspection District shall consist of competent persons to be nominated one half each by the Board of Trade of the city of Winnipeg, and by the Minister of Agriculture of the province of Manitoba and approved by the Minister of Inland Revenue, and such board shall be governed in the performance of their duties by such general regulations as are made by the Governor in Council.

17. The said board may make by-laws, subject to the approval of the Governor in Council, for the better carrying on of their business, and for the establishment of a schedule of fees for survey services.

18. The offices of the said board shall be situated in the city of Winnipeg; but for the purpose of better conducting any particular survey they or any number duly appointed in

any special case may hold sittings at any place in the Manitoba Inspection District other than the city of Winnipeg.

19. The members of the said board, before acting as such, shall take an oath of office in such form as is prescribed by the Minister of Inland Revenue.

20. The inspection fees upon grain originating within the Manitoba District, shall be treated as "advanced charges" to be paid by the common carrier or warehouseman in whose possession the grain is at the time of such inspection, and shall be paid over from time to time as the Minister of Inland Revenue directs, and the fund arising therefrom shall be known as the Manitoba Grain Inspection Fund, out of which shall be paid the salaries and expenses of the inspectors and their deputies, in such manner as is determined by the Department of Inland Revenue; and any balance which remains to the credit of the said fund shall be carried forward from year to year and shall be available for any of the purposes of this Act and of *The General Inspection Act* with respect to the said district.

No. 132.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the General Inspection Act.

First reading, May 27, 1899.

Sir H. Joly de Lotbinière.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 133.] **BILL.** [1899.

An Act to authorize the acquisition by the Dominion of the Drummond County Railway.

Preamble.

WHEREAS it is expedient to provide for the acquisition by the Dominion of the Drummond County Railway, to the end that it may be made part of the Intercolonial Railway; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Purchase of railway authorized.

1. The Governor in Council is hereby authorized to purchase from the Drummond County Railway Company, and the said Company is hereby authorized to sell and convey to Her Majesty, the whole of the railway and undertaking of the said Company, including its main and branch lines of railway and all buildings, fixtures and appurtenances appertaining thereto; and upon such purchase being effected, the said railway and its branch lines shall become and form part of the Intercolonial Railway and may be operated as such.

To be part of I. C. R.

What purchase includes.

2. The purchase shall include all running powers and other rights, privileges and concessions acquired by the said Company from any other railway company or companies, and all its franchises and property of whatsoever kind, excepting only the rolling stock and station furniture of the Company and the tools of the section men.

Railway to be free of encumbrances.

3. The said railway and undertaking shall be conveyed to Her Majesty free and clear from all charges, liens or encumbrances affecting the same under or by virtue or in respect of any mortgage, bonds, debentures, preference stocks, or other securities, or otherwise howsoever, and the said Company shall release Her Majesty from all claims and demands under a certain lease and agreement, bearing date the twenty-fifth day of February, one thousand eight hundred and ninety-eight, and made between the said Company of the first part and Her Majesty of the second part.

Price to be paid.

1897, c. 4.

4. There may be paid for the said railway and undertaking and other property as aforesaid, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, the sum of one million six hundred thousand dollars, less any sum paid the Company as authorized by chapter four of the statutes of 1897 to be granted to the said Company as a subsidy for forty-two and a half miles of its railway from Moose Park to the Chaudière River.

No. 133.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to authorize the acquisition by the Dominion of the Drummond County Railway.

First reading, May 29, 1899.

MR. BLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 134.] **BILL.** [1899

An Act to amend the Temperance Act of 1864.

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

Proceedings in certain localities for repeal of by-law under Temperance Act of 1864,

1. Subject to the provisions hereinafter contained, a by-law passed under subsection 13 of section 5 of *The Temperance Act of* 1864, being chapter 18 of the statutes of the late Province of Canada of that year, to repeal a by-law for prohibiting the sale of intoxicating liquors and the issue of licenses therefor within any town, township, parish or incorporated village, may be submitted for the approval of the electors—

In Ontario.

(*a.*) in the Province of Ontario, in the manner in which a by-law requiring the assent of the electors of a municipality before the final passing thereof is submitted for such assent under section 338, and the following sections of the *Municipal Act*, being chapter 223 of the Revised Statutes of Ontario, 1897, or of any provisions from time to time enacted by the Legislature of that Province in lieu or in amendment thereof, and,

In Quebec.

(*b.*) in the Province of Quebec, in the manner in which under article 671 and the following articles of the Municipal Code, or under any provisions from time to time enacted by the Legislature of Quebec in lieu or in amendment thereof, a by-law as to which it is prescribed that it must be approved by the electors before coming into force and effect, is submitted for approval,

with the same effect as if such by-law had been submitted for approval in the manner and with the formalities prescribed by section 5 of the said *Temperance Act of* 1864.

Who may vote on by-law.

2. Upon the submission under this Act of any such by-law as first above mentioned, the persons entitled to vote shall, notwithstanding anything in the provincial law, be the persons who would be qualified to vote at an election of members of the council of the municipality affected by such by-law, held at the time of such submission, and not those electors only who would then be qualified to vote upon the submission of a by-law requiring such assent or approval as aforesaid; and the forms of oath or affirmation which persons tendering their votes under the provisions of the provincial law may be required to make, shall, where necessary, be modified accordingly.

Forms of oaths of voters.

No. 134.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Temperance Act of 1864.

First reading, May 30, 1899.

Mr. COWAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 135.] **BILL.** [1899.

An Act in further amendment of the Militia Act.

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

R.S.C., c. 41, s. 4 amended.

1. Subsection 1 of section 4 of *The Militia Act*, chapter 41 of the Revised Statutes, is hereby repealed, and the following is substituted therefor:—

Minister of Militia and Defence: his duties.

"**4.** There shall be a Minister of Militia and Defence who shall be charged with, and be responsible for, the administration of Militia affairs, including all matters involving military command, discipline and expenditure, and of the fortifications, gunboats, ordnance, ammunition, arms, armories, stores, munitions and habiliments of war belonging to Canada."

New section 37.

2. The section substituted for section 37 of the said Act by chapter 19 of the statutes of 1898, is hereby repealed, and the following is substituted therefor:—

Qualification and appointment of commanding officer.

"**37.** There shall be appointed an officer who holds the rank of Lieutenant-Colonel or rank superior thereto in Her Majesty's regular army, or the Militia of Canada, who shall be charged, under the orders of Her Majesty, with the military command and discipline of the Militia, who shall at all times be subject to, and under the orders of, the Minister of Militia and Defence in matters of military command and discipline, and other matters connected with the Militia of Canada, and who, while he holds such appointment, shall have the rank of Major General in the Militia, and shall be paid a salary at the rate of four thousand dollars per annum, and in addition thereto, in lieu of allowances, such sum, not exceeding two thousand dollars per annum, as is determined by the Governor in Council."

Rank and pay.

No. 135.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act in further amendment of the Militia Act.

First reading, June 1, 1899.

MR. DOMVILLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

E.] **SENATE BILL.** [1899.

An Act for the Relief of Annie Inkson Dowding.

WHEREAS Annie Inkson Dowding, of the city of Hamilton, in the county of Wentworth, in the province of Ontario, wife of Frederick Charles Dowding, of the city of Buffalo, in the County of Erie, in the State of New York, one of the United States of America, has by her petition set forth that, on the twenty-fourth of January, one thousand eight hundred and ninety-four, she was lawfully married, at the city of Toronto in the County of York, in the Province of Ontario, to the said Frederick Charles Dowding; that there was born of the said marriage one child still living, namely, Harry Dowding, born on the third day of June, one thousand eight hundred and ninety-five; that they cohabited together as husband and wife until the year one thousand eight hundred and ninety-seven, when without lawful reason or excuse he deserted her; that he has ever since continued to live apart from her and has committed adultery at the said city of Hamilton and also at the following places in the United States of America, to wit: the city of Cleveland in the State of Ohio, the city of Erie in the State of Pennsylvania, North East in the State of Pennsylvania, and the city of Buffalo aforesaid: And whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet: And whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said marriage between the said Annie Inkson Dowding and Frederick Charles Dowding her husband is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Annie Inkson Dowding may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Charles Dowding had not been solemnized. Right to marry again.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

H of L. B No. 136

E

An Act for the relief of Annie Inkson Dowding.

Received and read a first time, Thursday, 20th April, 1899.
Second Reading, Thursday, 4th May, 1899.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 137.] **BILL.** [1899.

An Act further to amend the Act respecting the Protection of Navigable Waters.

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

1. The paragraph added to subsection 1 of section 7 of the *Act respecting the Protection of Navigable Waters*, chapter 91 of the Revised Statutes, by section 1 of chapter 41 of the statutes or 1898, is hereby repealed, and the following is substituted therefor:— R.S.C., c. 91, c. 7 amended.

"(*a.*) No person shall throw or deposit, or cause or permit to be thrown or deposited, any ballast, ashes, cinders, or material or rubbish which would sink to the bottom, into any navigable waters of Canada where there are not at least twelve fathoms of water at any time; and every person who violates the provisions of this paragraph shall, on summary conviction, be liable to a penalty not exceeding three hundred dollars and not less than twenty dollars; and in any case where such things are thrown from a vessel and conviction is obtained therefor, such vessel shall be liable for the penalty and may be detained by any port warden or collector of customs until it is paid: Provided however, that nothing contained in this subsection shall affect any of the provisions of *The Harbour Masters' Act* or of any rules or regulations lawfully made thereunder, or be deemed to prohibit or render unlawful anything otherwise authorized by the said Act, rules or regulations." No ashes, rubbish, etc., to be thrown into navigable waters. Penalty. Proviso. R.S.C., c. 86,

No. 137.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Act respecting the Protection of Navigable Waters.

First reading, June 2, 1899.

Sir LOUIS DAVIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 138.] **BILL.** [1899.

An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the City of Montreal.

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

Agreement in schedule confirmed.

1. The agreement set forth in the schedule to this Act between the Grand Trunk Railway Company of Canada and Her Majesty is hereby confirmed and declared to have been and to be valid and binding in all respects, subject to its approval by the shareholders of the said Company; and it shall be lawful for Her Majesty and for the said Company to do whatever is necessary to the carrying out on Her part and on its part of all the provisions contained in the said agreement according to the true intent and meaning thereof.

Railway to become part of Intercolonial Railway.

2. The line of railway and the property described in and leased by the said agreement shall, upon the said agreement being approved in accordance with the terms thereof, be and become part of the Intercolonial Railway, and shall be operated as such in so far as may be consistently with and subject to the terms of the said agreement.

SCHEDULE.

This Agreement, made this first day of FEBRUARY, in the year of our Lord one thousand eight hundred and ninety-eight:

Between the Grand Trunk Railway Company of Canada, hereinafter called "the Company," of the first part, and Her Majesty Queen Victoria, represented herein by the Honourable the Minister of Railways and Canals of Canada, who is herein referred to as "the Minister," Her Majesty so represented being hereinafter called or referred to as "Her Majesty," of the second part.

Whereas Her Majesty purposes extending the Intercolonial Railway, a Government railway of Canada, from Chaudière Junction, in the province of Quebec, to the City of Montreal, in said province, with termini in that city;

And whereas Her Majesty has made arrangements with the Drummond County Railway Company for the lease of all its railway now completed or hereafter to be completed between Chaudière Junction and Ste. Rosalie in the said province of Quebec;

And whereas for the purpose of carrying out the said extension the said Company is willing that, for the conducting of the business and traffic of the Intercolonial Railway, Her Majesty shall have an undivided one-half share or leasehold interest in the Company's railway and property between and including Ste. Rosalie and St. Lambert station at the eastern end of the Victoria Bridge, together with the use of the company's railway and property between and including Ste. Rosalie and Bonaventure station in the City of Montreal, the use of the Victoria Bridge across the River St. Lawrence and of the terminals and connections hereinafter more particularly described, together with an undivided one-half interest in and use of the bridge across the Chaudière River, and of so much of the tracks and line of the said company in connection therewith as are hereinafter described, all of which right, title, property, interest and user shall be used, enjoyed and exercised to the same extent as if the said railway and property were owned by Her Majesty, in the manner and upon the terms and conditions herein contained;

And whereas this agreement has been executed by the parties hereto, subject to confirmation by Act of Parliament as hereinafter provided and also by the shareholders of said Company;

And whereas by order of the Governor General in Council dated the twenty-fourth day of March, eighteen hundred and ninety-seven, authority is given to the Minister subject to the sanction of Parliament to enter into a contract with the Company for the acquisition of the above rights and interests;

Now this indenture witnesseth that the expression "Montreal Joint Section," wherever used in this Indenture shall mean the Company's line and connections at Ste. Rosalie, and the whole line and branches and appurtenances hereby demised from Ste. Rosalie to St. Lambert and the Victoria Bridge, together with the terminals at Bonaventure station in the City of Montreal and at Point St. Charles, St. Henri and between Point St. Charles and the Bonaventure station, and also with the Canadian Pacific Railway via Jacques Cartier Junction; and the expression "Chaudière Joint Section" shall mean the Chaudière Bridge and connections, except when the meaning shall conflict with the context or otherwise plainly expressed terms of the clause in which the same is used. That the said Company in consideration of the

rents, covenants, conditions and agreements hereinafter contained and reserved hath given, granted, demised and leased and by these presents doth give, grant, demise and lease unto Her Majesty, Her successors and assigns all an undivided one-half share interest, right and title to all the Company's line of railway roadbed and property from and including Ste. Rosalie station in the county of Bagot, in the province of Quebec to the Victoria Bridge, and also the undivided one-half right, share, title or interest in the Company's line of railway from a point on the Western side of the Chaudière Bridge at the proposed junction of the Drummond County railway with the Company's line, and including the Chaudière Bridge and to and including the switch at the easterly side of the Chaudière Curve station, being the same rights and privileges agreed to be leased to the Drummond County Railway by the Company, with the full and unlimited right and privileges such as the Company itself enjoys of running the engines, vehicles, rolling stock and trains of the said Intercolonial Railway either separately or combined and as frequently and at such times as its business and traffic may require and in both directions over any and every portion of the said Company's railway between and including the said points aforesaid and the use of the Victoria Bridge across the River St. Lawrence as it at present exists or as it may at any time during the subsistence of this lease be improved, re-constructed, enlarged or extended, and over the Company's line and lines of railway over the said Victoria Bridge and into the Bonaventure station in the City of Montreal and the other terminal points, junctions and connections, of the Company hereinbefore more particularly described, together with the full and unlimited right and privilege of having the business and traffic of the Intercolonial Railway done in and about the stations and premises of the said Company upon any portions of the Company's line hereinbefore described and of the terminals and connections hereinbefore mentioned and all intermediate stations and premises of the Company and in and about and upon all stations, tracks and sidings, branches or extensions belonging to or leased by the Company or connected with the tracks of the Company, together with the full and unlimited right in Her Majesty of constructing stations, tracks, branches and sidings, and connecting said tracks, branches and sidings, with the main branch and leased lines of the Company at any point or points between and including Ste. Rosalie and Montreal, on the terms and conditions hereinafter contained for the term of ninety-nine years from and after the first day of March, eighteen hundred and ninety-eight, with the right of renewal as hereinafter provided. The construction of such stations, tracks, branches and sidings, with the main branch and leased lines of the Company as herein provided for shall, however, be made under the supervision and subject to the approval of the Chief Engineer of the Company, which right of approval shall be reasonably exercised.

The above joint sections are all shown on the plan annexed hereto, the portion of the Montreal section from Ste. Rosalie to St. Lambert station being shown in red; and from St. Lambert station to Bonaventure station, and intermediate connections, and Jacques Cartier Junction, being shown in green; the Chaudière section being shown in red;—signed in dupli-

cate by the respective Chief Engineers of the parties hereto, and which is hereby made part and parcel of this agreement.

TO HAVE AND TO HOLD said rights and privileges unto Her Majesty, Her successors and assigns from and after the first day of March, eighteen hundred and ninety-eight, for the term of ninety-nine years, yielding and paying therefor to the said Company, its successors and assigns, a yearly rental of one hundred and forty thousand dollars ($140,000), such rent to be payable in equal sums monthly, that is to say, eleven thousand six hundred and sixty-six dollars and sixty-six cents ($11,666.66) on the first week day of every month in each year or a proportionate sum for any fractional part of a month, the first payment to be made on the first week day of the month next following the day on which Her Majesty goes into possession of the said leased lines and property and begins to run trains over the same :

And these presents are made upon and subject to the provisions and conditions hereinafter expressed and contained for the due performance and observance of all of which, on the part of each of them to be done and performed, Her Majesty and the Company bind themselves and each of them respectively, their successors and assigns, that is to say :—

First :—That Her Majesty shall and will during the continuance of this lease or any renewal thereof pay to the Company the rent hereby reserved in the manner and at the times hereinbefore mentioned without any deduction whatsoever, save for the reasons and on account of the happening of any or either contingency or contingencies hereinafter mentioned.

Second :—That the Company shall and will keep up and maintain at all times in good repair and in a thorough efficient working condition the whole of the railway tracks, bridges, switches, sidings, signals, buildings of all kinds, platforms, water tanks, water supplies, telegraph lines and appliances, fences, crossings and all other appurtenances and appliances belonging to the Company's railway between and including Ste. Rosalie and Montreal, and of the terminals and connections herein described and between the Chaudière Bridge and connections, the right and privilege of using which is included in this demise.

Third :—That Her Majesty shall and will pay to the Company a share of the cost of maintenance of the railway between and including Ste. Rosalie and Bonaventure Station, and Chaudière Bridge and connections, including tracks, bridges, switches, sidings, signals, appliances of all kinds, platforms, water-tanks, water supplies, fuel stations, fences, crossings and all other appurtenances and appliances used by it jointly with the Company and upon the two joint sections, it has the right and privilege of usage included in this demise, such share of the cost of maintenance to be in the proportion that the combined engine and car mileage of the Intercolonial Railway trains made over each of the above mentioned joint sections bears to the total combined engine and car mileage running over each of the above mentioned joint sections during each month ; every engine, passenger and freight car counting each as one car ; but notwithstanding anything herein mentioned,

the cost of maintenance of the Victoria Bridge shall not include the cost of maintaining any part or portion thereof except the tracks which shall be used by the Intercolonial Railway and the Company, and for that class of railway purpose, which cost of maintenance shall be apportioned as aforesaid.

Fourth:—That Her Majesty shall have the right for all purposes of the business and traffic of the Intercolonial Railway, under the reasonable rules and regulations of the Company, to the full and unlimited use and the full and unlimited access thereto, as the same is or may be enjoyed by the Company itself, of, to and from all engine-houses, car-houses and sheds, fuel sheds, water-tanks, station houses, depots, freight and ticket offices, warehouses, freight sheds, baggage-rooms, dining-rooms, and all furniture and fittings appertaining thereto; all weighing scales and baggage and freight trucks; all tracks, sidings, branches or extensions either belonging to or leased by the Company at Montreal, including the terminals and other connections of the Company at Point St. Charles and intermediate points between Point St. Charles and Bonaventure station, and of the connections with other railways as hereinbefore specified as the same now exist or as they may hereafter be built, rebuilt or improved upon terms as herein specified.

Fifth:—That if any of the said buildings or accommodations or facilities or anything appertaining thereto be destroyed by fire or other casualty, either in whole or in part, Her Majesty shall have no claim against the Company for damages on account of loss of accommodation, but Her Majesty shall have, free of any other charge than the aforementioned rental, a proportionate share of such accommodation as the Company may be able to provide for the use of its business and traffic and of the new accommodation so soon as the same may be provided, and reconstruction of such buildings and accommodation shall be proceeded with by the Company at its own cost with all reasonable despatch.

Sixth:—In all cases of collision between the trains of the parties hereto, the party whose officers, employees or trains are at fault, and are or shall be found to have been the occasion of the collision shall be held responsible to the other party for all damages done or resulting from such collision, and in case the proper officers of the two parties hereto cannot agree as to which of the parties was at fault and was the cause of the collision or as to the amount of damage done then the questions arising in respect thereto shall be referred to arbitration in the manner hereinafter provided for the settlement of differences and disputes as to the other questions, and each of the parties hereto who shall be found responsible under this clause or under clauses similar thereto shall indemnify the other and hold such other harmless and defend the other from and against all claims, costs and proceedings resulting from or growing out of such default on their part and the party so adjudged liable to pay the other any damages in respect thereof shall abide by and perform the award of the arbitrators and such award shall in all cases be final and terminate the controversy between the parties.

Seventh:—In case of injury to persons or property not in transit by the trains of either party hereto or of damage by

fire caused by the operation of the trains upon the said joint sections or upon lands adjoining the same, the claims arising shall be adjusted and settled by the proper officers of the Company and in payment thereof the party in fault shall pay the full amount of liability, provided however that in the event of its being impossible for want of evidence to fix the liability on one of the parties hereto the amount of liability including costs shall be borne by the two parties in the proportion the combined engine and car mileage of the Intercolonial Railway trains made over the said joint sections at the point where the injury occurred during the current month in which the damage or injury happened bears to the total combined engine and car mileage made over the said joint sections. In case of injury occurring to persons or property on the trains of either party the proper officer of the party on whose train the said injury occurred shall settle the same as in all cases of settlement under this clause. The release executed shall be made to include and free and discharge both the parties hereto from all and further liability to the claimant.

Any loss or damage to person or property on the trains of either of the parties hereto which may be caused in any manner whatever by the negligence or the fault of any person or persons in the joint employ of the parties hereto while in the working of said railway hereby demised or the terminals thereof, shall be paid by the party upon whose train such loss or damage occurs and such party shall save the other harmless and indemnify the other from all claims, costs, or proceedings for or in respect to such loss or damage.

Eighth:—The superintendent, operators, despatchers, agents, and all others employed upon the repairs and maintenance, and in the operation of the said joint sections, though paid by the Grand Trunk Railway in the first place shall be considered as, and are, in fact, in the joint employ of the parties hereto in reference to any question of liability of either party hereto to the other party for their negligence, and in reference to any and all other questions; and they shall render to each party such services as they may be called upon to render within the scope of their position or employment, and shall be subject to dismissal if they decline, neglect or refuse to render such assistance and service to either party hereto as such employees are usually called upon to render.

Each of the parties hereto assumes all responsiblity for the accidents or casualties upon, or to its own trains, and to its passengers, freight and employees, by reason of any imperfection of the track, or misplacement of switches by its own employee or a joint employee or strangers, or for damages for stock killed, or injury that may occur to persons walking upon the track or at highway crossings (if any liability therefor), or from any other cause (aside from or except collision, in any form, with the trains of the other party, or negligence of an exclusive employee of the other party) and no such accident or casualty shall give either party the right of action or claim against the other party, it being the intention and design that each party shall be responsible for its own trains, for the conduct of its own and joint employees as respects such trains, freight, passenger and employees, and generally, except when the other party or its employees are at fault.

Ninth :—That the Company shall and will furnish free from any other charge than the aforementioned rental at stations and sidings between and including Ste. Rosalie and Montreal and terminals and yards aforesaid, standing room for the rolling stock of the Intercolonial Railway and for other rolling stock which may be brought by the trains of the Intercolonial Railway to such stations and sidings.

Tenth :—That the parties hereto shall enjoy in all respects equal rights to the said tracks, buildings and improvements used in common unless wherein restricted in this lease, and the trains of Her Majesty shall in every respect be treated by the officers, agents and employees of the Company, as trains of a similar class of the Company, and the higher class trains shall have equal preference over trains of the lower class belonging to either of the parties, and Her Majesty shall have a perfect right to run all classes of trains, passenger, mixed, freight and other trains over the said joint sections, subject only to the restrictions and regulations prescribed and provided for in this lease. In case of doubt between the trains of the Company and Her Majesty of the same class, under the established rules the trains of the Company shall have the preference. The main tracks are as far as practicable to be kept unobstructed for the use of both of the parties hereto.

Eleventh :—In preparing the time tables the Company shall and will, as regards the trains of the Intercolonial Railway, arrange the time of arrivals and departures from all stations between and including Ste. Rosalie and Montreal, and the speed of said trains, in accordance with the reasonable request of the Intercolonial Railway officials, made from time to time.

Twelfth :—That the station masters, freight agents, ticket agents and baggage masters of the Company on the said joint sections shall as far as the business and traffic of the Intercolonial Railway is concerned, to all intents and purposes but subject to the payment of a share of their wages as is hereinafter provided, be the employees of the Intercolonial Railway and shall from time to time in regard to such business report directly to and receive and carry out the instructions of the proper officials of the Intercolonial Railway.

Thirteenth :—That the Company shall and will cause the station masters, freight agents, ticket agents and other joint employees at all stations between and including Ste. Rosalie and Montreal to be strictly neutral as between the Intercolonial Railway and the Company and to waybill freight and sell tickets by whichever of these routes may be indicated or desired by shippers or passengers and the Intercolonial Railway may put up signs to be suitably located by the Superintendent of the Company in each or any station on the joint sections indicating that the said stations are Intercolonial Railway ticket offices.

Fourteenth :—That all business and traffic secured by agents of the Intercolonial Railway or carried in its trains shall be the business and traffic of the Intercolonial Railway.

Fifteenth :—That the Intercolonial Railway shall have the right to carry in and on its through trains traffic to and from and between all points on the line of railway extending from Ste. Rosalie to Montreal, both inclusive, and in the conducting of its business between and including these stations shall have

the right of conducting this business in as full and complete a manner as the Company itself. That the rates and fares charged between points on the Montreal joint section shall be the same as those established by the Company.

Sixteenth:—That the Intercolonial Railway shall have the right to carry in and on its through trains to and from all points on the line of railway between and including Ste Rosalie and Montreal all traffic coming from or intended for Montreal, or coming from or intended for any point on the Island of Montreal, or coming from or intended for any and all other points, and to enjoy the same rights and privileges in regard to such business as the Company itself has and enjoys in similar business from and to such above mentioned points, except as herein restricted.

(a) The words "through trains" in the second line of this sixteenth Clause and in the second line of the preceding fifteenth Clause shall mean and include all trains of the Intercolonial Railway running between Montreal and Ste. Rosalie or points beyond in either direction.

Seventeenth:—That all moneys collected in the vehicles and trains of the Intercolonial Railway at any and all points between and including Ste. Rosalie and Montreal shall belong to and be deemed to have been earned by Her Majesty, and the Company shall not be entitled to receive any portion thereof; and that all moneys collected and received by the station masters, freight agents, ticket agents, baggage masters and any and all persons who may from time to time be authorized or instructed by the proper officials of the Intercolonial Railway to collect and receive money between and including Ste. Rosalie and Montreal for Intercolonial Railway business and traffic, including among other things car rental, storage of freight in cars and storage of goods in the Company's warehouses and freight sheds, or collected and received for any other business in any way connected with the Intercolonial Railway, belongs to Her Majesty and shall be deposited in bank to the credit of the Receiver General of Canada, or remitted to the cashier of the Intercolonial Railway, or otherwise disposed of as the Minister may from time to time direct.

Eighteenth:—That local tickets issued by either of the parties hereto for passage between and including Ste. Rosalie and Montreal or any intermediate station shall be accepted on all trains of either party hereto between said points, and the party who issued the tickets shall, on presentation of the ticket so used and collected, pay to the party who carried the passenger the full amount received for the said ticket.

Nineteenth:—That Her Majesty shall pay to the Company a share of the salaries and wages of the undermentioned persons at stations on the said joint sections and terminals for their services in connection with Intercolonial Railway business and traffic when such services are rendered, as follows:—

Train despatchers, station masters, telegraph operators, in the proportion that the number of the Intercolonial Railway trains using the premises hereby demised bears to the total number of trains using the said premises; ticket agents, baggage masters, baggage porters and policemen, in the proportion that the number of Intercolonial Railway passenger trains using the premises hereby demised bear to the total

number of passenger trains using the same; freight agents, freight clerks, freight checkers, freight porters and watchmen, in the proportion that the tonnage of the Intercolonial Railway freight handled by porters bears to the total tonnage handled by all porters on said premises; also such proportionate part of the salaries of the superintendent, train master, road master and resident engineer as the mileage of the joint sections bears to the total mileage of road under jurisdiction of the officials named and said proportionate part shall be divided between the parties hereto, in the proportion that the combined engine and car mileage of the Intercolonial Railway trains made over the said joint sections, bears to the total combined engine and car mileage made over the joint sections, and also a share of the cost of running, shunting and switching engines, and of the wages of yard masters, shunters, switchmen and car checkers at each station between and including Ste. Rosalie and Montreal, and the terminals, junctions and connections aforesaid and the Chaudière joint section, in the proportion that the number of cars and engines arriving and departing from the station used in the business and traffic of the Intercolonial Railway bears to the whole number of cars and engines arriving and departing therefrom. Her Majesty shall also have the right and privilege free of any other charge than the wheelage proportion hereinbefore provided of having her cars loaded or empty taken by the Company to the Company's junctions with connecting lines, factories, warehouses and works which may be provided with standing accommodation from the tracks of the Company at Montreal including Point St. Charles, St. Henri and intermediate points, and Bonaventure station, and the connections or junctions of other railways with the Company's line, and over and upon the said joint sections as hereinbefore specified.

Twentieth:—That the engines, vehicles, rolling stock and trains in connection with the business and traffic of the Intercolonial Railway shall be manned exclusively by officials and employees of the Intercolonial Railway, who, while on the railway and premises of the Company on the said joint sections shall be subject to the reasonable rules and regulations of the Company and the directions of the officials of the Company so far only as the movements of the engines, vehicles and trains are concerned.

That Her Majesty shall and will be responsible for any mileage on foreign cars carried over the joint sections by the Intercolonial Railway trains, which shall for the purpose of calculating the mileage charges be the cars of the Intercolonial Railway.

Twenty-first:—That the Company shall and will house the engines of the Intercolonial Railway, and shall and will, if required, turn and clean them and fit them for the road, and supply them with fuel and water and small stores at all points, connections, junctions and terminals, as aforesaid, where it performs such services for any of its own engines, and Her Majesty shall pay to the Company the actual cost to the Company of the labour and material used therein and therefor: provided that Her Majesty may, at any point or at all points on the premises above mentioned, or at any time or times, per-

form the whole or any portion of the above services with the employees of the Intercolonial Railway and with the supplies thereof without being liable to any charge therefor by the Company.

Twenty-second :—That the Company shall and will, if required to do so, at any or all stations on said joint sections, clean the passenger train cars used in the business and traffic of the Intercolonial Railway, and heat and supply them with water, ice, fuel and small stores, and Her Majesty shall pay to the Company the cost to the Company of the material, labour and stores used in such services : provided that Her Majesty may, at any point or points on the premises above mentioned of the Company, and at any time or times, perform the whole or any portion of the above services with the employees of the Intercolonial Railway, and heat and supply said cars with water, ice, fuel and small stores at her own cost without being liable to any charge therefor by the Company.

Twenty-third :—That the Company shall and will, from time to time when requested to do so by the officials of the Intercolonial Railway, make temporary repairs upon the engines and other rolling stock used in the business and traffic of the Intercolonial Railway, such repairs to be made promptly with all reasonable despatch, and Her Majesty shall pay the Company the actual cost to the Company of the labour and materials used in such repairs.

Twenty-fourth :—That the Company shall and will carry passengers on through tickets, and freight on through waybills, from and to points on its railway and leased and controlled lines to and from points on the Intercolonial Railway and its leased and connecting lines so as to avoid re-ticketing and re-waybilling.

Twenty-fifth :—That Her Majesty shall at Her own cost supply all stationery, forms and tickets required for Intercolonial Railway business at all points between and including Ste. Rosalie and Montreal.

Twenty-sixth :—That all rates and fares shall be divided on the basis of mileage, except where such division would act unfairly by reason of one line of railway having a largely preponderating mileage, in which case the division of rates and fares shall be settled on a fair and equitable basis by mutual agreement, and, in default of agreement, by arbitration as hereinafter provided.

Twenty-seventh :—That the Company shall and will at its own cost, at all times, keep on sale at all stations and agencies of its railway and of its controlled and leased lines of railway an adequate supply of tickets for all points on the Intercolonial Railway, its leased lines and its connections, reading " Over the Intercolonial Railway *via* Montreal," and the baggage of passengers using any such tickets shall be checked through to its destination over the Intercolonial Railway *via* Montreal.

Twenty-eighth :—That the Company agrees upon the application of the general passenger agent of the Intercolonial Railway to place and keep for sale and sell at all stations and agencies on its railway, and leased and controlled lines of railway, any tickets that may be asked for reading to points on the Intercolonial Railway including the joint sections and its connecting lines of the Intercolonial Railway *via* Montreal and to treat such business with all fairness and impartiality.

Twenty-ninth :—That Her Majesty shall have the same privilege of displaying advertisements of the Intercolonial Railway route at all the stations of the Company as the Company itself has, and the Intercolonial Railway route and its connections with the Company's railway shall be shown in all the published time tables of the Company.

Thirtieth :—That all rents, revenues, benefits and receipts now accruing from any other company to the Company by reason of the user of the line between Ste. Rosalie and St. Lambert, or the exercise of any running power, privilege or rights therein, or which may hereafter accrue from any such grant or user shall enure to the joint benefit of Her Majesty and the Company, share and share alike, and said benefits and receipts shall be accounted for by the parties hereto when the accounting shall take place from time to time between them. As to the other portions of the Company's line herein demised the Company hereby reserves to itself all revenues from any source whatever arising from the use thereof.

Thirty-first :—That Her Majesty shall have and enjoy for the business and traffic of the Intercolonial Railway of every kind whatsoever the same rights and facilities and in as full a manner at and within the terminal and other premises of the Company at Montreal, at the terminals at Point St. Charles and intermediate points, as hereinbefore mentioned, and all the approaches and tracks, as the Company now has or at any time may hereafter have and enjoy for its own business and traffic.

Thirty-second.—That the Company shall supply for the sole use ot Her Majesty, if and when requested, a suitable ticket office in the Bonaventure station, or wherever the main depot of the Company may in future be situated in Montreal, as accessible and in every way as convenient as the Company's own ticket office in the said Bonaventure station or main depot at Montreal, for the sale of tickets, to be provided and maintained by Her Majesty at her own expense, in which event the Intercolonial Railway shall not be liable to share the expense of maintaining the Company's ticket office or paying any of the salaries of the employees therein.

Thirty-third.—That Her Majesty and the Company shall each furnish to the other promptly, each and every month, all the information necessary to the ascertaining and checking of the rates, fares, charges, shares of costs and other returns to be made as under these presents, and Her Majesty and the Company mutually agree to give the necessary facilities, including access to the books and papers to the auditors of the Intercolonial Railway and of the Company respectively to enable them to verify the accounts under this agreement.

That all traffic balances, charges and shares of costs, and other returns to be made under these presents, shall be made monthly, and Her Majesty and the Company mutually agree to promptly audit and pay each to the other each month the total amount chargeable against the other for the month immediately preceding.

Thirty-fourth :—That Her Majesty shall not be responsible for the acts or defaults of servants of the Company, or for the deficiency or otherwise of the Company's machinery or appliances, and the Company shall not be responsible for the

acts or defaults of the servants of Her Majesty or for the deficiency of the machinery or appliances of the Intercolonial Railway.

Thirty-fifth :—That if at any time hereafter the business or traffic shall in the opinion of the parties hereto necessitate or warrant the laying of double tracks between and including Ste. Rosalie and St. Lambert, or that additional siding accommodation should be considered necessary for the proper and efficient conduct of the joint business, the Company will lay such tracks or make such improvements, and Her Majesty shall have the full and unlimited use of all or any of such works in the same manner and to the same extent as if the said works had been included in the premises hereby leased, the right, use or privilege in which are hereby demised ; and if Her Majesty should determine to use any such works or improvements, and the Minister should so declare, such works and improvements are hereby understood and agreed to form part of the leased premises ; and the proportion of the actual cost of such works and improvements to be borne by Her Majesty shall be ascertained by calculating interest at the rate of four (4) per centum per annum upon the amount of such actual cost ; and Her Majesty shall pay the proportion of such interest which the combined engine and car mileage of the Intercolonial Railway for the year preceding over such portion of the Company's line upon which such improvements have been made bears to the total combined engine and car mileage upon such portion ; Her Majesty, however, shall have the option of paying such share so ascertained in cash.

Thirty-sixth :—That the Company will and does hereby covenant with Her Majesty, her successors and assigns, that it has, subject to existing encumbrances, the right to demise and lease the rights and privileges hereby demised and every part thereof.

Thirty-seventh :—That if it should be found in practice that any right or interest of either party has not been fully protected or provided for by this agreement in accordance with the true object and intent thereof, then both parties shall negotiate and agree upon in an equitable manner a new and other clause to provide for such omission, and each party shall give and execute to the other any and all further documents in writing that may from time to time be required for the better securing of each of their rights and privileges under the said contract and for the better carrying out thereof.

Thirty-eighth :—That the Company shall and will, if during the term of this lease Her Majesty well and faithfully performs all the covenants and agreements herein undertaken by Her Majesty to be performed, at the expiration of this lease, on request by the Minister, execute and deliver to Her Majesty, Her successors and assigns, a renewal of said lease for a second term of ninety-nine years, and shall at the expiration of said second term, upon like faithful performance on the part of Her Majesty, make, execute and deliver, a further renewal for a third term of ninety-nine years, and so on for ever, with the same covenants and conditions as are contained herein, subject to such limitations and modifications as may be mutually agreed upon between the parties or settled by arbitration according to the terms of this agreement.

Thirty-ninth :—That these presents are subject to the confirmation thereof by the Parliament of Canada and by the shareholders of the company.

Fortieth :—In consideration of the rents and covenants herein reserved and contained, Her Majesty represented by the General Traffic Manager of the Intercolonial Railway of the one part and the Company by its General Traffic Manager of the other part, have entered into a mutual traffic arrangement in writing of even date herewith, which traffic arrangement is hereby declared, covenanted and agreed to be and form a part of and be supplemental to this contract, and shall be read herewith and shall be binding upon all parties hereto during the continuance of this leasing contract, except so far as the same may be altered with the mutual consent of Her Majesty and the Company. When and if the traffic arrangement shall be so altered from time to time such amended supplemental contract shall be substituted for the supplemental traffic contract of this date.

Forty-first :—That in order to facilitate and develop the business of the Intercolonial Railway and the Company, every effort shall be made to cause close and suitable train connections to be made at Montreal between the trains of the Company west of Montreal and the Intercolonial Railway.

Forty-second :—That through rates and fares shall be agreed upon and made from time to time for traffic to and from all points on the Intercolonial Railway, including the lines hereby demised, and all points on the Company's railway, including all lines leased by them, and such rates and fares shall, as regards traffic to and from all points on the Intercolonial Railway, and to and from all points on the Company's lines and leased lines, be divided on the basis of mileage, except where such division would act unfairly by reason of one line of railway having a largely preponderating mileage, in which case the division of rates and fares shall be settled on a reasonable and equitable basis by mutual agreement, and in default of agreement, by arbitration as herein provided.

Forty-third :—That as regards traffic shipped to and from Europe and the British Isles through Halifax, St. John, or such other port as may hereafter be selected, per Intercolonial Railway, the rates of the Company for the carriage of such traffic west of Montreal shall not be higher per passenger per mile, and per ton of freight per mile than the amount per passenger per mile, and per ton of freight per mile, charged by the Company on similar classes or descriptions of traffic carried by it for others to and from the same places, and intended for or coming from the same place in Europe or the British Isles. In ascertaining such rates of freight, all drawbacks or deductions allowed are to be taken off before fixing the rates.

Forty-fourth :—That the forms of all through bills of lading, also the forms of receipts for goods passing over the said lines respectively, shall be such as from time to time are agreed upon by the officials of the parties hereto, or in default of agreement, settled by arbitration.

Forty-fifth :—Her Majesty shall have the right to deduct from the rentals herein agreed to be paid to the Company any sum or sums of money which may hereafter become due by the Company to Her Majesty, and for the payment of which the Company is in default.

Forty-sixth :—That should any difficulty arise between Her Majesty and the Company under any clause of this agreement, or respecting the carrying out of the same according to its true intent and meaning, such differences shall from time to time, as the same may arise, be referred to the award and determination of three arbitrators, one of whom shall be nominated by the Minister, one by the Company, and the third by the two so nominated ; provided always, that if either party should for one month after notice that the other has nominated its arbitrator, omit or refuse to make a nomination, or if the two nominated should refuse or omit to nominate the third, then the Chief Justice of the Supreme court of Canada, or in his absence or refusal or inability to act, the Senior Puisne Judge present in Ottawa and willing to act, may on the application of either party on notice to the other nominate the required arbitrator.

Forty-seventh :—In case of the death or refusal to act of any arbitrator, or if for any other cause the office of any arbitrator becomes vacant, his successor shall be nominated in the same manner as is provided for his appointment in the first instance unless the parties otherwise agree, and in case such successor be not nominated by the party entitled to nominate him, within one month after the happening of the vacancy, and after receiving notice requiring him to make such nomination, then the said Chief Justice, under the circumstance aforesaid, or the Senior Puisne Judge willing to act, may on the application of either party, nominate such successor.

Forty-eighth :—The arbitrators so chosen shall, within one month after the last appointment, proceed to determine the matters referred, and they, or a majority of them, shall make and publish their award within one month thereafter, or within such further time as they shall in writing appoint, such extension of time to be made by a majority of the arbitrators, and the award of a majority of them shall be final.

Forty-ninth :—Nothing herein contained shall in any way merge or effect the claims or rights of Her Majesty, if any such there be, as they now exist against the Company or the property of the Company other than that which is the subject matter of this agreement.

Fiftieth :—Clause 20 of the agreement between the Company and the Intercolonial Railway dated July 17, 1879, is rescinded during the life of this agreement and all other clauses of said agreement inconsistent herewith.

In witness whereof these presents (in quadruplicate) have been signed by the Honourable the Minister of Railways and Canals, pursuant to Order in Council dated the 24th March, A.D. 1897, and the Seal of the Department of Railways and Canals has been hereto affixed, and the Company has hereto

affixed its corporate seal, and these presents have been signed by the General Manager of the Company, the day and year first above written.

GRAND TRUNK RAILWAY COMPANY OF CANADA
By

Witness to the execution by the Grand Trunk Railway Company.
R. S. LOGAN.

CHAS. M. HAYS,
General Manager.

Witness to the execution by the Minister of Railways and Canals and by the Secretary.
J. E. W. CURRIER.

AND'W. G. BLAIR,
Minister of Railways and Canals.

L. K. JONES,
Secretary.

No. 138.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the City of Montreal.

First reading, June 2, 1899.

Mr. BLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 139.] **BILL.** [1899.

An Act respecting the Nova Scotia Steel Company, Limited.

WHEREAS the Nova Scotia Steel Company, Limited, has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act incorporating the Nova Scotia Steel Company, Limited, chapter 117 of the statutes of 1894, is hereby amended by adding thereto the following sections:— 1894, c. 117 amended.

"**14.** The Company may, upon such terms as are agreed upon between the holders of any preference shares accept the surrender of such shares, which, upon being so surrendered, shall be cancelled and cease to exist. Surrender of preference shares.

"**15.** The cancellation of the said preference shares shall not impair or lessen the amount of the capital stock of the Company. Capital stock not affected.

"**16.** The directors, when authorized by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company present or represented by proxy at a meeting duly called for the purpose, or at any annual meeting of the Company, may issue and allot, upon such terms as are agreed upon, new preference shares in lieu of any preference shares surrendered. New preference shares.

"**17.** Any preference shares issued under the provisions of the last preceding section, or hereafter issued by the Company, shall be issued upon such terms as to priority, privileges, dividends, redemption and other conditions as the Company may at such meeting decide, notwithstanding anything as to the issue of preference shares contained in the Act incorporating the Company. Terms of issue.

"**18.** Nothing in this Act contained shall affect or impair in any way the rights of any holder of preference stock not surrendered to the Company. Unsurrendered stock not affected.

No. 139.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL

An Act respecting the Nova Scotia Steel Company, Limited.

First reading, June 5, 1899.

(PRIVATE BILL.)

Mr. FRASER,
(Guysboro.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 140.] **BILL.** [1899

An Act respecting the Canadian Railway Fire Insurance Company and to change its name to the Dominion Fire Insurance Company.

WHEREAS the Canadian Railway Fire Insurance Company was incorporated by chapter 119 of the statutes of 1894, but from unavoidable circumstances it was impossible for the said company to obtain from the Minister of Finance a license under the provisions of *The Insurance Act*, within the period of two years fixed by section 24 of the said last mentioned Act; and whereas Alexander A. Henderson and others have, by their petition, prayed that an Act be passed incorporating anew the said company and changing its name, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1894, c. 119. R.S.C., c. 124.

1. Albert Hudson, Alexander A. Henderson, William H. Wood, William Prenter, William H. Colborne, John T. Phealen, William Hughes, John W. McRae, Honourable E. H. Bronson, Ezra B. Eddy, Thomas Birkett, William Scott, William Anderson, Robert Orr and Fred. A. McGuinness, all of the city of Ottawa, William Page of Brockville, Charles Pope of Rat Portage, L. D. Jillett of St. Thomas and George Mills of Toronto, in the Province of Ontario; Ash. Kennedy of Winnipeg, in the Province of Manitoba; Thomas McKenna of St. John, in the Province of New Brunswick; David Hopkins of the city of Ottawa; John Scott of Toronto Junction, John M. Dudley of Carleton Place, Richard Fitzgerald and Thomas Lawrey of St. Thomas, James Ryan, George Reid and M. C. Carey of Rat Portage, in the Province of Ontario; Charles Lalumière of Montreal, in the Province of Quebec; and Edward E. Austin of Kamloops, in the Province of British Columbia; together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dominion Fire Insurance Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The said Alexander A. Henderson, William H. Wood, William H. Colborne, John T. Phealen, William Hughes, John W. McRae, Ezra B. Eddy, Thomas Birket, William Scott, William Anderson, Robert Orr and William Page, are hereby constituted 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 Provisional directors. Powers.

moneys received by them on account of stock subscribed or otherwise received by them on account of the Company and withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

Proxies of directors.

2. The provisional directors may vote and act by proxy; but such proxies shall be held by provisional directors only, and no provisional director shall hold more than two proxies.

Capital stock.

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

How payable.

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 per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice of the calling of each such subsequent instalment shall be given; provided that the Company shall not commence the business of insurance until at least eighty thousand dollars of 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, and that within one year thereafter at least eighty thousand dollars of additional capital shall be called up and paid in; provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

When business may commence.

Increase of capital.

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

Head office.

4. The head office of the Company shall be in the city of Ottawa, in the province of Ontario, and branches, sub-boards, or agencies may be established and maintained either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Branch offices.

Election of directors.

5. So soon as four hundred thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the said city of Ottawa, 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 directors of the Company.

Number and quorum.

2. The affairs of the Company shall be managed by a board of not less than seven and not more than twenty directors, a majority of whom shall be a quorum.

Qualification of directors.

3. No person shall be a director unless he holds in his own name and for his own use at least 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.

6. 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; and special general or extraordinary meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting. Annual general meeting. Special meetings.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called and addressed to the addresses of the shareholders respectively given in the books of the Company. Notice of general meetings.

7. The Company may make and effect contracts of insurance with any person against loss or damage by fire or lightning in or to any houses, dwellings, stores or other buildings and to any goods, chattels, railway plant or personal estate, for such time and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are agreed upon between the Company and the insured. Business of Company.

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

8. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionally, or by assignment in the nature of a charge or mortgage thereon, to the Company, or to any officer of the Company, or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for terms of years, or in ground rents on real estate or other estate or interest in real property or mortgage security thereon, and may take, receive and hold all or any of such securities in the name of the Company or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to. Investment powers.

2. Any investment or loan above 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 as the directors from time to time determine, and either in satisfaction of, or as collateral security for debts to the Company or judgments recovered against any person or in security for the payment thereof or of any part thereof. Terms of investment.

3. The Company may also take any additional security of any nature to further secure the repayment of any liability to Additional security.

the Company or to further secure the sufficiency of any of the securities upon which the Company is by this section authorized to lend any of its funds.

Foreign investments.

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

Real estate may be held 7 years.

10. The Company may hold such real estate as is mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

R.S.C., c. 118.

11. *The Companies Clauses Act*, except sections 18 and 39 thereof, shall apply to the Company.

R.S.C., c. 124.

12. This Act, and the Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

No. 140.

4th Session, 8th Parliament

BILL.

An Act respecting the C
Fire Insurance Compa
its name to the Domi
ance Company.

First reading, June

(PRIVATE B

OTTAWA
Printed by S. E. D
Printer to the Queen's most E
1899

No. 141.] **BILL.** [1899.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Penberthy Injector Company.

WHEREAS the Penberthy Injector Company has, by its petition, represented that on and prior to the eighth day of March, one thousand eight hundred and ninety-nine, it was, by a certain assignment, the holder and owner of letters patent under the seal of the Patent Office, dated the eighth day of March, one thousand eight hundred and eighty-nine, for new and useful improvements in steam injectors, being patent number thirty thousand nine hundred and six; that on or before the expiration of the second five years of the said letters patent, which were granted for a term of fifteen years, only the partial fee for the first five years being paid upon the issue thereof, the said company was entitled, upon application therefor, to a certificate of payment of the additional fee provided by section 22 of *The Patent Act*, chapter 61 of the Revised Statutes as amended by section 5 of chapter 24 of the statutes of 1892, and section 3 of chapter 34 of the statutes of 1893; that the said company had, prior to the said eighth day of March, one thousand eight hundred and ninety-nine, invested large sums of money in the purchase of the said letters patent and in the manufacture of injectors thereunder; that the said company inadvertently omitted to make the said application although it was the intention of the said company to make such application and to pay the necessary fee, and that the omission was caused solely by the inadvertence of the officer of the said company whose duty it was to make such application; that on and after the eighth day of March, one thousand eight hundred and ninety-nine, the Commissioner of Patents could not entertain such application, or grant the certificate of payment of the additional fee; and whereas the said company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. R.S.C., c. 61, s. 22. 1892, c. 24, s. 5. 1893, c. 34, s. 3.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the letters patent mentioned in the preamble, the Commissioner of Patents may receive from the Penberthy Injector Company the application for a certificate of payment and the usual fees upon the said letters patent for the remainder of the term of fifteen years from the date thereof, and may grant and issue to the said Penberthy Injector Company the certificate of payment fees provided by *The Patent Act*, Commissioner of Patents may extend duration of letters patent.

and an extension of the period of the duration of the said letters patent to the full term of fifteen years in as full and ample a manner as if application therefor had been duly made within ten years from the date of the issue of the said letters patent.

Rights of third persons saved.

2. Any person who has within the period between the eighth day of March, one thousand eight hundred and ninety-nine, and the extension hereunder of the said letters patent, acquired by assignment, user, manufacture or otherwise any interest or right in respect of such improvements or invention, shall continue to enjoy the same as if this Act had not been passed.

No. 141.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Penberthy Injector Company.

First reading, June 6, 1899.

(PRIVATE BILL.)

Mr. McGREGOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 142.] **BILL.** [1899.

An Act in further amendment of the Dominion Elections Act.

HER 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 Dominion Elections Act*, chapter 8 of the Revised Statutes, is hereby amended by adding thereto the following paragraph :— R.S.C., c. 8, s. 7 amended.

(*h.*) "Any person who is not a permanent resident of the municipality in which he would act as such election officer."

2. Section 22 of the said Act, as amended by section 2 of chapter 19 of the statutes of 1891, is hereby amended by striking out all the words after the word "and" in the sixth line thereof, and also by striking out subsection 2 of the said section. Section 22 amended.

3. Section 30 of the said Act is amended by adding thereto the following paragraph :— Section 30 amended.

(*f.*) "And shall, at least two days before the day fixed for polling, furnish, upon request, to a candidate or his agent, a list of all deputy returning officers appointed to act in such election, with the name or number of the booth at which they are to act."

4. Section 32 of the said Act is amended by adding after the word "a" in the third line thereof the words "resident of the municipality as." Section 32 amended.

2. The said section is further amended by adding thereto the following :—"Each deputy returning officer shall furnish to the returning officer, not later than twenty-four hours before the day fixed for polling, the name of such poll clerk ; and the returning officer shall, at least twelve hours before the day fixed for polling, furnish, upon request, to a candidate or his agent, the names of all poll clerks and the booths at which they are to act."

5. Subsection 2 of section 33 of the said Act is amended by adding after the word "a" in the third line thereof the following words :—"resident of the municipality as." Section 33 amended.

6. Section 48 of the said Act is amended by adding thereto the following :—"and imprisonment for at least six months, with or without hard labour, or to both." Section 48 amended.

Section 55 amended.

7. Section 55 of the said Act is amended by striking out the word "may" in the third line thereof and substituting therefor the word "shall."

Section 56 amended.

8. Section 56 of the said Act is amended by inserting, after the word "shall" in the eighth line thereof, the words "expose to the view of those allowed to be present the face of each ballot," and also by striking out the word "reject" in the eighth line and substituting therefor the word "rejecting."

Section 58 amended.

9. The subsection substituted for subsection 2 of section 58 of the said Act, by section 5 of chapter 19 of the statutes of 1891, is amended by adding thereto the following words:—"If the said ballot box has been used within twelve miles of the office of the returning officer, or of the election clerk, it shall be returned within five hours after the close of the poll."

Section 59 amended.

10. Section 59 of the said Act is amended by striking out the words "on being requested so to do" in the first and second lines thereof.

Section 65 amended.

11. Section 65 of the said Act is amended by adding thereto the following subsection:—

If election return is irregular.

"5. In the event of the returning officer making his return and report to the Clerk of the Crown in Chancery in violation of this section and the next preceding section, the Clerk of the Crown in Chancery shall return the said report and return to the returning officer on presentation of an order signed by any judge who has jurisdiction to carry out the provisions of this section and of the next preceding section."

Section 67 amended.

12. Section 67 of the said Act is amended by adding in the second line thereof after the word "possession" the words "subject to subsection 4 of section 65."

Section 72 amended.

13. Section 72 of the said Act is amended by inserting the words "a recount" after the word "instituting" in the seventh line thereof.

Section 89 amended.

14. Section 89 of the said Act is amended by striking out the words "six months" in the last line thereof and substituting therefor the words "two years."

Section 100 amended.

15. Section 100 of the said Act is amended by striking out the words "six months" in the last line thereof and substituting therefor the words "one year."

Section 103 amended.

16. Section 103 of the said Act is amended by striking out the words "six months" in the fourth and fifth lines thereof and substituting therefor the words "one year."

Form M amended.

17. Form M in the first schedule to the said Act is amended by striking out the words "six months" in the last line and substituting therefor the words "one year."

No. 142.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act in further amendment of the Dominion Elections Act.

First reading, June 6th, 1899.

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 143.] **BILL.** [1899.

An Act to amend the Weights and Measures Act as respects the sale of Fish.

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

1. The *Weights and Measures Act*, chapter 104 of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section 17 :— R.S.C., c. 104, section added.

"**17**A. In the Province of New Brunswick, when fresh herrings or sardines are sold or offered for sale by the hogshead, the hogshead shall be the equivalent of five barrels of twenty-five gallons each. Sale of fresh herrings and sardines in New Brunswick.

"2. Every person who violates the provisions of this section shall be liable, for a first offence, to a penalty not exceeding twenty-five dollars, and for each subsequent offence to a penalty not exceeding fifty dollars." Penalty.

No. 143.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Weights and Measures Act as respects the sale of Fish.

First reading, June 7, 1899.

Mr. GANONG.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

F.] **SENATE BILL.** [1899.

An Act for the relief of Abraham Aronsberg.

Preamble.

WHEREAS Abraham Aronsberg, of the city of Montreal, in the Province of Quebec, optician, has, by his petition, humbly set forth that, on the eleventh day of April, eighteen hundred and eight-two, he was lawfully married to Lottie Hurrion, at Liverpool, in England; that after their said marriage they came to Canada and became domiciled there; that there was born of the marriage one child, still living, namely, Samuel Aronsberg; that they lived and cohabited together as husband and wife, in Canada, from May, eighteen hundred and eighty-two, until November, eighteen hundred and ninety-five, when,—unhappy differences having arisen between them,—they separated, at Toronto, where they then resided, and have never since lived and cohabited together; that after their said separation he discovered, as the fact was, that his said wife had committed and was living in adultery with John P. Dunning of Toronto, aforesaid, commercial traveller, she and having, on the twenty-eighth day of April, eighteen hundred and ninety-seven, gone through a form of marriage with the said Dunning at Sioux Falls in the said State of South Dakota; that in the following July the said Abraham Aronsberg left Toronto and went to reside in Montreal; that the said Lottie Hurrion and the said Dunning have ever since been and are still living and keeping house and cohabiting together as man and wife, in Toronto aforesaid and are notoriously known there as so doing; and, whereas, the said Abraham Aronsberg has humbly prayed that his said marriage may be dissolved so as to enable him to marry again, and that such further relief may be afforded him as may seem meet; and whereas he has proved the allegations of his said petition and has established the adultery above mentioned; and it is expedient that the prayer of his said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Abraham Aronsberg and Lottie Hurrion, his wife, is hereby dissolved, and shall be from henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Abraham Aronsberg may, at any time hereafter, marry any other woman whom he might lawfully marry in case his said marriage with the said Lottie Hurrion had not been solemnized.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

No 144

F

An Act for the relief of Abraham Aronsberg.

Received and read a first time, Thursday, 20th April, 1899.
Second reading, Thursday, 4th May, 1899.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 145.] **BILL.** [1899

An Act to amalgamate the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company under the name of the Canada Atlantic Railway Company.

Preamble.

WHEREAS the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company, each duly incorporated under the statutes of Canada, have, pursuant to the powers severally upon them conferred, become amalgamated into one Corporation under the name of the "Canada Atlantic Railway Company" by a deed of amalgamation duly confirmed and executed by each of the said companies as provided by the statutes relating thereto; and whereas each of the said companies 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Amalgamation agreement confirmed.

1. The said deed of amalgamation (a copy of which with the four schedules thereto is set out in schedule B, and embodied in this Act) is hereby confirmed and made valid and binding, and the said the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company, parties to the said deed, and the shareholders thereof respectively, are hereby amalgamated as and from the date of the said deed, and are hereby declared to be and from the date of the said deed to have been a body corporate and politic under the name of "Canada Atlantic Railway Company," hereinafter called "the Company," on the terms and conditions and under the provisions set out in the said deed and in this Act.

Corporate name of new company.

Company to have rights, etc., of amalgamating companies.

2. From the date of the said deed the Company shall be vested with, and shall possess, be entitled to, and be capable of having and exercising all of the rights, franchises, powers, authorities, privileges, property, assets and credits of the said amalgamating companies, and each of them; and shall be vested with and entitled to hold, exercise and enjoy all the right, title, property and interest, term and terms of years yet to come and unexpired, and right of renewal, and all other rights, powers and privileges comprised in and now held and enjoyed by the Ottawa, Arnprior and Parry Sound Railway Company, as mentioned and set forth in four several grants from the Crown under the Great Seal of Canada, by way of leases, and made between Her Majesty Queen Victoria of the first part and the Ottawa, Arnprior and Parry Sound Railway

Company of the second part, which are mentioned and referred to in the said deed, and which said four several grants shall, as from the date of the said deed, be deemed to have been and to be assigned and transferred to the Company; and all the rights and privileges, as well as the liabilities and obligations of the Ottawa, Arnprior and Parry Sound Railway Company under each of the said four several grants, shall be vested in the Company as the assigness of the Ottawa, Arnprior and Parry Sound Railway Company without further consent or concurrence on the part of Her Majesty, as if the words "Canada Atlantic Railway Company" had been inserted in each of the said four several grants from the Crown wherever the words "the Ottawa, Arnprior and Parry Sound Railway Company" occur; and this section is hereby expressly declared to be binding upon Her Majesty, her successors and assigns.

Shareholders of amalgamating companies.

3. The shareholders of the Ottawa, Arnprior and Parry Sound Railway Company and of the Canada Atlantic Railway Company respectively, as mentioned and set out in schedule B to this Act, are declared to have been from the date of the said deed shareholders in the Company, and entitled as holders to the same number of shares in the Company, with the same amounts paid thereon respectively, as are set opposite their names in the schedules 1 and 3 respectively of schedule B to this Act, with all the rights and privileges belonging or appertaining to the holders of such shares in the capital stock of the said companies respectively immediately before the execution of the said deed.

Capital stock and calls thereon.

4. The capital stock of the Company shall be seven million two 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.

Head office.

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

Annual meeting.

6. The annual meeting of the shareholders shall be held on the last Tuesday in September in each year.

Preference shares.

7. The directors of the Company, may, by by-law, as provided in the said deed of amalgamation, convert such part of the shares of the capital stock of the Company into preference shares in the manner, for the purpose and having the rights, privileges and priorities to be prescribed and set forth in such by-law as are mentioned and set forth in the said deed.

Bond issue.

1887, c. 67.

8. In addition to the bonds which the Company is authorised to issue upon the security of the bridge over the River St. Lawrence, as provided by chapter 67 of the statutes of 1887, amounting to one million two hundred thousand dollars, the Company may issue bonds, debentures, or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches of the Company; and such bonds, debentures or other securities may be issued as provided in the said deed of amalgamation, but only in proportion to the length of railway constructed or under contract to be constructed,

exclusive of the said bridge over the River St. Lawrence and its approaches ; and the bonds, debentures or other securities hereby authorized shall be a first charge and lien upon the whole of the said railway and branches, except the said bridge and the tolls and revenues thereof.

Liability for debts, etc., of amalgamating companies.

9. The Company shall be liable for all the existing debts, liabilities, duties and obligations of the Ottawa, Arnprior and Parry Sound Railway Company and of the Canada Atlantic Railway Company, and such amalgamation shall not in any wise affect any suit or proceeding now pending or judgment existing either by, or in favour of, or against either of the companies hereby amalgamated, but, notwithstanding such amalgamation, such suit, proceeding or judgment may be prosecuted, continued, completed and enforced by or against the Company, as the case may be, as if this Act had not been passed ; and in all pending suits or proceedings the name of the Company may be substituted for that of either of the companies hereby amalgamated.

Agreements for use of rolling stock, vessels, etc.

10. The directors may, from time to time, enter into an agreement with any companies or persons to lease, hire, charter or use any locomotives, carriages, rolling stock, ships, barges, boats and other movable property, for operating the works and carrying on the undertakings of the Company.

Acts in schedule A to apply.

11. The provisions of *The Railway Act* and of the Acts and parts of Acts mentioned in schedule A to this Act, shall, except in so far as they are varied by this Act, apply to the Company and its undertakings.

Time for construction extended.

12. The time for completion of the railways and undertakings authorized to be constructed by the Acts and parts of Acts mentioned in schedule A to this Act, and in this Act, is hereby extended for five years from the passing of this Act, otherwise the powers granted by the said Acts, and by this Act, shall cease and be null and void as respects so much of the railways and undertakings as then remains uncompleted.

Existing by-laws, etc., confirmed.

13. The by-laws, rules and regulations of the Canada Atlantic Railway Company and of the Ottawa, Arnprior and Parry Sound Railway Company respectively, which have been duly passed by the amalgamating companies and approved by the Governor in Council under the provisions of *The Railway Act*, and which are now in force, shall be binding on the officers, agents, servants and employees of the Company and all others affected thereby, and shall in all respects, be as valid and effectual as if made and approved after the passing of this Act.

SCHEDULE A.

CONTAINING the names of the several Acts and parts of Acts which are made to apply to the Company and its undertakings, referred to in section 11 of this Act.

Statutes of 1871, chapter 47, sections 7, 8, 9, 10, 11, 12, 16, 17.	An Act to incorporate the Montreal and City of Ottawa Junction Railway Company.
Statutes of 1872, chapter 83, sections 5, 15.	An Act to incorporate the Coteau and Province Line Railway and Bridge Company.
Statutes of 1877, chapter 61, the whole Act, except section 1.	An Act to amend the Coteau and Province Line Railway and Bridge Act.
Statutes of 1879, chapter 57, the whole Act, except section 5.	An Act to amend the Acts incorporating the Coteau and Province Line Railway and Bridge Company, and the Montreal and City of Ottawa Junction Railway Company, and amending Acts, and to amalgate the said Companies.
Statutes of 1886, chapter 72, the whole Act.	An Act to amend the Act incorporating the Canada Atlantic Railway Company.
Statutes of 1887, chapter 67, the whole Act.	An Act to further amend the Act incorporating the Canada Atlantic Railway Company.
Statutes of 1892, chapter 33, sections 1 and 5.	An Act respecting the Canada Atlantic Railway Company.
Statutes of 1896, (Second Session) chapter 8, the whole Act.	An Act amalgating the Ottawa, Arnprior and Parry Sound Railway Company and the Parry Sound Colonization Railway Company under the name of the Ottawa, Arnprior and Parry Sound Railway Company.
Statutes of 1897, chapter 37, the whole Act.	An Act respecting the Canada Atlantic Railway Company.
Statutes of 1898, chapter 58, the whole Act.	An Act respecting the Canada Atlantic Railway Company.

SCHEDULE B.

REFERRED to in section 1 of this Act.

This Indenture made the sixth day of June, in the year of Our Lord one thousand eight hundred and ninety-nine, between the Ottawa, Arnprior and Parry Sound Railway Company, hereinafter called the Parry Sound Company, of the first part, and the Canada Atlantic Railway Company, hereinafter called the Atlantic Company, of the second part.

Whereas the Parry Sound Company have been duly incorporated by an Act of the Parliament of Canada, being chapter eight of the statutes of eighteen hundred and ninety-six, intituled "An Act amalgamating the Ottawa, Arnprior and Parry Sound Railway Company and the Parry Sound Colonisation Railway Company, under the name of 'The Ottawa, Arnprior and Parry Sound Railway Company,'" and empowered to lay out, construct, complete, equip and operate a single or double line of railway, branches and side lines, as is therein mentioned and set forth, all of which will more fully appear, reference being had to the said Act and to the several Acts mentioned and set forth in the preamble thereto.

And whereas, pursuant to the provisions of the said Act, shares amounting to four million two hundred thousand dollars of the capital stock of the Parry Sound Company have been duly issued and allotted.

And whereas, the persons named in the first schedule hereto are the shareholders of the Parry Sound Company holding the shares in the capital stock of the Parry Sound Company for the amounts and with the amounts paid thereon respectively, as is set opposite their respective names.

And whereas the final completion of the said railway is still in progress.

And whereas, the assets of the Parry Sound Company are specified and set out in the second schedule hereto annexed.

And whereas the Parry Sound Company have agreed and have legally bound themselves to issue, pursuant to the powers on them conferred by the said Act of incorporation, and to deliver to John Rudolphus Booth first mortgage bonds to the amount of six million six hundred thousand dollars, bearing interest at the rate of five per cent per annum from the date of said obligations to issue the same respectively, all of which obligations shall be assumed and duly carried out by and as an obligation of the company to be amalgamated under this indenture.

And whereas the Atlantic Company have been duly incorporated by an Act of the Parliament of Canada, being chapter fifty-seven of the statutes of eighteen hundred and seventy-nine, intitutled "An Act to amend the Acts incorporating the Coteau and Province Line Railway and Bridge Company and the Montreal and Ottawa Junction Railway Company, and amending Acts, and to amalgamate the said companies," which said Act has been duly amended in divers particulars by the following Acts duly passed by the Parliament of Canada, and being chapter seventy-two of the statutes of eighteen hundred and eighty-six, also chapter sixty-seven of the statutes of eighteen hundred and eighty-seven, and also chapter thirty seven of the statutes of eighteen hundred and ninety-seven, as will more fully and at large appear reference being had to to the said several amending Acts.

And whereas, pursuant to the provisions of the said Act of incorporation and of the amending Acts thereto, ordinary shares to the amount of two million dollars of the capital stock of the Atlantic Company have been duly issued, and also preference shares to the amount of one million dollars of the capital stock of the Atlantic Company have been duly issued.

And whereas the parties named in the third schedule hereto are the shareholders of the Atlantic Company, holding ordinary shares of the capital stock as well as preferred shares of the capital stock of the Atlantic Company for the amounts and with the sums paid thereon respectively as is set opposite their respective names.

And whereas the further completion of the said railway and branches is still in progress.

And whereas the assets of the Atlantic Company are specified and set out in the fourth schedule hereto.

And whereas the Atlantic Company have, pursuant to the powers to them granted, issued first mortgage bonds to the amount of three million four hundred and fifty thousand dollars.

And whereas the Parry Sound Company and the Atlantic Company have agreed each with the other, to amalgamate and consolidate the said two companies into one company under the name of "Canada Atlantic Railway Company," on the terms and conditions hereinafter expressed, and also upon the condition that an application shall be made to the Parliament of Canada for an Act confirming this deed of amalgamation and for incorporating the company amalgamated herein and for the extension of the time within which to complete the several works and undertakings which the several companies, parties hereto, have been duly authorized to undertake, complete and carry on.

Now this indenture witnesseth that the Parry Sound Company and the Atlantic Company do hereby agree each with the other that they, the Parry Sound Company and the Atlantic Company shall as and from the date hereof be for ever, and they are hereby amalgamated and consolidated into one Company under the name of the "Canada Atlantic Railway Company," (hereinafter called the Company.)

That the Company is hereby vested with and declared to have, possess and be entitled to and capable of having and exercising all the rights, franchises, powers, privileges and all the property, assets, rights and credits of the Parry Sound Company and the Atlantic Company respectively, and every of them, which they and every of them the Parry Sound Company and the Atlantic Company respectively have had possess are entitled to, or capable of having or exercising or holding, under and by virtue of the said several Acts as well of the Parliament of Canada as of the legislature of Ontario relating to the Parry Sound Company and the Atlantic Company respectively, not inconsistent herewith; and the Company is also hereby vested with and declared to have and possess and be entitled to hold and enjoy all the right, title, property and interest, term and terms of years yet to come and unexpired, and right of renewal of, in, to and out of four several grants from the Crown under the Great Seal of Canada one bearing date the sixth day of June, eighteen hundred and ninety-five, and duly recorded in Liber 136, also another bearing date the sixth day of June, eighteen hundred and ninety-five and duly recorded in Liber 131, also another bearing date the thirty-first day of July, eighteen hundred and ninety-five, and duly recorded in Liber 136, and also another bearing date the second day of March, eighteen hundred and ninety-six, and duly recorded in Liber 137, of and respecting certain lands and premises for entering upon and forming railway terminals within the city of Ottawa, together with all the rights, powers and privileges in the said four several grants respectively mentioned and set forth, and particularly, but without limiting the generality of the preceding words, the Company shall have, and it is hereby vested with and declared to hold and be entitled to all the property, assets, franchises, rights and credits of the Parry Sound Company and of the Atlantic Company respectively, mentioned in the second and fourth schedules hereto; and the by-laws of the directors of the respective companies, and the by-laws, rules and regulations of the respective companies parties hereto, which have been duly passed by the respective companies and approved by the Governor in Council under the provisions

of *The Railway Act* and which are now in full force and effect, shall remain valid and effectual for all purposes as if made and done after the execution of this agreement.

That the annual general meeting of the shareholders of the Company for the election of directors and for all other general purposes of the Company shall be held on the last Tuesday in September in each year, and the mode of calling any meeting of the Company and the place of holding such general meetings shall be governed by the provisions of *The Railway Act*, unless provided for by by-law of the Company.

That Charles Jackson Booth, John Frederick Booth, Claude McLachlin, Francis McDougal, William Anderson, Neil MacIntosh, and James Arthur Seybold shall be and they are hereby constituted the first directors of the Company and shall hold office as such until others shall be duly elected by the shareholders at the first general or special meeting of the Company duly called after the passing of the Act confirming this deed of amalgamation and incorporating the Company.

That the number of the directors of the Company shall be seven, but the number of directors may at any time be increased or reduced by the shareholders at any general meeting; and the qualification for directors shall be the same as the qualification for directors of the Ottawa, Arnprior and Parry Sound Railway Company at the date of this agreement.

That the Company shall have full power and authority to amalgamate with or enter into or conclude any agreement for selling, conveying or leasing the railways, branches and works of the Company, or any part thereof, or for the working of the railways of the Company or any part or parts thereof, or with any railway company or companies now or hereafter to be incorporated within or without the Dominion of Canada by a deed or deeds executed by such company or companies so amalgamating or agreeing as aforesaid, in such manner, on such terms and conditions and under such name as may be agreed upon between them; and in case of amalgamation such newly amalgamated company shall after the execution of such deed or deeds of amalgamation, have all the rights, powers and privileges of either or any of the said companies so amalgamating and shall become vested and possessed of and be entitled to all the franchises, assets and properties and be subject to all the obligations and liabilities which by law may be established of the said companies respectively so amalgamated.

That the capital stock of the Company shall be seven million two 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 of the shares subscribed.

That the directors of the Company, under the authority of the shareholders to them given at a general or special meeting duly called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may by by-law, convert a proportionate part of the shares authorized to be issued by this Act into preference shares, and the ratio which such proportionate part bears to the whole shares of the Company shall not exceed the ratio which the preference shares of the Atlantic Company bear to the whole number of shares authorized to be issued by the Atlantic Company, and such

preference shares shall be apportioned share for share to the holders of preference shares of the Atlantic Company as they appear in schedule three hereto, and shall also be apportioned pro rata to the holders of shares of the Parry Sound Company, as set out in schedule one hereto, and such preference shares shall entitle the holders thereof in priority to all other shreholders of the Company to a dividend payable thereon at such rate (which may be declared cumulative) not exceeding five per cent per annum, as may be determined by the by-law authorizing the conversion of said shares; and in the event of the distribution of the assets of the Company, either by process of law or otherwise, the holders of such preference shares shall have priority of rank over the holders of the ordinary shares of the Company and shall be paid in full the amount of such preference shares before any payments shall be made to the holders of the ordinary shares of the Company.

The Company may redeem and cancel such preference shares, or any portion thereof, or the preference shares heretofore issued by either of the companies parties hereto, upon the terms and conditions to be stipulated and set fourth in the said by-law authorizing the conversion of said portion of the shares of the Company.

That the directors may issue and exchange shares of the Company for all or any of the preference shares heretofore issued by either of the companies parties hereto, on such terms and conditions as may be set forth in the by-law authorizing the conversion of said portion of the shares of the Company.

That the holders of such preference shares shall have and enjoy all the rights, privileges and qualifications of holders of shares of the capital stock of the Company, and the shareholders of the Parry Sound Company and of the Atlantic Company set out in schedules one and three hereto respectively, shall receive share for share in the capital stock of the Company having the same amount paid up thereon as the respective shares held by them as shown in said schedules respectively.

That in addition to the bonds which the Company are authorized to issue upon the security of the bridge over the River St. Lawrence, as provided by chapter sixty-seven of the statutes of eighteen hundred and eighty-seven, amounting to one million two hundred thousand dollars, the Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches of the Company, and such bonds, debentures, or other securities may be issued only in proportion to the length of railway constructed or contracted to be constructed, exclusive of the said bridge over the River St. Lawrence and its approaches, and the bonds, debentures or other securities hereby authorized, shall be a first charge and lien upon the whole of the said railway and branches, except the said bridge and the tolls and revenues theroof, subject to the provisions of *The Railway Act*; and the mortgage or mortgages securing the same shall be a first charge and lien upon the whole railway, branches, bridges, franchises, rolling stock, plant, tolls and revenues, and other property, real and personal, moveble and immovable, now owned or that shall hereafter be acquired by the Company as well for all outstanding first mortgage bonds of the Atlantic Company and of the Parry Sound Company

(which until redeemed, exchanged or paid off shall be deemed to be a part of the said issue of first mortgage bonds so to be issued by the Company) as for the said bonds of the Company ; and such mortgage shall contain in addition to the convenants, provisoes, stipulations and agreements that may be deemed necessary and proper, such provisoes and stipulations as shall preserve the rights, powers and remedies as well of the holders of the outstanding bonds of the Atlantic Company as of the Parry Sound Company respectively, for all purposes, in form as full and extensive as are contained in the present subsisting mortgages from the Atlantic Company dated the fourteenth day of January, eighteen hundred and eighty-nine, and from the Parry Sound Company dated the twenty-seventh day of April, eighteen hundred and ninety-seven, hereinafter more fully mentioned and referred to ; and whenever and so soon as all the outstanding first mortgage bonds which have been issued by the Atlantic Company and the Parry Sound Company respectively, shall have been surrendered, paid off or exchanged for the bonds herein authorized to be issued by the Company, the said mortgage or mortgages securing the same shall still remain a first charge and lien upon the whole railway and branches, franchises, rolling stock, plant, tolls, revenues, and other property, real and personal, movable and immovable, now owned or that shall hereafter be acquired by the Company as limited and provided by the provisions of *The Railway Act ;* and it shall not be necessary, in order to preserve the priority of the lien, charge, mortgage or privileges purporting to appertain to or created by any bonds issued by the Company (including as part thereof the present outstanding bonds of the Atlantic Company and of the Parry Sound Company, until such outstanding bonds are redeemed, exchanged or paid as aforesaid) that the bonds authorized to be issued by this deed or the mortgage or mortgages to be executed under the authority hereof, should be registered in any manner or in any place whatsoever, but every such mortgage deed or mortgages shall be deposited in the office of the Secretary of State of Canada, and thereupon that certain indenture of mortgage bearing date the second day of January, eighteen hundred and eighty-nine, and made between the Atlantic Company of the first and the Farmers' Loan and Trust Company, trustees of the second part, duly executed by the parties thereto and thereafter duly deposited in the office of the Secretary of State of Canada on the fourteenth day of January, eighteen hundred and eighty-nine, and also that certain other indenture of mortgage bearing date the twenty-seventh day of April, eighteen hundred and ninety-seven, and made between the Parry Sound Company of the first part and Alexander Gillespie Ramsay and Frederick William Gates, trustees of the second part, duly executed by the parties thereto and thereafter duly deposited in the office of the Secretary of State of Canada on the third day of May, eighteen hundred and ninety-seven, shall be deemed satisfied and discharged, and shall be forever cancelled as though the same and each of them had never been made ; but all the rights, powers and remedies of the holders of the said outstanding bonds so issued by the Atlantic Company and by the Parry Sound

Company, respectively, shall attach upon, merge in, and be preserved to them and for their benefit by the said mortgage deed or mortgages, so to be executed by the Company as aforesaid, as fully and completely for all and every purpose whatsoever, as though the said outstanding first mortgage bonds so issued by the Atlantic Company and also by the Parry Sound Company, respectively, had been severally and specifically secured by the said mortgage or mortgages for securing the due payment of the first mortgage bonds authorized to be issued by this agreement; and whenever and so soon as the said outstanding bonds so issued by the Atlantic Company and by the Parry Sound Company, respectively, shall from time to time have been paid, redeemed, exchanged, as aforesaid, and surrendered to the trustees for the time being of the said mortgage deed or mortgages so to be executed by the Company, then such bond or bonds shall thereupon by the trustees be cancelled and defaced and delivered by the trustees to the Company.

That a copy of any such mortgage deed or mortgages certified to be a true copy by the Secretary of State or by his deputy, shall be received as *prima facie* evidence of the original in all courts of justice without proof of the signatures or seals upon such original, or of the matters therein certified to.

That the Company hereby undertakes to assume and carry out the obligation of the Parry Sound Company to deliver to John R. Booth first mortgage bonds and debentures to the amount of six million six hundred thousand dollars, bearing interest at the rate of five per cent per annum from the date of said obligation, and shall issue and deliver to John R. Booth said bonds, or such part or parts thereof as have not been already issued and delivered to him.

That all conveyances, assignments and deeds (if any), necesary for carrying out completely all the terms and objects of this agreement, or of the amalgamation hereby made or intended so to be, shall be executed by the proper officers of the respective parties hereto, or by such of them as it may be deemed necessary; and the corporate powers of the respective companies, parties hereto, shall not cease until the final completion and carrying out of the terms and objects of this agreement, and of the amalgamation hereby made or intended so to be.

In witness whereof the parties hereto have hereunto affixed their corporate seals by the hands of their respective presidents and secretary-treasurers, the day and year first above written.

THE OTTAWA, ARNPRIOR AND PARRY SOUND RAILWAY COMPANY,

Signed, sealed and delivered in presence of JOHN CHRISTIE.

By C. J. BOOTH,
President.
[SEAL.]

A. W. FLECK,
Secretary-Treasurer.

CANADA ATLANTIC RAILWAY COMPANY,

C. J. BOOTH,
President.
[SEAL.]

A. W. FLECK,
Secretary-Treasurer.

SCHEDULE No. 1.

SHAREHOLDERS OF THE OTTAWA, ARNPRIOR AND PARRY SOUND RAILWAY COMPANY.

Names.	Number of Shares.	Value.	Amount paid thereon.
		$	$
John R. Booth	37,315	3,731,500	3,731,500
John R. Booth	3,350	335,000	33,500
Hugh F. McLachlin	215	21,500	21,500
Claude McLachlin	200	20,000	20,000
Corporation of the Town of Arnprior	300	30,000	30,000
Corporation, United Townships of Hagerty, Sherwood, Jones, Rogers and Burns	20	2,000	2,000
Elkanah Honeywell	15	1,500	1,500
S. R. Poulin	60	6,000	6,000
Hugh Fitzpatrick	60	6,000	6,000
Galetta Whyte	5	500	500
George Whyte	20	2,000	200
C. J. Booth	100	10,000	1,000
J. F. Booth	100	10,000	1,000
Neil MacIntosh	40	4,000	400
William Anderson	40	4,000	400
E. J. Chamberlin	40	4,000	400
A. W. Fleck	5	500	50
G. H. Perley	20	2,000	200
William H. Berry	10	1,000	50
Francis McDougal	10	1,000	100
Patrick McCurry	10	1,000	100
C. Mohr	20	2,000	200
E. Mohr	25	2,500	.....
J. A. Seybold	20	2,000	200
Total	42,000	4,200,000	3,856,800

C. J. BOOTH,
President.

A. W. FLECK,
Secretary-Treasurer.

C. J. BOOTH,
President.

A. W. FLECK.
Secretary-Treasurer.

Witness,
JOHN CHRISTIE.

SCHEDULE No. 2.

ASSETS OF THE OTTAWA, ARNPRIOR AND PARRY SOUND RAILWAY COMPANY.

The right of way, roadbed, ties, rails, connections, bridges, culverts, buildings, shops, machinery, wharfs, docks, elevators, engines, boilers and machinery, stations, freight sheds, coal chutes, locomotives, cars, rolling-stock, plant, tools, equipment, surveys, plans, telegraphs, telephones and supplies, lands, tenements, premises, goods, chattels, rights, franchises and unpaid subsidies.

C. J. BOOTH,
President.

A. W. FLECK,
Secretary-Treasurer.

C. J. BOOTH,
President.

A. W. FLECK,
Secretary-Treasurer.

Witness,
JOHN CHRISTIE.

SCHEDULE No. 3.

SHAREHOLDERS OF THE CANADA ATLANTIC RAILWAY COMPANY.

Names.	Number of Ordinary Shares par value $100.	Shares of Preferred Shares par value $100.	Amount paid thereon.
			$
J. Gregory Smith	4,953	1,540	649,300
W. G. Perley	2,494	266	276,000
J. R. Booth	11,910	5,154	1,706,400
Guy C. Noble	310	.....	31,000
F. S. Stranhan	10	.....	1,000
J. W. Newton	10	.....	1,000
A. Coote	10	.....	1,000
McL. Stewart	10	.....	1,000
L. Millis	137	.....	13,700
D. A. Macdonald	10	.....	1,000
Peter Kennedy	5	.....	500
Arch. McNab	5	.....	500
R. S. McDonald	5	.....	500
E. McGillivray	5	.....	500
John Rankin	5	.....	500
Geo. H. Perley	10	10	2,000
J. J. Gormully	.....	5	500
A. W. Fleck	.....	5	500
E. C. Smith	10	10	2,000
Wm. Anderson	15	5	2,000
Fitchburg R. R	.....	3,000	300,000
C. J. Booth	15	5	2,000
C. B. Powell	20	.....	2,000
J. F. Booth	25	.....	2,500
A. W. Fraser	5	.....	500
N. MacIntosh	21	.....	2,100
	20,000	10,000	3,000,000

C. J. BOOTH,
President.

A. W. FLECK,
Secretary Treasurer.

C. J. BOOTH,
President.

A. W. FLECK.
Secretary-Treasurer.

Witness,
JOHN CHRISTIE.

SCHEDULE No. 4.

ASSETS OF THE CANADA ATLANTIC RAILWAY COMPANY.

The right of way, roadbed, ties, rails, connections, bridges, switches, side tracks, terminals, culverts, buildings, shops, machinery, wharfs, docks, elevators, engines, boilers and machinery stations, freight sheds, coal chutes, locomotives, cars, rolling-stock, plant, tools, equipment, surveys, plans, telegraphs, telephones, supplies, lands, tenements, premises, goods, chattels, rights, franchises and unpaid subsidies.

C. J. BOOTH,
President.

A. W. FLECK,
Secretary-Treasurer.

C. J. BOOTH,
President.

A. W. FLECK.
Secretary-Treasurer.

Witness,
JOHN CHRISTIE.

No. 145.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amalgamate the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company under the name of Canada Atlantic Railway Company.

First reading, June 12, 1899.

(PRIVATE BILL.)

Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 146.] **BILL.** [1899

An Act further to amend the Act respecting the Department of the Geological Survey.

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

1890, c. 11, new s. 4.

1. Section 4 of the *Act respecting the Department of the Geological Survey*, chapter 11 of the statutes of 1890, is hereby repealed, and the following is substituted therefor :—

Qualification in certain cases.

"**4.** No person shall be appointed to the Department under class (*b*) of Schedule A of *The Civil Service Act*, unless—

Graduates of certain institutions.

"(*a.*) he is a science graduate of either a Canadian or a foreign university or of the Mining School of London or the *Ecole des Mines* of Paris or of some other recognized science school of standing equal to that of the said universities and schools, or a graduate of the Royal Military College; or unless—

Service in Department.

"(*b.*) he has served a probation of not less than five years in the scientific work of the Department; or unless—

Experience elsewhere.

"(*c.*) he has had experience for the same number of years in similar work, official or otherwise, elsewhere.

Appointment on probation for one year.

"2. Any person so appointed shall be appointed on probation and shall not receive a permanent appointment until he has served a probationary term of at least one year, during which probationary period he may be rejected by the Head of the Department or by the Deputy Head; but if he be not rejected, the Deputy Head shall, at the expiration of the probationary period, signify to the Head of the Department, in writing, that he considers the person so appointed competent for the duties of the Department, and the appointment shall thereupon become permanent."

No. 146.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Act respecting the Department of the Geological Survey.

First reading, June 13, 1899.

MR. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 147.] **BILL.** [1899.

An Act to amend the Act respecting the Department of the Interior.

IN amendment of the *Act respecting the Department of the Interior*, chapter 22 of the Revised Statutes, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Temporary technical employees.

1. When it becomes necessary to employ temporary assistants in the Department of the Interior, or any branch of it, for the performance of services requiring technical, scientific or professional qualifications, the Minister may, upon the requisition of the Deputy Minister, employ as such temporary assistants any persons who are reported to him by the Deputy and the head of the branch where such assistants are required to be possessed of the special qualifications requisite for such services.

As to present employees.

2. Any person who is now temporarily employed in any branch of the Department in professional or technical work, and who is reported by the Deputy Minister and the head of the branch where he is employed to the Minister to have the special qualifications requisite for such work may be continued in such employment so long as his services therein are required.

Examination under R.S.C., c. 17, not required.

Payment of technical employees.

3. Notwithstanding anything contained in *The Civil Service Act* or any Act passed in amendment thereof, it shall not be necessary that any person so employed or continued in employment shall have passed any examination under that Act, and any such person may be paid at the rate of more than four hundred dollars a year, and out of moneys voted by Parliament for the contingencies of the Department, or out of any other moneys voted by Parliament for the services in connection with which such person is employed or continued in employment.

No. 147.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the Act respecting the Department of the Interior.

First reading, June 13, 1899.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 148.] **BILL.** [1899.

An Act further to amend the Dominion Lands Act.

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

R.S.C., c. 54, clause 25 amended.

1. Sub-clause 2 of clause 25 of *The Dominion Lands Act*, chapter 54 of the Revised Statutes, is hereby repealed, and the following is hereby substituted therefor :—

Terms of payment for school lands.

" 2. The terms of sale of all school lands, except as hereinafter provided, shall be,—at least one-tenth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in nine equal successive annual instalments, with interest at the rate of six per cent per annum, which shall be paid with each instalment of purchase money on the balance thereof from time to time remaining unpaid : provided that, if the Minister considers it will be to the advantage of the purposes for which school lands have been set apart under the provisions of clause 23 of this Act, he may dispose of any section or part of a section of school lands in legal subdivisions or in smaller subdivisions, or in town lots into which the Minister is hereby empowered to have any section or part of a section of school lands laid out, surveyed and shown on a proper plan of survey by a duly qualified Dominion Lands Surveyor ; and the terms of sale of such legal subdivisions, smaller subdivisions or town-lots shall be,—at least one-fifth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in four equal successive annual instalments, with interest at the rate hereinabove mentioned payable as hereinabove specified."

Proviso : as to sale of subdivisions or town lots.

Terms of payment in such case.

Clause 38 amended.

2. Sub-clause 1 of clause 38 of the said Act is hereby amended by striking out the words "perfecting his" in the second line thereof.

The same.

3. Sub-clause 3 of the said clause 38 is hereby amended by striking out the words " from the date of his perfecting his entry therefor," in the third line thereof, and by inserting in lieu thereof the words " after the date of such entry."

Clause 90 amended.

4. Clause 90 of the said Act is hereby amended by striking out paragraph (*f.*) thereof, and by substituting the following paragraphs therefor :—

Claims arising out of Indian title.

"(*f.*) Grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title ;

"(*f*2.) Upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily estab-

lishing undisturbed occupation of any lands within such territory or tract at the time of such extinguishment, and who are at that time, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of such lands, provided that not more than one hundred and sixty acres shall be so granted to any one person ;"

No. 148.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Dominion Lands Act.

First reading, June 13, 1899.

MR. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 148.] **BILL.** [1899.

An Act further to amend the Dominion Lands Act.

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

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

R.S.C., c. 54, clause 25 amended.

1. Sub-clause 2 of clause 25 of *The Dominion Lands Act*, chapter 54 of the Revised Statutes, is hereby repealed, and the following is hereby substituted therefor :—

Terms of payment for school lands.

" 2. The terms of sale of all school lands, except as hereinafter provided, shall be,—at least one-tenth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in nine equal successive annual instalments, with interest at the rate of six per cent per annum, which shall be paid with each instalment of purchase money on the balance thereof from time to time remaining unpaid : provided that, if the Minister considers it will be to the advantage of the purposes for which school lands have been set apart under the provisions of clause 23 of this Act, he may dispose of any section or part of a section of school lands in legal subdivisions or in smaller subdivisions, or in town lots into which the Minister is hereby empowered to have any section or part of a section of school lands laid out, surveyed and shown on a proper plan of survey by a duly qualified Dominion Lands Surveyor ; and the terms of sale of such legal subdivisions, smaller subdivisions or town-lots shall be,—at least one-fifth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in four equal successive annual instalments, with interest at the rate hereinabove mentioned payable as hereinabove specified."

Proviso : as to sale of subdivisions or town lots.

Terms of payment in such case.

Clause 38 amended.

2. Sub-clause 1 of clause 38 of the said Act is hereby amended by striking out the words " perfecting his " in the second line thereof.

The same.

3. Sub-clause 3 of the said clause 38 is hereby amended by striking out the words " from the date of his perfecting his entry therefor," in the third line thereof, and by inserting in lieu thereof the words " after the date of such entry."

Clause 90 amended.

4. Clause 90 of the said Act is hereby amended by striking out paragraph (*f.*) thereof, and by substituting the following paragraphs therefor :—

Claims arising out of Indian title.

"(*f.*) Grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title ;

"(*f*2.) Upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within such territory or tract at the time of such extinguishment, and who are at that time, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of such lands, provided that not more than one hundred and sixty acres shall be so granted to any one person."

Clause 101 amended.

5. Sub-clause 1 of clause 101 of the said Act is hereby repealed, and the following sub-clause is substituted therefor :—

Board to consist of Surveyor General and two other persons.

"**101.** There shall be a Board of Examiners for the examination of candidates for commissions as Dominion land surveyors, or as articled pupils, which shall consist of the Surveyor-General and two other competent persons to be duly qualified Dominion topographical surveyors and to be appointed from time to time by Order in Council ; and the meetings of the board shall commence on the second Monday in the month of February in each year or at such other times as the Minister directs,—due notice thereof being given in the *Canada Gazette ;* and the place of meeting shall be at the city of Ottawa, or at such other place as is from time to time fixed by the Minister."

Meetings.

Clause 101 further amended.

6. Sub-clause 5 of the said clause 101 is hereby amended by inserting, after the word "board" in the fourth line thereof, the words "or by a special examiner who shall be a duly qualified Dominion land surveyor or Dominion topographical surveyor, and shall be appointed by Order in Council."

The same.

7. The said clause 101 is hereby further amended by adding the following sub-clause thereto :—

Temporary vacancies.

"6. In the event of any member of the board being unable, through illness or other cause, to attend any meeting of the board, his place may be temporarily filled by another duly qualified Dominion topographical surveyor to be appointed by Order in Council as occasion requires."

New clause 119.

8. Section 119 of the said Act is hereby repealed and the following is substituted therefor :—

Allowances to members of board.

"**119.** Every member of the board who attends at the meetings thereof, and the secretary and every member who holds an examination as provided by clause 101, shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member and consequent upon such attendance,—and the Minister shall pay such sums ;

Proviso.

but no member or temporary member of the board shall be entitled to any payment under the provisions of this clause, unless he was previously notified by the secretary to attend the meeting of the board because of which he claims payment for his services or for travelling and living expenses, and unless the secretary reports to the Minister that he was in regular attendance at such meeting, as a member or temporary member of the board, and was duly notified to attend such meeting."

No. 148.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Dominion Lands Act.

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

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 149.] **BILL.** [1899.

An Act further to amend the Land Titles Act, 1894.

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

1894, c. 28, s. 121 amended.

1. Section 121 of chapter 28 of the statutes of 1894, as amended by section 17 of chapter 32 of the statutes of 1898, is hereby further amended by adding the following proviso thereto :—

Application of section.

"Provided that the provisions of this section shall apply to any plan which is now filed or registered in the land titles office for any registration district in the North-West Territories, whether a certificate or certificates of title has been granted or not for the lands shown on such plan, or for any part of such lands."

No. 149.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Land Titles Act, 1894.

First reading, June 13, 1899.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 149.] **BILL.** [1899.

An Act further to amend the Land Titles Act, 1894.

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

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

1894, c. 28, s. 121 amended.

1. Section 121 of chapter 28 of the statutes of 1894, as amended by section 17 of chapter 32 of the statutes of 1898, is hereby further amended by adding the following proviso thereto :—

Application of section.

"Provided that the provisions of this section shall apply to any plan which is now filed or registered in the land titles office for any registration district in the North-West Territories, whether a certificate or certificates of title has been granted or not for the lands shown on such plan, or for any part of such lands."

1898, c. 32, s. 21 amended.

2. Section 21 of chapter 32 of the statutes of 1898 is hereby amended by adding thereto the following subsection :—

Registration of Indian lands.

"2. Any map or plan attested by the signature of the Superintendent General of Indian Affairs or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Indian Affairs, of lands described as "Indian lands" in *The Indian Act*, shall be dealt with and recognized in accordance with the provisions of this section by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that *The Indian Act* does not expressly authorize the said map or plan to be so lodged or filed."

No. 149.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Land Titles Act, 1894.

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

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

H.] **SENATE BILL.** [1899.

An Act incorporating The Imperial Loan and Investment Company of Canada.

WHEREAS the Imperial Loan and Investment Company of Canada (Limited) was incorporated by letters patent under the Great Seal of the Dominion of Canada, dated the eleventh day of June one thousand eight hundred and eighty-one, issued under *The Canada Joint Stock Companies Act* 1877, and whereas the said Company has by its petition represented that it is desirous of having its shareholders incorporated by an Act of the Parliament of Canada as a Company for the purposes of carrying on business anywhere in the Dominion of Canada, and has prayed for such incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada: enacts as follows:— Preamble. 1877, c. 43.

1. The shareholders of the said "The Imperial Loan and Investment Company of Canada, Limited" (hereinafter referred to as the "old Company"), and such others as may hereafter become shareholders in the Company hereby incorporated (hereinafter referred to as the "new Company"), are hereby constituted a body corporate, under the name of "The Imperial Loan and Investment Company of Canada," for the purposes, and with the rights and powers, and subject to the obligations and restrictions hereinafter declared. Incorporation of new company. Corporate name.

2. The capital stock of the new Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each. Capital and shares.

3. The shareholders of the old Company are hereby declared to be holders respectively of shares in the new Company to the same extent, and with the same amounts paid up thereon, as they are holders respectively of shares in the old Company. Shares in old company converted.

4. The president, vice-presidents and directors of the old Company shall respectively be the president, vice-presidents and directors of the new Company until their successors are appointed. Officers.

5. The by-laws, rules, and regulations of the old Company lawfully enacted shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made. By-laws.

Liability for obligations of old company.

6. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

7. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Acquisition of old company's assets.

8. The new Company may acquire all the assets, rights, credits, effects, and property, real, personal, and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act or to the like effect, shall be sufficient.

Securities for investments.

9. The new Company shall have power to lend money on security of, or purchase or invest in,—

(*a.*) mortgages or hypothecs upon freehold real estate, or other immovables;

(*b.*) the debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank) or incorporated company, if incorporated by or under the authority of the Parliament of Canada or of the legislature of any former or present or future province of Canada; provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes.

Borrowing powers.

10. The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new Company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to the new Company.

Limitation.

Liabilities of old company included.

11. The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new

Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks and belonging to the new Company shall be deducted from such total liabilities for the purposes of said section.

Limitation to holding real estate.

12. So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not from time to time exceed eighty per cent of its total assets.

Directors.

13. The affairs of the new Company shall be managed by a board of not less than seven directors.

Head office.

14. The head office of the new Company shall be at the city of Toronto, Province of Ontario, or in such other place in Canada as the directors may from time to time determine by a by-law confirmed at a special general meeting of the new Company duly called for the purpose of considering the same.

Debenture stock.

15. The directors of the new Company may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts, and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the new Company, and shall be included in estimating the new Company's liabilities to the public under section 10 of this Act, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the new Company.

Limitation.

Ranking.

Registration of debenture stock.

16. The debenture stock aforesaid shall be entered by the new Company in a register to be kept for that purpose in the head office of the New company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said register shall be accessible for inspection and perusal at all reasonable times to every debenture-holder, mortgagee, bondholder, debenture-stockholder and shareholder of the Company without the payment of any fee or charge.

Transfer of debenture stock.

17. All transfers of debenture stock of the new Company shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland as the new Company appoints for that purpose, for transmission to the new Company's head office for registration.

Exchange of ordinary debentures.

18. The holders of the ordinary debentures of the new company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation of debenture stock.

19. The new Company having issued debenture stock may, from time to time, as it thinks fit, and for the interest of the new Company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Agencies.

20. The new Company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the new Company has an agency.

No liability on trusts.

21. The new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of the new Company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

Real estate to be sold within seven years.

22. No parcel of land, or interest therein at any time acquired by the new Company and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein unless by way of security, and any such parcel of land, and any interest therein not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than seven years without being disposed of shall be forfeited to Her Majesty for the use of Canada; Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years; Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the new Company of the intention of Her Majesty to claim such forfeiture, and it shall be the duty of the new Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the new Company, or in trust for the new Company, and subject to these provisos.

Forfeiture.

Proviso for extension.

Notice.

Statement.

23. The new Company shall transmit, on or before the first March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to thirty-first December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it. Financial returns.

24. *The Companies Clauses Act*, chapter 118 of the Revised Statutes of Canada, except sections 7, 18, 38 and 39, shall apply to the new Company. Application of R.S.C., c. 118.

25. This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for considering the same, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by shareholders present or represented by proxy at such meeting, and holding not less than seventy-five per cent of the subscribed capital stock of the Company represented at such meeting; and a certified copy of such resolution shall within fifteen days from the passing thereof be transmitted to the Secretary of State and shall be by him published in the *Canada Gazette;* but upon such resolution being passed this Act shall take effect and speak from the time or event fixed by such resolution; Provided always that, prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the Company, in any province of Canada. Provision for bringing this Act into effect. Proviso as to organization, ett.

26. Nothing herein contained shall be held to exempt the new Company from the effect of any legislation hereafter passed by the Parliament of Canada with respect to the powers to be exercised by loan companies. As to future legislation.

SCHEDULE.

This indenture, made the day of A.D. 18 between the Imperial Loan and Investment Company of Canada (Limited) of the first part hereinafter called the old Company,

and the Imperial Loan and Investment Company of Canada of the second part, hereinafter called the new Company.

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being the Act of the Parliament of Canada passed in the year 1898 intituled: "An Act incorporating the Imperial Loan and Investment Company of Canada (Limited)" and by the resolution of shareholders duly passed in that behalf the day of (*or* the execution hereof, *as the case may be*) was fixed as the date (*or* event) from which the said Act should take effect and speak;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real and 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 does hereby grant, assign, transfer and set over unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled; to have and to hold unto the new Company, its successors and assigns, to and for their sole and only use for ever; and the old Company covenants with the new Company to execute and deliver at the expense of the new Company all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal and equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

4th Session, 8th Parliament,

SENATE BI

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An Act incorporating the
and Investment Compa

Received and read a first t
April, 1899.
Second reading, Wednesda

The Honourable Mr.

OTTAWA
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1899

An Act respecting The Canadian Northern Railway Company.

WHEREAS The Canadian Northern Railway Company by its petition has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Preamble.

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

1. The amalgamation agreement set out in schedule "A" to this Act is hereby confirmed, and The Canadian Northern Railway Company therein named is hereby declared to have been, on and after the 13th day of January, A.D. 1899, and to be, a company duly formed under the terms and conditions of, and possessing and being vested with all the powers, franchises, privileges, assets, rights, credits, effects and property mentioned in, the said agreement and in the fourth section of chapter 70 of the Statutes of 1898. Confirmation of a certain agreement for amalgamation.

2. The mortgage set out in schedule "B" to this Act is hereby declared to be valid, binding and effectual according to the terms thereof. Confirmation of a certain mortgage.

3. The time for the completion of the Company's lines of railway south of the Saskatchewan River is hereby extended for five years after the passing of this Act, and the time for the completion of its lines of railway north of the Saskatchewan River is hereby extended for seven years from the passing of this Act. Time for completion of line extended.

4. The branch line authorized by section 3 of chapter 81 of the Statutes of 1887 may be commenced at a point on the Company's line at or near Red Deer Lake, and the Company may lay out, construct and operate a line of railway from a point on the said branch at or near Prince Albert to Edmonton, or thereabouts, in the District of Alberta; also a branch line from a point on the said line to the Peace River, and a branch line from said point at or near Red Deer Lake Station to Lake Winnipegosis. New lines authorized.

5. The Canadian Northern Railway Company has had power to issue and may issue bonds, debentures or other securities, secured in all or any of the following ways: Declaratory as to power to issue bonds.

(*a.*) By mortgage upon any lands granted to the Company, or to which the Company may be or become entitled, in aid of its railway, or any portion thereof, by the Dominion of Canada, Province of Manitoba or any municipality;

(*b.*) By mortgage second to the mortgage forming schedule "B" to Chapter 49 of the Statutes of 1897, and to the mortgage forming schedule "B" to this Act.

Limitation of amount.

Provided that the total issue of said bonds, debentures or other securities shall not exceed twenty thousand dollars per mile of the Company's railway and branches, and Sections 93 to 97, inclusive, of *The Railway Act*, shall apply to the issue of such bonds, debentures or other securities; provided that anything excepted by special or general reference from the mortgages securing such bonds, debentures or other securities shall be also excepted out of the preferential claim and charge created by Section 95 of the said Act.

1888, c. 29.

SCHEDULE A.

AT THE GOVERNMENT HOUSE AT OTTAWA,
FRIDAY, 13th January, 1899.

Present: His Excellency In Council:

Whereas under the provisions of Chapter 70 of the Acts of the Parliament of Canada passed in the sixty-first year of Her Majesty's reign, (A. D. 1898) an application was duly made to His Excellency in Council for an Order approving of an agreement dated 20th December, 1898, made between the Winnipeg Great Northern Railway Company and The Lake Manitoba Railway and Canal Company for the amalgamation of those Companies under the provisions of the said Act;

And whereas the Minister of Justice has reported that the requirements of the said Act have been duly complied with and that the agreement of amalgamation (a duplicate original of which accompanied his report) is one which from a legal point of view may properly receive the approval of His Excellency in Council.

And whereas, it is expedient that the said agreement should be approved;

Therefore, His Excellency, by and with the advice of the Queen's Privy Council for Canada, is pleased to order, and does hereby order that the said agreement of amalgamation be and the same is hereby approved.

JOHN J. McGEE,
Clerk of the Privy Council.

This indenture made the twentieth day of December, A.D. 1898, between The Winnipeg Great Northern Railway Company, hereinafter called The Winnipeg Company, of the first part; and The Lake Manitoba Railway and Canal Company, hereinafter called Lake Manitoba Company, of the second part.

Whereas the Winnipeg Company was incorporated by the Parliament of Canada, under the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company;"

And whereas by the Act of said Parliament passed in the year 1887, being Chapter 81 of the Statutes of Canada of that year, the name of the said Company was changed to "The Winnipeg and Hudson's Bay Railway Company," and by sections 30 and 31 of the said Act power was conferred on said

Company to enter into any agreement with any other Company, except The Canadian Pacific Railway Company, for amalgamation;

And whereas by the Act of the said Parliament passed in the year 1891, being Chapter 94 of the Statutes of Canada of that year, the said Company's name was further changed to "The Winnipeg Great Northern Railway Company";

And whereas under the authority of the Act of the Parliament of Canada passed in the year 1884, being Chapter 25 of the Statutes of Canada of that year (being now section 90, Subsection (c), of Chapter 54 of the Revised Statutes of Canada) the Governor General in Council by divers Orders in Council in that behalf, and by contract with the said Company dated 11th May, 1885, granted to the Winnipeg Company certain lands in aid of the construction of its line on the terms and conditions in said Order in Council and contract contained; the said lands and the rights of the said Company in respect thereof are hereinafter referred to as the said Company's "land subsidy;"

And whereas under the authority of Chapter 8 of the Statutes of the Parliament of Canada of 1895 a transport contract dated the 12th day of May, 1896, was entered into between Her Majesty and the Winnipeg Company for payment to that Company of the moneys mentioned therein on completion by the Company of the line of railway therein mentioned;

And whereas by an Act passed by the Parliament of Canada in the year 1898, intituled "An Act respecting the Transport Contract between Her Majesty and The Winnipeg Great Northern Railway Company," it was enacted that instead of a line to the Saskatchewan River the said Company might before the 31st of December, 1899, construct a line of railway commencing on the Lake Manitoba Company's line at a point between Dauphin Station and Lake Winnipegosis, thence towards the Swan River District northerly and westerly for 125 miles, and upon the Company giving its assent thereto the said transport contract should apply to the line thereby authorized instead of to the line mentioned in said contract, and that upon such assent the construction of the line by the said Act so authorized should entitle the Company to the payments under the said contract to which it would be entitled upon the construction of the line therein mentioned, and it was further enacted that the Company's land subsidy should apply to the line thereby authorized; the payments to be made under said contract and the Company's other rights thereunder are hereinafter referred to as the said Company's "Transport subsidy;"

And whereas by Order of the Governor General of Canada in Council of the 22nd day of October, A.D. 1898, the time limited by the previous Orders in Council respecting the said Company's land subsidy was extended to the 31st day of December, 1899;

And whereas the Winnipeg Company duly gave its assent to the said Act of 1898 and to the said contract applying to the line thereby authorized instead of to the line mentioned therein, and the said Company has commenced and is now carrying on the construction of the line so authorized;

And whereas the Lake Manitoba Company was incorporated by the Parliament of Canada, and by the Act of that Parliament passed in the year 1898, intituled "An Act respecting The Lake Manitoba Railway and Canal Company," the said Company was authorized to enter into an agreement for amalgamation with the Winnipeg Company, and by said Act it was enacted that such agreement might prescribe the terms and conditions of the amalgamation, and might provide for the mode of carrying the same into effect, the name of the amalgamated Company, the amount of the capital stock, the number of shares and the amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each Company into that of the amalgamated Company, and such other or additional details as might be necessary or convenient to perfect the new organization and the after management and working thereof, and by the said Act it was further enacted that on and after the date of an Order of the Governor in Council approving of the said agreement the Companies parties thereto should be amalgamated, and should form one Company by the name in the said agreement provided and upon the terms and conditions thereof, and that the amalgamated Company should possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in each of the said Companies or to which each might be or become entitled ;

And whereas the authorized capital of the Winnipeg Company is $15,000,000 and that of the Lake Manitoba Company is $800,000 ;

And whereas the two Companies parties hereto have agreed to amalgamate upon the terms and conditions hereinafter set out, and this agreement has been duly submitted to the shareholders of each Company, as required by the Acts relating to the Companies, and the same has been duly accepted and approved by resolutions of such shareholders passed by the majorities required by said Acts ;

Now this indenture witnesseth as follows :—

1. The Winnipeg Company and the Manitoba Company hereby agree to amalgamate and do hereby amalgamate and form one Company upon the terms and conditions hereinafter set out.

2. The name of the amalgamated Company shall be " The Canadian Northern Railway Company."

3. The amount of the capital stock of the amalgamated Company shall be sixteen millions of dollars ($16,000,000.00) divided into one hundred and sixty thousand (160,000) shares of one hundred dollars ($100.00) each.

4. The Head Office of the amalgamated Company shall be at the City of Toronto or at such other place as the Board of Directors may from time to time by by-law prescribe.

5. The number of the Board of Directors shall be five, with power to increase the same from time to time by by-law to any number not exceeding ten. The first Directors shall be Frederic Nicholls, James Gunn, John M. Smith, Archibald J. Sinclair and Harcourt Vernon, all of the City of Toronto, and

they shall hold office until the first annual meeting of the Company for the election of Directors or until their successors are appointed.

6. Each shareholder in the Winnipeg Company shall be entitled to receive and there shall be issued to him by the amalgamated Company, one share in the capital stock of the amalgamated Company, issued as fully paid up and free from calls and other liability, for every one hundred dollars, paid up upon the shares held by him in the capital of the Winnipeg Company.

7. Each shareholder in the Lake Manitoba Company shall be entitled to receive, and there shall be issued to him by the amalgamated Company, two shares in the capital stock of the amalgamated Company, issued as fully paid up and free from calls and other liability, for every one hundred dollars of fully paid up stock held by him in the capital of the Lake Manitoba Company.

8. The amalgamated Company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in the Winnipeg Company and in the Lake Manitoba Company, or to which the Winnipeg Company and the Lake Manitoba Company may be or become entitled.

9. The amalgamated Company shall become liable for, and shall assume, carry out, pay and discharge all the contracts, obligations, debts and liabilities of the Lake Manitoba Company and the amalgamated Company shall become liable for and shall assume and carry out the transport contract with Her Majesty the Queen above mentioned, and any contracts respecting the construction of the line of railway to which the said contract, by said Statute of 1898, is made to apply, and the extension of said line to the Saskatchewan River, also all contracts with the Government of Canada respecting the Winnipeg Company's land subsidy and the terms and conditions of all Orders of the Governor General in Council respecting the same; and the amalgamated Company shall become liable for and assume, carry out, pay and discharge any other contracts, obligations, debts or liabilities of the Winnipeg Company which the Board of Directors of the amalgamated Company may by resolution specify; but nothing in this agreement, or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the Winnipeg Company or the Lake Manitoba Company, nor shall it relieve such Company from the payment or performance of any debt, liability, obligation, contract or duty.

10. The Board of Directors of the amalgamated Company may make such settlements and compromises with the debenture holders, creditors and others having claims against the Winnipeg Company on such terms as may be agreed on with the parties interested, and may, as the consideration or part thereof of such settlements and compromises, agree to issue and may issue stock in the capital of the amalgamated Company as fully paid up and free from calls or other liability.

11. The powers of the amalgamated Company respecting the issue of, and the sale, pledge and other disposition of, bonds, and the making of mortgages, securing the same, shall, with respect to the railways, rights, properties, franchises and otherwise of the amalgamated Company, be equal to but no greater than those now possessed by the Lake Manitoba Company.

12. The by-laws, rules and regulations of the Lake Manitoba Company shall, so far as applicable, be the by-laws, rules and regulations of the amalgamated Company, until repealed, amended, altered, or added to by by-laws, rules or regulations of the amalgamated Company.

13. An application shall be made to the Governor General in Council for an Order approving of the same, and upon such Order being made this agreement shall take effect.

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

(Sgd.) JAMES GUNN,
Vice President.

[L.S.] [Seal.] (Sgd.) J. M. SMITH,
Secy. (W. G. N. Ry. Co.)

(Sgd.) FREDERIC NICHOLLS,
President.

[L.S.] [Seal.] (Sgd.) J. M. SMITH,
Secy. (L.M. R. & C. Co.)

IN PRESENCE OF:
(Sgd.) H. E. HARCOURT VERNON.

SCHEDULE B.

This indenture, made the First day of February, A.D., 1899, between The Canadian Northern Railway Company, hereinafter called the Company, of the first part; the Honorable Thomas Greenway, of the City of Winnipeg, Railway Commissioner of the Province of Manitoba, and the Honourable Robert Watson, of the same place, Minister of Public Works of the said Province, and their successors in the trust, hereinafter called the Trustees, of the second part; and Her Majesty the Queen, hereinafter called the Government and herein represented and acting by the Railway Commissioner of the Province of Manitoba, of the third part.

1. Whereas the Company is a Company formed by the amalgamation of The Winnipeg Great Northern Railway Company, hereinafter called the Winnipeg Company, and The Lake Manitoba Railway and Canal Company, hereinafter called the Lake Manitoba Company, the agreement of amalgamation, dated 20th December, 1898, having been approved by Order of the Governor General of Canada in Council, made pursuant to the Statutes in that behalf and dated the thirteenth day of January, 1899;

2. And whereas under the said agreement and the Statutes pursuant to which it was made the Company became and is

possessed of and is vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in the Winnipeg Company and the Lake Manitoba Company, or to which each might be or become entitled ;

3. And whereas by agreement dated the thirteenth day of May, 1898, made between the Government and the Lake Manitoba Company, pursuant to and under the authority of the Act of the Legislature of Manitoba, being Chapter 43 of the Statutes of Manitoba for the year 1898, the Lake Manitoba Company agreed to construct or cause to be constructed, completed and equipped the line of railway hereinafter mentioned, and the Government agreed to guarantee the payment of the principal and interest of the first mortgage bonds of the Company to the extent of eight thousand dollars per mile for the said line of railway ;

4. And whereas the Winnipeg Company was empowered, among other things, to lay out, construct and operate the line of railway hereinafter mentioned, with respect to which the bonds hereinafter mentioned are issued, and the Lake Manitoba Company pursuant to the said agreement duly caused the Winnipeg Company to commence and carry on the construction of the said line, and certain parts thereof were completed, and the amalgamated Company is now empowered to construct and complete and proposes to proceed with the construction and completion of said line, and to operate the same, and a contract for such construction has been duly entered into and the said line is now in course of construction thereunder, and it is necessary for the Company to issue its bonds for the purpose of raising money for prosecuting its undertaking ;

5. And whereas by the said agreement it was provided that, in case the Lake Manitoba Company became amalgamated with the Winnipeg Company, the amalgamated Company might, before, during or after the construction of the said line, be substituted for the Lake Manitoba Company, when so amalgamated, in respect of the said guarantee ; and whereas the amalgamated Company has been so substituted ;

6. And whereas under the Acts relating thereto the Company is duly authorized to issue the bonds hereinaffer mentioned and to secure the payment of the same by this mortgage ;

7. And whereas the said line is a line of railway commencing at a point on the line of railway of the Lake Manitoba Company, as constructed previous to said amalgamation, at or near the first curve eastward, north of Sifton Station, thence, in a northerly or north-westerly direction to a point on the south bank of the Saskatchewan River, which line is 196 miles in length or thereabouts ;

8. And whereas all necessary and requisite by-laws and resolutions of the Directors and Shareholders of the Company have been duly passed so as to make the issue of bonds hereby secured and the execution of these presents legal and valid and in accordance with the requirements of the Statutes relating to the Company and of all other Statutes and laws in that behalf ;

9. And whereas these presents have been duly submitted to and have been duly approved of by the Shareholders and Directors of the Company at meetings duly called and held to consider the same, and these presents are also satisfactory to the Government;

NOW THIS INDENTURE WITNESSETH—

10. Wherever in these presents the Company is mentioned or referred to such mention or reference shall extend to and include its successors and assigns, and wherever the Trustees are mentioned or referred to such mention or reference shall extend to and include their successors in this trust and any other Trustee or Trustees who may be appointed or succeed to the trusts hereof.

11. The total amount of the issue of bonds hereby secured shall be at the rate of eight thousand dollars per mile, and no more, for each mile of the said line of railway. Each bond shall be for the sum of one hundred pounds sterling money of Great Britain. The said bonds shall be dated the first day of February, A.D., 1899. The principal money thereby secured shall be payable on the first day of February A.D., 1929, with interest at the rate of four per cent per annum, half-yearly, on the first days of August and February in each year during the currency of the said bonds; all interest to be represented by coupons attached to the said bonds. The place of payment of both principal and interest shall be at the Bank of Scotland, in London, England. The form of bond shall be as follows or to the like effect:—

DOMINION OF CANADA.

PROVINCE OF MANITOBA.

Series A.

£..... No.....

THE CANADIAN NORTHERN RAILWAY COMPANY.

FOUR PER CENT. FIRST MORTGAGE BOND.

Guaranteed by the Province of Manitoba.

The Canadian Northern Railway Company, for value received, hereby promises to pay to the bearer hereof, or, if registered, to the registered holder, one hundred pounds, sterling money of Great Britain, on the first day of February, A.D., 1929, at the office of the Bank of Scotland in London, England, with interest thereon at the rate of four per cent per annum, payable half-yearly, at the said place, on the first days of August and February in each year, on the presentation and surrender of the interest coupons hereto annexed as they severally become due.

This bond is one of a series of like tenor and date, the total amount of which is at the rate of eight thousand dollars per mile, and no more, of the said Company's line of railway from a point near Sifton Station in Manitoba, thence in a northerly or

north-westerly direction to a point on the south bank of the Saskatchewan River, a distance of 196 miles or thereabouts. The payment of principal of all of said bonds and interest thereon is secured by a deed of mortgage bearing even date herewith, duly executed by the Company, to the Honourable Thomas Greenway, the Railway Commissioner of the Province of Manitoba, and the Honourable Robert Watson, the Minister of Public Works of the said Province, and their successors in the trust, as Trustees, which conveys to the said Trustees by way of mortgage the said line of railway of the Company and the other premises and properties as in said mortgage described, but not including payments to be received from the Government of Canada under any transportation contract made in pursuance of Chapter 8 of the Statutes of Canada, 1895, and the Acts therein mentioned, and Chapter 10 of the Statutes of Canada of 1898, or any subsidies, gifts or bonuses, whether in land, money or otherwise, to which the Company is now or hereafter may become entitled.

And the payment of the principal of the said bonds and interest thereon is guaranted by the Province of Manitoba as thereon endorsed.

This bond may be registered in the books of the Company at its head office, or at the office of the Bank of Scotland, London, after which no transfer, except upon the books of the Company, at the place of registry, will be valid, but it is not to be deemed registered until the name of the holder is registered on the back of the bond as well as in the said books. A transfer in favour of bearer may subsequently be registered, after which this bond shall be transferable by delivery alone until again registered in the name of the holder.

This bond shall not become obligatory until it shall be certified by the Trustees for the time being under the said mortgage.

In witness whereof the Canadian Northern Railway Company has caused its seal to be hereto affixed, and these presents to be signed by its President and countersigned by its Secretary, this First day of February, one thousand eight hundred and ninety-nine.

.....

President.

Countersigned. [SEAL.]

.....

Secretary.

CERTIFICATE TO BE ENDORSED ON BOND.

"Certified by

.....

.....

Trustees."

INTEREST COUPON.

"£2..0..0. Coupon No.....

The Canadian Northern Railway Company will pay the bearer two pounds sterling on the.....day of....., at the office of the Bank of Scotland, London, England, being half-yearly interest on bond No.....

Series A. .....

Secretary."

GUARANTEE TO BE ENDORSED ON BOND.

"Under the provisions of 61 Victoria, Chapter 43, Statutes of Manitoba, 1898, the principal sum secured by the within bond, and interest thereon payable semi-annually for thirty years, at the rate of four per cent per annum, is hereby guaranteed by the Government of Manitoba.

Dated the.....day of.....A.D., 1899.

.....

Provincial Treasurer."

12. For and in consideration of the premises, and for the purpose of securing the payment of the said bonds and the interest thereon, the Company doth hereby grant and convey unto the Trustees, their heirs and assigns, as joint tenants and not as tenants in common, that portion of the said Company's railway above described, viz., commencing at or near Sifton Station on the line of railway of the Lake Manitoba Company heretofore constructed, thence in a northerly or north-westerly direction to a point on the south bank of the Saskatchewan River, which line is hereinafter referred to as "the said railway," as the same is now located and constructed or in course of construction, and as the same may be hereafter located and constructed, which line is estimated at one hundred and ninety-six miles in length, or thereabouts; together with all the Company's property, comprising telegraph and telephone lines erected along the said railway or used in connection therewith and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops and all other structures now held and acquired, or which hereafter may be held or acquired by the Company, its successors or assigns, for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars, and all other rolling stock, steam shovels and equipment whatsoever, and all machinery, tools and implements, and all supplies and materials now held or hereafter acquired by the Company, its successors or assigns, for constructing, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtenances thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property, except as hereinafter provided; and also all other

privileges, powers, immunities; and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it, its successors and assigns; also the earnings of that portion of the Company's line of railway constructed by The Lake Manitoba Railway and Canal Company before the formation of the amalgamated Company by the amalgamation of The Lake Manitoba Railway and Canal Company with The Winnipeg Great Northern Railway Company, which line of railway extends from the point of junction with The Manitoba and North-Western Railway near Gladstone, Manitoba, and extends in a northerly, north-westerly and north-easterly direction to a point on Lake Winnipegosis, after deducting from such earnings the working expenses of said line and the interest on the bonds issued by the Lake Manitoba Railway and Canal Company and secured by a first mortgage upon the said line, excepting, however, payments to be received from the Government of Canada under any transportation contract made in pursuance of Chapter 8 of the Statutes of Canada for 1895 and the Acts therein mentioned and Chapter 10 of the Statutes of Canada for 1898, and any subsidies, gifts or bonuses, whether in land, money or otherwise, to which the Company is now or may hereafter become entitled; also excepting the line of railway (about forty miles in length) constructed by The Winnipeg Great Northern Railway Company from a point at or near Winnipeg and running in a northerly and westerly direction; all which are hereby expressly excepted and reserved from the operation of this mortgage; and this mortgage is made subject to whatever prior charge on any part of the mortgaged premises may have been created by the mortgage dated August 1st, 1896, made by The Lake Manitoba Railway and Canal Company to the said Trustees, securing the issue of bonds therein mentioned.

To have and to hold the above described property, premises, things, rights, privileges and franchises acquired and to be acquired, and hereby expressed to be conveyed and intended so to be unto the Trustees, their heirs and assigns, according to the nature and quality thereof, as joint tenants and not as tenants in common, and to their successors in the said trust:

In trust, nevertheless, to and for the uses and for the purposes and conditions hereinafter set forth:

13. Until default shall be made in the payment of the principal or interest of the said bonds hereby secured, or of some one or more of them, or in respect of something herein required to be done, or some condition or covenant to be performed by it, the Company and its assigns shall be suffered and permitted to possess, manage and enjoy the said railway, and all other property expressed to be conveyed hereby, together with the equipment and appurtenances thereof, and the franchises appertaining thereto, and to take and use the rents, incomes, profits, tolls and issues thereof, in the same manner and with the same effect as if this deed had not been made, but subject or to be subject nevertheless to the lien of these presents.

14. In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued

by the Company, when such interest shall become payable according to the tenor of such bond or the terms of any coupons thereto annexed, and such default shall continue for a period of six months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the said Company, and such default shall continue for a period of six months after written notice thereof to the Company, then and from thenceforth, and in either of such cases, except as hereinafter mentioned, it shall be lawful for the Trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway and property hereby conveyed or intended so to be acquired or constructed, and to be acquired or constructed, or any part thereof; and thenceforth to have, hold, possess and use the said railway and property, and each and every part and parcel thereof, then subject to the lien of these presents, with full power for the period of three months thereafter, and afterwards until the sale and subsequent delivery of the said railway shall have been made as herein provided, to operate and conduct the business of the said railway, including all telegraph and telephone lines, by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; or to lease to some other company the said railway and telegraph and telephone lines, with full power to such other company to operate and conduct the business of the railway and telegraph and telephone lines, and after deducting the expenses of operating the said railway and telegraph and telephone lines and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this Indenture created, the Trustees shall apply the moneys arising from such collections and receipts, as aforesaid, to the payment of interest on the said bonds, but excluding all interest coupons which may have been paid by the Government of Manitoba under its guarantee, in the order in which such interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain, and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the Trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same shall be applied in payment of the interest coupons which may have

been paid by the Government of Manitoba, and any surplus which shall remain after such payment shall be paid over to the Company or its assigns; but in case the principal of said bonds shall have become due, or shall have been declared by the Trustees to be due, under the provisions of paragraph 16 of this Indenture, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon the sale of the said railway and premises as hereinafter provided.

15. In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue, as aforesaid, for the period of six months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, and shall continue for a period of six months thereafter, it shall be lawful for the Trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents to sell and dispose of the said railway, property and all and singular the property, rights and franchises hereinbefore particularly described and expressed to be conveyed, and which shall be then subject to the lien of these presents, at public auction in the City of Winnipeg, in the Province of Manitoba, and at such time as the Trustees shall appoint, having first given notice of the time and place of such sale, by advertisement, published not less than three times a week for three successive months, in one or more daily newspapers published in the Cities of Winnipeg, London (England), Toronto and Montreal. And, after such notice, it shall be lawful for the Trustees to make such sale, with or under any special conditions as to upset price, reserved bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds or interest coupons secured hereunder, which may be prescribed or authorized by the Bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and re-sell with or under any of the powers herein. And the Trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, and after one month's notice thereof, published not less than three times a week for one month in the said daily newspaper or newspapers, make such sale with or under any of the powers herein, at the time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway, property, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the Company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from or under the said Company or its assigns. And, after deducting from the proceeds of such sale just allowances for all expenses thereof, including attorneys' and counsel fees, and all other expenses, advances or liabilities, which may have been made or incurred by the Trustees in operating or maintaining the said railway and property, or in managing the business thereof, and all payments by them made for taxes and assessments, and for charges and liens

prior to the lien of these presents on the same or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in paragraph 14, it shall be lawful for the Trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of the said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders, excluding, however, any bonds and interest coupons paid by the Government of Manitoba ; and if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, the same shall be applied in payment of the bonds and coupons which may have been paid by the Government of Manitoba, and if any surplus thereafter to pay such surplus to the Company or its assigns. And it is hereby declared and agreed that the receipt of the Trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money; and that after payment of such purchase money, and having such receipt, such purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase money, or of any part thereof, nor shall he or they at any time be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

16. In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond, or of any coupon thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid, and been demanded, and such default shall continue for six months thereafter, then and from thenceforth the principal sum of each of the bonds aforesaid shall, upon a declaration of the Trustees to that effect, made upon the request hereinafter provided for, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the Trustees unless a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have requested the Trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided at any time before the actual payment and acceptance of the interest in arrear, have instructed the Trustees to declare such principal sum due ; and such majority of the Bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided, always, that no act or omission either of the Trustees or of the Bondholders in the premises shall extend

to, or be taken in any manner whatsoever to affect, any subsequent default, or the rights resulting therefrom.

17. It shall be the duty of the Trustees, but subject always to the provisoes in paragraph 15 contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of Bondholders in the several cases of default herein specified, on the part of the Company or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of Bondholders as herein prescribed, as follows :

1. In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of six months, then and in every such case, upon a requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the Trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the Trustees to proceed to enforce the rights of the Bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of Bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law, shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof; provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the Trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this Indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the Trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults, on which it is founded, in like manner as is hereinbefore provided for a direction to the Trustees to waive default. And it is hereby further declared and provided that no action, taken by the Trustees or by the Bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the Trustees, or of the Bondholders, in the event of any subsequent default or breach of condition or covenant herein.

2. If the Company shall make default or breach in the performance or observance of any other condition, obligation or

requirement by the said bonds or by this present deed imposed upon them, then and in such case the Trustees shall, upon a requisition in a manner aforesaid, of not less than one-fifth in interest of the Bondholders, for the time being, and upon adequate and proper indemnification of the Trustees against the costs, expense and liabilities to be by them incurred, proceed to enforce the rights of the Bondholders under these presents in the manner by the first clause of this Article provided, subject to a power in such majority at any time to direct in manner aforesaid, the Trustees to waive such default or breach, upon due reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the Trustees or by the Bondholders, under this clause, shall prejudice or in any manner affect the powers or rights of the Trustees or of the Bondholders, in the event of any subsequent default or breach of condition or covenant herein.

18. The Trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the lands and premises which are conveyed hereby, or which are at any time acquired or held by the said Company or its assigns for use in connection with the said railway and telegraph and telephone lines or extension thereof, or the construction, maintenance or operation thereof, but which in the judgment of the Trustees it shall be unnecessary longer to retain for use in connection therewith. And the Trustees shall also have power and authority to allow the Company or its assigns from time to time to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock, steam shovels, and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

19. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to Shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof.

20. All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at its head office or at its transfer office in the Counting House of the Bank of Scotland, in the City of London, England, a Bond Register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by production thereof; and every registra-

tion of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last-mentioned transfer book, so as to show the number of the bond transferred, and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered ; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery ; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

21. The Company shall from time to time and at all times hereafter well and truly defend and keep harmless and fully indemnify the Government against all loss, costs, charges, damages and expenses which the Government may at any time or times hereafter bear, sustain or be put to for, by reason or on account of the Company failing to pay the said coupons and bonds or any of them.

22. In the event of the Government under the terms of its guarantee paying the interest coupons upon such bonds, or any of them, or paying the said bonds themselves or any of them, the Government shall be subrogated to all the rights of the holders of such coupons and bonds so paid by the Government, and the Governmeut shall in such event be deemed to be purchasers of such coupons and bonds so paid, and shall have all the rights and remedies which are provided in this instrument for the protection of original holders of such bonds, and the trustees shall in such event be deemed to be trustees for the Government in respect of the coupons and bonds so paid by the Government, and may be called upon by the Government to exercise and shall then exercise all the powers and remedies herein provided in the event of any default in payment on the part of the Company so as to fully secure payment and recoupment to the Government of any and of all coupons and bonds paid by it under the terms of the said guarantee. And the Trustees shall in such event and upon being requested so to do have the right to apply to a court of competent jurisdiction for and to secure the appointment of a receiver of the undertaking, assets and revenues of the Company.

23. Provided, however, that no steps shall be taken by the said Trustees or by the Government to enforce the payment by the Company to the Government of any instalment of interest paid by the Government before the expiration of four years from the completion of the said railway unless and until the certificate of the Chief Justice of the Court of Queen's Bench of Manitoba has been given that during the financial year in which such certificate is given there have been net earnings of the Company over and above the working expenses of the railway, and that such net earnings or some part thereof have not been applied in payment of interest upon the said bonds

guaranteed by the Government. And in the construction of this mortgage the term "Working Expenses" shall in no case be held to include the salary of any officer or employee whose time is not wholly employed bona fide in the operation or management of the said railway except that as to officers and employees whose services are necessary or desirable but whose whole time is not fully taken up in the service of the Railway Company under the head of "Working Expenses" there shall be included a reasonable remuneration for the time actually expended and services actually rendered by such officer or employee to the Company in connection with the operation or maintenance of the railway, and that under the term "Working Expenses" there shall not be included any expenses, payments or outgoings not reasonably necessary for the efficient management, maintenance, operation and repair of the said railway.

24. The said Chief Justice shall have full power to decide what are proper working expenses, and in so deciding may take evidence or consult with experts and use his own judgment in coming to a decision, and the decision of the Chief Justice thereon shall in any and all cases be final and binding without appeal. Three months' notice of any application for the granting of a certificate by the Chief Justice as aforesaid shall be given to the Company by leaving the same at its head office or by publishing the same in a daily newspaper of the City of Winnipeg.

25. Provided further, however, that the said Trustees shall not take any steps for the sale of the said railway or for the foreclosure of this mortgage or other steps which would have the effect of returning to the Bondholders the principal or part of the principal of their bonds before the maturity thereof at the instance of the Government or its assigns or any person acting on their behalf or in their interest, until the principal money of the said bonds is to become due in accordance with the terms of such bonds, or has been declared by the Trustees to be due under the provisions of paragraph 16 of this Indenture, it being agreed and intended that the principal money of the said bonds shall not be called in at the instance of the Government until the principal money of the said bonds becomes due according to the terms thereof or has been declared by the Trustees to be due under the provisions of paragraph 16 of this Indenture, and that no proceedings by way of sale, foreclosure or otherwise which would have the effect of returning to the Bondholders the principal or part of the principal of their bonds before the maturity thereof shall be taken at the instance of or on behalf of or in the interests of the Government, and that any interest and coupons not paid by the Government under the terms of the said guarantees shall be paid in priority to the claim of the Government for any interest paid under the terms of the guarantee.

26. The Trustees, or any Trustee hereunder, may take such legal advice and employ such assistance as may be necessary in their judgment to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation the Company hereby promises and agrees to pay; but in case the Company should

make default in such payment, the same shall be retained by the Trustees out of any trust moneys coming into their hands.

27. The trustees shall not, nor shall any Trustee hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trusts, and not the one for the other or others of them, or the acts or defaults of the other or others.

28. The Trustees shall be the parties who occupy the offices of Railway Commissioner and Minister of Public Works in the Province of Manitoba, and their successors in such offices from time to time, and, in the event of those offices becoming vacant, then the Government shall have power to appoint such person or persons as to the Government may seem meet to be Trustees under the terms of this mortgage, and on such appointment each person so appointed shall, and on a successor in such office succeeding thereto, he shall be vested with the same powers, rights and interests, and charged with the same duties and responsibilities as if he had been named among the parties of the second part to this instrument in place of the Trustee whom he succeeds, without any further assurance, conveyance, act or deed; but in the event of any conveyance or other instrument being thought necessary or suitable for the purpose of assuring the new Trustee so appointed a full general estate in the premises, then the company shall forthwith execute the same.

29. Meetings of the Bondholders under this deed of trust may be called in such mode as may be fixed by regulations prescribed or established by the Bondholders; and the Bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the Bondholders, acting by the majority in interest, as to them shall seem expedient; and until the Bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the Trustees. And the Trustees shall have the right, at or before any meeting of Bondholders, to require that any act or resolution of the Bondholders affecting the duties of the Trustees, shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said Bondholders are herein declared to have any discretionary voice or power; it shall be the duty of the Trustees, and such Trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the Bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed, if necessary, from the trust fund) to be published three times in each week for six weeks, in one or more daily newspapers of good circulation among

the business community of the Cities of Winnipeg, London (England), Toronto and Montreal, and in default of such meeting being called by the Trustees within thirty days after notification to them in writing by any Bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any such meeting.

30. Each of the Trustees hereby accepts the trusts hereby created and agrees to discharge the same unless and until he be legally discharged therefrom either by resignation or removal as hereinbefore provided or otherwise.

31. If the Company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by them or either of them done or observed, then and in that case all the estate, right, title and interest of the Trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the Trustees shall execute such re-conveyance and re-assignment of the premises as may be necessary or expedient.

32. And the Company, for itself and its assigns, hereby covenants and agrees to and with the Trustees, and their successors in the trust created by these presents, that the bonds hereby secured or intended so to be, shall be issued only at such times and in such amounts as hereinbefore limited; that the said Company will, in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed, or intended or contemplated so to be, which may not be covered by the exemption from taxation under the said recited Act, so as to keep the mortgaged premises free and clear from any encumbrance by reason thereof;

and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the Trustees, under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the Trustees, upon the trusts herein expressed, the railway aforesaid, acquired and to be acquired, constructed and to be constructed, together with their equipment, appurtenances and franchises, and all and singular the lands, property and things hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed to the Trustees, or their successors in the trust created by these presents, as by the Trustees, or by their counsel learned in the law, shall be reasonably advised, devised or acquired, so that the Trustees or their successors in the trust and their assigns may become fully possessed of and entitled to the same.

33. The Company for itself and its assigns hereby covenants and agrees to and with the Trustees and their successors in the trust created by these presents and with the Government as follows:

(*a*) At all stations upon the said railway there shall always be permitted the loading of grain into cars from farmers' vehicles or flat warehouses, subject to reasonable regulations made by the Company, and at all reasonable times during the period of the guarantee hereinbefore referred to, proper facilities therefor shall be afforded.

(*b*) No lease, agreement, contract or transaction shall be at any time entered into the effect of which will be to interfere with or prevent the fulfilment of the various covenants herein entered into, on the part of the Company.

(*c*) No lease of the said railway, no contract for running powers or wheelage over the said railway, no traffic contract or contract for the operation of the said railway, made or entered into during the currency of the said bonds without the consent of the Government shall be valid as against the Government after default made by the Company in payment of interest on any of the bonds so guaranteed by the Government.

(*d*) During the currency of the said bonds, the said line of railway shall be preserved in a proper and efficient state of repair and equipment, and it shall be efficiently and regularly operated.

(*e*) Proper and correct books of account shall be kept by the Company which shall show all the transactions of the Company, and particularly shall clearly exhibit a statement of the working expenses of the said railway and the earnings thereof, and all earnings properly applicable to the said railway, whether the same is further extended or connected with another railway or other railways or not, and the Company shall deliver to the Government within one month after the 31st day of December in each year after the date hereof a statement of such working expenses and earnings in such detail as shall be required by the Government.

(*f*) All reasonable facilities shall be furnished to any other railway company for the receiving and forwarding and delivering of traffic upon and from the line of railway belonging to

or worked by such companies respectively, and for the return of carriages and cars and no undue or unreasonable preference or advantage shall be made or given to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever, nor shall any particular person or company or any particular description of traffic be subjected to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and all due and reasonable facilities for receiving and forwarding over the said railway of the traffic arriving by such other railway or railways shall be forwarded without any uureasonable delay and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction is afforded to the public desirous of using such railway as a continuous line of communication and so that all reasonable accommodation by means of the railways of the several companies is at all times afforded to the public in that behalf, and any agreement made between the said Company or its assigns and any other company or its assigns and any other company contrary to the provisions of this instrument or anything therein contained shall be null and void.

(*g*) If requested so to do by the Government, the Company will make an application to the Parliament of Canada for an Act to ratify and confirm and make binding upon the Company and its assigns everything herein contained, and the parties hereto covenant that they will assist and promote in every way in their power such application and the obtaining of the passage of the said Act.

(*h*) The Government shall be entitled to take proceedings by way of injunction to prevent the infringement of any of the terms or provisions of this instrument, and in the event of the Company failing to fully and completely perform all such terms and provisions, the Government shall be entitled to enforce such performance.

In witness whereof the Company has caused its corporate seal to be hereunto affixed and these presents to be signed by its President and Secretary; and the Trustees, to evidence their acceptance of the said trust, have likewise signed and sealed these presents; and the Government have also caused these presents to be executed under the hand and seal of the Railway Commissioner of the Province of Manitoba.

SIGNED, SEALED AND DELIVERED BY THE COMPANY In the presence of

.....
President.

.....
Secretary.

BY THE TRUSTEES In the presence of

.....
Trustee.

.....
Trustee.

BY THE GOVERNMENT In the presence of

.....
Railway Commissioner of the Province of Manitoba.

CANADA
Province of Manitoba
To Wit:

I, of the City of Winnipeg, in the Province of Manitoba, make oath and say:

1. That I was personally present and did see the Honourable Thomas Greenway, and the Honourable Robert Watson, the Trustees named in the within Instrument, and the Honourable Thomas Greenway, Railway Commissioner, who are personally known to me to be the persons named therein, duly sign, seal and execute the same for the purposes named therein.

2. That the said Instrument and duplicate were executed at the City of Winnipeg, and that I am subscribing witness to the said Instrument and Duplicate.

Sworn before me at the City of Winnipeg, in the Province of Manitoba, this
day of
in the year of our Lord 1899.

A Notary Public.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

No. 151 Nov. 8

I

An Act respecting the Canadian Northern Railway Company.

Received and read a first time, Friday, 28th April, 1899.
Second Reading, Wednesday, 17th May, 1899.

The Honourable
Mr. KIRCHHOFFER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

M.] **SENATE BILL.** [1899.

An Act respecting the Northern Commercial Telegraph Company (Limited).

Preamble.

WHEREAS The Northern Commercial Telegraph Company (Limited), hereinafter called "the Company," has by its petition prayed that it may be enacted as follows, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 118.

1. Notwithstanding anything contained in *The Companies Clauses Act* to the contrary the majority of the directors of the Company need not be persons resident in Canada.

1898, c. 111, s. 8 amended.

2. Paragraph (*b*) of section 8 of the Act incorporating the Company, chapter 111 of the statutes of 1898, is hereby repealed and the following is substituted therefor:—

Branches.

"(*b.*) Construct, maintain and operate branch lines and extensions of its electric telegraph and telephone lines; but no such branch or extension shall exceed seventy miles in length."

Capital increased.

3. The capital stock of the Company is hereby increased to three hundred thousand pounds sterling, divided into shares of one pound sterling each.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

No. 152 H.of C.

M

An Act respecting the Northern Commercial Telegraph Company (Limited).

Received and read a first time, Monday, 29th May, 1899.
Second reading, Wednesday, 31st May, 1899.

Honourable Mr. MACDONALD,
(Victoria.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 153.] **BILL.** [1899.

An Act to amend the Unorganized Territories' Game Preservation Act, 1894.

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

1894, c. 31, s. 4 amended as to buffalo.

1. Section 4 of *The Unorganized Territories' Game Preservation Act*, 1894, chapter 31 of the statutes of that year, is hereby amended by striking out the figures "1900" at the end of the section, and by inserting the figures "1902" in lieu thereof; and also by adding the following subsection thereto:—

"2. On and after the said date male buffalo and bison may be killed or taken under permit to be granted under the following provisions of this Act; but the female shall remain protected, and shall not be hunted, taken, killed, shot at, wounded, injured or molested in any way."

Section 21 amended.

2. Section 21 of the said Act is hereby amended by adding the following subsection thereto:—

Permits as to buffalo after Jan. 1, 1902.

"3. On and after the first day of January, 1902, the holder of a permit issued under the provisions of this section may kill for scientific purposes, or may take with a view to domestication, one male buffalo or male bison, but no more."

No. 153.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to amend the unorganized Territories Game Preservation Act.

First reading, June 14, 1899.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 154.] **BILL.** [1899.

An Act further to amend the Customs Act.

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

1. Section 63 of *The Customs Act*, chapter 32 of the Revised Statutes, is hereby amended by inserting the words "or landing" after the word "entry" in the ninth line. R.S.C., c. 32, s. 63 amended.

2. Section 245 of the said Act, as amended by section 2 of chapter 36 of the statutes of 1898, is hereby amended by adding the following paragraph thereto :— Section 245 amended.

"(*s*) for regulating the number of deer and parts thereof which may be exported in any year, when shot, under Provincial or Territorial authority in Canada, by any person for sport, and for limiting the ports at which such deer may be exported, and for prescribing the conditions under which such exportation may be permitted : Provided, that deer in the carcase or parts thereof may be exported as prescribed by such regulations notwithstanding anything to the contrary in any Act of the Parliament of Canada." Regulations as to export of deer.

No. 154.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Customs Act.

First reading, June 14, 1899.

MR. PATERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 155.] **BILL.** [1899.

An Act to further amend the Post Office Act.

HER 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 9 of *The Post Office Act*, chapter 35 of the Revised Statutes, as amended by section 1 of chapter 26 of the statutes of 1897, and by section 2 of chapter 20 and section 1 of chapter 21 of the statutes of 1898, is hereby further amended by adding thereto the following paragraphs:— R.S.C., c. 35, s. 9 amended.

"(*u.*) fix a late fee or late fees payable on late mailable matter, and make such regulations as he deems necessary with respect to the despatch of late mailable matter; Late mailable matter.

"(*v.*) establish a system providing for indemnity for losses of registered mailable matter, such indemnity in no case to exceed twenty-five dollars for any one registered piece, or the actual value thereof if less than twenty-five dollars, and fix an insurance fee or a scale of insurance fees to be prepaid in respect of such mailable matter, and, from time to time, make such regulations as he deems necessary for carrying out such system." Insurance or registered matter.

2. The section substituted for section 93 of the said Act, by section 2 of chapter 54 of the statutes of 1894 is hereby amended by striking out the words "to their subscribers," in the thirteenth line of the said section. Section 93 amended.

3. Section 127, added to the said Act by section 3 of chapter 26 of the statutes of 1897, is hereby amended by striking out the words "as a railway mail clerk", in the third line thereof, and substituting therefor the words "in the railway mail service." Section 127 amended.

No. 155.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to further amend the Post Office Act.

First reading, June 15, 1899.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 156.] **BILL.** [1899.

An Act to amend the General Inspection Act.

HER 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 2 of *The General Inspection Act*, chapter 99 of the Revised Statutes, is hereby repealed, and the following is substituted therefor:— R.S.C., c. 99, s. 2 amended.

"3. The Governor in Council may appoint chief inspectors of any of the articles hereinbefore enumerated, who shall hold office during pleasure and shall perform the duties hereinafter assigned to them by the Governor in Council." Chief inspectors.

2. Subsection 4 of the section substituted for section 15 of the said Act by section 2 of chapter 23 of the statutes of 1892 is hereby repealed. Section 15 amended.

3. The said Act is hereby amended by inserting therein, immediately after section 24, the following section:— Section added.

"**24A.** Every person who, with a fraudulent intention, uses an inspector's certificate or bill of inspection in connection with grain other than the grain in connection with which such certificate or bill of inspection was issued, shall for each such offence incur a penalty not exceeding dollars." Fraudulent sale of grain inspection certificate.

4. Section 44 of the said Act, as amended by section 2 of chapter 36 of the statutes of 1894, together with all Orders in Council passed in modification thereof, are hereby repealed and the following are substituted therefor:— New s. 44.

"**44.** The grades of grain shall be as follows:—

"*Spring Wheat.*

"Extra Manitoba hard wheat shall consist of wheat grown wholly in Manitoba or the North-West Territories of Canada and shall weigh not less than sixty-two pounds per bushel, shall be plump, sound and well cleaned, and shall contain not less than eighty-five per cent of hard red Fife wheat. Grades of grain.

"No. 1 Manitoba hard shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be plump, sound, and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least seventy-five per cent of hard red Fife wheat.

"No 2 Manitoba hard wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and reasonably clean, weighing not less

than fifty-eight pounds to the bushel, and shall be composed of at least two-thirds of hard red Fife wheat.

No. 1 Hard white Fife wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of not less than sixty per cent of hard white Fife wheat, and shall not contain more than twenty-five per cent of soft wheat.

"No. 1 Manitoba northern wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least fifty per cent of hard red Fife wheat.

"No. 2 Manitoba northern wheat shall consist wholly of wheat grown in Manitoba or the North-West Territories of Canada, and shall be sound and reasonably clean, of good milling qualities, and fit for warehousing, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least fifty per cent of hard red Fife wheat.

"No wheat which has been subjected to scouring or brushing for the removal of smut or other fungoid growth, shall be included in the preceding six grades.

"All wheat in the preceding six grades shall consist wholly of wheat grown in Manitoba, the North-West Territories, or in Ontario west of Lake Superior.

"No. 1 spring wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel.

"No. 2 spring wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel.

"No. 3 spring wheat shall comprise all wheat fit for warehousing, not good enough to be graded as No. 2, weighing not less than fifty-six pounds to the bushel.

"Rejected spring wheat shall comprise all wheat fit for warehousing, but too low in weight or otherwise unfit to be graded as No. 3.

"Goose wheat No. 1 shall be plump and well cleaned, weighing not less than sixty-one pounds to the bushel.

"Goose wheat No. 2 shall be plump and reasonably well cleaned, weighing not less than fifty-nine pounds to the bushel.

"Goose wheat No. 3 shall comprise such as is not good enough to be graded as No. 2, reasonably clean, and weighing not less than fifty-five pounds to the bushel.

"*Winter Wheat.*

"Extra white winter wheat shall be pure white winter wheat, choice in colour, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel.

"No. 1 white winter wheat shall be pure white winter wheat, sound, plump, and well cleaned, weighing not less than sixty pounds to the bushel.

"No. 2 white winter wheat, shall be white winter wheat, sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel.

"No. 1 red winter wheat shall be pure red winter wheat, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel.

"No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than sixty pounds to the bushel.

"No. 1 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel.

"No. 2 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and well cleaned, weighing not less than fifty-nine pounds to the bushel.

"No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded as No. 2, weighing not less than fifty-seven pounds to the bushel.

"Rejected winter wheat shall include winter wheat, damp, musty, or from any cause so badly damaged as to render it unfit to be graded as No. 3.

"All good wheat that is slightly damp shall be reported and entered on the inspector's book as 'no grade,' with the inspector's notations as to quality and condition.

"All wheat that is in a heating condition or too damp to be considered safe for warehousing, or that has any considerable admixture of foreign grain or seed, or is badly bin-burnt, whatever grade it might otherwise be, shall be reported and entered on the inspector's book as 'condemned,' with the inspector's notations as to the quality and condition.

"Any material admixture of 'rice wheat' otherwise known as 'goose' or 'California' wheat, or of red chaff wheat, with other descriptions of wheat, shall exclude the parcel from inspection.

"All wheat shall be weighed and the weight per bushel entered on the inspection book.

"*Indian Corn.*

"No. 1 white corn shall be white, and in all other respects No. 1 corn.

"No. 1 yellow corn shall be yellow, and in all other respects No. 1 corn.

"No. 1 corn shall be sound, dry, plump, and well cleaned, white and yellow.

"No. 2 corn shall be dry, reasonably clean but not plump enough to be graded as No. 1.

"All damp, dirty, otherwise badly damaged corn, shall be graded "rejected."

"*Oats.*

"No. 1 oats shall be sound, plump, clean and free from other grain.

"No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain

"No. 3 oats shall be sound but not clean enough to be graded as No. 2.

"Rejected oats shall include such as are damp, unsound, dirty, or from any other cause unfit to be graded as No. 3.

"*Rye.*

"No. 1 rye shall be sound, plump, and well cleaned.

"No 2 rye shall be sound, reasonably clean and reasonably free from other grain.

"All rye which is damp, musty or dirty, or which is from any cause unfit to be graded as No. 2 rye, shall be graded as 'rejected.'

"*Barley.*

"No. 1 barley shall be plump, bright, sound, clean and free from other grain.

"No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than forty-eight pounds to the bushel.

"No. 3 extra barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than forty-seven pounds to the bushel.

"No. 3 barley shall include shrunken or otherwise slightly damaged barley, weighing not less than forty-five pounds to the bushel.

"No. 4 barley shall include all barley equal to No. 3, weighing less than forty-five pounds to the bushel.

"All barley which is damp, musty or from any cause badly damaged or largely mixed with other grain, shall be graded as 'rejected.'

"*Pease.*

"No. 1 pease shall be white, clean, sound and not worm eaten.

"No. 2 pease shall be moderately clean and sound.

"No. 3 pease shall be such as are too dirty to be graded as No. 2, or are worm eaten.

"All pease which are damp, wormy, or otherwise unfit to be graded as No. 3 pease, shall be graded as 'rejected.'

"*Fees for Inspection of Grain.*

Fees for inspection.

"2. The fees for the inspection of grain shall be as follows:

"For inspecting grain in sacks, one third of a cent per cental; for inspecting grain in bulk, per car load, forty cents; in cargoes, per 1000 bushels, fifty cents.

Hay.

Grades of hay.

"3. The grades of hay shall be as follows :—

"Prime timothy, shall be pure timothy, perfect in colour, sound and well cured;

"No. 1 timothy, shall be timothy with not more than one-eighth of clover or other tame grasses mixed, of good colour, sound and well cured;

"No. 2 timothy, shall be timothy with not more than one-third of clover or other tame grasses mixed, of good colour, sound and well cured;

"No. 3 timothy, shall consist of at least fifty per cent of timothy and the balance of clover or other tame grasses mixed, of fair colour, sound and well cured :

"No. 1 clover, shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of good colour, sound and well cured ;

"No. 2 clover, shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of fair colour, sound and well cured ;

"Mixed hay, shall be hay which does not come under the description of timothy or clover, and which is in good condition, of good colour, sound and well cured ;

"No grade, shall include all kinds of hay badly cured, stained or out of condition ;

"Shipping grade, shall be hay in good condition, pressed, sound and well cured ;

"4. The rates for the inspection of hay shall be as follows:— "For every ton, twenty cents." Fees for inspection.

5. The Governor in Council may make such regulations as he deems necessary for the governance of inspectors in their work of inspection and as to the method of dealing with public elevators and grain warehouses, and may require the owners of such public elevators and warehouses to take a license and to make such periodical statements and returns of their receipts and shipments of grain as to him seems necessary for the information of the Minister of Inland Revenue. Regulations by Governor in Council.

6. Notwithstanding anything in this Act or in *The General Inspection Act* contained with respect to the inspection of grains, the selection of standards, the settlement of disputes between inspectors or their deputies and the owners of inspected grains, and the duties of inspectors generally, the regulations contained in the schedule to this Act shall after the first day of September, 1899, govern with respect to all grain grown west of Port Arthur. Regulations in schedule to apply to grain grown west of Port Arthur.

SCHEDULE.

Regulations with respect to Wheat and other Grains grown west of Port Arthur.

1. On and after the first day of September, 1899, the Inspection Divisions of the city of Winnipeg, Brandon and Port Arthur shall cease to exist, and the whole of Manitoba and that portion of Ontario west of, and including, the existing district of Port Arthur, shall be known as the Inspection District of Manitoba.

2. The inspectors of grain and their qualified deputies who, at the date when these regulations come into force, are legally acting as inspectors and deputy inspectors at Winnipeg, Fort William or Emerson, shall, without necessity for further qualication or appointment, become inspectors and deputy inspectors for the District of Manitoba.

3. Inspectors shall be required and instructed, on and after the coming into force of these regulations, to grade in accord-

ance with *The General Inspection Act* all grades defined therein, and samples shall be made in accordance therewith for the purpose of grading and surveys.

4. Should the climatic or other conditions result in the production of a considerable proportion of grain not capable of being included in the classification provided in the said Act, the Western Grain Standard Board shall be convened for the selection of commercial grades and samples whenever the Chief Inspector notifies the chairman of the said board that such a course is necessary, and the inspectors shall grade all classes of grain which cannot be graded according to the said Act, in accordance with the commercial samples so selected by the board.

5. The Chief Inspector and the inspectors for the inspection Division of Manitoba shall, not later than the first day of November in each year, furnish official samples of grain as established by them under the said Act when requested to do so by any person, such sample to be accompanied by a specific statement that it is a sample of the official grade. The inspectors shall also supply cargo samples when required. For all samples so furnished the inspectors shall make such charge as is approved by the Minister of Inland Revenue.

6. All wheat placed in public elevators or warehouses east of Winnipeg, in the said District, shall be subject to inspection, both inwards and outwards.

7. All wheat produced in the North-West Territories and in Manitoba, passing through Winnipeg or Emerson, en route to points to the east thereof, shall be inspected at Winnipeg or Emerson. On all wheat inspected at Winnipeg or Emerson, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer. Any wheat inspected at Winnipeg or other western point shall be re-inspected at Fort William or other terminal elevators in the Manitoba Inspection Division without additional charge, but any wheat not inspected west of Fort William shall be inspected at that point and a certificate shall be issued on payment of the usual fee: Provided that when, owing to extreme pressure of business, the Canadian Pacific Railway Company, or other transportation company, finds that cars containing wheat are being unduly delayed for inspection purposes in Winnipeg, then the company upon notification to and with the consent of the Chief Inspector at Winnipeg, (or, in his absence, the inspector,) may remove a specified number of cars to Fort William, without inspection at Winnipeg.

8. All grain shipped for eastern points from any public elevator within the Manitoba Inspection District, shall be shipped only as graded into such elevators by the official inspectors: Provided, that when grain has deteriorated or changed condition in storage, the inspectors shall issue only a certificate in accordance with the facts.

9. If otherwise shipped, a Manitoba certificate for a straight grade shall be refused, and the quantity of each grade composing the mixed cargo (or carload, if shipped by rail) shall be written across the face of the certificate.

10. All grain of the same grade shall be kept together and stored only with grain of a similar grade, and a selection of different qualities of the same grade is prohibited; Provided,

however, that should wheat of different grades be loaded together in the same compartment of any vessel, at any point within the jurisdiction of the inspectors of the Manitoba Inspection District, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such mixed cargo, but no certificate for a straight grade shall be issued for such mixed cargo.

11. Public elevators and grain warehouses for the purposes of these regulations, are those which receive grain for storage purposes only after such grain has been inspected by a government inspector of the Manitoba Inspection District.

12. The certificates of inspection given by the Manitoba inspectors shall in all cases in which straight grades are granted ex-elevator for shipment to eastward points, accompany the grain to its destination. No certificate shall be issued east of Fort William for the grades of No. 1 or No. 2 Hard, No. 1 or No. 2 Northern, for a higher grade than the western certificate such grain carries, whether such grain comes forward in bulk or in cars. The original inspection certificate shall be taken up and retained by the inspector as his authority for issuing a new certificate. No inspector east of Fort William shall issue a certificate for the above grades unless the identity of the wheat has been preserved without admixture, and the grain is of the grade and quality called for by the western certificate. Every inspector shall have authority to inspect Manitoba grain, whether in bulk or in car lots, and if he finds the grain not of the grade called for by the western certificate in quality or condition, he shall at once, upon the request of the consignee or his agent, present a sample to the Board of Examiners, or Chief Inspector for his Division, and shall issue a certificate for such grade as may be determined by the Board or Chief Inspector as the correct grade, but not higher than the grade called for by the western certificate.

13. Should the Chief Grain Inspector find on investigation that wheat shipped from any elevator is being systematically reduced in quality below the general average quality of the wheat of similar grades in the bins of the public elevators, he shall instruct inspectors that no such wheat shall be allowed to pass inspection except on a lower grade. The Chief Inspector shall make an investigation into any such case upon a written complaint being lodged with him.

14. In any case in the Manitoba Inspection Division where an inspector or deputy inspector inspects grain, and the owner or producer of such grain is dissatisfied with the grading of such grain by the Inspector or deputy, the said owner or producer may appeal from the said inspector's grading to the Chief Grain Inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satisfactory to the Chief Inspector, and give his decision thereon, which shall be final, unless the owner or producer, within twenty-four hours after receiving notification thereof, makes further appeal to the Survey Board for such District, in which case the said Survey Board shall give a final decision to settle the proper grading of wheat in dispute: Provided that nothing herein contained shall prevent the owner of the said grain appealing

direct from the inspector to the Survey Board, whose decision in all cases shall be final and binding on all parties: Provided always that no appeal shall be considered in any case where the identity of the grain in dispute has not been preserved

15. The Survey Board for the Manitoba Inspection District shall consist of competent persons to be nominated one half each by the Board of Trade of the city of Winnipeg, and by the Minister of Agriculture of the province of Manitoba and approved by the Minister of Inland Revenue, and such board shall be governed in the performance of their duties by such general regulations as are made by the Governor in Council.

16. The said board may make by-laws, subject to the approval of the Governor in Council, for the better carrying on of their business, and for the establishment of a schedule of fees for survey services.

17. The offices of the said board shall be situated in the city of Winnipeg; but for the purpose of better conducting any particular survey they or any number duly appointed in any special case may hold sittings at any place in the Manitoba Inspection District other than the city of Winnipeg.

18. The members of the said board, before acting as such, shall take an oath of office in such form as is prescribed by the Minister of Inland Revenue.

19. The inspection fees upon grain inspected within the Manitoba District, shall be treated as "advanced charges" to be paid by the common carrier or warehouseman in whose possession the grain is at the time of such inspection, and shall be paid over from time to time as the Minister of Inland Revenue directs, and the fund arising therefrom shall be known as the Manitoba Grain Inspection Fund, out of which shall be paid the salaries and expenses of the inspectors and their deputies, in such manner as is determined by the Department of Inland Revenue; and any balance which remains to the credit of the said fund shall be carried forward from year to year and shall be available for any of the purposes of this Act and of *The General Inspection Act* with respect to the said district.

No. 15

4th Session, 8th Parliame

BILL

An Act to amend the
Act.

First reading, Ju

Sir H. JOL

OTTAW
Printed by S. E.
Printer to the Queen's most
1899

No. 157] **BILL.** [1899.

An Act respecting the Manitoba and South Eastern Railway Company.

Preamble.

WHEREAS the Manitoba and South Eastern 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement with another company.

1. The Manitoba and South Eastern Railway Company may enter into an agreement with the Canadian Northern Railway Company or with the company which may be formed by an amalgamation between that company and the Ontario and Rainy River Railway Company (if such amalgamation takes place) for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Agreement to be filed.

When amalgamation to take effect.

2. A duplicate of the agreement referred to in subsection 1 of this section, shall within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and thereupon such amalgamation shall be deemed to be complete and operative in accordance with the terms of the said agreement, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Mortgage confirmed.

2. The mortgage set out in the schedule to this Act is hereby declared to be valid, binding and effectual according to the terms thereof, which may be enforced as therein provided as fully and effectually as if they were embodied in this Act.

SCHEDULE.

THIS INDENTURE, made the first day of February, A.D. 1899, between The Manitoba and South Eastern Railway Company, hereinafter called the Company, of the first part; the Honourable Thomas Greenway, of the city of Winnipeg, Railway Commissioner of the Province of Manitoba, and the Honourable Robert Watson, of the same place, Minister of Public

Works of the said province, and their successors in the trust, hereinafter called the trustees, of the second part; and Her Majesty, the Queen, hereinafter called the Government, and herein represented and acting by the Railway Commissioner of the province of Manitoba, of the third part.

1. Whereas by agreement dated the thirteenth day of May, 1898, made between the Government and the Company, pursuant to and under the authority of the Act of the Legislature of Manitoba, being chapter 43 of the statutes of Manitoba for the year 1898, the Company agreed to construct or cause to be constructed, completed and running the line of railway therein mentioned, and the Government agreed to guarantee the payment of the principal and interest of the first mortgage bonds of the Company to the extent of eight thousand dollars per mile for the said line of railway;

2. And whereas under the Acts relating thereto the Company is duly authorized to issue the bonds hereinafter mentioned and to secure the payment of the same by this mortgage;

3. And whereas the said line is a line of railway commencing at a point in the city of Winnipeg, thence in a south-easterly direction to the boundary of the Province of Manitoba, en route to Rainy River at or near its mouth, via the State of Minnesota, which line from Winnipeg to said boundary is 101. miles in length or thereabouts;

4. And whereas all necessary and requisite by-laws and resolutions of the directors and shareholders of the Company have been duly passed so as to make the issue of bonds hereby secured and the execution of these presents legal and valid and in accordance with the requirements of the statutes relating to the Company and of all other statutes and laws in that behalf;

5. And whereas these presents have been duly submitted to and have been duly approved of by the shareholders and directors of the Company at meetings duly called and held to consider the same, and these presents are also satisfactory to the Government;

Now this indenture witnesseth—

6. Wherever in these presents the Company is mentioned or referred to such mention or reference shall extend to and include its successors and assigns, and wherever the trustees are mentioned or referred to such mention or reference shall extend to and include their successors in this trust and any other trustee or trustees who may be appointed or succeed to the trusts hereof.

7. The total amount of the issue of bonds hereby secured shall be at the rate of eight thousand dollars per mile, and no more, for each mile of the said line of railway. Each bond shall be for the sum of one hundred pounds sterling money of Great Britain. The said bonds shall be dated the first day of February, A. D. 1899. The principal money thereby secured shall be payable on the first day of February, A.D. 1929, with interest at the rate of four per cent per annum, half-yearly, on the first days of August and February in each year during the currency of the said bonds; all interest to be represented by coupons attached to the said bonds. The place

of payment of both principal and interest shall be at the Bank of Scotland in London, England. The form of bond shall be as follows or to the like effect:—

DOMINION OF CANADA.

PROVINCE OF MANITOBA.

Series A.
£100.0.0 [No.]

THE MANITOBA AND SOUTH EASTERN RAILWAY COMPANY.

Four per cent First Mortgage Bond.

Guaranteed by the Province of Manitoba.

The Manitoba and South Eastern Railway Company, for value received, hereby promises to pay the bearer hereof, or, if registered, to the registered holder, one hundred pounds, sterling money of Great Britain, on the first day of February, A.D. 1829, at the office of the Bank of Scotland, in London, England, with interest thereon at the rate of four per cent per annum, payable half-yearly, at the said place, on the first days of August and February in each year, on the presentation and surrender of the interest coupons hereto annexed as they severally become due.

This bond is one of a series of like tenor and date, the total amount of which is at the rate of eight thousand dollars per mile, and no more, of the said Company's line of railway from a point in the city of Winnipeg, thence in a south-easterly direction to a point in or near Township 1, in Range 14, east of the principal meridian in the Province of Manitoba, thence to the boundary of the said province, en route to Rainy River at or near its mouth, via the State of Minnesota, which line from Winnipeg to said boundary is estimated at 101 miles in length or thereabouts. The payment of principal of all said bonds and interest thereon is secured by a deed of mortgage bearing even date herewith, duly executed by the Company, to the Hon. Thomas Greenway, the Railway Commissioner of the Province of Manitoba, and the Hon. Robert Watson, the Minister of Public Works of the said province, and their successors in the trust, as trustees, which conveys to the said trustees by way of mortgage the said line of railway of the Company and the other premises and properties as in said mortgage described, save and except as provided in the Railway Act of Canada and save and except the Company's land grant from the Dominion of Canada.

And the payment of the principal of the said bonds and interest thereon is guaranteed by the Province of Manitoba as thereon endorsed.

This bond may be registered in the books of the company at its head office, or at the office of the Bank of Scotland, London, after which no transfer, except upon the books of the Company, at the place of registry, will be valid, but it is not to be deemed registered until the name of the holder is registered on the back of the bond as well as in the said books. A transfer in favour of bearer may subsequently be registered,

after which this bond shall be transferable by delivery alone until again registered in the name of the holder.

This bond is subject to the terms of said mortgage and shall not become obligatory until it shall be certified by the trustees for the time being under the said mortgage.

In witness whereof the Manitoba and South Eastern Railway Company has caused its seal to be hereto affixed, and these presents to be signed by its president and countersigned by its secretary, this first day of February, one thousand eight hundred and ninety-nine.

.....
President.

Countersigned. [Seal.]

.....
Secretary.

Certified by

.....

.....
Trustees.

INTEREST COUPON.

£2.0.0. Coupon No.

The Manitoba and South Eastern Railway Company will pay the bearer two pounds sterling on the day of , at the office of the Bank of Scotland, London, England, being half-yearly interest on bond No. .

Series A.

.....
Secretary.

GUARANTEE TO BE ENDORSED ON BOND.

Under the provisions of 61 Victoria, Chapter 43, Statutes of Manitoba, 1898, the principal sum secured by the within bond, and interest thereon payable semi-annually for thirty years, at the rate of four per cent per annum, is hereby guaranteed by the Government of Manitoba.

Dated the day of , A.D. 1899.

.....
Provincial Treasurer.

8. For and in consideration of the premises, and for the purpose of securing the payment of the said bonds and the interest thereon, the Company doth hereby grant and convey unto the trustees, their heirs and assigns, as joint tenants and not as tenants in common, that portion of the said Company's railway, viz.: Commencing at a point in the city of Winnipeg, thence in a south-easterly direction to the boundary of the

province of Manitoba, en route to Rainy River at or near its mouth, via the state of Minnesota, which line from Winnipeg to said boundary is estimated at 101 miles in length or thereabouts, which line is hereinafter referred to as "the said railway," as the same is now located and constructed or in course of construction, and as the same may be hereafter located and constructed; together with all the Company's property, comprising telegraph and telephone lines erected along the said railway or used in connection therewith and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops and all other structures now held and acquired, or which hereafter may be held or acquired by the Company, its successors or assigns, for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars, and all other rolling stock, steam shovels and equipment whatsoever, and all machinery, tools and implements, and all supplies and materials now held or hereafter acquired by the Company, its successors or assigns, for constructing, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtenances, thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property except as hereinafter provided; and also all other privileges, powers, immunities and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it, its successors and assigns; save and except as provided in *The Railway Act* of Canada, and save and except the Company's land grant from the Dominion of Canada which is hereby expressly excepted and reserved from the operation of this mortgage.

To have and to hold the above described property, premises, things, rights, privileges and franchises acquired and to be acquired, and hereby expressed to be conveyed and intended so to be unto the trustees, their heirs and assigns, according to the nature and quality thereof, as joint tenants and not as tenants in common, and to their successors in the said trust:

In trust, nevertheless, to and for the uses and for the purposes and conditions hereinafter set forth:

9. Until default shall be made in the payment of the principal or interest of the said bonds hereby secured, or of some one or more of them, or in respect of something herein required to be done, or some condition or convenant to be performed by it, the Company and its assigns shall be suffered and permitted to possess, manage and enjoy the said railway, and all other property expressed to be conveyed hereby, together with the equipment and appurtenances thereof, and the franchises appertaining thereto, and to take and use the rents, incomes, profits, tolls and issues thereof, in the same manner and with the same effect as if this deed had not been made, but subject or to be subject nevertheless to the lien of these presents.

10. In case default shall be made in the payment of any interest to accrue on any of the aforsesaid bonds to be issued by the Company, when such interest shall become payable according to the tenor of such bond or the terms of any coupons

thereto annexed, and such default shall continue for a period of six months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the said Company, and such default shall continue for a period of six months after written notice thereof to the Company, then and from thenceforth, and in either of such cases, except as hereinafter mentioned, it shall be lawful for the trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway and property hereby conveyed or intended so to be acquired or constructed, and to be acquired or constructed, or any part thereof; and thenceforth to have, hold, possess and use the said railway and property, and each and every part and parcel thereof, then subject to the lien of these presents, with full power for the period of three months thereafter, and afterwards until the sale and subsequent delivery of the said railway shall have been made as herein provided, to operate and conduct the business of the said railway, including all telegraph and telephone lines by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; or to lease to some other company the said railway and telegraph and telephone lines, with full power to such other company to operate and conduct the business of the railway and telegraph and telephone lines, and after deducting the expenses of operating the said railway and telegraph and telephone lines and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created, the trustees shall apply the moneys arising from such collections and receipts, as aforesaid, to the payment of interest on the said bonds, but excluding all interest coupons which may have been paid by the Government of Manitoba under its guarantee, in the order in which such interest shall have become and shall become due, ratably to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain, and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same shall be applied in payment of the interest coupons which may have been paid by the Government of Manitoba, and any surplus which shall remain after such payment shall be paid over to the Company or its assigns; but in

case the principal of said bonds shall have become due, or shall have been declared by the trustees to be due, under the provisions of paragraph 12 of this indenture, the surplus arising, as aforesaid, shall be reserved, to be appl ed to the payment of said bonds, upon the sale of the said railway and premises as hereinafter provided.

11. In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue as aforesaid, for the period of six months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, and shall continue for a period of six months thereafter, it shall be lawful for the trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents to sell and dispose of the said railway, property, and all and singular the property, rights and franchises hereinbefore particularly described and expressed to be conveyed, and which shall be then subject to the lien of these presents at public auction in the city of Winnipeg, in the Province of Manitoba, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale, by advertisement, published not less than three times a week for three successive months, in one or more daily newspapers published in the cities of Winnipeg, London (England), Toronto and Montreal. And, after such notice, it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserved bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds or interest coupons secured hereunder, which may be prescribed or authorized by the bondholders in the manner hereinafter provided ; also with power to rescind or vary any contract of sale that may have been entered into thereat, and re-sell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, and after one month's notice thereof, published not less than three times a week for one month in the said daily newspaper or newspapers, make such sale with or under any of the powers herein, at the time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway, property, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the Company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from or under the said Company or its assigns. And, after deducting from the proceeds of such sale just allowances for all expenses thereof, including attorneys and counsel fees, and all other expenses, advances or liabilities, which may have been made or incurred by the trustees in operating or maintaining the said railway and property, or in managing the business thereof, and all payments by them made for taxes and assessments, and for charges and liens prior to the lien of these presents on the same or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in paragraph 10, it shall be

lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of the said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders, excluding, however, any bonds and interest coupons paid by the Government of Manitoba; and if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, the same shall be applied in payment of the bonds and coupons which may have been paid by the Government of Manitoba, and if any surplus thereafter to pay such surplus to the Company or its assigns. And it is hereby declared and agreed that the receipt of the trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money; and that after payment of such purchase money, and having such receipt, such purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase money, or of any part thereof, nor shall he or they at any time be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

12. In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond, or of any coupon thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid, and been demanded, and such default shall continue for six months thereafter, then and from thenceforth the principal sum of each of the bonds aforesaid shall, upon a declaration of the trustees to that effect, made upon the request hereinafter provided for, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the trustees unless a majority in interest of the holders of all bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest have been made and shall be continuing, shall have requested the trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided at any time before the actual payment and acceptance of the interest in arrear, have instructed the trustees to declare such principal sum due; and such majority of the bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided, always that no act or omission either of the trustees or of the bondholders in the premises shall extend to, or be taken in any manner whatsoever to affect, any subsequent default, or the rights resulting therefrom.

13. It shall be the duty of the trustees, but subject always to the provisoes herein contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the Company or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of bondholders as herein prescribed as follows:

1. In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of six months, then and in every such case, upon a requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred it shall be the duty of the trustees to proceed to enforce the rights of the bondholders under these presents by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they being advised by counsel learned in the law, shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof; provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults, on which it is founded, in like manner as is hereinbefore provided for a direction to the trustees to waive default. And it is hereby further declared and provided that no action, taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the trustees, or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

2. If the Company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed

upon them, then and in such case the trustees shall, upon a requisition in the manner aforesaid, of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the the costs, expenses and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided, subject to the power in such majority at any time to direct in manner aforesaid, the trustees to waive such default or breach, upon due reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the bondholders, under this clause, shall prejudice or in any manner affect the powers or rights of the trustees or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

14. The trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the lands and premises which are conveyed hereby, or which are at any time acquired or held by the said Company or its assigns for use in connection with the said railway and telegraph and telephone lines or extension thereof, or the construction, maintenance or operation thereof, but which in the judgment of the trustees it shall be unnecessary longer to retain for use in connection therewith. And the trustees shall also have power and authority to allow the Company or its assigns from time to time to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock, steam shovels, and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

15. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

16. All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at its head office or at its transfer office in the Counting House of the Bank of Scotland, in the city of London, England, a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by production thereof; and every registration of

ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last-mentioned transfer book so as to show the number of the bond transferred, and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

17. The Company shall from time to time and at all times hereafter well and truly defend and keep harmless and fully indemnify the Government against all loss, costs, charges, damages and expenses which the Government may at any time or times hereafter bear, sustain or be put to for, by reason or on account of the Company failing to pay the said coupons or bonds or any of them.

18. In the event of the Government under the terms of its guarantee paying the interest coupons upon such bonds, or any of them, or paying the said bonds themselves or any of them, the Government shall be subrogated to all the rights of the holders of such coupons or bonds so paid by the Government, and the Government shall in such event be deemed to be purchasers of such coupons and bonds so paid, and shall have all the rights and remedies which are provided in this instrument for the protection of original holders of such bonds, and the trustees shall in such event be deemed to be trustees for the Government in respect of the coupons and bonds so paid by the Government, and may be called upon by the Government to exercise and shall then exercise all the powers and remedies herein provided in the event of any default in payment on the part of the Company so as to fully secure payment and recoupment to the Government of any and of all coupons and bonds paid by it under the terms of the said guarantee. And the trustees shall in such event and upon being requested so to do have the right to apply to a court of competent jurisdiction for and to secure the appointment of a receiver of the undertaking, assets and revenues of the Company.

19. Provided, however, that no steps shall be taken by the said trustees or by the Government to enforce the payment by the Company to the Government of any instalment of interest paid by the Government before the expiration of four years from the completion of the said railway unless and until the certificate of the Chief Justice of the Court of Queen's Bench of Manitoba has been given that during the financial year preceding the giving of such certificate there have been net earnings of the Company over and above the working expenses of the railway and any amount received from the land grant of the Company above excepted, and that such net earnings or some part thereof have not been applied

in payment of interest upon the said bonds guaranteed by the Government. And in the construction of this mortgage the term "working expenses" shall in no case be held to include the salary of any officer or employee whose time is not wholly employed bona fide in the operation or management of the said railway except that as to officers and employees whose services are necessary or desirable but whose whole time is not fully taken up in the service of the Railway Company. Under the head of "working expenses" there shall be included a reasonable remuneration for the time actually expended and services actually rendered by such officer or employee to the Company in connection with the operation or maintenance of the railway, and that under the term "working expenses" there shall not be included any expenses, payments or outgoings not reasonably necessary for the efficient management, maintenance, operation and repair of the said railway.

20. The said Chief Justice shall have full power, subject to the terms hereof, to decide what are proper working expenses, and in so deciding may take evidence or consult with experts and use his own judgment in coming to a decision, and the decision of the Chief Justice thereon shall in any and all cases be final and binding without appeal. Three months' notice of any application for the granting of a certificate by the Chief Justice as aforesaid shall be given to the Company by leaving the same at its head office or by publishing the same in a daily newspaper of the city of Winnipeg.

21. Provided further, however, that the said trustees shall not take any steps for the sale of the said railway or for the foreclosure of this mortgage or other steps which would have the effect of returning to the bondholders the principal or part of the principal of their bonds before the maturity thereof at the instance of the Government or its assigns or any person acting on their behalf or in their interest, until the principal money of the said bonds has become due in accordance with the terms of such bonds, or has been declared by the Trustees to be due under the provisions of paragraph 12 of this indenture, it being agreed and intended that the principal money of the said bonds shall not be called in at the instance of the Government until the principal money of the said bonds becomes due according to the terms thereof or has been declared by the trustees to be due under the provisions of paragraph 12 of this indenture, and that no proceedings by way of sale, foreclosure or otherwise which would have the effect of returning to the bondholders the principal or part of the principal of their bonds before the maturity thereof shall be taken at the instance of or on behalf of or in the interests of the Government, and that any interest and coupons not paid by the Government under the terms of the said guarantees shall be paid in priority to the claim of the Government for any interest paid under the terms of the guarantee.

22. The trustees, or any trustee hereunder, may take such legal advice and employ such assistance as may be necessary in their judgment to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation the Company

hereby promises and agrees to pay ; but in case the Company should make default in such payment, the same shall be retained by the trustees out of any trust moneys coming into their hands.

23. The trustees shall not, nor shall any trustee hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trusts, and not the one for the other or others of them, or the acts or defaults of the other or others.

24. The trustees shall be the parties who occupy the offices of Railway Commissioner and Minister of Public Works in the Province of Manitoba, and their successors in such offices from time to time, and, in the event of those offices becoming vacant, then the Government shall have power to appoint such person or persons as to the Government may seem meet to be trustees under the terms of this mortgage, and on such appointment each person so appointed shall, and on a successor in such office succeeding thereto, he shall be vested with the same powers, rights and interests, and charged with the same duties and responsibilities as if he had been named the parties of the second part to this instrument in place of the trustee whom he succeeds, without any further assurance, conveyance, act or deed; but in the event of any conveyance or other instrument being thought necessary or suitable, for the purpose of assuring the new trustee so appointed a full general estate in the premises, then the Company shall forthwith execute the same.

25. Meetings of the bondholders under this deed of trust may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the trustees. And the trustees shall have the right, at or before any meeting of bondholders, to require that any act or resolution of the bondholders affecting the duties of the trustees, shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power; it shall be the duty of the trustees, and such trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed, if necessary, from the trust fund) to be published

three times in each week for six weeks, in one or more daily newspapers of good circulation among the business community in the cities of Winnipeg, London (England), Toronto and Montreal, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But, until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any such meeting.

26. Each of the trustees hereby accepts the trusts hereby created and agrees to discharge the same unless and until he be legally discharged therefrom either by resignation or removal as hereinbefore provided or otherwise.

27. If the Company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by them or either of them done or observed, then and in that case all the estate, right, title and interest of the trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the trustees shall execute such reconveyance and reassignment of the premises as may be necessary or expedient.

28. And the Company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the bonds hereby secured or intended so to be, shall be issued only at such times and in such amounts as hereinbefore limited; that the said Company will, in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed, or intended or contemplated so to be, which may not be covered by the exemption from taxation under the said recited Act, so as to keep the mortgaged premises free

and clear from any encumbrance by reason thereof; and that it will from time to time, and at all times hereafter, and as often as thereunto requested by the trustees under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the trustees, upon the trusts herein expressed, the railway aforesaid, acquired and to be acquired, constructed and to be constructed, together with their equipment, appurtenances and franchises, and all and singular the lands, property and things hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed to the trustees, or their successors in the trust created by these presents, as by the trustees, or by their counsel learned in the law, shall be reasonably advised, devised or acquired, so that the trustees or their successors in the trust and their assigns may become fully possessed of and entitled to the same.

29. The Company for itself and its assigns hereby covenants and agrees to and with the trustees and their successors in the trust created by these presents and with the government as follows:

(*a.*) At all stations upon the said railway there shall always be permitted the loading of grain into cars from farmers' vehicles or flat warehouses, subject to reasonable regulations made by the company, and at all reasonable times during the period of the guarantee hereinbefore referred to, proper facilities therefor shall be afforded.

(*b.*) No lease, agreement, contract or transaction shall be at any time entered into the effect of which will be to interfere with or prevent the fulfilment of the various covenants herein entered into, on the part of the Company.

(*c.*) No lease of the said railway, no contract for running powers or wheelage over the said railway, no traffic contract or contract for the operation of the said railway, made or entered into during the currency of the said bonds without the consent of the Government shall be valid as against the Government after default made by the Company in payment of interest on any of the bonds so guaranteed by the Government.

(*d*) During the currency of the said bonds, the said line of railway shall be preserved in a proper and efficient state of repair and equipment, and it shall be efficiently and regularly operated.

(*e*) Proper and correct books of account shall be kept by the Company which shall show all the transactions of the Company, and particularly shall clearly exhibit a statement of the working expenses of the said railway and the earnings thereof, and all earnings properly applicable to the said railway, whether the same is further extended or connected with another railway or other railways or not, and the Company shall deliver to the Government within one month after the 31st day of December in each year after the date hereof a statement of such working expenses and earnings in such detail as shall be required by the Government.

(*f*) This mortgage and the bonds secured hereby shall not apply to any portion of the Company's railway except the portion above described in paragraph 8 hereof, and the rents, revenues, receipts or earnings derived from or applicable to the

line of railway so described and granted and conveyed to the trustees shall not under any circumstances be chargeable, as against the holders of said bonds or the trustees or the Government, with any working expenditure, operating expenses, repairs or cost of maintenance incurred or to be incurred or arising in respect of any other portion of the Company's railway than that so above described, or any extension or branch line thereof.

(*g*) All reasonable facilities shall be furnished to any other Railway Company for the receiving and forwarding and delivering of traffic upon and from the line of railway belonging to or worked by such Companies respectively, and for the return of carriages and cars and no undue or unreasonable preference or advantage shall be made or given to or in favour of any particular person or Company or any particular description of traffic in any respect whatsoever, nor shall any particular person or Company or any particular description of traffic be subjected to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and all due and reasonable facilities for receiving and forwarding over the said railway of the traffic arriving by such other railway or railways shall be forwarded without any unreasonable delay and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction is afforded to the public desirous of using such railway as a continuous line of communication and so that all reasonable accommodation by means of the railways of the several Companies is at all times afforded to the public in that behalf, and any agreement made between the said Company or its assigns and any other Company or its assigns and any other Company contrary to the provisions of this instrument or anything therein contained shall be null and void.

(*h*) If requested so to do by the Government, the Company will make an application to the Parliament of Canada for an Act to ratify and confirm and make binding upon the Company and its assigns everything herein contained, and the parties hereto covenant that they will assist and promote in every way in their power such application and the obtaining of the passage of the said Act.

(*i*.) There will not, during the currency of the said bonds, be charged on the said line of railway higher rates of transportation per hundred pounds, in car lots of a minimum of thirty thousand pounds, on cordwood, than two and a half cents up to twenty-five miles, three cents between twenty-five and fifty miles, three and a half cents between fifty and seventy-five miles, four cents between seventy-five and one hundred miles, four and a half cents between one hundred and one hundred and fifty miles, and five cents between one hundred and fifty and two hundred miles; and on pine and spruce saw logs than two dollars and a half per thousand feet, board measure, up to one hundred and fifty miles, or from the point where the railway touches the Rainy River to the city of Winnipeg; and that such merchandise will be carried and delivered at rates not higher than those above specified.

(*j*.) The Government shall be entitled to take proceedings by way of injunction to prevent the infringement of any of the terms or provisions of this instrument, and in the event of the

Company failing to fully and completely perform all such terms and provisions, the Government shall be entitled to enforce such performance.

In witness whereof the Company has caused its corporate seal to be hereunto affixed and these presents to be signed by its president and secretary; and the trustees, to evidence their acceptance of the said trust, have likewise signed and sealed these presents; and the Government have also caused these presents to be executed under the hand and seal of the Railway Commissioner of the province of Manitoba.

SIGNED, SEALED AND DELIVERED BY THE COMPANY in the presence of Z. A. LASH,

THE MANITOBA AND SOUTH-EASTERN RAILWAY COMPANY. [Coy's. Seal.]

FREDERIC NICHOLLS, *President.*

J. M. SMITH, *Secretary.*

BY THE TRUSTEES in the presence of

THOS. GREENWAY, *Trustee.* [Seal.]

ROBT. WATSON, *Trustee.* [Seal.]

BY THE GOVERNMENT in the presence of

THOS. GREENWAY, *Railway Commissioner of the Province of Manitoba.* [Seal.]

No. 157.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Manitoba and South-Eastern Railway Company.

First reading, June 16, 1899.

(PRIVATE BILL.)

MR. HUGHES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 158] **BILL.** [1899.

An Act respecting the Edmonton District Railway Company, and to change its name to the Edmonton, Yukon and Pacific Railway Company.

Preamble.

WHEREAS a petiton 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

Line of railway described.

1. The Edmonton District Railway Company, hereinafter called "the Company," may lay out, construct and operate from some point on the line of railway which it is already authorized to construct, a line of railway either to the Yellow Head Pass or to the Peace River Pass, and thence by such route as is found or deemed most practicable to a port in the province of British Columbia, or to connect with the line of railway which the British Pacific Railway Company is authorized to construct, and may also construct and operate a branch line to some point on the navigable waters of the Yukon River.

1896 (1st Sess.) c. 17, s. 8.

Bond issue.

2. The provisions of section 8 of chapter 17 of the statutes of 1896 (First Session) relating to the issue of bonds, debentures or other securities shall apply to the extension of the said railway authorized by this Act; provided however that in respect to so much of the said line as may be constructed within the province of British Columbia or the Yukon district or within the territory to the westward of the eastern entrance of either the said Yellow Head Pass or Peace River Pass, the issue of bonds, debentures, or other securities under such section may be extended to aggregate the sum of twenty-five thousand dollars per mile.

Name changed.

Existing rights saved.

3. The name of the Edmonton District Railway Company is hereby changed to "The Edmonton, Yukon and Pacific Railway Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in anywise affect any suit or proceeding now pending or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Where meetings to be held.

4. The annual and special meetings of the shareholders of the Company and meetings of the directors may be held at such places within the Dominion of Canada other than the head

Notice of meetings.

office of the Company as the by-laws of the Company may from time to time designate; and notice of any such meeting of the shareholders shall in addition to the notice required by section 41 of *The Railway Act* be published weekly for at least four weeks prior to such meeting in one newspaper published in the place where such meeting shall be held.

Time for construction extended.

5. The railway of the Company and the extension hereby authorized shall be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway and extension shall be finished and put in operation within five years from the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 158.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Edmonton District Railway Company, and to change its name to the Edmonton, Yukon and Pacific Railway Company.

First reading, June 20, 1899

(PRIVATE BILL.)

Mr. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 159.] **BILL.** [1899

An Act respecting the jurisdiction of the Exchequer Court as to railway debts.

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

When Exchequer Court may order sale or foreclosure at instance of mortgagees of railway.

1. The Exchequer Court of Canada shall have jurisdiction, at the instance of mortgagees, or of holders of mortgage bonds or debentures, to order or decree a sale of any railway not wholly within the limits of any one province, or any section of a railway where such section is not wholly within such limits, or of any railway otherwise subject to the legislative authority of the Parliament of Canada, or to order or decree the foreclosure of the interest of the person or company owning or entitled to such railway or such section, or the equity of redemption therein, whenever in the like circumstances of default the High Court of Justice in England can at the time this Act comes into force so order or decree with respect to mortgaged premises situate in England; and the Exchequer Court in any such case shall have all the powers for the appointment of a receiver, the interim preservation of the property, the delivery of possession, the making of all necessary inquiries, taking accounts, settling and determining claims and priorities of creditors, taxation and payment of costs, and generally the taking and directing of all such proceedings requisite and necessary to enforce its order or decree and render it effective, as in mortgage actions the said High Court of Justice in England, or any Division, Judge or officer thereof may exercise.

Powers of Court as to proceedings.

Application of Act.

2. This Act shall apply to all existing as well as future mortgage bonds or debentures of railways now or hereafter subject to the jurisdiction of the Parliament of Canada.

No. 159.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the jurisdiction of the Exchequer Court as to railway debts.

First reading, June 20, 1899.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

N.] **SENATE BILL.** [1899.

An Act to amend The Companies' Act.

Presmble.

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

Preference stock may be created by by-law.

1. The directors of any company heretofore or hereafter incorporated, and to which *The Companies' Act*, Chapter 119 of the Revised Statutes, is applicable, may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by the by-law.

Holders may be given control of affairs.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as is considered expedient.

Sanction by shareholders.

3. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Secretary of State, petition the Governor in Council for an order approving the said by-law, and the Governor in Council may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Approval by Governor Council.

Rights of holders of preference stock.

4. Holders of shares of such preference stock shall be shareholders within the meaning of the said Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Act; provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Savings clause.

5. Nothing contained in this Act or done in pursuance thereof shall affect or impair the rights of creditors of the company.

4th Session, 8th Parliament, 62 Victoria, 1899

N. of C. No 160

SENATE BILL.

N

An Act to amend The Companies' Act.

Received and read first time, Tuesday, 30th May, 1899.
Second reading, Friday, 2nd June, 1899.

Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 161.] **BILL.** [1899.

An Act respecting bounties on Steel and Iron made in Canada.

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

Bounties continued to June 30, 1907.

1. The bounties on steel ingots, puddled iron bars and pig iron made in Canada, authorized by chapter 6 of the statutes of 1897, shall, on the termination of the period therein mentioned, notwithstanding anything in the said chapter, continue to be applicable until the thirtieth day of June, one thousand nine hundred and seven, and shall be payable, and be gradually reduced, as follows :—

1897, c. 6.

Gradual reduction.

First year.

(*a*) From the twenty-third day of April, one thousand nine hundred and two, to the thirtieth day of June, one thousand nine hundred and three, both inclusive, the bounties shall be ninety per cent of the amount fixed by the said chapter ;

Second year.

(*b.*) from the first day of July, one thousand nine hundred and three, to the thirtieth day of June, one thousand nine hundred and four, both inclusive, the bounties shall be seventy-five per cent of the amount fixed by the said chapter;

Third year.

(*c.*) from the first day of July, one thousand nine hundred and four, to the thirtieth day of June, one thousand nine hundred and five, both inclusive, the bounties shall be fifty-five per cent of the amount fixed by the said chapter ;

Fourth year.

(*d.*) from the first day of July, one thousand nine hundred and five, to the thirtieth day of June, one thousand nine hundred and six, both inclusive, the bounties shall be thirty-five per cent of the amount fixed by the said chapter ;

Fifth year.

(*e.*) from the first day of July, one thousand nine hundred and six, to the thirtieth day of June, one thousand nine hundred and seven, both inclusive, the bounties shall be twenty per cent of the amount fixed by the said chapter.

No bounty on steel ingots made from Canadian puddled iron bars.

2. Notwithstanding anything in the said chapter 6 of the statutes of 1897, or in this Act, no bounty shall be paid under this Act on steel ingots made from puddled iron bars manufactured in Canada.

Regulations.

3. The Governor in Council may make regulations in relation to the said bounties in order to carry out the intentions of this Act.

No. 161.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting bounties on Steel and Iron made in Canada.

First reading, June 22, 1899.

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 162] **BILL.** [1899

An Act to incorporate the Belleville Prince Edward 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Incorporation. **1.** William Edward Sprague, Isabella Edella Sutherland, Alberta Jane Ford, Jane C. Sutherland and Elizabeth Edella Sprague, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Belleville Prince Edward Bridge 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.

Capital stock. **3.** The capital stock of the Company shall be forty thousand dollars, divided into shares of one hundred dollars each, which said capital stock is now fully paid up.

Head office. **4.** The head office of the Company shall be at the city of Belleville in the Province of Ontario.

Annual meeting. **5.** The annual meeting of the shareholders shall be held on the second Tuesday in March in each year.

Directors. **6.** At such meeting the subscribers for the capital stock assembled shall choose five persons to be directors of the Company, one or more of whom may be paid directors.

Bridge. **7.** The Company may maintain, use and operate the bridge now constructed across the Bay of Quinte from a point at or near the city of Belleville, in the county of Hastings, to a point on the opposite shore of the said Bay of Quinte in the township of Ameliasburg, in the county of Prince Edward, and the approaches thereto, for ordinary traffic purposes, and may construct and maintain toll gates and other necessary buildings in connection with the working of the said bridge. Toll gates, etc.

Tariff of tolls. **8.** The rate of tolls to be charged to persons using the said bridge shall be as follows : for every person on foot, five cents ; children under six years of age accompanied by parent or guardian, free ; for every horse and single carriage, wagon, cart or other vehicle and driver, ten cents ; for each additional

horse, five cents; for each additional carriage, wagon, cart or other vehicle, five cents; for every horse and groom or rider, ten cents; for horses and cattle singly, ten cents each; for horses and cattle in droves of three or more, five cents each; for calves, sheep and swine, singly, five cents each; for calves, sheep and swine in droves of three or more, three cents each; for every hand cart or wheelbarrow or attendant, five cents each; but so long as all persons are charged equal rates and given equal privileges and facilities the directors may, as they think proper, charge less than the rates above fixed: Provided, however, that the tolls from time to time charged by the Company shall first be approved by the Governor in Council.

Approval.

General meetings.

9. Notice of every general meeting of the Company shall be given by advertising the same in, at least, one newspaper published in the city of Belleville, and in the *Canada Gazette* for the period of two weeks before the date of such meeting, which advertisement shall state the time and place of holding the meeting and the business to be transacted thereat, unless the shareholders representing a majority of the shares in the Company consent in writing to dispense with the publication of such advertisement.

Borrowing powers.

10. The Company may borrow from time to time, in Canada or elsewhere, such sums of money as are expedient for repairing, maintaining and working the said bridge, with the buildings and fixtures required therewith, at a rate of interest authorized by the laws of Canada, but not exceeding eight per cent, and may make the bonds, debentures or other securities granted for the sums so borrowed payable either in currency or in sterling, and at such places within or without Canada as are deemed advisable, and may sell the same at such prices or discount as is deemed expedient or necessary, and may hypothecate, mortgage or pledge the lands, tolls, revenue and other property, real and personal, of the Company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars.

Debentures.

Registration of mortgage.

2. Upon such mortgage being registered in the registry offices for the county of Hastings and the county of Prince Edward in the Province of Ontario, it shall, until discharged, be a valid and binding charge upon all the property, real and personal of the Company.

Tolls.

11. The directors shall keep exhibited in every place where the tolls are to be collected, in some conspicuous place therein, a printed board or paper showing all the tolls payable, and particularising the price or sum of money to be charged or taken for the passage of any matter, vehicle, animal or person over the said bridge, as fixed by the directors from time to time, as in this Act provided; and such tolls shall be paid to such persons and at such places at, upon or near the bridge or its approaches, in such manner, and under such regulations as the directors of the Company direct; and in case any person forcibly passes through any of the said toll gates or over or upon the said bridge or its approaches without first having paid the proper toll, or interrupts or disturbs the

Payment.

Penalty for obstruction, etc.

Company or any person employed by the Company in building or repairing the same, such person so offending shall, for every offence, forfeit a sum not exceeding ten dollars, to be recovered before a magistrate or justice of the peace, and in default of payment may, in the discretion of such magistrate or justice of the peace, be imprisoned for a term not exceeding ten days.

Expropriation. 1888, c. 29.

12. The Company shall have the powers of expropriation, so far as necessary for its purposes, given to railway companies by *The Railway Act*.

No. 162.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Belleville-Prince Edward Bridge Company.

First reading, June 27, 1899.

(PRIVATE BILL.)

Mr. HURLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act further to amend The Winding Up Act.

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

1. This Act may be cited as *The Winding Up Amendment Act*, 1899. Short title.

2. The expressions "company" "contributory" and "court" wherever they occur in this Act have the meanings assigned to them respectively in section 2 of *The Winding Up Act*, and this Act shall be read with and construed as forming part of *The Winding Up Act* and *The Winding Up Amendment Act*, 1889. Interpretation. R.S.C., c. 129. 1889, c. 32.

3. Where any compromise or arrangement is proposed between a company which is, at the time of the passing of this Act or afterwards, in the course of being wound up, either voluntarily, or by or under the supervision of the court, under the provisions of *The Winding Up Act* or of any amendment thereto, and the creditors of the company, or by and between any such creditors or any class or classes of such creditors and the company, the court, in addition to any others of its powers, may, on the application in a summary way of any creditor or of the liquidator, order that a meeting of such creditors or class or classes of creditors shall be summoned in such manner as the court shall direct; and if a majority in number representing three-fourths in value of such creditors or class or classes of creditors present, either in person or by proxy, at such meeting, agree to any arrangement or compromise, such arrangement or compromise, if sanctioned by an order of the court, shall be binding on all such creditors, or on such class or classes of creditors as the case may be, and also on the liquidator and contributories of the company. Court may summon meeting of creditors to consider any proposed compromise. Conditions of sanction by court. Effect.

4. Section 8 of *The Winding Up Act* is hereby amended by inserting immediately after the word "dollars" in the second line thereof the following words :—"or a shareholder, except in the case of banks and insurance corporations, holding shares in the capital stock of the company, to the amount of at least five hundred dollars;" and all companies now being wound up under a winding up order made upon the application of a shareholder holding shares as aforesaid, are hereby declared to be in the same position as if the order had also been applied for under the said section 8 as hereby amended and had been R.S.C., c. 129, s. 8 amended. Applications for winding up orders. Amendment retroactive.

made in pursuance of the provisions of *The Winding Up Act* as well as of the provisions of *The Winding Up Amendment Act*, 1889.

Definition of "capital stock" as used in the Winding Up Acts.

5. The words "capital stock" where they occur in section 3 of *The Winding Up Act* and in section 8 thereof as hereby amended, and in sections 3, 4, 5, and 8 of *The Winding Up Amendment Act*, 1889, shall mean and be taken to have heretofore meant a capital stock either *de jure* or *de facto*.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

No 63

An Act further to amend the Winding Up Act.

Received and read first time, Wednesday, 31st May, 1899.
Second reading, Friday, 2nd June, 1899.

The Honourable Mr. KIRCHHOFFER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

P.] **SENATE BILL.** [1899.

An Act respecting Loan Companies.

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

1. This Act may be cited as *The Loan Companies Act, Canada*, 1899; and in this Act the expression "Company" means a company incorporated under its provisions. Short title. "Company" defined.

2. *The Companies Clauses Act*, being chapter 118 of the Revised Statutes of Canada, except such parts thereof as are inconsistent with this Act, and such parts as by the letters patent issued under this Act are declared not to apply, shall apply to a company which is subject to the provisions of this Act. Application of R.S.C., c. 118.

3. The Governor in Council may, from time to time, make regulations with respect to the following matters, viz.:— Regulations which may be made by Governor in Council.

(*a.*) The notice to be given of applications under this Act, and the evidence and material to be produced or filed in support thereof; Notice of application.

(*b.*) The form and manner of giving any other notice required by this Act or by regulations made under it; Forms of notices.

(*c.*) The forms of petitions, certificates, letters patent and other instruments and documents relating to proceedings under this Act; Forms of documents.

(*d.*) The persons before whom any affidavit, affirmation, or declaration required by this Act, or by regulations made under it, may be taken or made. Making affidavits, etc.

(*e.*) The departmental or other officers to be charged with the administration of the Act and their respective duties thereunder. Officers.

4. Any five or more persons of the full age of twenty-one years may apply to the Governor in Council for letters patent under the great seal incorporating them as a loan company under this Act. Persons who may apply for charter.

5. The application shall show, (*a*) the number of the proposed board of directors, and the names of not less than three of the applicants, who are to be the provisional board, (*b*) the proposed name of the company, (*c*) the place where its head office is to be established, (*d*) the amount of the proposed capital stock, the number of shares and the amount of each share and (*e*) such other information as may be required by regulations made under this Act. What application shall show.

What application may be for.

6. The application may pray for power to acquire the franchises and assets of any existing company, whether incorporated by or under the authority of the Parliament of Canada or otherwise, whose main business is of the character described in section 20 of this Act, and in such case the applicants shall declare the terms upon which such franchises and assets are to be acquired and shall be required to show to the satisfaction of the Governor in Council that such existing company is in a solvent condition and has power to dispose of its franchises and assets in the manner proposed, and has agreed, in a manner binding upon it and subject to the granting of letters patent to the applicants, to such a disposal of them.

Declarations requisite.

Consideration.

2. The consideration for such franchises and assets may consist wholly or in part of shares in the capital stock of the company for which incorporation is sought.

Conditions on which application may be granted.

7. Upon the terms of this Act and of any regulations made thereunder being complied with, the Governor in Council may grant such application and issue the letters patent if he considers it consistent with the public interests so to do.

Provisions possible by by-law may be embodied in charter, etc.

8. Any provision which might be made by by-law of the company may be embodied in the letters patent, and a provision so embodied shall not be subject to alteration or repeal without the consent of the Governor in Council.

As to naming company.

9. The name given to a company may differ in whole or in part from that asked for by the applicants.

As to use of existing names.

10. The name so given shall not be that of any known company or partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to be calculated to deceive or cause confusion. Provided, however, that a subsisting name may be given in whole or part with the consent of the company or person entitled thereto, and that the name of any existing company whose franchises and assets are to be acquired may be given to the applicants if the Governor in Council is satisfied that such company has the best right to that name.

Governor in Council's decision as to certain questions final.

11. The decision of the Governor in Council as to questions arising under sections 9, 10, 37 and 38 hereof, shall be final, and the provisions of this Act relating to matters preliminary to the issue of letters patent, or of any certificate, order, or other proceeding, by or on behalf of the Governor in Council, or Treasury Board, or of any Minister or Departmental or other officer under this Act, shall be deemed to be directory only, and such letters patent or other proceeding shall not be void or voidable on account of any omission or irregularity in respect of any matter preliminary thereto.

Certain matters directory only.

Effect of charter.

12. By virtue of letters patent so issued the persons therein mentioned and such others as may thereafter become shareholders shall become and be a body corporate, with the rights and powers conferred by law upon corporations, and with the rights and powers and subject to the obligations and restrictions hereinafter declared.

Powers of corporation.

13. The name of the company, the place of its head office, the amount of its capital stock, the number of shares and amount of each share, the number of its board of directors, and its provisional board shall be as declared in the letters patent, subject to such changes as may be lawfully made. Name and organization.

14. The provisional directors of a company so incorporated may receive subscriptions for stock in the capital of the company, and so soon as a sum not less than one hundred thousand dollars of such capital stock has been subscribed and a sum not less than fifty thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General of Canada, the provisional directors may call a meeting of the subscribers to said stock, to be held in the place of the company's head office, at which meeting the board of directors of the company shall be elected, who shall hold office until their successors are duly appointed; and upon the election of such board the functions of the provisional directors shall cease. Two weeks' notice of said meeting shall be given by advertisement in a newspaper published in the place of the head office, and by circular to each subscriber of stock posted by registered letter to his last known address. Provided that if all of said subscribers are present in person or represented by proxy, said meeting may be held at any time and at any place without notice. Subscriptions for stock and proceedings to organize company. Subscription of stock. Deposit. First meeting and election of directors. Notice. Proviso.

2. Where the object of the company is wholly or in part to acquire the franchises and assets of an existing company, and the proposed consideration for such franchises and assets consists wholly or in part of shares in the capital stock of the company, the Minister of Finance and Receiver General, may dispense to such extent as he may think proper with the payment and deposit required by subsection 1 of this section. Deposit may in certain cases be dispensed with.

15. A company incorporated under this Act 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 the board of directors has been elected as provided in section 14 and until it has been shown to the satisfaction of the Minister of Finance and Receiver General that the provisions of the said section have been complied with, and no such certificate shall be given unless application therefor be duly made within two years after the issue of the letters patent, or within such extended period as the Governor in Council may, before the expiration of such two years, allow. Provided that no such certificate shall be given to a company authorized to receive money on deposit unless and until at least three hundred thousand dollars of its capital stock has been subscribed and at least one hundred thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General except in the case of a company authorized to acquire the franchises and assets of an existing company in which case such payment and deposit may be wholly or in part dispensed with. Certificate requisite for doing business. Conditions of issue of certificate. Period within which application may be made for certificate. Proviso: subscription of capital, deposit, etc.

Effect of failure to obtain certificate.

16. Should application for such certificate not be duly made within the time limited, or should such certificate be refused, the company's letters patent shall thereupon cease and become void, 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 may be entitled to.

Return of deposit.

17. Upon the issue of the certificate, or upon refusal to issue it, the Minister of Finance and Receiver General shall pay over to the company the amount deposited with him pursuant to section 14 or section 15, without interest.

Rights and obligations of new company.

18. A company which has been authorized under this Act to acquire and which has acquired the franchises and assets of an existing company shall be and is hereby declared to be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of such latter company; and any person having any claim, demand, right, cause of action or complaint against such latter company, or to whom such latter company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof, from and against the new company, its directors and shareholders, as such person has against the old company, its directors and shareholders.

And of creditors.

Power to acquire assets of existing company.

19. A company so authorized may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the existing company or to which it is or may be or become entitled, and no company so authorized shall be vested with or exercise any of such franchises unless or until the same have been actually so acquired. Provided that nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against such existing company, or its directors or shareholders, or shall relieve it, or its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty.

Savings clause.

Business powers of company under this Act.

20. A company which is subject to the provisions of this Act shall, subject to the terms and exceptions contained in its letters patent, have power to carry on in Canada the business of lending money on the security of or purchasing or investing in, (*a*) mortgages or hypothecs upon freehold or leasehold real estate or other immovables, (*b*) the debentures, bonds, stocks and other securities of any government or 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 and promissory notes. Provided that no loan company incorporated under this Act shall invest in or lend money upon the security of the stocks of any other loan company.

No loans to be made on stock of another loan company.

Borrowing powers and deposits.

21. Except as otherwise provided by its letters patent, a company which is subject to this Act, may borrow money and receive money on deposit upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed. Provided always that the total of such company's liabilities 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 and belonging to such company shall be deducted from such total liabilities for the purposes of this section. Provided also that the amount held on deposit shall not at any time exceed the aggregate amount of such company's then actually paid-up and unimpaired capital and of its cash actually on hand or deposited in any chartered bank or banks in Canada and belonging to the company.

Limitation of liabilities.

Limitation of amount of deposits.

Liabilities to be reckoned in computation.

22. The liabilities of a previously existing company which are assumed by a company incorporated under this Act, shall form part of the total liabilities to the public for the purposes of the last preceding section.

As to locking up assets in real estate.

23. So long as a company which is subject to the provisions of this Act is indebted for money received upon deposit, its total assets over and above the value of its real estate and its mortgages or hypothecs upon freehold or leasehold estate or other immovables shall be equal to at least fifty per cent of its indebtedness in respect of such money.

Issue of debenture stock.

24. The directors of a company which is subject to the provisions of this Act may, with the consent of the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company, and shall be included in estimating the company's liabilities to the public under section 21 hereof, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the company.

To be included in estimating liabilities.

Rank and powers.

Debenture stock to be registered.

25. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bond holder, debenture stock holder 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.

Perusal of register.

Transfer of debenture stock.

Registry of transfers

26. All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere; but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland, as the company appoints for that purpose, for transmission to the company's head office for registration.

Exchange of debentures for debenture stock.

27. 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.

28. The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Agencies in United Kingdom.

29. The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed establishing such agency shall not be altered or repealed excepting by a vote of shareholders present, or represented by proxy, at a special meeting to be called for that purpose; and holding not less than two-thirds of the issued capital stock of the company represented at such meeting; nor unless the notice calling such meeting be published once a week for for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has an agency.

Trusts, company not liable for execution of.

30. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of such company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the company shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the 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.

Increase of capital stock.

31. The directors, at any time after ninety per centum of the capital stock of the company has been subscribed and ninety per centum thereof paid in, but not sooner, may by by-law provide for the increase of the capital stock of the company to any amount which they consider requisite.

Decrease of capital stock.

32. The directors at any time may 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 may consider sufficient.

2. The by-law shall declare the number of the shares of the stock so decreased, and the allotment thereof or the rule or rules by which the same is to be made.

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.

Conditions of such increase or decrease.

33. No by-law for increasing or decreasing the capital stock of the company shall have any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the company represented at such meeting, and has afterwards been confirmed by a certificate of the Minister of Finance and Receiver General given under the authority of the Treasury Board.

Minister of Finance to be satisfied as to *bona fides* of increase or decrease.

34. Upon an application to the Minister of Finance and Receive General for a certificate confirming such by-law, the company shall satisfy him of the *bonâ fide* character of the increase or decrease of capital thereby provided for, and, unless it appear 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 always that, with the consent of the company, the amount of such increase or decrease of capital may by said certificate be changed and the increase or decrease made subject to such conditions as the Treasury Board may think proper.

Preference stock.

35. The directors of the company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Effect as to control of affairs.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Conditions for effect of by-law creating preference stock.

3. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company. Provided, however, that if at such meeting the by-law be sanctioned by shareholders holding three-fourths of the issued capital stock of the company and present or represented by proxy at such meeting, the company may petition the Minister of Finance and Receiver General for an order approving the said by-law, and the said Minister may, with the approval of the Treasury Board, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Rights of preference stock holders.

4. Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders. Provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Savings clause.

5. Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of any company.

Limitation of time for holding real estate.

36. No parcel of land, or interest therein at any time acquired by the company and not required for its actual use and occupation or held by way of security, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the 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 then seven years without being disposed of, shall be forfeited to Her Majesty. Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years. And further provided 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 Her Majesty to claim such forfeiture; and it shall be the duty of the company to give the Minister of Finance and Receiver General, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisos.

Forfeiture.

Enforcement of forfeiture.

Statement to be furnished.

Amalgamation of companies.

37. Any two or more companies which are subject to the provisions of this Act, or which are incorporated by or under the authority of an Act of the Parliament of Canada and whose main business is of the character described in section 20 hereof, may, in the manner herein provided, amalgamate the one with the other or others, and may enter into all agreements and do all acts necessary or convenient for the purposes of such amalgamation.

Agreements for amalgamation.

Purchase of assets.

2. Any one or more of such companies may alone or together purchase the entire assets of any other or others of such companies which may sell said assets, and the companies may enter into all agreements of purchase and sale and do all acts necessary or convenient for the purposes of such purchase and sale. Provided always that specified assets may be excepted from such purchase and sale.

Contents of agreement.

3. The agreement shall prescribe the terms and conditions of the amalgamation or purchase, and may provide for the mode of carrying the same into effect, the name of the amalgamated company, the amount of capital stock, the number of shares and amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the after management and working thereof, but no share in the amalgamated company shall be terminating or liable to be withdrawn.

Approval of agreement.

4. The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof duly called and held separately for the purpose of taking the same into

consideration, and, if at each such meeting the same is accepted and approved by resolution passed by shareholders present or represented by proxy and holding not less than two-thirds of all the shares of the issued capital stock of the company, the said agreement may be executed under the corporate seals of the companies, and an application may be made to the Governor in Council by the companies for letters patent confirming the same.

Confirmation by Governor in Council.

5. Upon the terms of this Act, and of any regulations made hereunder, being complied with, and, unless it appear that the granting of said application would not be in the public interest, the Governor in Council may grant the same and issue letters patent under the great seal confirming said agreement and incorporating the amalgamated companies as a company under this Act.

Effect of letters patent confirming agreement.

6. On, from and after the date of such letters patent or purchase the said companies shall be amalgamated and shall form one company by the name in said agreement provided, and, upon the terms and conditions thereof, subject to the provisions of subsection 8 of this section, the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to each of the said companies or to which it may be or become entitled, and shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of each of said companies; and any person having any claim, demand, right, cause of action or complaint against any of said companies, or to whom any such company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the amalgamated company as such person has against such other company.

Preservation of rights, etc.

7. Nothing in said agreement of amalgamation or in this Act contained or done in pursuance thereof shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any of the companies so amalgamated, or their respective directors or shareholders, or shall relieve any such company, its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty.

Non-abatement of suits.

8. No action or proceeding by or against any of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the amalgamated company may be substituted in such action or proceeding in the place thereof.

Application of this Act to amalgamated company.

9. Subject to the terms and exceptions contained in said letters patent, the provisions of this Act shall apply to the amalgamated company and to the business carried on by it, and, subject as aforesaid, the borrowing and lending powers of such company shall be governed by the provisions of this Act, and, subject as aforesaid, any provision in the charter or Act of incorporation, or of any other Act, applicable to any of the

amalgamated companies which is inconsistent with the provisions of this Act, shall cease to have effect.

Vesting of assets conveyed.

10. On, from and after the date of such letters patent confirming an agreement of purchase and sale, the assets purchased and sold shall, in accordance with and subject to the terms of said agreement and without any further conveyance, become vested in the company or companies purchasing, but the selling company shall from time to time (subject to the terms of said agreement) execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as may be reasonably required to confirm or evidence the vesting in the purchasing company or companies of the full title and ownership of the assets purchased and sold.

Conversion of shares into paid-up shares.

38. Any company of any of the kinds mentioned in subsection 1 of section 37 hereof may pass a bylaw providing, upon such terms as may be thought best, for the conversion into fully paid up shares, of shares in its capital stock which have been only partly paid up, but such by-law shall not have any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the company represented at such meeting, and has afterwards been confirmed by a certificate of the Minister of Finance and Receiver General given under the authority of the Treasury Board.

Confirmation by Minister of Finance.

Conditions of confirmation.

39. Upon an application to the Minister of Finance and Receiver General for a certificate confirming such by-law, unless it appear that the granting of such certificate would not be in the public interest, the said Minister may, with the approval of the Treasury Board, grant the same, and upon the granting of such certificate the said bylaw shall come into force and take effect and may be acted on according to its terms. Provided, however, that nothing in this section and the last preceding section contained, or done under or in pursuance thereof, shall effect or impair the rights of creditors of the company.

Savings clause.

Statements to be transmitted.

40. Every company which is subject to the provisions of this Act, shall transmit, on or before the first day of March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first day of December inclusive 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 and Receiver General 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 or private affairs of any person who has dealings with it.

To whom.

Verification.

Contents.

Form.

Private affairs.

41. The Companies Act, chapter 119 of the Revised Statutes of Canada, is hereby repealed so far as regards the formation or incorporation hereafter of any loan company or the amalgamation of any two or more loan companies by virtue of any of the provisions thereof; but every such company incorporated or formed by virtue of the said Act shall so remain and no provision of the said Act shall as touching any such company, be in any wise affected by this Act.

R.S.C., c. 119
Effect of this Act upon.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

No 164

P

An Act respecting Loan Companies.

Received and read first time, Wednesday, 31st May, 1899.
Second reading, Monday, 5th June, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No 165.] **BILL.** [1899.

An Act to incorporate the Yukon River and Atlin Lake Improvement Company.

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

1. James Shelby Williams, of Paris, in the State of Texas, one of the United States, Thomas Arthur Darby of Wilmngton, in the state of North Carolina, one of the United States, William Joseph Poupore and Henry Allan Bate, both of the City of Ottawa, in the County of Carleton, and Province of Ontario, Daniel Hunter McMillan, of the City of Winnipeg, in the Province of Manitoba, Dennis Ryan, of St. Paul, in the State of Minnesota, one of the United States, and John Almon Ritchie, of the said City of Ottawa, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Yukon River and Atlin Lake Improvement Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the first or provisional directors of the Company. Provisional directors.

3. The capital stock of the Company shall be three million dollars divided into shares of one hundred dollars each, and may be called by the directors from time to time as they deem necessary. Capital stock and calls thereon.

4. The head office of the Company shall be in the City of Ottawa and Province of Ontario, or at such other place in Canada as the Company from time to time determines by by-law. Head office.

5. At the first meeting of the shareholders and at each annual meeting thereafter the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose nine persons, each of whom shall hold at least one hundred shares of the capital stock of the Company, to be directors of the Company, a majority of whom shall form a quorum. Directors.

6. The Company may— Powers of Company.

(*a.*) undertake, lay out, construct and maintain the works and erections which it deems proper or expedient for the purposes of improving and facilitating the navigation of Lakes Improvement of navigation.

Bennett, Tagish, Taku, Marsh, Laberge and Atlin, and of the streams flowing in and out of the said lakes, and also the whole of the Yukon River and its tributaries from Bennett City in the said Yukon Territory to the International Boundary between Alaska and the Yukon Territory; and also for the purposes of defining, cleaning and maintaining a channel in and through the said lakes and Yukon River and their tributaries and for the purposes of removing the obstacles at White Horse Rapids, Five Fingers, Atlin Lake and at all places on the said lakes and rivers, which at the present time impede the navigation of the said lakes and rivers; also lay out, construct and operate canals between the said lakes and rivers and their tributaries whenever necessary or expedient: and also for the purposes of establishing beacons to light and the putting down of buoys to designate a channel, and generally making and rendering safe the navigation of the said lakes and rivers;

Entering upon lands.

(*b.*) enter upon and take such lands, buildings, erections and premises of any person as are necessary and proper for the making, building, erecting and operating the said improvements and other works of the Company; and dig, cut, trench, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, beds of gravel or sand or any other matters which may be dug or got in making the said improvements and other works on or out of the lands or grounds of any person, adjoining or lying convenient thereto or on or out of the lands belonging to Her Majesty, which may be proper, requisite or necessary for making, maintaining or repairing the said improvements or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, completing and maintaining the same respectively according to the intent or purpose of this Act;

Real estate.

(*c.*) acquire and hold such real estate as may be deemed necessary for the purposes herein mentioned and generally for the purposes of the Company, and the same again sell, convey, or exchange as the Company sees fit in order to carry out the purposes herein mentioned;

Aqueducts and viaducts.

(*d.*) make, maintain and alter any places or passages over, under or through the said lakes and rivers or any of their branches, tributaries or connections;

Use of water.

(*e.*) obtain, take and use, during the construction, maintenance and operation of the said improvements and works, from the rivers and lakes aforesaid and their tributaries water sufficient for the purposes of constructing, maintaining, operating and using the improvements, canals and works hereby authorized and for the purpose of establishing and maintaining a channel sufficient for navigation requirements; also take, obtain and use during the construction, use and operation of the said improvements, works and canals, and for the purposes of constructing and, later on, improving and maintaining the same, the timber, coal, stone, sand and other materials in and on the lands belonging to Her Majesty and also such parts of the lands belonging to Her Majesty as may be required for the purposes of those works, canals and improvements and for the establishment of warehouses, wharves, docks, drydocks, basins, piers, mills, mill sites, dams, beacons, and light houses as herein mentioned;

Use of timber, coal, etc., on Dominion lands.

(*f.*) erect, construct, and acquire such wharves, docks, dry-docks, warehouses, piers, dams, slides, canals, locks, basins, vessels, boats, beacons, buoys, light houses, elevators and such maters and things as it deems necessary for the purposes herein mentioned;

Docks and elevators.

(*g.*) construct, operate and dispose of terminals, harbours, wharves, docks, dry-docks, basins, piers, elevators and warehouses upon the said rivers and lakes, or upon the lands adjoining or near the same;

Mills, water power, etc.

(*h.*) acquire, build, use and operate mills, stamp mills, smelters, mill sites, permanent and portable mills, mill properties, timber limits and water powers and privileges; saw and manufacture lumber and other wooden goods; establish shops, stores, depots; supply, buy and sell goods and general merchandise for the carrying on of the improvements contemplated, and for the use and repair and maintenance of such works, canals and improvements, and generally to do all such other acts, matters and things as may be incidental to or connected with the objects aforesaid or the attainment thereof;

Stores.

General traders, etc.

Sale of water lots, water and power.

(*i.*) lay out and dispose of water lots and use and dispose of water brought by or for the said works, canals and improvements but not requisite for the same, and produce and dispose of hydraulic, electric and other kinds of power in connection with the works hereby authorized;

Patents of invention.

(*j.*) acquire the right to use any patent of invention for the purposes of the works hereby authorized and again dispose of the same;

Dry docks, etc.

(*k.*) open, cut and erect such ponds and basins for the laying up and turning of vessels, boats or rafts using the said lakes and rivers at such points thereof as it deems expedient, and also build and erect such dry-docks, slips and machinery for the hauling out and repairing vessels, boats and rafts as it thinks proper, and may lease or hire the same.

Acquisition of Government works.

7. If any lock, basin, wharf, dry-dock, canal, dam, slide, pier, bridge, beacon, light house or other work the property of the Government of Canada, and whether now in its possession or leased to any person is required by the Company for the purposes of its undertaking, the Company may, with the consent of the Governor in Council and upon such terms as may be agreed upon between the Company and the Government, take such lock, basin, wharf, dry-dock, canal, dam, slide, pier, bridge, beacon, light house or other work for the purpose of its undertaking.

Plans to be approved by Minister of Public Works.

8. Before the Company shall commence the construction of any of the works hereby authorized, the plans, locations, dimensions and all necessary particulars of such works shall have been submitted to and have received the approval of the Minister of Public Works of Canada.

By-laws.

9. In addition to the general powers to make by-laws the Company may make by-laws, rules or regulations for the following purposes, that is to say:—

(*a.*) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled;

(*b.*) for regulating the hours of the arrival and departure of such vessels.

(*c.*) for regulating the loading or unloading of such vessels and the draught thereof;

(*d.*) for preventing the smoking of tobacco upon the works, the bringing into or upon the property of the Company of dangerous or deleterious substances, and for the proper care and preservation of the Company's property;

(*e.*) for regulating the travelling and transportation upon, and the using and the working of the canals;

(*f.*) for regulating the conduct of the officers, servants and employees of the Company;

(*g.*) for the maintaining, preserving and using the canals and all other works hereby authorized to be constructed or connected therewith, and for the governing of all persons and vessels passing through the said canals;

(*h.*) for providing for the due management of the affairs of the Company in all respects.

Issue of bonds.

10. The Company may issue and pledge or dispose of bonds, debentures or other securities to the extent of two million dollars.

Tolls.

11. The Company may, from time to time, demand, take and recover to and for its own proper use for all passengers and goods transported upon the said lakes, rivers and canals and for vessels using the same such tolls as the Company or its directors from time to time determine by by-law; and no tolls of any description shall be levied or taken upon the said improvements, works and canals until the same are approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of such by-law and of the Order in Council approving thereof.

Payment of tolls.

12. Such tolls shall be paid to such persons and at such places on the said rivers, lakes and canals and in such manner and under such regulations as the by-laws direct.

Enforcing payment.

13. In case of denial or neglect of payment on demand of any such tolls or any part thereof the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the Company may seize the vessel or goods for and in respect whereof such tolls are payable and may detain the same until payment thereof, and in the meantime the said vessels or goods shall be at the risk of the owners thereof.

Sale of vessel and goods.

14. If the tolls are not paid within thirty days from the time of such detainer, the Company may sell the vessel or the whole or any part of such goods, and out of the moneys arising from such sale retain the tolls payable and all reasonable charges of such seizure, detention and sale, and shall deliver the surplus, if any, or the vessel or such of the goods as remain unsold, to the persons entitled thereto, such delivery to be made at the risk and expense of the owner.

Transport of troops, etc.

15. The Company shall at all times when thereunto required by the commander of the forces, or any person having the superintendence or command of any police force, allow the passage through the said improvements, works and canals,

free of tolls, of Her Majesty's naval or military or police force or militia, and of all artillery, ammunition, provisions or other stores for their use, and of policemen, constables, servants, and officers and others travelling on Her Majesty's service on the said lakes, rivers and canals.

Transport of H. M.'s mails.

16. The Company shall also at all times when thereunto required by the Postmaster General of Canada carry Her Majesty's mails in through and over the said lakes, rivers and canals on such terms and conditions and under such regulations as the Governor in Council appoints and declares.

Penalty for interfering with works.

17. Every person who obstructs, interrupts or impedes the navigation of the said lakes, rivers or canals or interferes with any of the works belonging thereto by the introduction of any timber or vessels or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for each and every such offence incur a penalty not to exceed one thousand dollars, one half of which penalty shall go to the Company and the other half to Her Majesty.

Removal of obstructions.

18. If any barge, boat, vessel, timber or substance of any kind, is sunk or grounded in any part of any of the said rivers, lakes or canals, or in any approach thereto, and if the master or owner thereof neglects or refuses to remove the same forthwith, the Company may forthwith proceed to have the same raised or removed, and may retain possession of the same until the charges and expenses necessarily incurred by the Company in so raising and removing the same are paid and satisfied, or the Company may sue for and recover in any Court of competent juridiction such charges and expenses from the master or owner thereof.

Time for commencing suit.

19. If any action or suit is brought or commenced against any person or the Company for anything done in pursuance of this Act, or in the execution of the powers and authorities hereinbefore given or granted, such action or suit shall be brought or commenced within twelve calendar months next after the act committed, or in case there is a continuation of damage, then within twelve calendar months next after the doing or committing such damage ceases, and not otherwise.

Works may be taken over by Government.

20. Her Majesty, may at any time assume the possession and property, works, improvements and erections of the Company on the said rivers, lakes and canals and works, and all the rights and privileges and advantages of the Company, all of which shall after such assumption be vested in Her Majesty, on giving to the Company one week's notice thereof and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company and a third abitrator by the two arbitrators; and the arbitrators may in such valuation take into account the expenditure of

Arbitration.

the Company, its property, and the present and prospective business of the Company.

Time for construction limited.

21. If the construction of the improvements and works hereby authorized to be made and constructed, or some of them, is not commenced within eighteen months after the passing of this Act, or if the said works and improvements are not completed within four years after the passing of this Act, the powers granted by this Act shall cease and be null and void as respects so much of the said works and improvements as then remains uncompleted.

Arbitration in case of disagreements.

22. When the Company and the owner or occupier of private property entered upon cannot agree as to compensation for lands, buildings, and premises required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the matter shall be settled by three arbitrators or the majority of them, one to be chosen by such owner or occupier, another by the Company and a third arbitrator by the two first named arbitrators; provided that the Governor in Council may from time to time by regulations vary or modify the provisions of this section in this regard, so far as they apply to the said works in such manner as experience proves to be expedient.

No. 165.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the Yukon River and Atlin Lake Improvement Company.

First reading, June 29, 1899.

(PRIVATE BILL.)

MR. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 166.] **BILL.** [1899.

An Act respecting the Temiscouata Railway Company.

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

1. Section 2 of chapter 63 of the statutes of 1897, is hereby repealed. 1897, c. 63, s. 2 repealed.

2. The extensions authorized by section 2 of chapter 65 of the statutes of 1895, and section 3 of chapter 63 of the statutes of 1897, shall be commenced within three years, and completed within five years after the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of the extensions as then remains uncompleted. Time for construction of railway extended.

No. 166.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Temiscouata Railway Company.

First reading, June 29, 1899.

(PRIVATE BILL.)

MR. MCALISTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

THE SENATE OF CANADA.

167

PASSED BILL.

An Act to provide for the Administration of Criminal Justice in the territory east of Manitoba and Keewatin and north of Ontario and Quebec.

[*Passed 27th June*, 1899.]

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

1. All offences committed in any part of Canada east of the province of Manitoba and the district of Keewatin and north of the provinces of Ontario and Quebec may be laid and charged to have been committed, and may be inquired of and tried within any district, county or place in any of the said provinces; and such offences shall be within the jurisdiction of any court having jurisdiction over offences of the like nature committed within the limits of such district, county or place; and such court shall proceed therein to trial, judgment and execution or other punishment for any such offence in the same manner as if such offence had been committed within the district, county or place where such trial is had. Trial of offences committed in the said territory. Jurisdiction of provincial courts.

2. The several courts of criminal jurisdiction in the said provinces of Ontario, Quebec and Manitoba, including justices of the peace, are hereby constituted and established as courts having the same powers, jurisdiction and authority in case of such offences, as they respectively have with reference to offences within their ordinary jurisdiction as provincial courts. Provincial courts constituted courts for the said territory.

3. This Act shall apply to past offences as well as to such as may be hereafter committed. Act retroactive.

An Act further to amend the Criminal Code, 1892.

(Reprinted as amended in Committee of the Whole, 7th June, 1899.)

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

1. This Act may be cited as *The Criminal Code Amendment Act*, 1899. Short title.

2. *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— 1892, c. 29. amended.

SCHEDULE.

NOTE.—The addition of new words to the existing sections of the Code is shown by their inclusion within square brackets.
The explanatory notes have been furnished by the Department of Justice.

Section **3.**—By repealing sub-paragraph (i) of paragraph (e) as that sub-paragraph is enacted by chapter 40 of the statutes of 1895, and substituting the following therefor :—

"(i.) In the Province of Ontario, [the Court of Appeal for Ontario."]

NOTE.—The sub-paragraph now reads "any Divisional Court of the High Court o Justice."

"And by repealing sub-paragraph (i) of paragraph (y) and substituting the following therefor :—

"(i.) In the Province of Ontario [the High Court of Justice for Ontario."]

NOTE.—This amendment is necessary because the provision as it stands relates to "Divisions" of the High Court, and under recent legislation the Divisions of the High Court have no jurisdiction as such.

Section **166A.**—By inserting the following section immediately after section 166 :—

"**166A.** Every one is guilty of an indictable offence and liable to one year's imprisonment, who, by failing to perform any legal duty, permits a person in his lawful custody on a criminal charge to escape therefrom."

NOTE.—This clause providing against negligent escape, was contained in the Bill of 1891 (see clause 167), and also in the Bill of 1892 (clause 168), but it was struck out in Committee of the Whole in the House of Commons. The suggestion was that the offence was not essentially a criminal one. From two or three quarters it has been proposed that the Code should contain such a provision. There was a corresponding provision in the pre-existing law (see Revised Statute, chapter 165, section 7.) The clause now proposed is adopted from the Criminal Code Bill (Imp.) of 1880, clause 136.

Section **179.**—By substituting the following therefor :—

"**179.** Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse—

(*a.*) [manufactures, or] sells, or exposes for sale or to public view, [or distributes or circulates, or causes to be distributed

or circulated] any obscene book, or other printed, [typewritten,] or [otherwise] written matter, or any picture, photograph, model or other object tending to corrupt morals; or

(*b.*) publicly exhibits any disgusting object or any indecent show; or

(*c.*) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any medicine, drug or article intended or represented as a means of preventing conception or causing of abortion [or miscarriage.]

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done.

3. It shall be a question [for the court or judge] whether the occasion of the [manufacture,] sale, [exposing for sale,] publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in to or under which the [manufacture,] sale, [exposing for sale,] publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the [manufacturer], seller, [exposer,] publisher or exhibitor shall in all cases be irrelevant."

NOTE.—This amendment omits the word "publicly" from before "sells," and "public" from before "sale," in the first line of paragraph (*a*) of subsection one. In subsection 3, the first line now reads, "It shall be a question of law, &c."

Section **180.**—By substituting the following therefor:—

"**180.** Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post,—

(*a.*) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral [or scurrilous] character; or

(*b.*) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or

(*c.*) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses."

NOTE.—Section 180 was adapted from the P. O. Act, s. 103, which section was repealed by the Code (section 981). It contained the words which have not been copied in section 180, viz.: "seditious, disloyal, scurrilous or libellous." Of these all but "scurrilous" are probably thought to be sufficiently covered elsewhere in the Code. Scurrilous mail-matter causes serious trouble to the Post Office Department and the sending of it is a grave offence, but there is at present no provision in the Code dealing with it. The object of the amendment is to supply the omission.

Section **181.**—By repealing the section as amended by chapter 32 of the Statutes of 1893, and substituting the following sections therefor:—

["**181.** Every one above the age of sixteen years is guilty of an indictable offence and liable to two years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any girl being of or above the age of fourteen years and under the age of sixteen years.]

"**181A.** Every one above the age of eighteen years is guilty of an indictable offence and liable to one year's imprisonment

who seduces [and] has illicit connection with any girl of previously chaste character above the age of [sixteen] years and under the age of [eighteen] years."

NOTE.—Section 269 of the Criminal Code deals with carnal knowledge of girls under 14. As to girls from 14 to 16 the clause as now proposed omits from section 181 the words "of previously chaste character" before the word "girl." There is no such condition in the Imperial Act, 48-49 Vic., cap. 69, s. 5, which makes a like act criminal in the case of girls under 16, nor is there any such condition in sections 261, 269, 282 or 283 of the Canadian Code. Under section 181 of this code, however, after the age of 13, there is no protection unless the girl's previously chaste character is provable and proved, and it is urged that this, in the case of poor friendless girls, may be impossible, and that what was perhaps a single or a falsely alleged instance of defilement, no matter under what circumstances it occurred, takes away all protection. It has been urged that this condition leads to groundless attacks on a girl's character by perjured witnesses. It is claimed that there should be absolute and unconditional protection up to the age of 16, and that the protection should not apply to the first offence only. A previous instance of unchastity does not appear to be a defence in any of the United States.

The bill as introduced in 1897 proposed to raise the age of consent to 18, but the Senate restored it to 16.

Section **183.**—By substituting the following therefor:—

"**183.** Every one is guilty of an indictable offence and liable to two years' imprisonment—

(*a.*) Who, being a guardian, seduces or has illicit connection with his ward; or—

(*b.*) Who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill, workshop, [shop or store,] or who, being in a common, but not necessarily similar, employment with him in such factory, mill, workshop, [shop or store,] is, in respect of her employment or work in such factory, mill, workshop, [shop or store,] under or in any way subject to his control or direction, or receives her wages or salary directly or indirectly from him."]

NOTE.—The words between square brackets make the only change. See Reports of the National Council of the Women of Canada. Rejected by Senate in 1897.

Section **185.**—By substituting for paragraph (*e*) thereof the following:—

"(*e.*) procures any woman or girl to come to Canada from abroad with intent that she may [have unlawful carnal connection with any person or that she may] become an inmate of a brothel in Canada."

NOTE.—The words in square brackets are new. This clause was added to the Bill by the Senate in 1897.

Section **186A.**—By inserting the following sections immediately after section 186:—

["**186A.** The word "guardian" in sections 183 and 186 shall be deemed to include the following:—

(*a.*) Any Dominion or Provincial officer charged with the oversight of minors;

(*b.*) Any person to whom a court or judge or other lawful authority has at any time theretofore committed the custody or the control or care of the girl or child;

(*c.*) Any person who in any province has by the laws thereof such custody, control or care;

(*d.*) Any person who is for the time guardian *de facto*, or is occupying for the time the position of guardian of the girl or child;

(*e.*) Any member of any society to which a court or judge or other lawful authority has at any time theretofore committed the custody or the control or care of the girl or child;

(*f.*) Any membef of any society which in any province has by the laws thereof such custody, control or care."]

NOTE.—Section 183—Seduction of ward. Section 185—Parent or guardian procuring defilement of girl.

["**186B.** In order to prove the age of a girl or child for the purposes of sections 183, 186, 210, 283 and 284, the following shall be sufficient *primâ facie* evidence :—

(*a.*) Any entry or record by an incorporated society or its officers having had the control or care of the girl at or about the time of the girl being brought to Canada, if such entry or record has been made before the alleged offence was committed.

(*b.*) In the absence of other evidence, or by way of corroboration of other evidence, the judge or, in cases where an offender is tried with a jury, jury before whom an indictment for the offence is tried, or the justice before whom a preliminary inquiry thereinto is held, may infer the age from the appearance of the girl."]

NOTE.—These two clauses 186A and 186B are suggested to remove technical difficulties in consequence of which the law has become almost a dead letter. *See* Statutes of Ontario 1893, chap. 45 ; 1895, chap. 52.

Rejected by Senate in 1897.

Section **187.**—By substituting the following therefor :—

"**187.** Every one who, being the owner [or] occupier of any premises, or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence and—

(*a.*) is liable to ten years' imprisonment if such girl is under the age of 14 years ; and

(*b.*) is liable to two years' imprisonment if such girl is of or above the age of 14 and under the age of 18 years."

NOTE.—The Bill as introduced in 1897 substituted 16 for 14, and 21 for 18. The Senate restored the present limits of age, and the only change in the clause as passed is the substitution of "or" for "and." As the section stands guilty owners would in many cases escape conviction and in other cases, guilty occupants.

Section **189.**—By substituting the following therefor :—

"**189.** Every one is guilty of an indictable offence and liable to four years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile, insane or deaf and dumb woman or girl, under circumstances which do not amount to rape but where the offender knew [or had reason to believe,] at the time of the offence, that the woman or girl was an idiot, or imbecile, or insane or deaf and dumb."

NOTE.—The only change is the insertion of the words in brackets.

Section **205.**—By substituting for subsection six thereof the following :—

"6. This section does not apply to

(*a.*) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests (*droits indivis*) in any such property ; or

(*b.*) raffles for prizes of small value at any bazaar held for any charitable object, if permission to hold the same has been

obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held and the articles, raffled for thereat, have first been offered for sale and none of them are of a value exceeding fifty dollars; or

(*c.*) any distribution by lot among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other works of art produced by the labour of the members of, or published by or under the direction of such incorporated society; [if—

(i) such paintings, drawings or other works of art are themselves actually and *bonâ fide* so distributed, and

(ii) the member or ticket holder is not given the option of taking in place of any work allotted to or drawn by him a sum of money or something else of value; and

(iii) no other such distribution has taken place among the members or ticket holders for a period of six months less one day next preceding the date of, or the date fixed for, such distribution;] or

(*d.*) the Crédit Foncier du Bas-Canada, or the Crédit Foncier Franco-Canadien."

NOTE.—The changes are the insertion of the words within square brackets.

The attention of the authorities has been called to several societies, claiming to be art societies, but whose operations are only colourably so, they being to all intents and purposes lotteries for money prizes, as directly or indirectly they give ticket-holders an option to take money.

Section **207.**—By substituting the following for paragraph (*a.*) of subsection one thereof:—

"(*a.*) [Not having any visible means of subsistence, is found wandering abroad or lodging in any barn or outhouse, or in any deserted or unoccupied building, or in any cart or wagon, or in any railway carriage or freight car, and not giving a good account of himself, or not having any visible means of maintaining himself, lives without employment.]"

Section **208**, as amended by chapter 57 of the statutes of 1894.—By adding at the end thereof the following proviso:—

"Provided that no aged or infirm person shall be convicted as a loose, idle or disorderly person or vagrant for any reason coming within paragraph (*a*) of section 207, in the county of which he has for the two years immediately preceding been a resident."

Section **210.**—By adding thereto the following subsection:

"(3) In this section the word "guardian" has the same meaning as, under section 186 A, it has in sections 183 and 186."

Section **261.**—By substituting the following therefor:—

"**261.** It is no defence to a charge or indictment for any indecent assault on a person under the age of [sixteen] years to prove that he or she consented to the act of indecency."

NOTE.—The age at present is 14

Section **264.**—By substituting the following therefor:—

"**264.** Every one is guilty of an indictable offence and liable to seven years' imprisonment who, without lawful authority—

(*a.*) Kidnaps any other person with intent—

(i) to cause such other person to be secretly confined or imprisoned in Canada against his will; or

(ii) to cause such other person to be unlawfully sent or transported out of Canada against his will; or

(iii) to cause such other person to be sold or captured as a slave, or in any way held to service against his will; or

(*b.*) Forcibly seizes and confines or imprisons any other person within Canada.

2. Upon the trial of any offence under this section the non-resistance of a person so unlawfully confined or kidnapped shall not be a defence unless it appears that it was not caused by threats, duress or force, or exhibition of force."

Section **278.**—By repealing this section and substituting the following:—

"**278.** Every one is guilty of an indictable offence and liable to imprisonment for five years, and to a fine of five hundred dollars,

(*a.*) who practises, or, by the rites, ceremonies, forms, rules or customs of any denomination, sect or society, religious or secular, or by any form of contract, or by mere mutual consent, or by any other method whatsoever, and whether in a manner recognized by law as a binding form of marriage or not, agrees or consents to practise or enter into

(i.) any form of polygamy;

(ii.) any kind of conjugal union with more than one person at the same time; or

(iii.) what among the persons commonly called Mormons is known as spiritual or plural marriage; or

(*b.*) who lives, cohabits, or agrees or consents to live or cohabit in any kind of conjugal union with a person who is married to another, or with a person who lives or cohabits with another or others in any kind of conjugal union; or

(*c.*) celebrates, is a party to, or assists in any such rite or ceremony which purports to make binding or to sanction any of the sexual relationships mentioned in paragraph (*a*) of this section; or

(*d.*) procures, enforces, enables, is a party to, or assists in the compliance with, or carrying out of, any such form, rule or custom which so purports; or

(*e.*) procures, enforces, enables, is a party to, or assists in the execution of, any such form of contract which so purports, or the giving of any such consent which so purports."

NOTE.—Corrects a clerical error. The paragraph lettered (b) is printed in the code as a sub-paragraph "(iv)" of paragraph (a).

Section **284.**—By adding at the end thereof the following words:—

"In this section the word "guardian" has the same meaning as it has in sections 183 and 186, as interpreted by section 186A of this Act."

NOTE.—Section 284—Stealing of children under 14.

Section **285.**—By substituting the following for subsection 1 thereof:—

"**285.** A defamatory libel is matter published, without legal justification or excuse, likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or designed to insult the person [of or concerning] whom it is published."

NOTE:—This clause was added by the Senate to the Bill of 1897. The subsection now has the word "to" in place of the words in square brackets.

Section **306.**—By substituting the following therefor :—

"**306.** Every one commits theft and steals the thing taken or carried away who, whether pretending to be the owner or not, secretly or openly, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention [by any peace officer or public officer in his official capacity."]

NOTE :—The only change is the addition of the words within square brackets.

In consequence of the absence of some such words the provisions of the section may be and have been taken advantage of to try private rights at the expense of the Crown, and even to brand as a criminal a party to a mere civil dispute arising out of a more or less doubtful question of law or fact.

The Senate in 1897 added the words "in his official capacity."

Section **331A.**—By inserting the following section immediately after section 331 ;—

["**331A.** Every one is guilty of an indictable offence and liable to three years' imprisonment who—

(*a*) without the consent of the owner thereof,

(i) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or fraudulently causes or procures, or assists in taking possession of, concealing, appropriating, purchasing or selling any cattle which are found astray ; or

(ii) fraudulently, wholly or partially obliterates, or alters or defaces, or causes or procures to be obliterated, altered or defaced, any brand, mark or vent brand on any such cattle, or makes or causes or procures to be made any false or counterfeit brand, mark or vent brand on any such cattle; or

(*b*) without reasonable cause refuses to deliver up any such cattle to the proper owner thereof or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive such cattle.]

NOTE :—See Section 707A *post.*

Section **410.**—By substituting the following therefor :—

"**410.** Every one is guilty of the indictable offence called burglary, and liable to imprisonment for life, who

(*a.*) breaks and enters a dwelling-house by night with intent to commit any indictable offence therein ; or

(*b.*) breaks out of any dwelling-house by night, either after committing an indictable offence therein, or after having entered such dwelling-house, either by day or by night, with intent to commit an indictable offence therein.

[2. Every one convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.]

NOTE.—The only change is in the addition of subsection two.

It has been represented that crimes of this nature have been alarmingly frequent of late, and that in many cases they are committed by professional tramps, which class is year by year becoming a greater menace to the peace and safety of residents of small towns and of villages and rural districts. A provision such as that proposed would probably be the most effective preventive, as imprisonment alone has not sufficient terrors for the class referred to. The Code already provides the punishment of whipping for the crime of robbery with violence. See Section 398.

Section **479.**—By substituting the following therefor :—

"**479.** In this Part the expression "counterfeit token of value" means any spurious or counterfeit coin, paper money, inland revenue stamp, postage stamp, or other evidence of

value, by whatever technical, trivial or deceptive designation the same may be described, [and includes also any coin or paper money, which although genuine has no value as money, but in the case of such last mentioned coin or paper money it is necessary in order to constitute an offence under this part that there should be knowledge on the part of the person charged that such coin or paper money was of no value as money, and a fraudulent intent on his part in his dealings with or with respect to the same."]

NOTE.– The object of the amendment is obvious; cases not covered by the terms of the section of the Code as it now stands and requiring to be provided for have frequently been brought to the attention of the authorities, especially in the case of bills of defunct banks, and notes of the Confederate States.

Section **520.**—By substituting the following therefor:—

"**520.** Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company—

(*a.*) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

(*b*) to restrain or injure trade or commerce in relation to any such article or commodity; or

(*c.*) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(*d*) to unduly prevent, or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

[2. Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees."]

NOTE. —The change is in the addition of the second subsection.
Rejected by the Senate in 1897.

Section **540.**—By adding to the section as amended by section one of chapter 57 of the Statutes of 1894, the following:—

["Or any indictment for bribery or undue influence, personation or other corrupt practice under *The Dominion Elections Act.*"]

NOTE:—The 540th section provides that the Courts of General or Quarter Sessions shall not have jurisdiction in certain cases which are specified, and does not specify these offences against the Election law, but the Dominion Elections Act declares that these offences shall not be tried in those courts, and this amendment to the Criminal Code is proposed to make the Code correspond.

Section **550A.**—By adding immediately after Section 550 the following section:—

["**550A.**—At the trial of any person charged with an offence under any of the following sections, that is to say, 174, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 195, 198, 208 in so far as it relates to paragraphs (i) (j) and (k) of 207, 259, 260, 267, 268, 269, 270, 271, 272,

273, 274, 281, and 282, or with conspiracy or attempt to commit, or being an accessory after the fact to any such offence, the court or judge may order that the public be excluded from the room or place in which the court is held during such trial; and such order may be made in any other case also in which the court or judge or justice may be of opinion that the same will be in the interests of public morals.

2. Nothing in this section shall be construed by implication or otherwise as limiting any power heretofore possessed at common law by the presiding judge or other presiding officer of any court of excluding the general public from the court-room in any case when such judge or officer deems such exclusion necessary or expedient."]

NOTE.—Section 174, Unnatural offence; 175, Attempt to commit sodomy; 176, Incest; 177, Indecent acts; 178, Acts of gross indecency; 181, Seduction of girls under 16; 182, Seduction under promise of marriage; 183, Seduction of ward, servant, etc.; 184, Seduction of passengers on vessels; 185, Procuring; 186, Parent or guardian procuring; 187, Householders permitting defilement on premises; 188, Conspiracy to defile; 189, Carnally knowing idiots, etc.; 190, Prostitution of Indian women; 195 to 198, Keeping bawdy house; 207 (*i*) (*j*) and (*k*) being common prostitute; keeping house of ill-fame; frequenting such house; 259, Indecent assaults on females; 260, Indecent assault on males; 267, Rape; 268, Attempt to commit rape; 269, Defiling children under 14; 270, Attempting to defile child; 271, Killing unborn child; 272, Procuring abortion; 275, Woman procuring her own miscarriage; 274, Supplying noxious drugs, etc.; 281, Abduction of woman; 282, Abduction of heiress.

Section **553.**—By substituting the following for paragraph (*a.*) thereof:—

"(*a.*) Where the offence is committed in [or upon] any water, tidal, or other, [or upon any bridge], between two or more magisterial jurisdictions, such offence may be considered as having been committed in either of such jurisdictions;"

NOTE.—This clause was added by the Senate. It supplies words which are obviously necessary to complete the sense.

Section **589.**—By substituting the following therefor:—

"**589.** If the accused person does not afterwards appear at the time and place mentioned in the recognizance the said justice, or any other justice who is then and there present, having certified upon the back of the recognizance the non-appearance of such accused person, in the form R in schedule one hereto, may transmit the recognizance to the proper officer appointed by law, to be proceeded upon in like manner as other recognizances; and such certificate shall be *primâ facie* evidence of the non-appearance of the accused person.

["2. The proper officer to whom the recognizance and certificate of default are to be transmitted in the province of Ontario, shall be the clerk of the peace of the county for which such justice is acting; and the Court of General Sessions of the Peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court. In the province of British Columbia, such proper officer shall be the clerk of the County Court having jurisdiction at the place where such recognizance is taken, and such recognizance shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such County Court: and in the other pro-

vinces of Canada such proper officer shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the passing of this Act; and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected."]

NOTE.—Difficulty in applying present section pointed out by the Attorney General's Office, British Columbia. The change suggested adopts the practice under the Summary Convictions Part, s. 878.

Section **641.**—By substituting the following therefor :—

"**641.** Any one who is bound over to prosecute any person, whether committted for trial or not, may prefer a bill of indictment for the charge on which the accused has been committed, or in respect of which the prosecutor is so bound over, or for any charge founded upon the facts or evidence disclosed on the depositions taken before the justice. The accused may at any time before he is given in charge to the jury apply to the court to quash any count in the indictment on the ground that it is not founded on such facts or evidence, and the court shall quash such count if satisfied that it is not so founded. And if at any time during the trial it appears to the court that any count is not so founded, and that injustice has been or is likely to be done to the accused in consequence of such count remaining in the indictment, the court may then quash such count and discharge the jury from finding any verdict upon it.

[2. The counsel acting on behalf of the Crown at any court of criminal jurisdiction may prefer against any person who has been committed for trial at such court a bill of indictment for the charge on which the accused has been so committed or for any charge founded on the facts or evidence disclosed in the depositions taken before the justice.]

3. The Attorney General or any one by his direction or any one with the written consent of a judge of any court of criminal jurisdiction or of the Attorney General, may prefer a bill of indictment for any offence before the grand jury of any court specified in such consent ; and any person may prefer any bill of indictment before any court of criminal jurisdiction by order of such court.

4. It shall not be necessary to state such consent or order in the indictment. An objection to an indictment for want of such consent or order must be taken by motion to quash the indictment before the accused person is given in charge.

5. Save as aforesaid no bill of indictment shall after the commencement of this Act be preferred in any province of Canada."

NOTE.—The only amendment consists in the insertion of subsection 2. The subsequent subsections are renumbered to accord with this change.

Section **680.**—By substituting the following therefor :—

"**680.** When the attendance of any person confined in any prison in Canada, or upon the limits of any jail, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court or of any superior court or county court, [or any chairman of General Sessions,] may, before or during any such term or sittings at

which the attendance of such person is required, make an order upon the warden or jailer of the prison, or upon the sheriff or other person having the custody of such prisoner,—

(*a.*) to deliver such prisoner to the person named in such order to receive him; and such person named shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet; or

[(*b.*) to himself convey such prisoner to such place, there to receive and obey such further order as to the said court seems meet; and in such latter case, on being served with the order and being paid or tendered his reasonable charges, such warden, jailer, sheriff or other person shall convey the prisoner to such place and produce him there according to the exigency of the order."]

NOTE.—The only change is in the insertion of the words in square brackets and the addition of paragraph (*b*). See Impl. Act, 16 & 17 Vict., ch. 30; Taylor on Evidence 9th Ed., ss. 1275, 1276.

This paragraph was suggested by the late Chief Justice Davie of British Columbia, and will, especially in that province, effect a considerable saving of expense.

Section **687.**—By substituting the following therefor:—

"**687.** If upon the trial of an accused person [such facts are] proved upon the oath or affirmation of any credible witness that [it can be reasonably inferred therefrom] that any person whose deposition has been taken in the investigation of any charge is dead, or so ill as not to be able to travel, or is absent from Canada, and if it is proved that such deposition was taken in the presence of the person accused, and that his counsel or solicitor had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the [judge or] justice, before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it is proved that such deposition was not in fact signed by the [judge or] justice purporting to have signed the same.

[(2) In this section the word "deposition" includes the evidence of a witness given at a trial."]

NOTE.—Under the section as it stands, it is doubtful if depositions at a previous trial can be read. See Article Canada Law Journal of Feby., 1899, p. 91.

Section **702.**—By substituting the following therefor:—

"**702.** When any cards, dice, balls, counters, tables or other instruments of gaming used in playing any unlawful game are found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be *primâ facie* evidence, on the trial of a prosecution under section 198 [or section 199], that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming are found were playing therein although no play was actually going on in the presence of the officer entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid."

NOTE.—The only material change is the insertion of the words within square brackets. This is to make certain evidence sufficient on the trial of a prosecution under section 199, as it is already on the trial of a prosecution under section 198.

Section **703.**—By substituting the following therefor:—

"**703.** In any prosecution under section 198 for keeping a common gaming house, or under section 199 for playing or looking on while any other person is playing in a common gaming house, it shall be *primâ facie* evidence that a house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein—

(*a.*) if any constable or officer authorized to enter any house, room or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof; or

(*b.*) if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming."

NOTE.—The object of this amendment is the same as that of the amendment of 702, *supra*. The only change is that the provision is made applicable to section 199 as well as to section 198.

Section **707A.**—By inserting immediately after section 707 the following section:—

["**707A.** In any prosecution, proceeding or trial for any offence under section 331A, a brand or mark, duly recorded or registered under the provisions of any Act, ordinance or law, on any cattle shall be *primâ facie* evidence that such cattle is the property of the registered owner of such brand or mark, and possession by the person charged or by others in his employ or on his behalf of any such cattle marked with such a brand or mark of which he is not himself the registered owner shall throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf, unless it appears that such possession by others in his employ or on his behalf was without his knowledge and without his authority, sanction or approval."]

NOTE.—See section 331A *ante*.

Section **760.**—By substituting the following therefor:—

"**760.** In the province of Nova Scotia a calendar of the criminal cases shall be sent by the Clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses."

NOTE.—This section applies only to Nova Scotia. The amendment consists in striking out the last two lines of the section which read thus: "And the indictments shall not be made out, except in Halifax, until the grand jury so directs. One of the judges has pointed out that the distinction thus made between Halifax and the country is not now necessary and is very inconvenient in practice. Practitioners have communicated the same view.

Section **763.**—By inserting after the word "includes" in the second line of paragraph (*b*) thereof, the following words:—

["In the province of Ontario the County Crown Attorney."]

NOTE.—The County Crown Attorney is the prosecuting officer in that province.

Section **765.**—By substituting the following therefor:

"**765.** Every person committed to jail for trial on a charge of being guilty of any of the offences which are mentioned in section 539 as being within the jurisdiction of the General or Quarter Sessions of the Peace, may, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried in any province

under the following provisions out of sessions and out of the regular term or sittings of the court, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof, is or is not then in session, and if such person is convicted, he may be sentenced by the judge.

[2. A person who has been bound over by a justice under the provisions of section 601 and has either been unable to find bail or been surrendered by his sureties, and is in custody on such a charge, or who is otherwise in custody awaiting trial on such a charge shall be deemed to be committed for trial within the meaning of this section."]

NOTE.—The Supreme Court of Nova Scotia has held that the present section only applies where the person is actually and formally "committed for trial," and not to the other cases to which it is now proposed to extend it, so that in that province, the advantage of speedy trial cannot be had in those cases.

Section **766.**—By adding thereto the following subsection:

"2. Where the judge does not reside in the county in which the prisoner is committed, the notification required by this section may be given to the prosecuting officer, instead of to the judge, and the prosecuting officer shall in such case, with as little delay as possible, cause the prisoner to be brought before him."

NOTE.—This clause was omitted from the Bill of 1897 by some mistake. Without it the object of the following clause would be incomprehensible. The clause is intended to apply to cases where one judge holds the courts in several counties.

Section **767.**—By substituting the following therefor:—

"**767.** The judge [or such prosecuting officer] upon having obtained the depositions on which the prisoner was so committed, shall state to him,—

(*a.*) that he is charged with the offence, describing it;

(*b.*) that he has the option to be forthwith tried before a judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

[2. If the prisoner has been brought before the prosecuting officer, and consents to be tried by the judge, without a jury, such prosecuting officer shall forthwith inform the judge, and the judge shall thereupon fix an early day for the trial and communicate the same to the prosecuting officer; and in such case the trial shall proceed in the manner provided by subsection 3.]

3. [If the prisoner has been brought before the judge and consents to be tried by him without a jury,] the prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in one of the forms MM or NN in schedule one to this Act, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way.

4. If the prisoner demands a trial by jury, he shall be remanded to jail.

[5. Any prisoner who has elected to be tried by jury, may, notwithstanding such election, at any time before such trial

has commenced, notify the sheriff that he desires to re-elect, and it shall thereupon be the duty of the sheriff to proceed as directed by section 766, and thereafter such person shall be proceeded against as if his said election had not been made."]

NOTE.—It has been held that the technical effect of a prisoner's having once elected to be tried by jury is that his power to elect has been thereby exhausted, a consequence which there is no reason for maintaining except a mere technical reason. The rule delays a trial uselessly, involves increased expense to the Crown and the prisoner, and prolongs the time of imprisonment of a man who on the trial may be found not guilty. Subsection 5 therefore proposes that prisoner may re-elect. The other changes are necessitated by the change of procedure under section 766.

Section **784.**—By repealing the subsection substituted for subsection 3 thereof, by chapter 40 of the Statutes of 1895, and substituting the following :—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, [and in the North-West Territories,] and the district of Keewatin, under this part, is absolute without the consent of the party charged [except in cases coming within the provisions of section 785, and except in cases under sections 789 and 790 where the person charged is not a person who under section 784, subsection 2 can be tried summarily without his consent."]

Section **785.**—By substituting the following therefor :—

"**785.**—If any person is charged, in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province, with having committed any offence for which he may be tried at a Court of General Sessions of the Peace, or if any person is committed to a jail in the county, district or provisional county, under the warrant of any justice of the peace, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sentenced by the magistrate to the same punishment as he would have been liable to if he had been tried before the Court of General Sessions of the Peace.

["2. This section shall apply also to police magistrates of cities and incorporated towns in every other part of Canada.

3. Sections 787 and 788 do not extend or apply to cases tried under this section; but where the magistrate has jurisdiction by virtue of this section only, no person shall be summarily tried thereunder without his own consent."]

NOTE.—The only change is in the addition of subsections two and three.

Section 785 at present applies to Ontario only, and it is proposed to extend it to cities and incorporated towns elsewhere.

The proposed subsection 3 is intended to make clear that where a prisoner elects to be tried under this section the punishment, if he is found guilty, is to be the same as if he were tried otherwise. This was no doubt the intention of the present section 785. Sections 787 and 788 provide for the punishment by the magistrate in ordinary cases under the Summary Trials Part. Section 785 declares that in cases under that section a prisoner may be sentenced to the same punishment to which he would have been liable if he had been tried before the Court of General Sessions of the Peace, and at such general sessions a greater punishment might by law be inflicted than where the magistrate convicts under sections 787 and 788. A doubt having been expressed whether, notwithstanding the terms of section 785, the punishment to be imposed thereunder is not limited by sections 787 and 788, it is expedient to remove any such possible doubt.

Section **789.**—By substituting the following therefor :—

"**789.**—When any person is charged before a magistrate with theft or with having obtained property by false pretenses,

or with having unlawfully received stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, and the evidence in support of the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial for the offence charged, such magistrate, if the case appears to him to be one which may properly be disposed of in a summary way, shall reduce the charge to writing, and shall read it to the said person, and, unless such person is one who, [under section 784, subsection 2,] can be tried summarily without his consent, shall then put to him the question mentioned in section 786, and shall explain to him that he is not obliged to plead or answer before such magistrate, and that if he does not plead or answer before him, he will be committed for trial in the usual course."

NOTE.—The amendment consists in striking out the words "and may be adequatel punished by virtue of the powers conferred by this Part," in lines 9,10 and 11 of the original and in the insertion of the words in square brackets.

This section gives the magistrate, under certain circumstances, jurisdiction to try theft, etc., where the value of the property exceeds $10, if he thinks the offence may be adequately punished under this part. The words struck out are no longer necessary and may be misleading, because since the passing of the Act of 52 Victoria, chapter 46, the magistrate may in such cases impose the same punishment as if the accused had been convicted upon indictment.

Section **790.**—By substituting the following therefor :—

"**790.** If the person charged as mentioned in the next preceding section consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted upon indictment in the ordinary way; and if he says that he is not guilty, [he shall be remanded to jail to await his trial in the usual course."]

NOTE.—The amendment consists in the substitution of the words within square brackets for " the magistrate shall proceed as provided in section seven hundred and eighty-six." The section now provides that if a person charged under the preceding section with theft, etc., where the value of the property exceeds $10, pleads not guilty, the magistrate shall proceed as provided in section 786. So proceeding, he can in case of conviction, impose a sentence of only six months imprisonment, while if the prisoner pleads guilty, he can under this section impose the same punishment as if the case had been tried in the ordinary way. The amendment does away with this anomaly. It takes away the jurisdiction of the magistrate to try such cases at all where the prisoner says he is not guilty. This makes the law as it was up to the time the Code was passed. It is thought best that in such serious cases as may arise under these sections, the magistrate should have juris liction to try only where the accused pleads guilty. It will be seen, however, that so far as magistrates in cities and towns are concerned, this bill proposes to largely extend their jurisdiction, making it the same in all the provinces as that of magistrates in Ontario under section 785.

Section **801.**—By substituting the following therefor :—

"**801.** The magistrate adjudicating under the provisions of this part shall transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, [to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of General or Quarter Sessions of the peace."]

NOTE.—Under section 801 the records are to be sent to the next court of General or Quarter Sessions, and that court may not meet for months. The amendment is adapted from section 822 in Part LVI., Juvenile Offenders.

Section **806.**—By repealing this section, as it is amended by Chapter 57 of the Statutes of 1894.

NOTE.—See section proposed to be substituted for section 927, and the note thereto.

Section **827.**—By repealing this section.

NOTE.—See section proposed to be substituted for section 927, and the note thereto.

Section **832.**—By substituting the following therefor :—

"**832.** Any court by which and any judge under Part LIV or magistrate under LV by whom judgment is pronounced or recorded, upon the conviction of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such court or judge it seems fit so to do; [and the court or judge may include in the amount to be paid such moderate allowance for loss of time as the court or judge, by affidavits or other inquiry and examination, ascertains to be reasonable;] and the payment of such costs and expenses, or any part thereof, may be ordered by the court or judge to be made out of any moneys taken from such person on his apprehension (if such moneys are his own), or may be enforced at the instance of any person liable to pay or who has paid the same in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any court of competent jurisdiction in any civil action or proceeding may for the time being be enforced: Provided, that in the meantime, and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this section had not been passed; and any money which is recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses have been paid or defrayed."

Section **846.**—By substituting the following therefor:—

"**846.** No information, complaint, warrant, conviction or other proceeding under this Part shall be deemed objectionable or insufficient on any of the following grounds; that is to say:

(*a*) that it does not contain the name of the person injured, or intended or attempted to be injured; or

(*b*) that it does not state who is the owner of any property therein mentioned; or

(*c*) that it does not specify the means by which the offence was committed; or

(*d*) that it does not name or describe with precision any person or thing.

Provided that the justice may, if satisfied that it is necessary for a fair trial, order that a particular, further describing such means, person, place or thing, be furnished by the prosecutor.

[2. The description of any offence in the words of the Act, or any Order, By-law, Regulation or other document creating the offence, or any similar words, shall be sufficient in law."]

NOTE:—See Imperial Act 42 and 43 Vict. (1879) c. 49, s. 39; Regina *v.* Coulson. 24 Ontario Reports 247, 249.

Section **872.**—By adding the following paragraph at the end of subsection 1 thereof:—

["(*c*) Whenever under such Act or law imprisonment with hard labour may be ordered or adjudged in the first instance as part of the punishment for the offence of the defendant, the imprisonment in default of distress or of payment may be with hard labour."

NOTE:—Suggested by Mr. Pelton, Q.C., of Yarmouth, N.S.

916.—By striking out the first five lines of subsection 2 and substituting the following therefor:—

"2. If such court is a superior court having criminal jurisdiction one of such rolls shall be filed with the clerk, prothonotary, registrar or other proper officer.

[(*a*.) In the Province of Ontario, of the High Court of Justice."]

NOTE:—The section as it now stands needs this alteration because the "divisions" of the High Court have been abolished.

Section **927.**—By substituting the following therefor:—

"**927.** Whenever no other provision is made by any law of Canada for the application of any fine, penalty or forfeiture imposed for the violation of any such law or of the proceeds of an estreated recognizance, the same shall be paid over by the magistrate or officer receiving the same to the Treasurer of the Province in which the same is imposed or recovered, to be by him paid over to the municipal or local authority, if any, which wholly or in part bears the expenses of administering the law under which the same was imposed or recovered, or to be applied in any other manner deemed best adapted to attain the objects of such law and secure its due administration, except that

"(*a*) all fines, penalties and forfeitures imposed in respect of the breach of any of the revenue laws of Canada, or imposed upon any officer or employee of the Government of Canada in respect of any breach of duty or malfeasance in his office or employment, and the proceeds of all recognizances estreated in connection with proceedings for the prosecution of persons charged with such breaches or malfeasance, and

(*b*) all fines, penalties and forfeitures imposed for whatever cause in any proceeding instituted at the instance of the Government of Canada or of any department thereof in which that Government bears the cost of prosecution, and the proceeds of all recognizances estreated in connection with such proceedings shall belong to Her Majesty for the public uses of Canada, and shall be paid by the Magistrate or officer receiving the same to the Receiver General and form part of the Consolidated Revenue Fund of Canada.

Provided that nothing in this section contained shall affect any right of a private person suing as well for Her Majesty as for himself, to the moiety of any fine, penalty or forfeiture recovered in his suit."

NOTE:—Makes general provision covering all fines, etc. Is result of correspondence with the several Provincial Governments. Ss. 806 and 827, making partial provision, it is proposed to repeal.

Section **943.**—By substituting the following therefor:—

"**943.** The duties imposed upon the sheriff, jailer, medical officer or surgeon by the [three] sections next preceding, may

be, and, in his absence, shall be performed by his lawful deputy or assistant, or other officer or person ordinarily acting for him, or conjointly with him, or discharging the duties of any such officer."

NOTE.—The section as it stands has "two" instead of "three" in the second line which is obviously a mistake.

Section **955.**—By adding at the end of subsection 3 thereof the following :—

["and provided further that where any one is sentenced for any offence who is, at the date of such sentence, serving a term of imprisonment in a penitentiary for another offence, he may be sentenced for a term shorter than two years to imprisonment in the same penitentiary, such sentence to take effect from the termination of his existing sentence or sentences."]

NOTE.—Suggested by Mr. Whiting, County Crown Attorney at Kingston. Would apply to attempts at escape, assaults on officers, &c.

Section **957.**—By substituting the following therefor :—

"**957.** Whenever whipping may be awarded for any offence, the court may sentence the offender to be once, twice or thrice whipped, within the limits of the prison, under the supervision of the medical officer of the prison, or if there be no such officer, or if the medical officer be for any reason unable to be present, then, under the supervision of a surgeon or physician to be named by the Minister of Justice, in the case of prisons under the control of the Dominion, and in the case of other prisons by the Attorney General of the province in which such prison is situated.

2. The number of strokes shall be specified in the sentence ; [and the instrument to be used for whipping shall be a cat of nine tails unless some other instrument is specified in the sentence.]

3. Whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence.

4. Whipping shall not be inflicted on any female."

Section **958.**—By adding thereto the following subsection :—

["2. Any person convicted of an indictable offence punishable with imprisonment for more than five years may be fined, in addition to, but not in lieu of, any punishment otherwise ordered, and in such case, also, the sentence may in like manner direct imprisonment in default of payment of any fine imposed."]

NOTE.—Suggested by the ex-Judge of the Yukon District, where such a provision would be valuable on account of the cost of maintaining prisoners.

Section **971.**—By substituting the following therefor :—

"**971.** In any case in which a person is convicted before any court of any offence punishable with not more than two years' imprisonment and no previous conviction is proved against him, if it appears to the court before which he is so convicted, that, regard being had to the [age,] character, and antecedents of the offender, to the trivial nature of the offence,

and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour :

[2. Where the offence is punishable with more than two years' imprisonment the court shall have the same power as aforesaid with the concurrence of the counsel acting for the Crown in the prosecution of the offender.]

3. The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as the court directs."

NOTE.—Section 971 enacts that in the case of an offence "punishable with not more than two years' imprisonment" (that is, two years being the maximum punishment for the offence) the court may under certain circumstances and on certain conditions, instead of sentencing the offender at once, direct his release on probation of good conduct. Previous to the statutory enactment the court had this power in the case of offences without the restriction as to two years ; and it has since the statute been found that a suspended sentence may be proper in the case of an offence punishable (as a maximum) with more than two years' imprisonment. It is therefore proposed to make the statutory enactment conform to the law as it previously stood, adding only the proviso that the prosecuting counsel concur. The amendment consists in the addition of subsection 2 as shown above and in renumbering the existing subsection 2 as 3.

The Senate in 1897 changed "youth" to "age."

Schedule One, Form J.—By substituting the following therefor :—

"J.—(*Section* 569.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada.
Province of ,
County of .

The information of A.B., of in the said county (*yeoman*), taken this day of in the year before me, J.S., Esquire, a justice of the peace, in and for the district (*or* county, *etc.*,) of , who says that (*describe things to be searched for and offence in respect of which search is made*), and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, &c.*) of C.D., of in the said district (*or* county, *etc.*) (*here add the causes of suspicion, whatever they may be*) : Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, &c.*), of the said C.D., as aforesaid, for the said goods and chattels so stolen, taken and carried away as aforesaid (*or as the case may be*).

Sworn (*or* affirmed) before me the day and year first above mentioned, at in the said county of

J.S.,
J.P., (*name of district or county, etc*)."

NOTE.—This is to correct a manifest slip in the position of the words "(*describe things to be searched for and offence in respect of which search is made.*)"

Schedule I, Forms BB and CC.—By substituting the following therefor :—

"BB.—(*Section* 601.)

RECOGNIZANCE OF BAIL

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , A.B. of (*labourer*) L. M. of , (*grocer*), and N. O. of , (*butcher*), personally came before (*us*) the undersigned, (*two*) justices of the peace for the county of , and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her heirs and successors, the several sums following, that is to say: the said A.B. the sum of , and the said L.M. and N.O. the sum of , 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 Lady the Queen, her heirs and successors, if he, the said A.B., fails in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned, at before us.

J. S.,
J.N.,
J. P. (*Name of county.*)

The condition of the within (*or* above) written recognizance, is such that whereas the said A. B. was this day charged before (*us*), the justices within mentioned for that (*&c., as in the warrant*); if, therefore, the said A. B. appears at the next [Superior Court of criminal jurisdiction] (*or* court of General or Quarter Sessions of the Peace) to be holden in and for the county of , and there surrenders himself into the custody of the keeper of the common jail (*or* lock-up house) there, and pleads to such indictment as may be found against him by the grand jury, for and in respect to the charge aforesaid, and takes his trial upon the same, and does not depart the said court without leave, then the said recognizance to be void, otherwise to stand in full force and virtue.

"CC.—(*Section* 602.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Canada,
Province of ,
County of .

To the keeper of the common jail of the county of at , in the said county.

Whereas A. B. late of , (*labourer*), has before (*us*) (*two*) justices of the peace in and for the said county of , entered into his own recognizance, and found sufficient

sureties for his appearance at the next [Superior Court of criminal jurisdiction] (*or* court of General or Quarter Sessions of the Peace), to be holden in and for the county of , to answer our Sovereign Lady the Queen, for that (*&c., as in the commitment*), for which he was taken and committed to your said common jail: These are therefore to command you, in Her Majesty's name, that if the said A. B. remains in your custody in the said common jail for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our hands and seals, this day of , in the year , at , in the county aforesaid.

J. S. [SEAL.]
J. N. [SEAL.]
J. P. (Name of county.)"

NOTE.—The old courts of Oyer and Terminer and General Jail Delivery have been done away with in most of the provinces, but their names are retained in these forms. It is proposed to substitute the words in square brackets.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

No 168

Q

An Act further to amend the Criminal Code, 1892.

(*Reprinted as amended in Committee of the Whole. 27th June*, 1899..)

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

BILL No. 169.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively the 30th June, 1899, and the 30th June, 1900, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by a Message from His Excellency the Right Honourable Sir Gilbert John Elliot Murray-Kynnynmond, Earl of Minto, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and ninety-nine, and the thirtieth day of June, one thousand nine hundred, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that :— Preamble.

1. This Act may be cited as *The Appropriation Act* (*No.* 1) 1899. Short title.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole two million five hundred and twenty-two thousand and fifty-four dollars and forty-four cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and ninety-eight, to the thirtieth day of June in the year of Our Lord one thousand eight hundred and ninety-nine, not otherwise provided for, and set forth in schedule A to this Act, and also for the other purposes in the said schedule mentioned. $2,522,054.44 granted for financial year 1898-99.

3. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole six million nine hundred and eighty-one thousand, seven hundred and eighty-five dollars and seventy-two cents, towards defraying the several charges and $6,981,785.72 granted for financial year 1899-1900.

expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and ninety-nine, to the thirtieth day of June in the year of Our Lord one thousand nine hundred, not otherwise provided for, and set forth in schedule B to this Act, and also for the other purposes in the said schedule mentioned.

As to private secretaries not in the permanent civil service

4. If the private secretary of the head of a department, or of the Solicitor General, is not a member of the permanent civil service, there may be paid to him the salary payable to a private secretary under *The Civil Service Act;* and out of the amount granted by this Act for the contingencies of the department, there may be paid to him a further salary not exceeding nine hundred dollars a year; provided the combined salaries of such secretary shall not exceed fifteen hundred dollars a year.

Special provision as to N. W.T.

5. The amounts granted by this Act for the Government of the North-West Territories shall not be deemed to have lapsed if not expended within the year for which they are granted.

Account to be rendered in detail.

6. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1899, and the purposes for which they are granted.

SERVICE.		Amount.	Total.
CHARGES OF MANAGEMENT.		$ cts.	$ cts.
Printing Dominion notes		10,000 00	
Salaries of agents of country savings banks		650 00	
			10,650 00
CIVIL GOVERNMENT.			
Governor General's Secretary's Office—Sundries	1,200 00		
Printing and stationery	300 00		
		1,500 00	
Queen's Privy Council for Canada—Contingencies		1,000 00	
Office of the Auditor General—Clerical and other assistance—Additional amount required owing to unexpected amount of work in examining accounts of the Prohibition plebiscite		800 00	
Department of Justice—Contingencies	1,500 00		
To increase salary of messenger T. Pickens to $390	30 00		
		1,530 00	
Department of Militia and Defence—Clerical and other work	425 00		
Printing and stationery	2,600 00		
Sundries	275 00		
		3,300 00	
Department of Inland Revenue—Printing and Stationery	400 00		
Clerical assistance	125 00		
		525 00	
Department of Finance—Salary of $2,000 per annum to J. Fraser, from 1st October, 1898, to 30th June, 1899, notwithstanding anything in the Civil Service Act	150 00		
Contingencies	300 00		
		450 00	
Department of Printing and Stationery—P. Mungovan as temporary clerk, from 20th March to 30th June, 1899, notwithstanding anything in the Civil Service Act, less 11 days absent		136 50	
Department of the Interior—Printing and stationery	1,000 00		
Clerical assistance	415 00		
		1,415 00	
Department of Marine and Fisheries—Salary of F. H. Cunningham as Inspector of Fisheries for Eastern Ontario, from 6th February to 30th June, 1899, notwithstanding anything in the Civil Service Act	40 16		
A. H. Belliveau for services as Inspector of Fisheries, Province of Quebec, 1st May to 30th June, 1899, notwithstanding anything in the Civil Service Act	16 66		
Contingencies	350 00		
		406 82	
Department of Agriculture—Statutory increase for D. Routhier	50 00		
Differences in salaries between $400 and $600 per annum, notwithstanding anything in the Civil Service Act:—W. H. T. Megill, from 11th March, 1899, to 30th June, 1899. $61.11; Alexander Campbell, from 21st March, 1899, to 30th June, 1899, $55.55	116 66		
Printing and stationery	776 46		
		943 12	

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
CIVIL GOVERNMENT—*Concluded.*			
Department of Public Works—Printing and stationery	760 00		
Sundries	2,240 00		
		3,000 00	
Post Office Department—To pay the officers of the dead letter branch a provisional allowance to meet the exceptional cost of living in Manitoba and British Columbia, from 1st July, 1898, to 30th June, 1899, notwithstanding anything in the Civil Service Act, viz.:—			
G. A. D. Mailleue, superintendent of the Dead Letter Office at Victoria, B.C. $120 00			
E. M. Walker, superintendent of the Dead Letter Office at Winnipeg 90 00			
	210 00		
Increase of salary of one third-class clerk	50 00		
Contingencies—To pay S. J. Carter, temporary clerk in the Dead Letter Office at Winnipeg, as a provisional allowance to meet the exceptional cost of living in Manitoba from 1st July, 1898, to 30th June, 1899, notwithstanding anything in the Civil Service Act	43 00		
Balance due to the Officers of the Savings Bank Branch for computing, balancing and proving depositors' accounts on 30th June, 1898	40 66		
Printing and stationery	3,808 33		
Sundries	900 00		
To recoup the amount paid out of the Miscellaneous Appropriation of the Outside Service of the Post Office Department for removal expenses of the officers of the Inside Service, who were transferred from Ottawa to cities where dead letter branches have been established, on the 1st July, 1898, viz.:—			
E. M. Walker, to Winnipeg, Man. $ 15 90			
G. A. D. Mailleue, to Victoria, B.C. 416 33			
J. A. D. McDonald, to Toronto, Ont. 134 47			
J. Carter " 118 48			
M. A. G. Clark " 78 44			
J. Prendergast, to Montreal 131 82			
T. Roy " 60 44			
T. I. D. Moffat, to Halifax, N.S. 12 15			
	968 03		
		6,020 02	
			21,026 46
ADMINISTRATION OF JUSTICE.			
To pay Judge Fitzgerald's travelling expenses in connection with the holding of a court at Rat Portage in June, 1898			37 50
DOMINION POLICE.			
Retiring allowance to Constable P. C. Morrison		767 25	
Further amount		1,250 00	
			2,017 25
PENITENTIARIES.			
KINGSTON.			
Expenses of the Devlin investigation	2,632 73		
Mrs. J. H. Metcalfe, gratuity upon retirement of her husband from position as Warden, on account of ill-health	2,000 00		
		4,632 73	

SERVICE.		Amount.	Total.
PENITENTIARIES.—*Concluded.*		$ cts.	$ cts.
ST. VINCENT DE PAUL.			
O. K. Fraser, supplementary account	54 55		
Balance due Mr. Eilbeck, Secretary St. Vincent de Paul Commission, 53 days at $6.50	344 50		
		399 05	
DORCHESTER.			
Expenses		6,000 00	
			11,031 78
LEGISLATION.			
SENATE.			
Reporting, printing, etc., of the Senate debates, session 1899.	6,000 00		
Balance of the late Senator Boulton's sessional indemnity	573 00		
		6,573 00	
HOUSE OF COMMONS.			
Publishing the debates	5,000 00		
Sessional and extra clerks	1,150 00		
Mrs. Agnes E. McCarthy, widow of the late Dalton McCarthy, the balance of her husband's sessional indemnity for the session of 1898	975 00		
Two leather trunks	44 00		
Sessional messengers	2,660 00		
Pages	328 50		
Servants	327 00		
Electric light attendant	8 75		
Charwomen	63 00		
Two days' pay for sessional messengers of last session—12th and 13th June, 1898	240 00		
Expenses of Committees, witnesses and short hand writers	5,000 00		
		15,796 25	
LIBRARY OF PARLIAMENT.			
Sessional messengers, from 16th March to 30th June, 1899, at $2.50 per day each :—			
H. J. Meiklejohn	267 50		
A. Bordeleau	267 50		
		535 00	
			22,904 25
ARTS, AGRICULTURE AND STATISTICS.			
Experimental Farms—Balance of $300 due on purchase for Experimental Farm of portion of Lot 1, Con. B, Rideau Front, Nepean Township, and interest thereon at Government Savings Bank rates, from 15th March, 1887, to 1st July, 1899. (Amount, $159.22.) Total		459 22	
North-West Territorial Exhibition		837 36	
Omaha Exhibition		727 20	
Archives		1,039 35	
Patent Record.—Printing, binding, etc., Canadian and other Patent Records		2,000 00	
Patent Branch.—Purchase of books and publications for Patent Office Library		2,000 00	
			7,063 13

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
QUARANTINE.			
Amount transferred to Department of Public Works		2,000 00	
CATTLE QUARANTINE.			
Tuberculosis.—Salaries and expenses		5,000 00	
Hog Cholera and Sheep Scab.—Compensation for slaughtered hogs and sheep, and for salaries and expenses		13,000 00	
			20,000 00
MILITIA.			
(Chargeable to Capital.)			
Accoutrements			100,250 00
MILITIA.			
(Chargeable to Income.)			
Annual drill		125,000 00	
Salaries and wages of civil employees		9,000 00	
Military properties		35,000 00	
Stores		39,700 00	
Clothing		20,000 00	
Transport		15,000 00	
Miscellaneous and unforeseen		10,000 00	
Royal Military College, including an increase of pay to Prof. Worrell, $200, and to Prof. Chartrand, $200		10,400 00	
Purchase of Hamilton Rifle Range		3,000 00	
To complete payment for London property		1,090 00	
Defence Scheme Committee		6,100 00	
			274,290 00
RAILWAYS AND CANALS.			
(Chargeable to Capital.)			
RAILWAYS.			
Intercolonial.			
New machinery at Moncton shops	5,000 00		
New machinery at River du Loup shops	3,600 00		
Rolling stock	20,000 00		
		28,600 00	
Prince Edward Island.			
Wharf at Mount Stewart		3,500 00	
			32,100 00
CANALS.			
Farran's Point.			
Enlargement		22,000 00	
North Channel.			
Deepening, etc.		212,000 00	
Trent.			
W. Quinn, concrete inspector, two-thirds of his wages while laid up		158 00	
			234,158 00
			266,258 00

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
RAILWAYS AND CANALS.			
(Chargeable to Income.)			
CANALS.			
Chambly.			
Double metallic telephone line	700 00		
Cornwall.			
Balance of amount expended on repairs to recess platforms and tail bays of new locks Nos. 15 and 17	6,500 00		
		7,200 00	
MISCELLANEOUS.			
Repairs and alterations to the Governor General's car "Victoria"		2,500 00	
			9,700 00
RAILWAY SUBSIDIES.			
Amount remaining unpaid of sum appropriated by chapter 2 of the statutes of 1890, in aid of the Central Railway Company of New Brunswick, the date for finishing the work named in contract having expired before final completion thereof; this sum being acknowledged as due, notwithstanding that the changes made in the specifications for the work were not legally authorized			5,300 00
PUBLIC WORKS.			
(Chargeable to Capital).			
HARBOURS AND RIVERS.			
Quebec.			
River St. Lawrence ship channel		60,000 00	
PUBLIC BUILDINGS.			
Ontario.			
Public Buildings, Ottawa—Towards reconstruction of portion of western departmental block, destroyed by fire, 11th February, 1897		9,860 00	
			69,860 00
PUBLIC WORKS.			
(Chargeable to Income).			
PUBLIC BUILDINGS.			
Nova Scotia.			
Halifax Quarantine Station, Lawlor's Island	17,000 00		
Quebec.			
Montreal Public Buildings — Improvements, alterations, repairs, etc., work done	2,054 10		
Quebec—Citadel—Governor General's quarters, work done	2,236 51		
	4,290 61		

SERVICE.			Amount.	Total.
PUBLIC WORKS—*Continued.*			$ cts.	$ cts.
(Chargeable to Income.)– Continued.				
PUBLIC BUILDINGS—*Concluded.*				
Ontario.				
Brockville Public Building—New boilers, work done	124 25			
Ottawa Public Buildings—Photographic establishment for patent offices, Department of Agriculture	7,000 00			
		7,124 25		
British Columbia.				
New Westminster Public Building—Erecting and fitting up temporary quarters for public offices after destruction of public building by fire	2,500 00			
Victoria Public Building—Vault, fittings, furniture, post office box fronts, etc., work done	3,839 21			
		6,339 21		
Rents, Repairs, Furniture, Heating, etc.				
Public Buildings, Ottawa—including ventilation and lighting—Repairs, materials, furniture, etc	11,000 00			
Salaries of engineers, firemen, caretakers, etc., Dominion public buildings	8,000 00			
Gas and electric light, public buildings, Ottawa, including roads and bridges:—				
To recoup appropriation, 1898-9, for gas used in 1897-8 and paid in 1898-9	$ 4,992 08			
Additional amount for 1898-9	7,000 00			
	11,992 08			
		30,992 08		
			65,746 15	
HARBOURS AND RIVERS.				
Nova Scotia.				
Hantsport—New wharf, work done	3,481 00			
Trout Cove—Extension of breakwater, work done	4,257 12			
		7,738 12		
Maritime Provinces Generally.				
General repairs and improvements to harbour and river works		2,000 00		
Quebec.				
General repairs and improvements to harbour, river and bridge works		5,000 00		
Ontario.				
Kincardine—Balance due contractors for reconstruction of north pier		3,384 08		
			18,122 20	

SERVICE.		Amount.	Total.
PUBLIC WORKS—*Concluded.*		$ cts.	$ cts.
(Chargeable to Income)—Concluded.			
DREDGING.			
Including the salaries of engineers, superintendents and clerks :—			
New dredging plant	15,000 00		
Dredging—Nova Scotia			
" Prince Edward Island	5,000 00		
" New Brunswick			
" British Columbia	5,000 00		
		25,000 00	
ROADS AND BRIDGES.			
Spray River Bridge at Banff—Work done	1,050 00		
Sappers' Bridge, Ottawa—Completion of repairs	700 00		
		1,750 00	
MISCELLANEOUS.			
Widow of the late J. H. Marchand, fireman at the Montreal custom-house, a gratuity equal to two months of his salary	100 00		
Surveys and inspections	10,000 00		
Widow of the late E. A. Mara, draughtsman in the chief architect's branch of the Department of Public Works, Ottawa, a gratuity equal to two months of his salary	190 00		
		10,290 00	
			123,908 35
OCEAN AND RIVER SERVICE.			
Dominion Coal Company for coal supplied steamers "Newfield" and "Aberdeen," years 1895, 1896 and 1897		3,258 00	
Repairs to steamers "Stanley" and "Lansdowne"		10,000 00	
Maintenance of Dominion steamers		20,000 00	
Compassionate allowance to the widow and nine children of Francis Menard who was accidentally killed on board steamer "Aberdeen."		300 00	
Compiling list of registered shipping and forms of registration of shipping		500 00	
Increased services in the Tidal Service for current year, including amount to pay Robert Angus and S. C. Hayden each the difference between $400 and $600 per annum, for technical work in connection with Tidal Service, from 1st May to 30th June, 1899, notwithstanding anything in the Civil Service Act		2,066 66	
Unforeseen expenses generally		2,000 00	
Winter Mail Service		1,500 00	
			39,624 66
LIGHTHOUSE AND COAST SERVICE.			
Towards the construction of Upper Traverse permanent lighthouse, to replace lightship		20,000 00	
Gratuity to the widow of the late Robert Muirhead, engineer of fog-whistle at St. Paul's Island, equal to six months' salary		250 00	
Gratuity to John Chisholm, light-keeper at Michael's Point, Manitoulin Island, equal to one year's salary		250 00	
Allowance and expenses to Judge W. H. Wilkinson, in connection with investigations of charges against lighthouse officials		227 25	
Purchase of a steamer and equipment, for buoy service in the St. Lawrence River, between Quebec and Montreal		21,500 00	
			42,227 25
SCIENTIFIC INSTITUTIONS.			
Cost of rebuilding dwelling in the observatory grounds, Toronto			2,000 00

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
FISHERIES.		
Repairs to steamer "Acadia," of the Fishery Protection Service	9,500 00	
Her Majesty's Government, balance of divisible expenses in connection with the Behring Sea Arbitration at Paris, which were to be shared jointly between Great Britain and Canada	1,802 62	
F. Peters and E. V. Bodwell each $1,000, for legal services in the adjustment and distributing of the Behring Sea Award of $473,151.26	2,000 00	
Gratuity to R. N. Venning for special services in connection with the Behring Sea Claims Commission, years 1895, 1896 and 1897	750 00	
John S. Hall, Q.C., taxed account for professional services *re* Bruce Eel Fisheries, in the years 1891 and 1892	1,100 00	
Customs and other officers for services in compiling and forwarding daily reports in connection with Fisheries Intelligence Bureau, for season 1898, viz. :—$15 each to J. P. Brennan, E. P. Flynn, C. P. LeLacheur, C. E. AuCoin, J. M. Veits, R. McLean, Chas. Owen, J. H. Dunlop, J. R. Ruggles, L. McKeen, J. M. McNutt, M. A. Dunn, Geo. Rowlings, A. G. Hamilton, P. S. Fougere, E. D. Tremaine, J. W. Taylor, D. Murray, J. A. D'Entrement, R. H. Bolman, W. C. Henley, D. McAulay and D. Urquhart ; $12.50 each to J. L. Nickerson and W. L. Crowell ; $7.50 to H. C. V. LaVatte ; $6.25 to H. A. Clark ; $3.75 to E. E. Letson, and $2.50 to J. C. Bourinot	390 00	
Collectors of Customs for services in connection with the issuing of fishing licenses to United States fishing vessels during 1898	398 71	
		15,941 33
GEOLOGICAL SURVEY.		
John McLeish, difference in salary between the rate of $400 per annum and $1.50 per day from 6th July to 31st December, 1897, and $400 per annum and $1.75 per day from 1st January, 1898, to 30th June, 1899, notwithstanding anything in the Civil Service Act or any other Act.	.....	429 39
DEPARTMENT OF INDIAN AFFAIRS.		
ONTARIO AND QUEBEC.		
Relief, medical attendance, medicines and seed grain in Province of Quebec	1,500 00	
Payment for 50 pupils at $60 each at the Mount Elgin Industrial School	3,000 00	
Legal expenses in the trial of the Moses brothers, Indians	830 00	
	5,330 00	
NOVA SCOTIA.		
Salary of T. B. Smith, agent, Colchester County, N.S., from 8th June, 1897, to 30th June, 1898, $53.18, and salary of Rev. R. McDonald, agent for the County of Pictou, N.S., from 1st July, 1897, to 30th June, 1898, $100	153 18	
Medical attendance and medicines	700 00	
Relief of distress and purchase of seed grain	1,500 00	
	2,353 18	
NEW BRUNSWICK.		
Medical attendance and medicines	500 00	
MANITOBA AND THE NORTH-WEST TERRITORIES.		
Purchase of seed grain	$ 2,000 00	
Surveys	700 00	
Annuities and gratuities to Indians and half-breeds in the Peace River and Athabasca Districts comprised in the proposed new treaty	12,000 00	

SERVICE.		Amount.	Total.
DEPARTMENT OF INDIAN AFFAIRS.—*Concluded.*		$ cts.	$ cts.
MANITOBA AND THE NORTH-WEST TERRITORIES.—*Concluded.*			
Purchase of supplies for destitute and working Indians	13,000 00		
Gratuity to Clara Baker, equal to one year's pay to her deceased nusband, W. M. Baker, who was killed while on duty	400 00		
Purchase of cattle	5,000 00		
		33,100 00	
BRITISH COLUMBIA.			
Medical attendance and medicines	$ 1,200 00		
Surveys and Reserve Commission	2,000 00		
		3,200 00	
GENERAL.			
Travel for Inspectors Macrae and Chitty		400 00	
			44,883 18
NORTH-WEST MOUNTED POLICE.			
To complete the service of the year			50,000 00
YUKON TERRITORY.			
ADMINISTRATION OF JUSTICE.			
Cost of maintenance of prisoners	$ 10,000 00		
Living expenses of one judge	1,500 00		
Supplies for Judge Dugas	957 35		
Hon. Mr. Justice McGuire, travelling expenses on the occasion of his return from Yukon Territory to resume his judicial duties in the North-West Territories	203 00		
Law books, etc., and freight thereon, obtained for the use of the Bench and Bar of the Territory	2,500 00		
Stationery, etc., and freight thereon, obtained for the Yukon Territorial Court	500 00		
		15,750 35	
NORTH-WEST MOUNTED POLICE.			
To complete the service of the year (This sum covers certain expenditures for carriage of mails, rents, services, etc., on account of the Post Office Department, the amount of which when ascertained is to be charged to that Department		385,000 00	
MILITIA AND DEFENCE.			
Pay of troops, erection of barracks, transportation of troops and supplies and necessary expenditure in the Yukon		250,000 00	
PUBLIC WORKS.			
Yukon and Lewes Rivers—Improvements, etc., and telegraph lines		25,000 00	
DEPARTMENT OF THE INTERIOR.			
Expenditure by the Department. (The sums paid from this amount are to be charged to the several services for which the expenditure was made)		150,000 00	

SERVICE.	Amount.	Total.
YUKON TERRITORY.—*Concluded.*	$ cts.	$ cts.
POST OFFICE.		
Including special allowance to railway mail clerk A. C. James, now on special duty in the Yukon Territory, making his salary equal to $2,000 a year since 1st October, 1898. including allowance for his living expenses	28,900 00	
MISCELLANEOUS.		
To recoup the Consolidated Revenue Fund for the amount of Customs Revenue, $106,976.37, and of Dominion Lands Revenue, $93,427.48, used without legal authority by the officials charged with the administration of the Government of the Yukon Provisional District in carrying on the different services under their control, viz.:—		
North-West Mounted Police $144,077 19		
Public Works 15,836 90		
Customs 15,565 32		
Government of the Yukon Provisional District 24,924 44		
	200,403 85	
(Authority is hereby given for the passing of such entries as may be required to bring these amounts into the accounts of the financial year ending 30th June, 1899, and the members of the Queen's Privy Council for Canada, and the officers and persons who authorized or made the expenditure as aforesaid, are hereby indemnified and exonerated from all liability by reason of having used or authorized the use of the above mentioned revenues without due legal authority, and all expenditure as aforesaid shall be held to have been lawfully made.)		
		1,055,054 20
IMMIGRATION.		
Gratuity of two months' salary to the widow of W. G. Stuart, late Immigration Agent, Inverness, Scotland		200 00
GOVERNMENT OF THE NORTH-WEST TERRITORIES.		
Expenses of the Lieutenant Governor's Office		1,450 00
DOMINION LANDS.		
(Chargeable to Income.)		
Salaries of extra clerks at Ottawa, and advertising	700 00	
Arrears of salary to 30th June, 1899, to be paid to the following employees connected with the Surveys Branch, notwithstanding anything in the Civil Service Act:—		
Louis Gauthier $228 34		
John Langlois 625 00		
Otto J. Klotz 242 77		
	1,096 11	
Gratuity equal to one year's salary to the widow of J. A. Cadenhead, late surveyor in the Yukon	1,095 00	
		2,891 11
MISCELLANEOUS.		
To recoup the North-West Mounted Police for assistance to destitute Half-breeds during the years 1897-98 and 1898-99	800 00	
Balance of expenses of Commission in Crow's Nest Pass Railway inquiry.	600 00	
Expenses and salaries connected with the Commission appointed to inquire into Half-breed claims in the North-West Territories, out of which payment may be made to J. A. Coté as Half-breed Commissioner, notwithstanding anything in the Civil Service Act	1,000 00	

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
MISCELLANEOUS—*Concluded.*			
Contributions to Canadian Law Library, London, England		250 00	
Expenses of Chief Justice Strong in connection with sittings of Judicial Committee of Privy Council		1,000 00	
C. J. R. Bethune, for professional services		75 00	
Miscellaneous printing		5,000 00	
Legal representatives of the late A. N. Montpetit in full of claim for translation of report on liquor traffic, including interest		581 10	
Grant towards relief of distress caused by a hurricane in the West Indies		25,000 00	
International Commission at Washington		14,600 00	
Gratuity to Commander William Wakeham, for services in connection with the Hudson's Bay expedition, 1897		500 00	
			49,406 10
COLLECTION OF REVENUE.			
CUSTOMS.			
To wipe off old Suspense Account at the Port of Montreal	1,764 30		
Salaries and contingencies—			
Nova Scotia	2,000 00		
Ontario	5,000 00		
Manitoba	2,555 00		
N. W. Territories	1,950 00		
British Columbia and Yukon Territory (out of this may be paid additional salaries to permanent Customs Officers, notwithstanding anything in the Civil Service Act)	16,519 68		
Printing and stationery	8,000 00		
John S. Hall for professional services in the years 1890, 1891 and 1894	25 50		
Commissions to North-West Mounted Police for special customs services	125 00		
Maintenance of and repairs to revenue cruisers	10,000 00		
		47,939 48	
EXCISE.			
Preventive service		1,000 00	
WEIGHTS, MEASURES AND ELECTRIC LIGHT INSPECTION.			
Weights and Measures—			
Salaries	$ 4,025 00		
Contingencies	1,000 00		
	5,025 00		
Electric Light—			
Contingencies	1,400 00		
		6,425 00	
INSPECTION OF STAPLES.			
Expenses of members of the Grain Standards Board and Winnipeg Grain Exchange who were summoned to Ottawa for consultation in respect of legislation before Parliament		600 00	
RAILWAYS AND CANALS.			
Railways.			
Compassionate allowance to Mrs. Simon Godbout, a sufferer by the accident on the Intercolonial Railway at Lévis, 18th December, 1890	200 00		

SERVICE.			Amount.	Total.
COLLECTION OF REVENUE—*Concluded.*			$ cts.	$ cts.
RAILWAYS AND CANALS.—*Concluded.*				
Canals.				
Lachine—Repairs to vessels		1,000 00		
Welland—Remission of arrears of water rental due by village of Merritton, also law costs in connection.	2,140 75			
" Interest to owners of steamer "Lakeside" on balance of sum deposited as security for damages to Lock 1	143 87			
		2,284 62		
Williamsburg—Two months' pay to widow of late S. Strader		76 25		
St. Anne's Lock—P. Legault, wages while laid up		33 33		
Beauharnois—Jeremie Martin, wages while laid up		91 00		
Kingston and Montreal Forwarding Company—Rebate of tolls on grain which passed through the Welland and St. Lawrence Canals in 1891 and 1892, and which was transshipped at Ogdensburg		7,321 18		
			10,806 38	
PUBLIC WORKS.				11,006 38
Land and cable telegraph lines of the sea-coasts and islands of the Lower River and Gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield" or other vessels when required for cable service—work done			10,400 00	
Telegraph Lines, British Columbia			2,500 00	
				12,900 00
POST OFFICE.				
Increase of salary of A. Bolduc, Post Office Inspector, from $2,000 to $2,200 a year from 1st July, 1897, to 30th June, 1899, Mr. Bolduc having completed 10 years service as inspector			400 00	
To provide for the re-appointment of two Railway Mail Clerks, viz. :—				
J. Dundas, 1st Class Clerk, from 27th Sept., 1898, to 30th June, 1899	$ 502 33			
N. G. Dorion, 2nd Class Clerk, from 14th Oct., 1898, to 30th June, 1899	361 55			
			863 88	
Messrs. O'Connor & Hogg for legal services in connection with claim of Department against estate of Sowden, surety for ex-postmaster of Port Hope			160 00	
Arrears of salary to D. F. Burke, Postmaster of Burke's Falls, for period between 1st July, 1878, and 30th June, 1896			316 00	
Refund to Geo. Yates, Postmaster of Oil Springs, on account of cash and stamps stolen from the Oil Springs Post Office in November, 1893			144 27	
				1,884 15
UNPROVIDED ITEMS, 1897-98.				81,755 01
To cover unprovided items as compiled from the Auditor General's Report for 1897-98				194,894 59
				2,522,054 44

SCHEDULE B.

Sums granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1900, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.	$ cts.	$ cts.
Office of the Assistant Receiver General, Toronto	700 00	
" " " Montreal	560 00	
" " " Halifax	735 00	
" " " St. John	640 00	
" " " Winnipeg	555 00	
" " " Victoria	390 00	
" " " Charlottetown	420 00	
Country Savings Banks, New Brunswick and Nova Scotia—Salaries	650 00	
Contingencies	150 00	
Commission for payment of interest on Public Debt, purchase of Sinking Fund and transfer of stock	3,419 38	
Brokerage on purchase of Sinking Fund	605 00	
English bill stamps, postage, telegrams, etc	500 00	
Expenses in connection with the issue and redemption of Dominion notes.	550 00	
Printing Dominion notes	5,000 00	
Printing, advertising, inspection, expressage and miscellaneous charges, including commutation of stamp duty	1,250 00	
		16,124 38
CIVIL GOVERNMENT.		
Governor General's Secretary's Office	$10,950 00	
Queen's Privy Council Office.—Including $650 to J. E. Lemaire, $700 to B. Chilton and $390 to H. Potter notwithstanding anything in the Civil Service Act	29,840 00	
Department of Justice.—Including allowance to the Private Secretary of the Solicitor General, notwithstanding anything in the Civil Service Act	25,310 00	
Department of Justice.—Penitentiaries Branch	3,200 00	
Department of Militia and Defence.—Including $1,500 to E. F. Jarvis, notwithstanding anything in the Civil Service Act	43,790 00	
Department of the Secretary of State.—Including $2,400 to P. Pelletier, notwithstanding anything in the Civil Service Act	36,450 00	
Department of Public Printing and Stationery.—Including $2,350 to W. Gliddon and $2,050 to W. McMahon, notwithstanding anything in the Civil Service Act	26,280 00	
Department of the Interior.—Including $110 to James Dunnett, notwithstanding anything in the Civil Service Act	10,307 40	
Office of the Comptroller of the North-West Mounted Police	10,050 00	
Department of Indian Affairs	46,500 00	
Office of the Auditor General	27,500 00	
Department of Finance.—Including $2,000 to J. Fraser, notwithstanding anything in the Civil Service Act	49,907 50	
Department of Customs.—Including $1,300 for R. W. Breadner, notwithstanding anything in the Civil Service Act	36,700 00	
Department of Inland Revenue.—Including $2,200 to F. R. E. Campeau and $1,550 to J. F. Shaw and $730 to A. McCullough, notwithstanding anything in the Civil Service Act	37,660 00	
Department of Agriculture.—Including $1,100 to M. W. Casey and $500 to J. Beaudoin, notwithstanding anything in the Civil Service Act	52,962 50	

SERVICE.		Amount.	Total.
CIVIL GOVERNMENT.—*Continued.*		$ cts.	$ cts.
Department of Marine and Fisheries.—Including $2,000 to A. W. Owen and $1,500 to F. H. Cunningham as a first-class clerk, and $900 to F. Anderson, notwithstanding anything in the Civil Service Act	55,085 00		
Department of Public Works	4,595 00		
Department of Railways and Canals.—Including $2,200 for L. K. Jones, $1,800 to be paid to the law clerk, Gerard G. Ruel, to be appointed first-class clerk at the maximum salary, and $700 each for J. H. J. Gleason and S. Loftus, notwithstanding anything in the Civil Service Act	41,000 00		
Department of Geological Survey.—Including $1,650 each to to R. Chalmers, E. R. Faribault, W. McInnes and H. M. Ami; $1,550 to A. E. Barlow; $1,300 each to D. B. Dowling and C. O. Senecal, and an addition of $50 to the salary of each of the other technical officers whose salaries are under $2,400; the foregoing amounts to be paid notwithstanding anything in the Civil Service Act	53,150 00		
Post Office Department	20,305 50		
Department of Trade and Commerce	9,240 00		
Office of the High Commissioner for Canada in England.—Including $140 to C. J. Taylor, $100 to E. P. Luke, and $80 to Thomas Allin, notwithstanding anything in the Civil Service Act	1,000 00		
Contingencies, rent and insurance on office, income tax, fuel, light, stationery, etc., and the amount ($200) required towards the contingent expenses (water, light, fuel, carriage hire and railway fare) of the High Commissioner, and $120 for contingencies (rates, taxes, ground rent, insurance, etc.) of the official residence, including the income tax on the salary of the High Commissioner	1,170 00		
Post Office Department.—Officers of the Savings Bank Branch engaged in the balancing of and computing interest on depositors' accounts to 30th June, 1899	305 00		
Salaries of examiners and other expenses under the Civil Service Act, including $20 for the secretary and $7.50 for a clerk, which sums may be paid to members of the Civil Service, notwithstanding anything in the Civil Service Act	227 50		
		633,485 40	
CONTINGENCIES.			
Governor General's Secretary's Office—			
Clerical and other assistance	1,600 00		
Printing and stationery	1,200 00		
Sundries	11,200 00		
	14,000 00		
Queen's Privy Council for Canada—			
Clerical and other assistance, notwithstanding anything in the Civil Service Act	1,300 00		
Printing and stationery	4,000 00		
Sundries	3,500 00		
	8,800 00		
Department of Justice—			
Clerical and other assistance	350 00		
Printing and stationery	400 00		
Sundries	320 00		
	1,070 00		
Department of Militia and Defence—			
Clerical and other assistance	2,500 00		
Printing and stationery	3,000 00		
Sundries	3,500 00		
	9,000 00		

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
CIVIL GOVERNMENT—*Continued.*			
CONTINGENCIES—*Continued.*			
Department of the Secretary of State—			
Clerical and other assistance	2,150 00		
Printing and stationery	2,000 00		
Sundries	1,600 00		
		5,750 00	
Department of Printing and Stationery—			
Clerical and other assistance	2,000 00		
Printing and stationery	1,200 00		
Sundries	1,800 00		
		5,000 00	
Department of the Interior—			
Clerical and other assistance, including $73 for J. D. Bollard, and $42.50 for T. W. Hodgins, notwithstanding anything in the Civil Service Act	500 50		
Printing and stationery	850 00		
Sundries	700 00		
		2,050 50	
Department of Indian Affairs—			
Clerical and other assistance	250 00		
Printing and stationery	305 00		
Sundries	300 00		
		855 00	
Office of the Auditor General—			
Clerical and other assistance	$ 3,500 00		
Printing and stationery	1,250 00		
Sundries	450 00		
		$ 5,200 00	
Department of Finance and Treasury Board—			
Clerical and other assistance	730 00		
Printing and stationery	2,250 00		
Sundries	2,920 00		
		5,900 00	
Department of Customs—			
Clerical and other assistance, including $1,750 to be paid notwithstanding anything in the Civil Service Act	4,260 00		
Printing and stationery	2,000 00		
Sundries	2,730 00		
		8,990 00	
Department of Inland Revenue—			
Sundries, including clerical and other assistance	4,150 00		
Printing and stationery	2,100 00		
		6,250 00	
Post Office Department—			
Clerical and other assistance	2,443 50		
Printing and stationery	2,100 00		
Sundries	400 00		
		4,943 50	
Department of Agriculture—			
Clerical and other assistance, including $600 to E. A. Rodman and $430 to J. Leafloor, notwithstanding anything in the Civil Service Act	10,000 00		
Printing and stationery	3,250 00		
Sundries	3,250 00		
		16,500 00	
Department of Public Works—			
Printing and stationery	450 00		
Sundries	550 00		
		1,000 00	

SERVICE.			Amount.	Total.
CIVIL GOVERNMENT—*Concluded.*			$ cts.	$ cts.
CONTINGENCIES—*Concluded.*				
Department of Marine and Fisheries—				
Clerical and other assistance including $600 each to W. J. Quinn and L. Bance, notwithstanding anything in the Civil Service Act	4,200 00			
Printing and stationery	6,000 00			
Sundries	2,000 00			
		12,200 00		
Department of Railways and Canals—				
Printing and stationery	5,500 00			
Sundries	2,500 00			
		8,000 00		
Department of Trade and Commerce—				
Sundries, including clerical and other assistance, with additional to Miss A. C. Kennedy ($80), notwithstanding anything in the Civil Service Act	5,500 00			
Printing and stationery	1,500 00			
		7,000 00		
Care and cleaning of departmental buildings, including amount of $100 required to pay for firing noon gun, which amount may be paid to a member of the Civil Service, notwithstanding anything in the Civil Service Act		27,000 00		
Printing Bureau, cleaning, etc		1,750 00		
			151,259 00	
				784,744 40
ADMINISTRATION OF JUSTICE.				
MISCELLANEOUS.				
Miscellaneous expenditure, including North-West Territories		$ 37,000 00		
Travelling expenses of judges in the North-West Territories		3,000 00		
Circuit allowances, British Columbia		13,000 00		
Travelling allowances, Court of Queen's Bench, and County Court Judges, Manitoba		2,500 00		
Circuit allowances to Judges *ad hoc*		200 00		
Travelling expenses of judges holding weekly sittings of High Court of Justice at London and Ottawa		1,500 00		
Expenditure under R.S.C., c. 181		700 00		
Alien Labour Law enforcement		4,000 00		
			61,900 00	
SUPREME COURT OF CANADA.				
The Reporter		1,900 00		
Assistant Reporter, 1st Class Clerk		1,500 00		
Clerk in the office of the Registrar, 2nd Class Clerk		1,200 00		
Second clerk in the office of the Registrar, 3rd Class Clerk		800 00		
Librarian		1,150 00		
3rd Class Clerk		950 00		
Caretaker		750 00		
3 messengers at $500 each		1,500 00		
Contingencies and disbursements, salaries of officers (Sheriff, Registrar as editor and publisher of Reports, usher, etc), balance for printing catalogue and books for Judges, not exceeding $300		4,000 00		
Printing, binding and distributing Supreme Court Reports		3,500 00		
Law Books and works of reference for the Supreme Court Library		4,000 00		
			21,250 00	

SERVICE.		Amount.	Total.
ADMINISTRATION OF JUSTICE—*Concluded.*		$ cts.	$ cts.
EXCHEQUER COURT OF CANADA.			
1st Class Clerk	1,500 00		
3rd Class Clerk	1,000 00		
3rd Class Clerk	600 00		
Messenger	480 00		
Contingencies, Judge's and Registrar's travelling expenses, salaries of Sheriffs, printing, stationery, etc., and $50 for Judge's books	4,000 00		
Printing, binding and distributing Exchequer Court Reports	800 00		
Additional to Registrar as editor and publisher of Reports	300 00		
L. A. Audette, increase of salary from 1st July, 1899, to 30th June, 1900	275 00		
Charles Morse for furnishing reports of Exchequer Court decisions to legal periodicals, notwithstanding anything in the Civil Service Act	50 00		
Salary of Registrar in Admiralty, Quebec	666 66		
" Marshal " "	333 34		
To provide accomodation when necessary for Exchequer Court in Admiralty	300 00		
Travelling allowance for Local Judges and other officers	300 00		
		10,605 00	
			93,755 00
DOMINION POLICE.			
Dominion Police			23,000 00
PENITENTIARIES.			
General		340 00	
Kingston		167,000 00	
St. Vincent de Paul		93,100 00	
Dorchester		49,900 00	
Manitoba		41,200 00	
British Columbia		47,700 00	
Regina Jail		8,800 00	
Prince Albert Jail		5,500 00	
			413,540 00
LEGISLATION.			
SENATE.			
Salaries and contingent expenses of the Senate		63,488 00	
HOUSE OF COMMONS.			
Salary of the Deputy Speaker	$ 2,000 00		
Salaries	70,000 00		
Expenses of Committee, sessional and extra clerks, etc.	16,700 00		
Contingencies, including $300 for clerical assistance for the leader of the Opposition	17,700 00		
Publishing Debates	40,000 00		
Estimate of Sergeant-at-Arms	33,937 50		
Contingent expenses in connection with the Voters' List	250 00		
		180,587 50	

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
LEGISLATION—*Continued.*		
LIBRARY OF PARLIAMENT.		
Salaries	16,750 00	
Books for the General Library, including binding, etc.	12,000 00	
" Library of American History	1,000 00	
Contingencies	2,600 00	
	32,350 00	
GENERAL.		
Printing, binding and distributing the laws	$ 6,000 00	
Printing, printing paper and binding	85,000 00	
	91,000 00	
		367,425 50
ARTS, AGRICULTURE AND STATISTICS.		
Archives	800 00	
Patent Record	900 00	
Collection and compilation of criminal statistics (R.S.C., c. 60)	180 00	
Statistical Year Book	300 00	
General statistics	320 00	
Aid to Agricultural Societies	700 00	
Experimental Farms	8,000 00	
Printing and distribution of reports and bulletins of farms	400 00	
Commissioner's Branch for Agriculture and Dairying	4,000 00	
Illustration Stations	2,000 00	
To promote dairying interests by advances for milk and cream, and for making butter and cheese, to be recouped out of the proceeds of sales of such butter and cheese, to be placed to the credit of the Consolidated Revenue Fund	6,000 00	
Cold Storage on steamships, on railways, at warehouses and at creameries, and for expenses in connection with the trial shipments of products, and for securing recognition of the quality of Canadian farm products	7,000 00	
Classifying all Canadian patents and preparing drawings of same for classification, and for exchange with the United States in return for their patents, to be paid notwithstanding anything in the Civil Service Act	410 00	
		31,010 00
QUARANTINE.		
Salaries and contingencies of organized districts and public health in other districts	5,500 00	
Tracadie Lazaretto	500 00	
Winnipeg and St. Boniface Hospitals	400 00	
Cattle quarantine	3,000 00	
Compensation for slaughter of hogs and sheep, and all other expenses connected therewith	2,000 00	
Towards the prevention of the spread of tuberculosis in cattle throughout the Dominion	1,500 00	
		12,900 00
IMMIGRATION.		
Salaries of agents and employees in Canada, Great Britain and foreign countries	10,000 00	
Women's Protective Immigration Society, Montreal	100 00	
Girls Home of Welcome, Winnipeg	50 00	
Contingencies, in Canadian, British and Foreign Agencies, and general immigration expenses, including salaries of extra clerks at head office	25,700 00	
		35,850 00

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
PENSIONS.		
Annuity to:—		
Mrs. Delaney	200 00	
Mrs. Gowanlock	200 00	
Miss Harriet Fraser	125 00	
Mr. Roderick Fraser	75 00	
Account of the Fenian raid	1,750 00	
Compensation to pensioners in lieu of land	107 03	
Militiamen, on account of the Rebellion of 1885, and active service generally	9,500 00	
Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885	1,323 45	
Mrs. Grundy and children	123 19	
Mrs. Colebrooke and child	91 25	
		13,494 92
SUPERANNUATION.		
Extra allowance to Mr. Wallace, ex-postmaster at Victoria, B.C		24 00
MILITIA.		
(Chargeable to Capital.)		
Artillery, fortress armament, etc		38,600 00
MILITIA.		
(Chargeable to Income.)		
Pay and allowances, etc	35,289 60	
Annual drill	40,000 00	
Salaries and wages, civil employees	7,000 00	
Military properties and rifle ranges	16,400 00	
Warlike and other stores	4,500 00	
Clothing and necessaries	15,000 00	
Provisions and supplies	12,500 00	
Transport and freight	4,000 00	
Rifle association grants	3,800 00	
Miscellaneous and unforeseen	2,000 00	
Royal Military College	7,000 00	
Government Cartridge Factory	10,862 40	
Defence of Esquimalt	10,900 00	
Monuments for battlefields	300 00	
		169,552 00
RAILWAYS AND CANALS.		
(Chargeable to Capital.)		
RAILWAYS.		
Canadian Pacific.		
Land damages, etc	$ 200 00	
Intercolonial.		
Land damages, Oxford and New Glasgow and Cape Breton Divisions	200 00	
Original construction	200 00	
Increased accommodation at St. John	44,500 00	
Strengthening iron bridge	10,000 00	

SCHEDULE B—*Continued.*

SERVICE.			Amount.	Total.
RAILWAYS AND CANALS—*Continued.*			$ cts.	$ cts.
(Chargeable to Capital)—Concluded.				
RAILWAYS—*Concluded.*				
Intercolonial—Concluded.				
To excavate roof, Morrisey Rock Tunnel	300 00			
Rolling stock to apply air brake to freight cars.	2,000 00			
To provide drop pits	600 00			
To provide new machinery at Moncton	500 00			
To enlarge engine houses	1,500 00			
Rolling stock	34,300 00			
		$ 94,100 00		
Prince Edward Island.				
To shorten main line by removal of curves	1,000 00			
Rolling stock	800 00			
		$ 1,800 00		
			96,100 00	
CANALS.				
Soulanges—Construction		$ 33,400 00		
Sault Ste. Marie—Construction		2,000 00		
Lachine—Enlargement		12,600 00		
Lake St. Louis Channel—Deepening and straightening		350 00		
Grenville—Enlargement		2,500 00		
Lake St. Francis—Hamilton Island Channel, St. Régis Channel		3,550 00		
Cornwall—Enlargement		7,000 00		
Farran's Point		9,000 00		
Rapide Plat—Enlargement		9,250 00		
Galops—Enlargement		68,840 00		
North Channel—Deepening and straightening		5,500 00		
Galops Rapids—Removing obstructions		5,000 00		
St. Lawrence River and reaches—River reaches and canals		5,000 00		
Trent—Construction		84,500 00		
Welland—Deepening entrance at Port Colborne		35,000 00		
			283,490 00	
				379,590 00
RAILWAYS AND CANALS.				
(Chargeable to Income).				
CANALS.				
Lachine.				
Rebuilding masonry wall, basin 2	$ 1,000 00			
Macadamizing road from Cote St. Paul, about 2½ miles	250 00			
		$ 1,250 00		
St. Ours Lock.				
New scow for repairs		160 00		
Chambly.				
Surveying property and planting stones		100 00		
Beauharnois.				
Steel bridge and masonry at St. Timothy	$ 400 00			
Surveys and defining land boundaries	160 00			
		560 00		

SERVICE.			Amount.	Total.
RAILWAYS AND CANALS—*Continued.*			$ cts.	$ cts.
(Chargeable to Income)—Continued.				
CANALS—*Concluded.*				
Carillon and Grenville.				
Building 4 scows for repairs	$ 140 00			
Rebuilding dry wall near Lock 6	310 00			
		450 00		
Lake St. Francis.				
Protection on north side	$ 1,285 00			
" south side	650 00			
		1,935 00		
Trent.				
To construct 2 concrete piers, Rosedale bridge	$ 60 00			
" guard boom, Fenelon Falls	100 00			
" entrance pier, Lovesick Lock	120 00			
" " Burleigh Lock	120 00			
To remove rock in Hastings Channel	250 00			
To dredge shoals, Otonabee River	350 00			
Towards rebuilding bridge over Chemong Lake	1,000 00			
		2,000 00		
Rideau.				
To deepen rock cut at Kilmarnock	$ 750 00			
To rebuild hull of dredge "Rideau"	500 00			
		1,250 00		
Cornwall.				
Pair of gates for each lock 16 and 17		950 00		
Williamsburg.				
To complete combined gate and stone lifter		650 00		
Murray.				
Floating landing stage		200 00		
Welland.				
To continue renewal west pier, Port Dalhousie	$ 1,500 00			
Towards removing docking superstructure at Lock 1	1,500 00			
To renew protection works at Allanburg	410 00			
To renew protection works at Port Colborne Lock and four bridges between Port Robinson and Port Colborne	550 00			
Towards renewal entrance piers at Port Colborne	2,000 00			
		$ 5,960 00		
			15,465 00	
MISCELLANEOUS.				
Miscellaneous works not provided for		500 00		
Arbitrations and awards		400 00		
Surveys and inspections—Canals		300 00		
" " Railways		1,500 00		
Railway statistics		160 00		
Salaries extra clerks, copyists, and messengers, other than those who have passed the Civil Service examinations, notwithstanding anything in the Civil Service Act		200 00		

SERVICE.			Amount.	Total.
RAILWAYS AND CANALS—*Concluded.*			$ cts.	$ cts.
(Chargeable to Income).—Concluded.				
MISCELLANEOUS—*Concluded.*				
Salaries engineers, draughtsmen, extra clerks, and messengers as below. The salaries herein mentioned may be paid notwithstanding anything in the Civil Service Act—1 at $2,800, 1 at $2,600, 1 at $2,400, 2 at $1,800, 1 at $1,700, 4 at $700, 1 at $600, 2 at $540, 4 at $500		1,958 00		
Reporting before Railway Committee of Privy Council and before Minister		50 00		
Costs of litigation in connection with railways and canals		600 00		
Annual subscription to International Railway Congress at Brussels, including arrears for 1896-7		19 46		
			5,687 46	
				21,152 46
PUBLIC WORKS.				
(Chargeable to Capital.)				
HARBOURS AND RIVERS.				
Quebec.				
River St. Lawrence Ship Channel			35,400 00	
Ontario.				
River Kaministiqua			1,300 00	
				36,700 00
PUBLIC WORKS.				
(Chargeable to Income.)				
PUBLIC BUILDINGS.				
Nova Scotia.				
Halifax Drill Hall	$ 1,300 00			
Kentville Public Building	1,550 00			
Liverpool Public Building	1,200 00			
Windsor Public Building—Reconstruction of building destroyed by fire, 17th October, 1897.	350 00			
Windsor Drill Shed—Reconstruction of building destroyed by fire, 17th October, 1897.	190 00			
		$ 4,590 00		
New Brunswick.				
Marysville Public Building		400 00		
Maritime Provinces Generally.				
Dominion Public Buildings—Renewals, improvements, repairs, etc		800 00		
Quebec.				
Dominion Public Buildings—Renewals, improvements, repairs, etc.	$ 1,200 00			
Grosse Isle Quarantine Station	1,400 00			
Montreal Examining Warehouse—New floor and oil shed	800 00			

SERVICE.		Amount.	Total.
PUBLIC WORKS—*Continued.*		$ cts.	$ cts.
(Chargeable to Income—Continued.)			
PUBLIC BUILDINGS—*Continued.*			
Quebec—Concluded.			
Montreal Post Office—To re-cover roof with copper, and rebuilding chimneys, etc.	700 00		
Montreal Public Buildings—Improvements, alterations, renewals, repairs, etc., installing electric light, etc.	500 00		
Quebec Custom House and Examining Warehouse—Renewals, improvements, repairs, etc.	450 00		
Quebec Post Office—Alterations to old building, furniture, box fronts, etc	600 00		
Quebec Immigration Buildings on Louise Embankment and breakwater, and Queen's Wharf buildings	460 00		
		6,110 00	
Ontario.			
Arnprior Public Building	$ 340 00		
Dominion Public Buildings—Renewals, improvements, repairs, etc	1,000 00		
Ingersoll Post Office, etc	1,000 00		
Kingston Drill Hall	4,000 00		
Ottawa Public Buildings—Repairs to masonry walls	400 00		
Langevin Block—Improvement to fire-proof character of the attic and roof, including steel shelving and additional vault accommodation	2,400 00		
Rat Portage Post Office, etc.—Proper site given free of cost by municipality	1,400 00		
Sarnia Post Office, etc.	1,000 00		
Toronto Dominion Buildings—Improvements, renewals, repairs, etc	600 00		
Woodstock Post Office, etc	2,000 00		
		14,140 00	
Manitoba.			
Dominion Public Buildings—Renewals, improvements, repairs, etc		500 00	
North-West Territories.			
Court House, Lock-up and Police Accommodation	100 00		
Dominion Public Buildings—Renewals, improvements, repairs, etc	400 00		
Medicine Hat Court House, etc., to replace Court House destroyed by fire	400 00		
Regina Land Titles Offices	1,200 00		
		2,100 00	
British Columbia.			
Dominion Public Buildings—Renewals, improvements, repairs, etc	500 00		
Kamloops Post Office, etc.	300 00		
Vancouver Drill Hall—New Westminster district—Site given free of cost	2,200 00		
Victoria, new Post Office, etc., including furniture	1,077 50		
Williams Head Quarantine Station—Quarters for crew, alterations, improvements, furniture, instruments, etc	300 00		
		4,377 50	

SERVICES.			Amount.	Total.
PUBLIC WORKS—*Continued.*			$ cts.	$ cts.
(*Chargeable to Income*)—Continued.				
PUBLIC BUILDINGS—*Concluded.*				
Public Buildings Generally.				
Public Buildings generally		$ 500 00		
Experimental Farms.				
New buildings and improvements, renewals, repairs, etc., in connection with existing buildings, fences, etc		1,000 00		
Rents, Repairs, Furniture, Heating, etc.				
Public Buildings, Ottawa, including ventilation and lighting—Repairs, materials, furniture, etc	$ 10,000 00			
Rideau Hall, including grounds—Renewals, improvements, repairs, furniture and maintenance	1,700 00			
Allowance for fuel and light, Rideau Hall	800 00			
Grounds, Public Buildings, Ottawa	500 00			
Removal of snow, Public Buildings, Ottawa, including Rideau Hall	200 00			
Heating, Public Buildings, Ottawa, including salaries of engineers, firemen, elevator attendants and caretakers	6,500 00			
Gas and electric light, Public Buildings, Ottawa, including roads and bridges	1,300 00			
Water, Public Buildings, Ottawa, including Rideau Hall	1,650 00			
Telephone Service, Public Buildings, Ottawa	500 00			
Major's Hill Park, Ottawa	350 00			
Rents—Dominion Public Buildings	1,800 00			
Furniture—Dominion Public Buildings	600 00			
Salaries of engineers, firemen, caretakers, etc., Dominion Public Buildings	8,000 00			
Heating Dominion Public Buildings, fuel, etc.	5,500 00			
Lighting Dominion Public Buildings	4,500 00			
Water—Dominion Public Buildings	1,600 00			
Sundry supplies for caretakers, engineers, firemen, etc., Dominion Public Buildings	500 00			
Dominion Immigration Buildings—Repairs, furniture, etc	400 00			
Dominion Quarantine Buildings—Maintenance	400 00			
Dominion Public Buildings—Electric and other power for running elevators, stamp cancelling machines, etc	500 00			
		47,300 00		
			81,817 50	
HARBOURS AND RIVERS.				
Nova Scotia.				
Advocate Harbour—Wharf	$ 100 00			
Canada Creek Breakwater—Repairs	80 00			
Cheticamp—Repairs to wharf	100 00			
Clark's Harbour—Breakwater, etc	500 00			
Coffin's Island—Repairs and extension of beach protection	30 00			
Cow Bay Breakwater—Repairs	1,500 00			

SERVICE.		Amount.	Total.
PUBLIC WORKS—*Continued.*		$ cts.	$ cts.
(Chargeable to Income)—Continued.			
HARBOURS AND RIVERS—*Continued.*			
Nova Scotia—Concluded.			
Cribbon's Point—Repairs to wharf	$ 30 00		
Eastern Passage—Boat harbour or channel	200 00		
East Ragged Island—Wharf	150 00		
East Tracadie—Reconstruction of breakwater	200 00		
Englishtown—Wharf	370 00		
Ingonish—North Bay—Beach protection works	1,950 00		
Iona—Wharf	550 00		
Judique, McKay's Point—New wharf	500 00		
L'Ardoise—Repairs to breakwater	150 00		
Livingston Cove—Wharf	300 00		
McNair's Cove—Repairs to wharf	60 00		
Meteghan River—Reconstruction of superstructure, etc., of breakwater	420 00		
Morden—Repairs to wharf	160 00		
New Harbour—Breakwater	400 00		
Petit de Grat—Reconstruction of protection work and dredging	50 00		
Pictou Light—Beach protection	140 00		
Port Hood—Repairs to wharf	70 00		
Port Latour—Breakwater, etc.	300 00		
Port Hilford—Breakwater	800 00		
Port Maitland (Yarmouth)—Repairs to breakwater	230 00		
River Hébert Village—Wharf	70 00		
St. Ann's, North River—Wharf at Seymour Point	140 00		
Sanford or Cranberry Head—Breakwater	260 00		
Swim's Point—Wharf	20 00		
Tancook Island—Repairs to wharf	150 00		
Upper Port Latour—Wharf	40 00		
White Point—Breakwater repairs and to remove ledge	25 00		
Windsor Harbour—Shear dams, training dykes and deepening channel. River Avon	400 00		
		$ 10,445 00	
Prince Edward Island.			
China Point—Reconstruction of head pier	$ 150 00		
McGee's Pier—Repairs and strengthening	150 00		
Miminigash Harbour Works—Repairs	100 00		
Miminigash—Addition to northern breakwater	160 00		
New London—Repairs	35 00		
General repairs to piers and breakwaters	600 00		
Creosoted timber for general repairs to wharfs, piers and breakwaters	200 00		
St. Peter's Bay Pier—Reconstruction	50 00		
Souris, Knight's Point—Strengthening of breakwater, etc	1,600 00		
Summerside Harbour	3,000 00		
Tignish—Repairs to breakwater and extension	300 00		
		6,345 00	
New Brunswick.			
Buctouche—Repairs to wharf	$ 110 00		
Burnt Church—Wharf	800 00		
Campbellton—Repairs to ballast wharf	75 00		
Chatham—Reconstruction and repairs to Custom-house wharf	600 00		

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
PUBLIC WORKS—*Continued.*			
HARBOURS AND RIVERS—*Continued.*			
New Brunswick—Concluded.			
Clifton Breakwater—Creosoted block, stone talus and repairs	$ 950 00		
Cocagne—Repairs to wharf	150 00		
Dalhousie—Repairs to ballast wharf	250 00		
Main River Bridge—Wharf	120 00		
Richibucto—Pier repairs	400 00		
River St. John, including tributaries	1,600 00		
" dredging between river and Grand Lake	150 00		
St. John Harbour—Negro Point breakwater	500 00		
" Hydrographic survey	50 00		
" Repairs to and extension of protection works at base of Fort Dufferin	80 00		
Shippegan Harbour—Extension and repairs to protection works	240 00		
		$ 6,075 00	
Maritime Provinces Generally.			
General repairs and improvements to harbour and river works		1,000 00	
Quebec.			
Anse à Beaufils—Improvement of entrance to harbour	$ 700 00		
Anse aux Gascons (Port Daniel East) Breakwater	450 00		
Anse St. Jean—Pier repairs	50 00		
Baie St. Paul, Cap aux Corbeaux—Extension and repairs to wharf	1,000 00		
Berthier (en bas)—Heavy repairs to wharf and reconstruction of 470 feet of superstructure	500 00		
Cap Santé—Removal of boulders	80 00		
Grosse Isle—Repairs to wharf	200 00		
General repairs and improvements to harbour, river and bridge works	1,000 00		
Iberville—Wharf	200 00		
Lake St. John—Piers, including improvement of approaches	250 00		
Rivière à la Pipe—Wharf on Lake St. John near mouth of river	250 00		
Les Eboulements—Repairs to wharf	280 00		
L'Islet—Wharf	115 00		
Lower St. Lawrence—Removal of rocks	300 00		
Magdalen Islands breakwater	1,000 00		
Maria—Wharf	1,000 00		
Matane—Extension of training pier southwardly	400 00		
River Cap de Chatte—Pier	200 00		
" Chateauguay—Dredging	500 00		
Rivière du Loup (en bas) Wharf—Repairs and shed	360 00		
Rivière du Loup (en haut)—Dredging channel from Lake St. Peter to Louiseville	600 00		
Rivière Richelieu—Belœil Channel—Guide piers	400 00		
" Saguenay, below Chicoutimi—Dredging	800 00		
" St. Maurice—Channel between Grandes Piles and La Tuque, dredging	350 00		
St. Alexis, Baie de Ha ! Ha !—Pier	400 00		
St. Alphonse (Bagotville)—Landing pier repairs and shed	60 00		

SERVICE.		Amount.	Total.
PUBLIC WORKS—*Continued.*		$ cts.	$ cts.
(*Chargeable to Income*)—Continued.			
HARBOURS AND RIVERS—*Continued.*			
Quebec—Concluded.			
Ste. Anne de Sorel—Ice piers and connecting one pier with the shore	$ 100 00		
Ste. Anne du Saguenay Wharf—Works of construction, etc	150 00		
St. Fulgence—Pier and improvements	150 00		
St. Jean des Chaillons—Improvement of harbour	500 00		
St. Laurent—Repairs to wharf	450 00		
St. Nicolas—Construction of a public wharf	130 00		
St. Roch des Aulnais—Wharf	350 00		
Sillery Cove—Wharf at Pointe à Pizeau	500 00		
		$ 13,775 00	
Ontario.			
Bowmanville Harbour	$ 500 00		
Bruce Mines—Wharf	1,000 00		
Burlington Channel—Repairs to piers	4,000 00		
Collingwood—Harbour improvement	6,000 00		
Goderich—Reconstruction of breakwater and repairs to piers	4,650 00		
Goderich—Dredging	2,000 00		
General repairs and improvements to harbour, river and bridge works	1,500 00		
Hawkesbury—Dredging	300 00		
Kincardine—Repairs to piers and dredging	150 00		
Kingston Harbour—Dredging	1,000 00		
Little Bear Creek—Dredging	200 00		
North Bay—Pile wharf	800 00		
Oakville—Repairs to piers and dredging	450 00		
Oshawa—Repairs to pier (providing harbour is transferred to city corporation and that corporation will agree to maintain in future)	800 00		
Owen Sound—Dredging, renewal and extension of the protection works	1,960 00		
Pictou—Dredging	500 00		
Port Burwell—Improvement of harbour	4,500 00		
Port Elgin—Construction of groyne	500 00		
Port Hope—Repairs to piers and dredging, etc.	250 00		
Port Stanley—Repairs to piers and dredging	1,300 00		
Rainy River—Improvement to navigable channel	1,500 00		
River Ottawa—Improvement of steamboat channel through Narrows at Petewawa, above Pembroke	720 00		
Saugeen River—Dredging	310 00		
Southampton—Dredging	200 00		
Sydenham River—Dredging	500 00		
Thornbury—Dredging	300 00		
Toronto Harbour—Works at eastern entrance, etc	7,500 00		
		43,390 00	
Manitoba.			
General repairs and improvements to harbour, river and bridge works	$ 300 00		
Lake Manitoba—Opening of additional outlets to prevent overflow of lake, and maintenance of same at proper level for navigation purposes	2,500 00		
Wharf on Lake Winnipeg	900 00		
		3,700 00	

SERVICE.			Amount.	Total.
PUBLIC WORKS—*Continued.*			$ cts.	$ ct
(Chargeable to Income)—Continued.				
HARBOURS AND RIVERS—*Concluded.*				
North-West Territories.				
General repairs and improvements to harbour, river and bridge works, including approaches		500 00		
British Columbia.				
Columbia River—Improvements above Golden	$ 400 00			
do Improvements in Narrows between Upper and Lower Arrow Lakes	2,500 00			
Columbia River—Removal of rocks above Revelstoke	300 00			
Duncan River—Improvement of	300 00			
Fraser River—Improvement of ship channel, etc.	2,500 00			
General repairs and improvements to harbour, river and bridge works	300 00			
Kootenay River—Improvement below Fort Steele	500 00			
Nanaimo Harbour—Improvement of south channel, etc	1,000 00			
Skeena River	500 00			
Williams Head—Quarantine Station—Additional wharf accommodation and improvement of water service	400 00			
		8,700 00		
Generally.				
Harbours and rivers generally		500 00		
			94,430 00	
DREDGING.				
Including the salaries of engineers, superintendents and clerks connected with the Service.				
New dredging plant		$ 6,000 00		
Dredge vessels, repairs		3,000 00		
Dredging—Nova Scotia		7,500 00		
" Prince Edward Island				
" New Brunswick				
" Quebec and Ontario		6,000 00		
" Manitoba		800 00		
" British Columbia		1,500 00		
" General service		500 00		
			25,300 00	
SLIDES AND BOOMS.				
Slides and booms generally			500 00	
ROADS AND BRIDGES.				
Ottawa City—Bridges over the River Ottawa, the Slides and the Rideau Canal and approaches thereto—Ordinary repairs		$ 700 00		
Ottawa—Maria Street Bridge over the Rideau Canal—Reconstruction		4,000 00		
Ottawa—Sappers' Bridge—Extraordinary repairs		100 00		
Des Joachims Bridge—Reconstruction of, providing interested parties contribute balance required		1,500 00		
Banff Bridge, over Spray River—New		150 00		
Edmonton, N.W.T.—Bridge across the Saskatchewan		1,300 00		
Dominion Traffic Bridges throughout Canada, including approaches		500 00		
			8,250 00	

SERVICE.		Amount.	Total.
PUBLIC WORKS—*Continued.*		$ cts.	$ cts.
(Chargeable to Income)—Continued.			
TELEGRAPH LINES.			
Land and Cable lines, Gulf of St. Lawrence and the Maritime Provinces—			
Line on North Shore, St. Lawrence—Extension from Pointe aux Esquimaux eastward to Belle Isle—To complete	7,000 00		
To improve roadway, repair line and increase operating facilities generally between Godbout and Pointe aux Esquimaux, eastward	100 00		
British Columbia—To provide for an alternative line connecting Cape Beale and Carmanah with Victoria by extending the French Creek-Alberni line southwardly to the south-west coast of Vancouver Island	100 00		
To connect Nicola Lake with Canadian Pacific Railway telegraph system	300 00		
		7,500 00	
MISCELLANEOUS.			
Surveys and inspections	2,500 00		
National Art Gallery (Ottawa)	200 00		
Chief Engineer's Office—Salaries of engineers, draughtsmen and clerks	4,200 00		
Chief Architect's Office—Salaries of architects, draughtsmen and clerks	2,000 00		
Telegraph Service—Salary of staff	290 00		
Temporary, clerical and other assistance, inclusive of services of all persons required who were first employed after 1st July, 1882, notwithstanding anything in the Civil Service Act	2,500 00		
Statue of Her Majesty the Queen in celebration of the Diamond Jubilee	1,250 00		
Monument of the Hon. Alexander Mackenzie	800 00		
One-half of the salary of the Departmental photographer, the other half of his salary having been provided for by the Department of Railways and Canals	70 00		
To cover balances of expenditures for works already authorized for which the appropriations may be insufficient. The amounts expended under this appropriation to be shown under the heading of the several works affected, provided the amount of each work does not exceed one hundred dollars	300 00		
		14,110 00	
			231,907 50
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.			
Ocean and Mail Service between Great Britain and Canada		12,653 33	
Steam service fortnightly between St. John and Liverpool, Great Britain during the winter season of 1899-1900, not less than ten round trips		2,000 00	
Steam service between Halifax, St. John's, Newfoundland, and Liverpool, from 1st July, 1899, to 30th June, 1900		2,000 00	
Steam service between St. John and Glasgow, during the wintet of 1899-1900		750 00	
Steam service between St. John, Dublin and Belfast, during the winter of 1899-1900		750 00	
A line or lines of steamers to run between St. John, Halifax and London		2,500 00	
A line or lines of steamers to run during the winter months between St. John and London direct		1,500 00	
Steam communication between St. John and Digby from 1st July, 1899, to 30th June, 1900		1,250 00	

SERVICE.	Amount.	Total.
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—*Con.*	$ cts.	$ cts.
A line or lines of steamers to run between St. John and Halifax, or either, and the West Indies and South America	7,800 00	
Steam service between Victoria and San Francisco	500 00	
Steam communication between Halifax and Newfoundland *via* Cape Breton ports	200 00	
Steam communication during the season of 1899, *i.e.*, from the opening to the closing of navigation, between the Mainland and the Magdalen Islands	900 00	
Steam communication during the season of 1889, *i.e.*, from the opening to the closing of navigation, between Prince Edward Island and the mainland	1,000 00	
Steam communication from 1st July, 1899, to 30th June, 1900, between Grand Manan and Mainland	400 00	
Steam communication during the season of 1899, *i.e.*, from the opening to the closing of navigation, between Gaspé Basin and Dalhousie	1,150 00	
Steam communication during the season of 1890, *i.e.*, for not less than 32 full round trips, between St. John and Halifax, *via* Yarmouth and other way ports	700 00	
Steam communication during the season of 1899, *i.e.*, from the opening to the closing of navigation, between St. John and Minas Basin ports	300 00	
Steam communication from 1st July, 1899, to 30th June, 1900, between Pictou, Murray Harbour, Georgetown and Montague Bridge	120 00	
Steam communication from 1st July, 1899, to 30th June, 1900, between Quebec and Gaspé Basin, touching at intermediate ports	500 00	
Steam communication between a port or ports in Prince Edward Island and a port or ports in Great Britain	500 00	
Direct fortnightly steam service between Montreal, Quebec and Manchester, England, during the summer season, and between St. John, Halifax and Manchester during the winter season	3,893 33	
To promote direct communication and trade between Canada and South Africa	500 00	
Steam communication daily during the season of 1899, *i.e.*, from the opening to the closing of navigation, between Baddeck, Grand Narrows and Iona, and one trip each fortnight to Big Pond and East Bay	400 00	
Steam communication daily during the season of 1899, *i.e.*, from the opening to the closing of navigation, between Port Mulgrave and St. Peter's, to extend twice each week to Irish Cove and Marble Mountain	400 00	
		42,666 66
OCEAN AND RIVER SERVICE.		
Maintenance and repairs to Government steamers	145,000 00	
Examination of masters and mates	5,000 00	
Rewards for saving life	7,000 00	
Investigations into wrecks	1,000 00	
Registration of shipping	500 00	
Removal of obstructions in navigable rivers	1,000 00	
Tidal services	4,000 00	
Winter mail service	8,000 00	
Marine biological station in Gulf of St. Lawrence	2,000 00	
Salaries and expenses of cattle inspection	2,800 00	
Unforeseen expenses generally	5,000 00	
		181,300 00
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances of lightkeepers	217,000 00	
Agencies, rents and contingencies	15,810 00	
Maintenance and repairs to lighthouses	230,000 00	
Construction of lighthouses	45,000 00	
Signal service	6,000 00	
Repairs to wharfs	3,000 00	
		516,810 00

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
SCIENTIFIC INSTITUTIONS AND HYDROGRAPHIC SURVEYS.	$ cts.	$ cts.
Observatory, Toronto	2,700 00	
Meteorological service	67,000 00	
Hydrographic surveys	16,000 00	
		85,700 00
MARINE HOSPITALS.		
Care of sick seamen in Marine Hospitals and other hospitals in Maritime Provinces	35,000 00	
Shipwrecked and distressed seamen	3,000 00	
		38,000 00
STEAMBOAT INSPECTION.		
Steamboat inspection	27,200 00	
Inspection of Dominion steamers and fog-alarms	1,300 00	
		28,500 00
FISHERIES.		
Salaries and disbursements of Fishery Inspectors, Overseers and Guardians	70,000 00	
Building and maintenance of fish-breeding establishments and lobster hatchery	34,500 00	
Fisheries Protection Service	100,000 00	
Building fishways and clearing rivers	1,000 00	
Legal and incidental expenses	2,000 00	
Canadian Fishery Exhibit	1,000 00	
Persons employed in the Department of Marine and Fisheries for services in connection with the distribution of the Fishing Bounty, notwithstanding anything in the Civil Service Act	5,000 00	
Oyster culture	7,000 00	
		220,500 00
SUPERINTENDENCE OF INSURANCE.		
Expenses, including $80 for the salary of J. R. Morton, notwithstanding anything in the Civil Service Act		800 00
GEOLOGICAL SURVEY.		
Exploration and surveys; Printing and publication of reports and maps, etc; Wages of assistant explorers, draughtsmen, clerks and others; Specimens, books, instruments, stationery, mapping material, maintenance of museum, laboratory apparatus, chemicals and miscellaneous expenses; Advances to explorers	6,000 00	
For continuing artesian boring in North-West Territories	300 00	
		6,300 00
INDIAN AFFAIRS.		
ONTARIO AND QUEBEC.		
Relief, seed, medical attendance and medicines, Province of Quebec	3,600 00	
Relief of distress and medical attendance, Province of Ontario	1,100 00	
Blankets and clothing, Ontario and Quebec	500 00	
Schools, Ontario, Quebec and Maritime Provinces	37,740 00	
Salaries of Chiefs, Cape Croker and Gibson, and agent at St. Regis	150 00	
Removal of Lake of Two Mountains Indians from Oka to Gibson	200 00	
Payment of Robinson Treaty annuities	16,806 00	
Survey of Indian Reserves	500 00	
Indian Land Management Fund	14,000 00	

SERVICE.		Amount.	Total.
INDIAN AFFAIRS—*Concluded.*		$ cts.	$ cts.
ONTARIO AND QUEBEC—*Concluded.*			
Grant for the Agricultural Society, Munceys of the Thames.	90 00		
To assist in the suppression of the liquor traffic among Indians belonging to Bands in the older provinces which have no funds of their own	500 00		
To provide for the erection of a lock-up at St. Regis	500 00		
		75,686 00	
NOVA SCOTIA.			
Salaries	110 00		
Relief and seed grain	200 00		
Medical attendance and medicine	230 00		
Miscellaneous and unforeseen	10 00		
		550 00	
NEW BRUNSWICK.			
Salaries	1,284 00		
Relief and seed grain	2,300 00		
Medical attendance and medicine	1,740 00		
Miscellaneous and unforeseen	300 00		
		5,624 00	
PRINCE EDWARD ISLAND.			
Salaries and travelling expenses	300 00		
Relief and seed grain	925 00		
Medical attendance and medicine	350 00		
Office and miscellaneous expenses	75 00		
		1,650 00	
MANITOBA AND NORTH-WEST TERRITORIES.			
Annuities and commutations	135,825 00		
Implements, tools and hardware	12,000 00		
Field and garden seeds	1,936 00		
Live stock	7,400 00		
Supplies for destitute and working Indians	190,521 50		
Triennial clothing	2,752 00		
Day, boarding, and industrial schools	276,433 00		
Surveys	5,000 00		
Sioux	5,057 50		
Grist and saw mills	1,097 50		
General expenses	128,025 00		
		766,047 50	
BRITISH COLUMBIA.			
Salaries	19,840 00		
Relief	3,500 00		
Seed	1,000 00		
Medical attendance and medicine	8,500 00		
Day schools	7,900 00		
Industrial and boarding schools	59,050 00		
Travelling expenses	5,000 00		
Office and miscellaneous (including hospitals, irrigation and dyking; suppression of liquor traffic)	10,920 00		
Steamer "Vigilant"	2,000 00		
Surveys and Reserve Commission	7,000 00		
		124,710 00	
GENERAL.			
J. A. Macrae, Inspector of Indian Agencies and Reserves	1,600 00		
George L. Chitty, Inspector of Timber	1,200 00		
Travelling expenses of these officers	1,200 00		
		4,000 00	
			978,267 50

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
NORTH-WEST MOUNTED POLICE.		
Pay of force	18,250 00	
Subsistence, forage, fuel and light	10,712 50	
Clothing, repairs, renewals, horses, arms and ammunition, medical stores and stationery	3,412 50	
Scouts, guides, billeting, transport of men, horses and stores, and contingencies.	2,000 00	
New buildings and repairs	1,000 00	
		35,375 00
GOVERNMENT OF THE NORTH-WEST TERRITORIES.		
Expenditure connected with the Lieut.-Governor's Office	588 00	
Incidental justice, etc., including clerical assistance	200 00	
Registrars, etc	1,500 00	
Insane patients, Manitoba	5,000 00	
Grant for schools, clerical assistance, printing, etc., to be paid half-yearly in advance	28,297 90	
Schools in unorganized districts (including clerical assistance)	200 00	
		35,785 90
GOVERNMENT OF THE YUKON TERRITORY.		
DEPARTMENT OF THE INTERIOR.		
Salaries and expenses in connection with the administration of the district	10,000 00	
MOUNTED POLICE.		
Pay of force	$168,000 00	
Subsistence, forage, fuel and light	165,195 00	
Clothing, repairs and renewals, horses, dogs, arms and ammunition, medical stores, stationery, billeting and contingencies	61,805 00	
Buildings	25,000 00	
Transport	80,000 00	
	500,000 00	
RAILWAYS AND CANALS.		
For a survey to ascertain the most practicable route for an all-Canadian railway from some point on an existing railway into the Klondike District, and to an ocean port in British Columbia	4,000 00	
ADMINISTRATION OF JUSTICE.		
Travelling allowances of Judges	$ 1,500 00	
Salary of Sheriff, Territorial Court	500 00	
Salary of Clerk, Territorial Court	500 00	
	2,500 00	
POST OFFICE.		
Mail service	10,300 00	
CUSTOMS.		
Yukon Territory and Frontier	2,500 00	
PUBLIC WORKS.		
Lewes and Yukon Rivers Improvements	4,000 00	
		533,300 00

SERVICE.	Amount.	Total.
DOMINION LANDS.	$ cts.	$ cts.
(Chargeable to Capital.)		
Surveys, examination of survey returns, printing of plans, and including $10,000 for irrigation surveys, etc. Salaries of temporary officers and clerks may be paid out of this sum at rates exceeding $400 per annum, notwithstanding anything in the Civil Service Act		15,000 00
DOMINION LANDS.		
(Chargeable to Income.)		
Commissioner's salary	300 00	
Superintendent of Mines' salary	300 00	
Homestead Inspectors, Dominion Lands and Crown Timber agents, sub-agents and clerks in outside service	5,880 00	
Inspection expenses: travelling expenses of Commissionner, Superintendent of Mines, and Homestead Inspectors; contingencies of Dominion Lands and Crown Timber agents and at Head Office, removal expenses, etc., stationery, printing and forest protection	3,100 00	
Members of Board of Examiners of Dominion Land Surveyors, including contingent expenses of the Board (the authority required by the Civil Service Act is hereby given for paying out of this sum such amounts as may be required to pay for services of members of the Board who are members of the Civil Service	70 00	
Salaries of extra clerks at head office, advertising, etc	400 00	
Salary of one carpenter	73 20	
		10,123 20
MISCELLANEOUS.		
Canada Gazette	600 00	
Miscellaneous printing	2,700 00	
Expenses in connection with distribution of parliamentary documents	100 00	
Plant for Printing Bureau, including web perfecting press, $19,000, and additional linotype machines, $14,000	3,800 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within the first fifteen days of the next session	2,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy	225 00	
Expenses of government in the District of Keewatin	219 00	
Maintenance of lunatics from Keewatin	300 00	
Relief of distressed Canadians in foreign countries other than the United States	50 00	
Maintenance, construction of roads, bridges, and other necessary works in connection with the Hot Springs Reservation, near Banff Station, North-West Territories	980 00	
Boundary Survey—Investigations and demarcations and the other astronomical work of the Department of the Interior. Salaries of temporary officers and clerks may be paid out of this sum at rates exceeding $400 per annum, notwithstanding anything in the Civil Service Act	1,500 00	
Litigation, Department of the Interior	100 00	
Expenses of litigated matters which may be paid for services in connection with the litigation conducted within the Department of Justice, notwithstanding anything in the Civil Service Act	15,000 00	
Expenses in connection with the Canada Temperance Act	50 00	
Compensation to members of the North-West Mounted Police for injuries received in the discharge of duty	200 00	
Salaries and contingencies of the office of the Paris agency	350 00	
Payments of extra clerks for services rendered in preparation of returns ordered by Parliament	200 00	
Academy of Arts	200 00	
To assist in the publication of the proceedings of the Royal Society	500 00	

SERVICE.		Amount.	Total.
MISCELLANEOUS—*Concluded.*		$ cts.	$ cts.
Cost of arbitration respecting the accounts between the Dominion of Canada and the Provinces of Ontario and Quebec (payments on account of services rendered may be made to members of the Civil Service, notwiihstanding anything in the Civil Service Act)		400 00	
Expenses of taking evidence concerning the Public Accounts and reporting the same to the Auditor General under authority of section 57 of the Consolidated Revenue and Audit Act; and to pay for legal advice to the Auditor General		50 00	
Classification of old records of Canada in the office of the Privy Council. Payments on account of this service may be made notwithstanding anything in the Civil Service Act		100 00	
To assist in defraying the cost of the publication of documents issued by the Canadian Mining Institute		100 00	
Towards the cost of the Joint High Commission between Great Britain and the United States for the purpose of settling outstanding differences between the two countries in respect of Canada		1,500 00	
Alterations and repairs to Governor General's car "Victoria"		250 00	
			31,474 00
COLLECTION OF REVENUE.			
CUSTOMS.			
Salaries and contingent expenses of the several ports—			
Province of Nova Scotia	$ 10,725 00		
do New Brunswick	8,769 50		
do Prince Edward Island	1,859 50		
do Quebec	21,286 50		
do Ontario	30,324 00		
do Manitoba	3,694 50		
do North-West Territories	1,000 00		
do British Columbia	9,500 00		
Generally—For unforseen expenditure	500 00		
Salaries and travelling expenses of Inspectors of Ports and travelling expenses of other Officers on inspections and Preventive Services	6,000 00		
Board of Customs—Including $80 salary of Commissioner of Customs as Chairman of the Board			
Customs Laboratory—Expenditure in connection with the testing of sugar, molasses, etc., including pay of officers appointed or employed for that purpose	750 00		
Miscellaneous—Day-books, ledgers, book-binding, printing and stationery, subscriptions to commercial papers, flags, dating stamps, locks, instruments, etc., from various ports of entry and for legal expenses	2,500 00		
Maintenance of revenue cruisers and Preventive service	2,500 00		
Department of Justice—Accounts to be disbursed by and accounted for to it for secret preventive service	500 00		
		99,909 00	
EXCISE.			
Salaries of officers and inspectors of excise and to provide for increase depending upon the result of Excise examinations	312,395 00		
Extra duty pay at large distilleries and other factories	6,000 00		
Duty pay to officers serving long hours at other than special surveys	1,000 00		
Preventive service	15,000 00		
Travelling expenses, rent, fuel, stationery, etc	50,000 00		
Stamps for imported and Canadian tobacco	19,000 00		
Collectors of customs, allowance on duty collected by them for 1898-99	5,500 00		
Commission to sellers of stamps for Canadian twist tobacco	100 00		
L. A. Frechette for special translation	100 00		

Service.		Amount.	Total.
COLLECTION OF REVENUE—*Continued.*		$ cts.	$ cts.
EXCISE—*Concluded.*			
To enable the Department to supply methylated spirits to manufactories, the cost to be recouped by manufacturers to whom they are supplied, and to pay for rent, light, power, freight, etc	50,000 00		
		459,095 00	
CULLING TIMBER.			
Salary of Supervisor	$ 2,100 00		
Specification clerks	3,000 00		
Book-keeper	750 00		
Cullers	4,200 00		
Superannuated cullers	5,600 00		
Contingencies	3,000 00		
		18,650 00	
WEIGHTS, MEASURES, GAS AND ELECTRIC LIGHT INSPECTION.			
Salaries of officers, inspectors and assistant inspectors of Weights and Measures	$ 46,860 00		
Salaries of Inspectors of Gas	15,550 00		
Rent, fuel, travelling expenses, postage, stationery, etc., for Weights and Measures	18,000 00		
Rent, fuel, travelling expenses, postage, stationery, etc., for Gas and Electric Light Inspection, including salaries in connection with the inspection of electric lighting and the purchase or repair of instruments	9,000 00		
		89,410 00	
INSPECTION OF STAPLES.			
Purchase and distribution of standards of grains, flour and other expenditure under the Act, including salary of Raw Hide Inspector		4,500 00	
ADULTERATION ACT, AND THE LAW RELATING TO FRAUDULENT MARKING.			
Expenditure		25,000 00	
MINOR REVENUES.			
Inland Revenue Department	$ 200 00		
Ordnance Lands	1,300 00		
		1,500 00	
RAILWAYS AND CANALS.			
Railways.			
Intercolonial	$365,000 00		
Prince Edward Island	25,000 00		
Windsor Branch	2,000 00		
Rental to Grand Trunk and Drummond County Railway	21,000 00		
	$413,000 00		
Canals.			
Repairs and operating expenses	56,150 00		
Salaries and contingencies, collectors' offices	3,460 00		
Additional amount to pay persons employed permanently in the public service, and remuneration to any other persons for services rendered for and in connection with passing vessels through the canals of the Government of Canada from midnight on Saturday to midnight on Sunday, notwithstanding anything in the Civil Service Act	1,500 00		
	61,110 00		
		474,110 00	

SERVICE.		Amount.	Total.
COLLECTION OF REVENUE—*Concluded.*		$ cts.	$ cts.
PUBLIC WORKS.			
Collection of slide and boom dues—including salaries of clerks in connection with this service	$ 500 00		
Repairs and working expenses, harbours, docks and slides	9,640 00		
Upper Ottawa Improvement Company, the authorized allowance for management, etc., in connection with logs to be passed through the Chenaux boom, Ottawa River, during fiscal year 1899-1900	180 00		
Telegraph line between Prince Edward Island and the mainland	200 00		
Land and cable telegraph lines of the sea-coasts and islands of the Lower River and Gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield" or other vessels when required for cable service	3,200 00		
Telegraph lines, North-West Territories	2,000 00		
Telegraph lines, British Columbia	1,200 00		
Telegraph and signal service generally	275 00		
Public Works agency, British Columbia	250 00		
		17,445 00	
POST OFFICE.			
Mail service	$220,700 00		
Salaries and allowances	118,367 30		
Miscellaneous	21,217 00		
Compassionate allowance	200 00		
		360,484 30	
TRADE AND COMMERCE.			
Administration of the Chinese Immigration Act, including remuneration to Trade and Commerce and Customs Officers	350 00		
Canada's proportion of expenditure in connection with the International Customs Tariffs Bureau	60 00		
Commercial Agencies, including expenses in connection with negotiation of treaties or in extension of commercial relations	2,000 00		
		2,410 00	
			1,552,513 30
Total			6,981,785 72

No. 170.] **BILL.** [1899

An Act respecting the Safety of Ships.

IN amendment of the law respecting the safety of ships, Her 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 Safety of Ships Amendment Act*, 1899.

Deck loads on steamships.

R.S.C., c. 77, s. 7; 1894, c. 44, s. 3.

2. Notwithstanding anything to the contrary contained in section 7 of *The Act respecting the safety of ships and the prevention of accidents on board thereof*, chapter 77 of the Revised Statutes, as enacted by section 3 of chapter 44 of the Statutes of 1894, steamships sailing from any port or place in Canada on or before the twelfth day of October in each year, to any port or place out of Canada, shall not be subject to any of the restrictions therein provided as to deck loads.

Customs officers to require certificate of port warden as to loading of ships in winter.

Customs officers to give certificate,

Without which no ship shall sail.

3. Before any officer of customs permits any sailing ship to clear from any port in Canada, after the first day of October and before the sixteenth day of March in each year, or any steamship to clear after the twelfth day of October, and before the sixteenth day of March, (such sailing ship or steamship being bound for some port making it subject to the provisions as to deck loads of the said Act respecting the safety of ships) he shall have produced to him a certificate signed by the port warden of such port, or his deputy, that the requirements of the said Act with respect to such deck loads have been duly complied with; and when such certificate of the port warden, or his deputy, has been so produced to the proper customs officer, he shall give the master of the ship a certificate to that effect; and no master of any ship shall sail in such ship from any port or place in Canada, (if a sailing ship, after the first day of October, and before the sixteenth day of March, in any year, and if a steamship, after the twelfth day of October, and before the sixteenth day of March, in any year,) until he has obtained such certificate.

Deck loads on certain ships between March and October.

4. No master of any sailing ship when sailing after the sixteenth day of March, and before the second day of October, in any year, and no master of any steamship when sailing after the sixteenth day of March and before the thirteenth day of October in any year, on a voyage from any port or place in Canada, to any port or place out of Canada not being a port or place in Newfoundland, or in the United States of America, or in St. Pierre or Miquelon, or in the West Indies, or in South America, shall place or cause or permit to be placed, or

remain upon or above any part of the upper deck of such ship, any cargo of any description, other than live stock, to any height greater than that sanctioned and approved of by the port warden or deputy port warden of the port where such vessel is loaded, nor load such deck load in any other manner than that approved of by such port warden or his deputy.

Certificate of port warden.

2. Before any officer of customs permits any ship subject to the provisions of this section to clear from any port in Canada, he shall have produced to him a certificate, signed by the port warden of such port, or his deputy, stating that the deck load of such ship has been loaded in the manner and to the height approved of by him, and that in his judgment the ship with such deck load is safe and seaworthy for the intended voyage.

If there is no port warden.

5. If there is no port warden or deputy port warden at a port or place, to approve of the loading of any deck load and give the required certificate, the Minister of Marine and Fisheries shall appoint a competent person to act as such port warden, whose certificate shall be in all respects equivalent to and accepted as that of a port warden; and such person when so appointed shall be entitled to the same fees as if he was a port warden.

Penalty.

6. Any master of any ship who sails or attempts to sail from any port in Canada with any deck load, without having obtained the necessary certificate from the port warden or his deputy, as prescribed herein, shall be liable, on summary conviction, to a penalty of not less than $ and not more than $, and if he holds a Canadian certificate as master, to have such certificate cancelled, or suspended by the Minister of Marine and Fisheries, and such ship shall be liable for such penalty, and may be seized and detained by any chief officer of customs wherever and whenever found in Canada, until such penalty and the costs of the seizure are paid.

Recovery of penalties.

7. All penalties incurred under this Act may be recovered with costs in a summary manner under the provisions of Part LVIII. of *The Criminal Code*, 1892, before any judge of a county court, judge of the sessions of the peace, stipendiary or police magistrate, or two justices of the peace; and in default of immediate payment of such penalty, and costs, such judge, magistrate or justices may commit the offender to jail for any term not exceeding months, unless such penalty and costs are sooner paid.

Limitation of time.

2. Any information or complaint in respect of any offence against the provisions of this Act may be laid or made within months of the time when the matter of the information or complaint arose.

No. 170

4th Session, 8th Parliament

BILL.

An Act respecting the

First reading, July

Sir

OTTAWA

Printed by S. E. D

Printer to the Queen's most

1899

T.] **SENATE BILL.** [1899.

An Act to Provide for the Conditional Liberation of Penitentiary Convicts.

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

1. It shall be lawful for the Governor General by an order in writing under the hand and seal of the Secretary of State to grant to any convict under sentence of imprisonment in a penitentiary a license to be at large in Canada, or in such part thereof as in such license shall be mentioned, during such portion of his term of imprisonment, and upon such conditions in all respects as to the Governor General may seem fit; and the Governor General may from time to time revoke or alter such license by a like order in writing. 16-17 Vic., c. 99, s. 9. License to be at large. Revocation.

2. So long as such license continues in force and unrevoked such convict shall not be liable to be imprisoned by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license. 16-17 Vic., c. 99, s. 10. Effect of license.

3. If any such license is revoked it shall be lawful for the Governor General by warrant under the hand and seal of the Secretary of State to signify to the Commissioner of Dominion Police at Ottawa that such license has been revoked, and to require the said commissioner to issue his warrant under his hand and seal for the apprehension of the convict, to whom such license was granted, and the said commissioner shall issue his warrant accordingly, and such warrant shall and may be executed by the constable to whom the same is given for that purpose in any part of Canada, and shall have the same force and effect in all parts of Canada as if the same had been originally issued or subsequently endorsed by a justice or other lawful authority having jurisdiction in the place where the same is executed, and such convict, when apprehended under such warrant, shall be brought as soon as conveniently may be before a justice of the peace of the county in which the same is executed, and such justice shall thereupon make out his warrant under his hand and seal for the recommitment of such convict to the penitentiary from which he was released by virtue of the said license, and such convict shall be so recommitted accordingly, and shall thereupon be remitted to his original sentence, and shall undergo the residue thereof as if such license had been not granted. Provided that if the place where such convict is apprehended is not within the province, territory or district for which such penitentiary is Effect of revocation and proceedings thereon. Warrant for apprehension. Execution. Bringing before justice of peace. Recommitment to penitentiary.

the penitentiary, such convict shall be committed to the penitentiary for the province, territory or district within which he is so apprehended and shall there undergo the residue of his sentence. 16-17 Vic., c. 99, s. 11 ; 20-21 Vic., c. 3, s. 5.

Form of license.

4. A license under section 1 may be in the form A in the schedule to this Act, or to the like effect, or may, if the Governor General thinks proper, be in any other form different from that given in the schedule which he may think it expedient to adopt, and contain other and different conditions.

Variation in conditions to be laid before Parliament.

2. A copy of any conditions annexed to any such license, other than the conditions contained in form A shall be laid before both Houses of Parliament within twenty-one days after the making thereof, if Parliament be then in session, or if not, then within fourteen days after the commencement of the next session of Parliament. 27-28 Vic., c. 47, ss. 4 and 10 ; 34-35 Vic., c. 112, s. 4, part.

Conviction to forfeit license.

5 If any holder of a license under this Act is convicted of any indictable offence his license shall be forthwith forfeited. 27-28 Vic., c. 47, s. 4, part.

Holder of license to notify his address and all changes thereof.

6. Every holder of such a license who is at large in Canada shall notify the place of his residence to the chief officer of police or the sheriff of the city, town, county or district in which he resides, and shall, whenever he changes such residence within the same city, town, county or district, notify such change to the said chief officer of police or sheriff, and whenever he is about to leave a city, town, county or district he shall notify such his intention to the chief officer of police or sheriff of that city, town, county or district, stating the place to which he is going, and also, if required, and so far as is practicable, his address at that place, and whenever he arrives in any city, town, county or district he shall forthwith notify his place of residence to the chief officer of police or the sheriff of such last-mentioned city, town, county or district.

Reports to police.

2 Every male holder of such a license shall, once in each month, report himself at such time as may be prescribed by the chief officer of police or sheriff of the city, town, county or district in which such holder may be, either to such chief officer or sheriff himself, or to such other person as he may direct, and such report may according as such chief officer or sheriff directs be required to be made personally or by letter.

Penalty.

3. If any person to whom this section applies fails to comply with any of the requirements of this section, he shall in any such case be guilty of an offence against this Act, unless he proves to the satisfaction of the court before whom he is

Exceptions.

tried, either that being on a journey he tarried no longer in the place in respect of which he is charged with failing to notify his place of residence than was reasonably necessary, or that, otherwise, he did his best to act in conformity with the law ; and on summary conviction of such offence he shall be liable in the discretion of the justice either to forfeit his license or to imprisonment with or without hard labour for a term not exceeding one year.

Remission of penalties.

4. The Governor General may, by order under the hand of the Secretary of State, remit any of the requirements of this

section either generally or in the case of any particular holder of a license. 34-35 Vic., chap. 112, sec. 5; 54-55 Vic., chap. 69, sec. 4.

Offences with respect to license.

7. Any holder of a license under this Act who—

(*a.*) fails to produce the same whenever required so to do by any judge, police or other magistrate, or justice of the peace, before whom he may be brought charged with any offence, or by any peace officer in whose custody he may be, and fails to make any reasonable excuse for not producing the same; or

Penalty.

(*b.*) breaks any of the other conditions of his license by an Act which is not of itself punishable either upon indictment or upon summary conviction, is guilty of an offence upon summary conviction of which he shall be liable to imprisonment for three months with or without hard labour. 27-28 Vic., chap. 47, sec. 5; 34-35 Vic., chap. 112, sec. 4, part.

Arrest without warrant in certain cases.

8. Any peace officer may take into custody without warrant any convict who is the holder of such a license,

(*a.*) whom he reasonably suspects of having committed any offence, or

(*b.*) if it appears to such peace officer that such convict is getting his livelihood by dishonest means;

Trial.

and may take him before a justice to be dealt with according to law.

Forfeiture of license.

2. If it appears from the facts proved before the justice that there are reasonable grounds for believing that the convict so brought before him is getting his livehood by dishonest means such convict shall be deemed guilty of an offence against this Act, and his license shall be forfeited.

3. Any convict so brought before a justice of the peace may be convicted of getting his livelihood by dishonest means although he has been brought before the justice on some other charge, or not in the manner provided for in this section. 27-28 Vic., chap. 47, sec. 6; 34-35 Vic., chap. 112, sec. 3; 54-55 Vic., chap. 69, sec. 2, part.

Certificate of conviction.

9. When any holder of a license under this Act is convicted of an offence punishable on summary conviction under this or any other Act the justice or justices convicting the prisoner shall forthwith forward by post a certificate in the form B in the schedule to this Act to the Secretary of State, and thereupon the license of the said holder may be revoked in manner aforesaid. 27-28 Vic., chap. 47, sec. 8.

Form.

Revocation of license.

Conviction and sentence in force during period of license.

10. The conviction and sentence of any convict to whom a license is granted under this Act shall be deemed to continue in force while such license remains unforfeited and unrevoked, although execution thereof is suspended.

When license forfeited original term of imprisonment to be undergone after other punishment.

11. When any such license as aforesaid is forfeited by a conviction of an indictable offence or other conviction, or is revoked in pursuance of a summary conviction or otherwise, the person whose license is forfeited or revoked shall, after undergoing any other punishment to which he may be sentenced for any offence in consequence of which his license is forfeited or revoked, further undergo a term of imprisonment equal to

the portion of the term to which he was sentenced that remained unexpired at the time his license was granted, and shall for the purpose of undergoing such last mentioned punishment be removed from the jail or other place of confinement in which he is, if it be not a penitentiary, to a penitentiary by warrant under the hand and seal of any justice having jurisdiction at the place where he is confined; and if he is confined in a penitentiary shall undergo such term of imprisonment in that penitentiary, and in every case such convict shall be liable to be dealt with in all respects as if such term of imprisonment had formed part of his original sentence. 27-28 Vic., c. 47; s. 9.

SCHEDULE.

Form A.

LICENSE.

OTTAWA,.....day of.....18....

His Excellency the Governor General is graciously pleased to grant to....., who was convicted of..... .....at the.....for the.....on the....., and was then and there sentenced to imprisonment in the.....penitentiary for the term of ....., and is now confined in the ....., license to be at large from the day of his liberation under this order during the remaining portion of his term of imprisonment, unless the said..... .....shall before the expiration of the said term be convicted of an indictable offence within Canada, or shall be summarily convicted of an offence involving forfeiture, in which case such license will be immediately forfeited by law, or unless it shall please His Excellency sooner to revoke or alter such license.

This license is given subject to the conditions endorsed upon the same upon the breach of any of which it will be liable to be revoked whether such breach is followed by a conviction or not.

And His Excellency hereby orders that the said ....be set at liberty within thirty days from the date of this order.

Given under my hand and seal at ..... the ....., day of ..... 18..... } *Secretary of State.*

CONDITIONS.

1. The holder shall preserve his license and produce it when called upon to do so by a magistrate or a peace officer.
2. He shall abstain from any violation of the law.
3. He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.
4. He shall not lead an idle and dissolute life without visible means of obtaining an honest livelihood.

If his license is forfeited or revoked in consequence of a conviction for any offence he will be liable to undergo a term of

imprisonment equal to the portion of his term of..... years which remained unexpired when his license was granted, viz. :—the term of.....years.

Form B.

FORM OF CERTIFICATE OF CONVICTION.

I do hereby certify that A. B., the holder of a license under the .....Act was on the..... day of.....in the year.....duly convicted by and before.....of the offence of..... and sentenced to.....

.....
J. P., Co.....

T—2

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

111

T

An Act to provide for the Conditional Liberation of Penitentiary Convicts.

Received and read first time, Friday, 30th June, 1899.
Second reading, Tuesday, 4th July, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 172] **BILL.** [1899.

An Act to incorporate the British America Pulp and Paper Company.

Preamble.

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

Incorporation.

1. Raymond Prefontaine, Robert Bickerdike, Alfred A. Thibeaudeau, and Duncan Alexander McCaskill, of Montreal; Pauld Vilbon Savard, of Chicoutimi; Jules Tessier, of Quebec; and Joseph Hercules Lefebvre, of Montreal, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The British America Pulp and Paper 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 three million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Head office.

4. The head office of the Company shall be in the city of Montreal, in the Province of Quebec.

Annual general meeting.

5. The annual general meeting of the shareholders shall be held on the first Tuesday in June in each year.

Election of directors.

6. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more may be paid directors.

Business of Company.

7. The Company may carry on, throughout Canada and elsewhere, the business in all its branches of manufacturing pulp, pulp wood and paper and all other business incident thereto, including the manufacture of timber, lumber and all articles of which wood shall form a component part, and all products from wood or wood material, and also the business of wharfingers, shippers and vessel owners, and may, for any of such purposes, acquire licenses to cut timber, timber limits, timber, lands, buildings, wharfs, docks, dams, piers, mills, mill sites, water power, works, boats, vessels, vehicles, goods, wares

or merchandise and other property, real and personal, moveable and immoveable, and construct, operate, improve, extend, manage, develop, lease, mortgage, dispose of, or otherwise deal in and with the same ; and may establish shops or stores on the said lands, and may buy and sell goods and general merchandise, and carry on farming and stock raising, and generally may do all such other things as are incidental or conducive to the attainment of the above objects.

Powers.

8. The Company may—

Pulp and paper mills.

(*a*) establish and operate pulp and paper mills at the falls on the Peribonka, Mistassini and Chamouchouan Rivers in the Lake St. John district in the Province of Quebec, as well as at other points in Canada ;

Electric railway.

(*b*) lay out, construct and operate an electric railway of the gauge of three feet or such other gauge as may be adopted, not less than three feet and not more than four feet eight and one-half inches from a point on or near Ha-Ha Bay, port of St. Alphonse on the Saguenay River, in the Province of Quebec, thence to the Grand Falls on the Peribonka River, thence to the first falls on the Mistassini River, thence to the Chutes à L'Ours (Bears Falls) on the Chamouchouan River, and thence to Roberval on Lake St. John in the Province of Quebec ;

Branch lines.

(*c*) construct and operate branch lines to connect the mills and other properties owned or leased by it under the powers hereby conferred ;

Wharfs, etc.

(*d*) construct, acquire and operate wharfs, piers, docks, landing places, hotels, elevators and warehouses, and construct,

Transportation.

charter, acquire and navigate steam and other vessels for the transportation of passengers and freight in connection with the said railway upon the waters of the rivers, lakes and streams adjacent to the said railway ;

Electricity.

(*e.*) take and use water for generating electricity and other purposes, and erect, use and carry on works for the generation, transmission and distribution of electrical power and energy, and acquire and utilize water and steam power for the purpose of generating electricity for all purposes in connection with its railway, vessels, mills, manufactories and other works, and may dispose of any surplus electricity or other power generated by its works and not required for operating its mills, railway or other works ;

Acquisition of other businesses.

(*f.*) acquire any business within the objects of the Company, and any lands, property, privileges, rights, contracts and liabilities appertaining thereto, and may amalgamate with any other company having objects altogether or in part similar

Sale.

to its own, and may let or sublet any of its property, and may sell or otherwise dispose of any part of its business, property or undertaking for such consideration as it thinks fit, and in particular for shares, debentures or securities of any other company.

Real estate.

9. Nothing in this Act contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of its business as aforesaid.

Bond issue limited.

10. The Company may issue bonds, debentures or other securities to the extent of ten thousand dollars per mile of

the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

Agreement with another company.

11. The Company may enter into an agreement with the Quebec and Lake St. John Railway Company, or any other railway company, for securing and obtaining running powers over the lines of such company, and generally may, in connection with its general business, enter into any agreement with such company for the purposes of the operation of the railway hereby authorized to be constructed.

Agreement with Quebec and Lake St. John Railway Company.

12. The Company may enter into an agreement with the Quebec and Lake St. John Railway Company for conveying or leasing to the said company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such an agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company runs, and in which a newspaper is published.

1888, c. 29

13. *The Railway Act*, so far as applicable, shall apply to the Company and its undertaking.

No. 172.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to incorporate the British America Pulp and Paper Company.

First reading, July 14, 1899.

(PRIVATE BILL.)

MR. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

R.] **SENATE BILL.** [1899.

An Act further to amend the Penitentiary Act.

(*Reprinted as amended in Committee of the Whole, 4th July,* 1899.)

HER 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 Penitentiary Act*, chapter 182 of the Revised Statutes, is hereby amended by adding thereto the following subsection:— R.S.C., c. 182, s. 5, amended.

"2. The portion of Canada for which a penitentiary is the penitentiary shall be subject to alteration from time to time by proclamation of the Governor in Council, and by such proclamation the Governor in Council may attach to the territory or province for which any one of the above named penitentiaries is the penitentiary, any tract or territory forming a portion or the whole of the territory or province, for which some other of the said penitentiaries is the penitentiary; and any person thereafter convicted of crime and sentenced as aforesaid by any court within the limits of the tract or territory so attached shall undergo in the former penitentiary the imprisonment to which he is sentenced." Changes in districts. As to persons thereafter sentenced.

2. Section 33 of the said Act and section 6 of chapter 42 of the Statutes of 1895 are hereby repealed and the following is substituted therefor, and shall hereafter constitute section 33 of the said Act:—

"33. The Governor in Council may, from time to time, fix the sums to be annually paid to the warden and the other officers and servants of any penitentiary established under the provisions of this Act; but such salaries shall not exceed the sums specified in the Schedule to this Act."

3. Section 45 of the said Act is hereby further amended by adding thereto the following subsections:— Section 45 amended.

"2. For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence; and the sheriff or other officer in whose custody he then is shall, upon receiving a receipt therefor, deliver up the said convict, together with a copy of the sentence taken from the minutes of the court and certified by a judge or by the clerk or acting clerk thereof, to any constable or Custody of convict from times of sentence.

other officer or person who produces a warrant under this section for the removal of such convict from such penitentiary to any other penitentiary, and the like action shall thereupon be had and taken as in other cases under this section.

"3. Any convict confined in a gaol in the North-west Territories or in the custody of the North-west Mounted Police under sentence of imprisonment for a term of two years or longer, may be removed to a penitentiary in the same manner as, under subsection 1 of this section, a convict may be removed from one penitentiary to another, the sheriff or other person in charge of such gaol, or the officer in command of the North-west Mounted Police at the post where such convict is in custody, being substituted in the application of the said subsection to such cases for the warden of the penitentiary from which a convict is removed."

New section 61A.

4. The said Act is hereby further amended by inserting therein immediately after section 61 thereof the following section:—

Powers of warden and constable.

"**61A.** With respect to any offence or charge of an offence under section 60 or section 61, and for all purposes in connection with any such offence or charge, the warden or the deputy warden of the penitentiary shall *ex officio* be, and have the powers and authority of, a justice of the peace, and each and every keeper and guard of the penitentiary shall *ex officio* be and have the powers and authority of a constable."

Section 62 repealed.

5. Section 62 of the said Act is hereby repealed.

Transfer of officers.

6. Notwithstanding anything contained in *The Penitentiary Act* or in any Act amending it, the Governor in Council may transfer from one penitentiary to another any of the officers mentioned in section 22 of *The Penitentiary Act*, and the Minister of Justice may transfer from one penitentiary to another any of the officers mentioned in sections 23 and 24 of the said Act, without prejudice, in either case, to the salary, perquisites, or other privileges which such officers enjoy in the first mentioned penitentiary.

Removal of insane convict.

7. If at any time within three months after the receipt at a penitentiary of any convict sentenced to imprisonment therein, it be established to the satisfaction of the Minister of Justice either by the written certificate of the surgeon of such penitentiary or otherwise, that the convict is insane and was insane at the time when he was received at the penitentiary, the Minister of Justice may, after first giving reasonable notice of his intention to the Attorney General of the province within which such insane convict was convicted, by warrant under his hand, direct the removal of such insane convict from the penitentiary to the jail or other place of confinement from which such insane convict came to the penitentiary, and such warrant shall be sufficient authority to the warden or any other officer

of the penitentiary to remove such insane convict from the penitentiary to such jail or place of confinement and there to deliver him to the keeper thereof.

8. Section 4 of chapter 52 of the statutes of 1887, is hereby amended by adding at the end thereof the following subsection :— Gratuities to officers. 1887, c. 52, s. 1 amended.

"2. The eligibility of any officer to be paid such a gratuity shall not be affected by his promotion heretofore or hereafter to an office which makes him a member of the Civil Service, as defined for the purposes of *The Civil Service Superrnnuation Act* and *The Civil Service Retirement Act*, 1898, or by his having otherwise become or becoming a member of the Civil Service as so defined; but such officer, upon retirement from the service, under circumstances which would have rendered him eligible for a gratutty, may be paid a gratuity based upon his services up to the date of such promotion or of his becoming a member of the Civil Service as aforesaid, in addition to any superannuation allowance or gratuity or other payment or benefit for which he may be eligible or to which he may be entitled under the said Acts or either of them." R.S.C., c. 18. 1898, c. 17.

SCHEDULE.

KINGSTON PENITENTIARY.

Warden	$2,600
Deputy warden	1,500
Chaplain	1,200
Surgeon	1,800
Accountant	1,200
Warden's clerk	900
Storekeeper	900
Steward	900
Chief keeper	1,000
Hospital overseer	800
Schoolmaster	800
Engineer	1,000
Trade instructor	700
Keepers	600
Guards	500
Messenger	500
Stoker	500
Teamsters	400
Matron	600
Deputy matron	400

ST. VINCENT DE PAUL PENITENTIARY

Warden	$2,400
Deputy warden	1,500
Chaplain	1,200

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

Bill No 173 H of C

R

An Act further to amend the Penitentiary Act.

(*Reprinted as amended in Committee of the Whole. 4th July*, 1899.)

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act respecting Usury.

(*Reprinted as amended in Committee of the Whole.* 13*th July*, 1899.)

WHEREAS on the part of some money-lenders a practice has obtained of charging exorbitant rates of interest to needy or ignorant borrowers, and whereas it is in the public interest that the transactions of money-lenders should be controlled by limiting their rates of interest: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act may be cited as *The Usury Act*, 1899. Short title.

2. The expression "money-lender" in this Act shall include any person who carries on the business of money-lending, or advertizes, or announces himself, or holds himself out in any way, as carrying on that business, and who makes a practice of lending money at a higher rate than ten per cent per annum, but does not comprise registered pawnbrokers as such. Definition. "Money-lender."

3. Notwithstanding the provisions of chapter 127 of the Revised Statutes no money-lender shall stipulate for, allow or exact on any negotiable instrument, contract or agreement, the principal of which is under five hundred dollars, a rate of interest or discount greater than twenty per cent per annum; and the said rate of interest shall be reduced to the rate of ten per cent per annum from the date of judgment in any suit, action or other proceeding for the recovery of the amount due. Interest on negotiable instruments, contracts, etc., limited to 20 per cent per annum. And to 10 per cent after judgment rendered.

4. In any suit, action or other proceeding concerning a loan of money by a money-lender the principal of which was originally under five hundred dollars, wherein it is alleged that the amount of interest paid or claimed exceeds the rate of twenty per cent per annum, including the charges for discount, commission, expenses, inquiries, fines, bonus, renewals, or any other charges, but not including taxable conveyancing charges, the court may re-open the transaction and take an account between the parties, and may, notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation, re-open any account already taken between the parties, and relieve the person under obligation to pay from payment of any sum in excess of the said rate of interest; and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it; and may set aside, either wholly or in part, or revise, or alter, any security given in respect of the transaction. Powers to court for inquiry into transaction and relief of debtor. Lender to repay excess.

Exception in case of negotiable instrument.

Recovery of excess in such case.

5. The *bona fide* holder, before maturity, of a negotiable instrument discounted by a preceding holder at a rate of interest exceeding that authorized by this Act, may nevertheless recover the amount thereof, but the party discharging such instrument may reclaim from the money-lender any amount paid thereon for interest or discount in excess of the amount allowed by this Act

Application of Act to existing contracts.

And to existing judgments.

6. The principal of any sum of money, as expressed by section 4 of this Act, due and payable before the date of the passing of this Act, in virtue of any negotiable instrument given to a money-lender or of any contract or agreement entered into with such money-lender in respect of money lent by him, shall not, from and after the said date, bear a rate of interest greater than twenty per cent per annum; and from and after the said date no rate of interest greater than ten per cent per annum shall be recovered upon any judgment, rendered before the said date, upon any such negotiable instrument, contract or agreement for the payment of money lent by a money-lender, and which allows a greater rate than ten per cent per annum.

As to instruments and contracts not yet matured.

7. In the case of any such negotiable instruments maturing after the date of the passing of this Act, and in the case of any such contracts and agreements to be performed after the said date, the foregoing provisions of this Act shall apply only from the date of maturity or performance as the case may be.

Act not to increase existing rates.

8. Nothing in this Act shall operate to increase the rate of interest that may be recovered in any case where by law the rate is fixed at less than twenty per cent per annum.

Penal clause.

9. Every money-lender is guilty of an indictable offence and liable to imprisonment for a term not exceeding one year, or to a penalty not exceeding one thousand dollars, who lends money at a rate of interest greater than that authorized by this Act.

1898, c. 6 not affected.

10. This Act shall not apply to the Yukon Territory

4th Session, 8th Parliament

(SECOND

SENATE

Bill No

An Act respe

(*Reprinted as amended in Committee of the Whole.* 13th

The Honourable

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189

No. 175.] **BILL.** [1899

An Act further to amend the Act respecting roads and road allowances in the province of Manitoba.

IN amendment of the *Act respecting roads and road allowances in the province of Manitoba*, chapter 49 of the Revised Statutes: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— R.S.C., c. 49.

Plan approved.

1. The sectional plan numbered 7*a*, filed in the Land Titles Office for the city of Winnipeg, on the twenty-seventh day of June, one thousand eight hundred and ninety-nine, as number 559, is hereby approved, and the boundaries and lines of all roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on the said plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

Declaratory as to boundaries.

Land transferred to the province of Manitoba.

2. Those portions of the land shown as streets on the said sectional plan, and so much of the rest of the land contained within the area of the said plan as is unpatented, are hereby transferred to the Crown in the right of the province of Manitoba.

No. 175.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act further to amend the Act respecting roads and road allowances in the province of Manitoba.

First reading, July 22, 1899.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 176.] **BILL.** [1899.

An Act to provide for the establishment of direct submarine telegraphic communication between Canada and Australasia.

HER 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 Pacific Cable Act*, 1899. Short title.

2. For the purpose of establishing direct submarine telegraphic communication between Canada and Australasia, the Governor in Council may enter into an agreement with such of the Governments of the United Kingdom and Her Majesty's Australasian possessions as desire to share in the undertaking, for the purpose of securing the construction, acquisition, laying, maintenance and operation of a cable between Canada and Australasia, upon the following conditions:— Agreement authorized with other Governments.

(*a.*) A Board of Commissioners, composed of eight members, shall be created by or under the legislative authority of the Parliament of the United Kingdom, with all powers requisite for the foregoing purposes; Board of Commissioners.

(*b.*) The cable and all its branches, additions or extensions, and all property, real or personal, at any time acquired for the purpose of the undertaking, shall vest and continue vested in such board, in trust, to carry out such undertaking for the benefit of the respective Governments sharing in the undertaking and in proportion to their respective interests therein; Property vested in board as trustees.

(*c.*) For the purpose of obtaining money wherewith to carry out the undertaking, the board may issue debentures, for such sums, payable at such dates, not less than twenty-five years nor more than fifty years from the respective dates of issue, and bearing such rate of interest, not exceeding three per cent per annum, and payable at such place as the board determines; but the total amount of the principal of such debentures at any time outstanding shall not exceed one million seven hundred thousand pounds sterling; Board may issue debentures. Amount limited.

(*d.*) Subject to the cost of operation, maintenance and management, and the setting apart of such proper sinking fund as the board deems advisable wherewith to provide for renewals, the said principal and interest shall be a first charge on all the said property, real and personal, and earnings of the undertaking; A charge on the property.

(*e.*) The cable shall be laid between Canada and Australasia via the Pacific Ocean, and may be in sections, but all points of its landing shall be on British territory; Laying of cable.

Powers of board.

(*f.*) The Commissioners shall have full power to administer the affairs of the Board and to carry on the undertaking in trust for the benefit of the said Governments;

Canadian Commissioners.

(*g.*) The Governor in Council may make regulations respecting the duties and tenure of office of Commissioners appointed by the Governor in Council, and shall be entitled to appoint two Commissioners and to fill vacancies arising by reason of the death, resignation or removal from the board of any Commissioners so appointed;

Composition of board.

(*h.*) The two Commissioners so appointed by the Governor in Council and their successors shall, together with the remaining six members appointed, three by the United Kingdom and three by the other contributing Governments, and the successors of such other members from time to time, constitute the membership of the board;

Interest of Governments in undertaking.

(*i.*) The respective Governments joining in the agreement shall be interested in the profits and losses of the undertaking in proportion to the amount of their liability as aforesaid.

Guarantee of payment of Canada's share.

3. The Governor in Council is hereby authorized, on behalf of Canada, to guarantee payment of five-eighteenths of the said total principal of the said debentures, limited as aforesaid, and of interest as aforesaid on the said five-eighteenths.

No. 176.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to provide for the establishment of Direct Submarine Telegraphic Communication between Canada and Australasia.

First reading, July 25, 1899.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 177.] **BILL.** [1899.

An Act to encourage the construction of Dry Docks.

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

Conditions on which a subsidy may be granted to a company constructing a dry dock.

1. If an incorporated company approved by the Governor in Council as having the ability to perform the work, enters into an agreement with Her Majesty to construct a dry dock for the reception and repairing of vessels, at a place, and according to a plan and specification (such specification providing for all proper and necessary equipment, machinery and plant), approved by the Governor in Council on a report by the Minister of Public Works as sufficient for the requirements of the public at such place, and to be completed within a time to be limited by such agreement, then, provided the company performs the work according to such agreement and to the satisfaction of the Minister of Public Works, under the supervision of whose Department the work shall be done, the Governor in Council may authorize the payment, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, of a subsidy not exceeding two per cent per annum on the cost of the work, during twenty years from the time of its completion and acceptance by the said Minister; provided, that such subsidy shall not exceed twenty thousand dollars per annum, and that the cost on which it shall be calculated shall not be greater than the value of the work as estimated by the said Minister; provided also that the subsidy shall not be payable for any portion of the said twenty years during which the dock is not in complete repair and working order.

Amount and duration of payment.

Proviso: amount limited.

Proviso: further condition.

Subsidy to company enlarging a dry dock.

2. If an incorporated company approved by the Governor in Council as having the ability to perform the work, enters into an agreement with Her Majesty to enlarge and extend any existing dry dock for the reception and repairing of vessels according to a plan and specification approved by the Governor in Council on a report by the Minister of Public Works as sufficient for the requirements of the public where the said dock is located, and to be completed within a time limited by such agreement, then, provided the company performs the work according to such agreement and to the satisfaction of the Minister of Public Works, under the supervision of whose Department the work shall be done, the Governor in Council may authorize the payment, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, of a subsidy not exceeding two per cent per annum on the cost of the work,

Amount and duration of payment.

during twenty years from the time of its acceptance by the said Minister: provided that the subsidy shall not exceed ten thousand dollars, and that the cost on which it shall be calculated shall not be greater than the value of the work incident to such enlargement and extension as estimated by the said Minister; provided also that such subsidy shall not be payable for any portion of the said twenty years during which the dock is not in complete repair and working order.

Proviso; amount limited.

Proviso: further condition.

3. Chapter 17 of the statutes of 1882, intituled *An Act to encourage the construction of Dry Docks by granting assistance on certain conditions to companies constructing them*, and chapter 5 of the statutes of 1885, amending the said Act, are hereby repealed.

Repeal of 1882, c. 17, and 1885, c. 5.

No. 177.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to encourage the construction of Dry Docks.

First reading, July 26, 1899.

Mr. Fielding.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 178] **BILL.** [1899.

An Act respecting the Quebec Harbour Commissioners.

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

Agreement confirmed.

1. The agreement set forth in the schedule hereto, between the Quebec Harbour Commissioners, hereinafter called "the Corporation," and the Great Northern Railway Company, hereinafter called "the Railway Company," is hereby ratified and confirmed.

Corporation may guarantee interest on company's bonds.

2. The Corporation is hereby authorized to guarantee the interest for twenty years at three per cent per annum on special bonds, to be known as "Quebec Grain Elevator Bonds," to be issued by the Railway Company to an amount not exceeding two hundred thousand dollars, subject to the terms and conditions of the said agreement; and the Railway Company is hereby authorized to issue the said bonds, but such issue shall form part of any issue of bonds now authorized to be made by the Railway Company, and nothing herein contained shall be construed as in any way increasing or adding to the borrowing powers of the Railway Company.

Charge on revenue.

3. All amounts payable by the Corporation under the guarantee provided for by the said agreement shall be a charge upon the revenue of the Corporation and shall have the same priority of payment as the interest on the debentures or bonds which the Corporation is authorized hereafter to issue under the Act passed during the present session of Parliament intituled *An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners*, and shall rank equally with, but shall not be preferential to such interest.

Priority.

4. Section 36 of the last cited Act is hereby amended as regards paragraph 3° thereof, so as to make the principal and interest of all debentures or bonds now issued by the Corporation under the provisions of chapter 48 of the statutes of 1898 payable before and in priority to the principal and interest of debentures or bonds hereafter issued by the Corporation under the authority of the said Act passed during the present session of Parliament, and in priority to any interest payable under the guarantee provided for by this Act.

SCHEDULE.

On this thirtieth day of June in the year of Our Lord one thousand eight hundred and ninety-nine.

Before the undersigned Mtre. Edouard J. Angers, Notary Public, duly commissioned and sworn in and for the province of Quebec, residing and practising at the city of Quebec, in the said province, personally came, appeared and present, Jean Baptiste Laliberté, of the city of Quebec, Esquire, Merchant, Chairman of the Quebec Harbour Commissioners, a body politic and corporate, whereof the chief place of business is situate at the city of Quebec, and James Woods, of the city of Quebec, Esquire, Secretary-Treasurer of the said Quebec Harbour Commissioners, the said J. B. Laliberté and J. Woods, acting herein in the name and for the profit and advantage of the said Quebec Harbour Commissioners and as specially authorized to sign and execute these presents by and in virtue of that certain resolution passed by the said Quebec Harbour Commissioners at a meeting held on the thirtieth of June, 1899 a duly certified copy of which resolution remains annexed to the original hereof signed by the parties hereto and by the said notary, *ne varietur*, who are hereinafter called "The Commissioners" of the First Part,—

And the Great Northern Railway Company, a body politic, duly incorporated by the Parliament of Canada, and represented herein by the Honourable John Sharples, Vice-President, and James Guthrie Scott, Secretary, duly authorized by a resolution of the Board of Directors of the Great Northern Railway Company of date 8th June, 1899, who are hereinafter called "The Company" of the Second Part,—

Which said parties have convenanted and agreed as follows:—

1. The Commissioners lease unto the said Company a site for a grain elevator, the site selected to be within the lot of ground adjoining the Custom House pond and embraced within the letters A. B. C. D. on the plan hereto annexed prepared by the Commissioners' engineer, for the purpose of constructing thereon a grain elevator of not less than one million bushels capacity, and capable of elevating grain from barges and other river craft, and with the right of laying tracks on said lot to reach and operate the same; but Commissioners will have the use of the said tracks free at all times, and to erect conveyors and galleries from the elevator to and along the new wharf fronting on the tidal basin, and to and along the new wharf extensions now being built by the Commissioners on the St. Lawrence front, for the purpose of shipping and receiving grain to or from ocean or lake vessels, subject to the instructions of the Commissioners' engineer as to the placing of such conveyors and galleries. The terms for the rental of the said site to be ten dollars per annum, and the duration of the lease to be for twenty years, and at the end of that period of twenty years the Company shall be entitled to a renewal of its rights under this agreement for another period of twenty years, and so on from time to time, the rental to be fixed on each such occasion by agreement of the parties or, if they fail to agree, then by arbitration in the usual manner.

Elevator to be completed ready for operation by the first day of May next (1900) and the work of construction commenced in a manner satisfactory to the Commissioners by the thirty-first December, 1899.

2. In the event of the elevator not being made use of by the Company or its assigns the Commissioners shall have the right to operate it if they see fit, upon the payment of five per cent per annum on the cost thereof as rental.

3. The charges for storing and handling grain by the Company, its assigns, or persons operating the elevator shall not be greater than the lowest charges now in force in Montreal for similar service, unless with the consent of the Commissioners.

4. In the event of the conveyors and galleries being made a part of any sheds erected by the Commissioners, then, in that event, the Great Northern Railway Company to pay for these conveyors and galleries the same price per lineal foot as independent conveyors and galleries would cost to erect, and in the event of the conveyors and galleries being erected previous to the sheds, the Railway Company shall then pay to the Commissioners any expense due to incorporating the conveyors and galleries with the shed. Also that any railway connections with the elevator be made at the Railway Company's expense, and that the ground plan of elevator with track connections and conveyor and gallery location showing construction of conveyors and galleries with head room, etc., be approved of by the Commissioners, before any work is proceeded with.

5. The Commissioners to have the option of taking over the elevator at any time during the term of the guarantee by paying to the owners the certified cost and ten per cent advance thereon.

6. The Commissioners agree to guarantee the interest for twenty years at three per cent per annum on special bonds known as Quebec Grain Elevator Bonds to be issued by the Railway Company to defray the cost of the said elevator to the extent of two hundred thousand dollars.

The elevator to be held as security by the Commissioners subject to the bonds aforesaid to the extent of two hundred thousand dollars for the payment of the interest so guaranteed, and the guarantee only to take effect when the elevator is completed and ready for operation. Such guarantee shall be a preferential charge upon the revenues of the Commissioners after the capital and interest of the bonds authorized by the Act 61 Vic., Cap. 48 ; but shall rank equally with, and not be preferential to the interest upon any other bonds which may hereafter be issued by the Commissioners in connection with improvements in the Harbour of Quebec.

The Commissioners' guarantee is not to exceed two hundred thousand dollars ; but in the event of the said elevator being built ready for operation for less than two hundred thousand dollars, then the Commissioners' guarantee would be only for the exact cost of the elevator completed ready for operation. On completion of the construction of the elevator and previous to the Commissioners' guarantee going into force, the Company will be obliged to furnish to the Commissioners all necessary vouchers establishing the cost of constructing the elevator ready for operation.

7. The Company agrees to transfer the earnings of the elevator to the Commissioners to the extent of six thousand dollars per annum. If there is a deficit of the earnings of the elevator during the existence of the guarantee, and if such earnings are inferior to the amount of the said guarantee during any year of its duration, then the Commissioners shall have a recourse against the Company for such deficit or deficits.

It is also agreed if the said earnings aggregate an amount exceeding six per cent of the bond issue about to be made by the Company, the surplus over such percentage shall be deposited under the direction of the Commissioners and shall form a reserve fund which may be drawn upon when the net earnings of the elevator shall not be sufficient to pay six per cent on the said bond issue, in which case the reserve fund shall be used to pay such interest as may be due on the bonds.

The Commissioners will have at any time by their officers or by any one appointed for that purpose the right of examining and verifying all the receipts and disbursements of the elevator.

8. The Company shall have the right to transfer the privileges granted them by the above clauses to an elevator company or other corporation or firm to be approved of by the Commissioners.

9. This agreement, in so far as it provides for a guarantee of interest upon two hundred thousand dollars is subject to the Commissioners receiving power from the Parliament of Canada to execute the same.

10. The Commissioners hereby grant exemption from all harbour dues for a period of five consecutive years to the first Ocean Steamship Company, running under traffic agreement in connection with the Great Northern Railway, which will make Quebec its terminal point and load here full cargo of grain and other produce from Parry Sound or points on the Great Northern Railway, such exemption to cover all dues levied by the Commissioners, on vessel or cargo, except the usual charge for the use of the tracks on the dock, and the usual tariff for such portion of the cargoes as may make use of the freight sheds built or to be built on the docks or other property of the Quebec Harbour Commissioners, and also excepting the import and export dues of a tenth of one per cent on value of inward and outward cargoes. Sailing of such steamships to be not less frequent than once a fortnight during the season of navigation and conditionally upon an agreement being entered into by the Railway Company with a line of steamers to carry out this obligation and the service commenced within six months from the date of this agreement.

10*a*. The said Company shall be obliged to insure the said elevator, in a fire insurance company approved by the Commissioners, to the amount of not less than one hundred and twenty thousand dollars, and in case of failure on the part of the Company to effect such insurance, as soon as the liability of the Commissioners begins hereunder, then the said Commissioners shall have the right to do so, to the said amount at the expense of the Company, the amount of the said insurance to be reduced to the extent of the liability of the said Commissioners.

11. Upon the execution of the guarantee of interest upon two hundred thousand dollars, for the grain elevator, the Chairman of Quebec Harbour Commissioners shall be, *ex officio*, a director of the Great Northern Railway Company with a vote upon all matters concerning business connected with the elevator, and in the event of the privileges granted under this said agreement being transferred to an elevator company or other corporation, as provided in clause eight, the said Chairman of the Harbour Commission shall be a director of such Company or Corporation.—

For thus, &c;

Done and passed at the city of Quebec, in the office of the Quebec Harbour Commissioners, by Mtre. Edouard J. Angers, Notary, on the day and year first above written under the number nine thousand four hundred and sixteen of his original deeds.—

In faith and testimony whereof the said parties have to these presents, first duly read, set and subscribed their names and signatures in the presence of the said Notary, also hereunto subscribing.—

(Signed) J. B LALIBERTÉ,
" JAS WOODS,
" JOHN SHARPLES,
Vice.-President, G.N.R.
" J. G. SCOTT,
" E. J. ANGERS, N. P.

178—2

No. 178.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Quebec Harbour Commissioners.

First reading, July 28, 1899.

Mr. Fielding.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 179] **BILL.** [1899

An Act respecting the Harbour Commissioners of Montreal.

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

1. Section 4 of chapter 47 of the statutes of 1898 is hereby amended by substituting "two hundred and fifty thousand dollars" in lieu of "seven hundred and fifty thousand dollars," as the sum to be applied by the Corporation of the Harbour Commissioners of Montreal towards the building or the improvement of wharves, structures and other accommodations, including the building of a dry dock, in that part of the harbour of Montreal below the point known as St. Mary's Current. 1898, c. 47, S. 4 amended.

2. The remaining portion of the seven hundred and fifty thousand dollars mentioned in the said section 4 of chapter 47 of the statutes of 1898, that is to say, the sum of five hundred thousand dollars, shall be applied by the said corporation in the construction of harbour improvements at the Windmill Point basin and wharf in the said harbour of Montreal, the plans, specifications and estimates for such improvements to be submitted to the Minister of Public Works, and to be subject to his approval, before such improvements are commenced or proceeded with. Improvements at Windmill Point basin and wharf.

No. 179

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Harbour Commissioners of Montreal.

First reading, July 28, 1899.

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act further to amend the Dominion Elections Act as respects the Province of Prince Edward Island.

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

1. (1) Section 43 of *The Dominion Elections Act*, chapter 8 of the Revised Statutes, as amended by section 19 of *The Franchise Act*, 1898, is hereby repealed, and the following substituted therefor:— R.S.C., c. 8, s. 43 and 1898, c. 14, s. 19 amended.

"**43.** Each elector shall, subject to the provisions contained in the next following section of this Act, be entitled to vote only at the polling station of the polling district, or one of the districts, upon the list of voters for which his name is entered as such voter, and at no other. Where electors shall vote.

[(2.) The preceding sub-section of] this section does not apply in the province of Prince Edward Island. Exception as to P. E. I.

(3.) The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station." Electors not to be impeded or molested.

NOTE.—The only change is that made by the words between square brackets in subsection 2. By s. 18 of *The Franchise Act, 1898*, the whole section was made not to apply to Prince Edward Island.

2. (1.) Section 56 of *The Dominion Elections Act*, as amended by section 4 of chapter 19 of the statutes of 1891, and by sections 28 and 29 of *The Franchise Act*, 1898, is hereby repealed and the following substituted therefor: R.S.C., c. 8, s. 56; 1891, c. 19, s. 4, and 1898, c. 14, ss. 28 and 29 amended.

"**56.** Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk and the candidates or their agents—and if the candidates and their agents or any of them are absent, then, in the presence of such, if any, of them as are present, and of at least three electors—open the ballot box and proceed to count the number of votes given for each candidate; and in doing so he shall reject all ballot papers which have not been supplied by the deputy returning officer, all those by which votes been have given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified, other than the numbering *and initialling* by the deputy returning officer in the cases [provided for by this Act and by section 23 of *The Franchise Act*, 1898.] Counting of votes by D. R. officers. Rejecting ballots.

NOTE.—The only changes are in the addition of the words "and installing," and in the substitution of the words between square brackets for "hereinbefore provided for."

(2.) The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the Duty of D. R. officer after counting the votes.

number of rejected ballot papers, all the ballot papers indicating the number of votes given for each candidate respectively, except as in this section is *otherwise* provided, shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall be put respectively into separate envelopes or parcels, [and in the province of Prince Edward Island all ballot papers numbered and initialled under section 23 of *The Franchise Act*, 1898, shall also be put into a separate envelope or parcel *after being counted for the candidates for whom respectively they have been cast.*]

Rejected, spoiled and unused ballot papers.

Ballot papers of voters objected to in P. E. Island.

NOTE.—The changes are the substitution of "otherwise" for "hereinafter," and the addition of the provision between square brackets, which is taken from section 29 of *The Franchise Act, 1898*, the words in italics being added.

(3.) All such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and shall be marked with the signatures of any agents present in the booth who are willing so to do by writing their signatures across the flap thereof, and shall then be put back into the ballot box.

Endorsation and identification of envelopes containing the ballot papers.

NOTE.—There is no change in subsection 3 which is the concluding part of subsection 2 of section 56 of *The Dominion Elections Act* as amended by 1891, c. 19, s. 4. Subsection 3 of section 56 of *The Dominion Elections Act* is repealed by s. 28 of *The Franchise Act, 1898*. It related to ballots of voters the subjects of undecided appeals under *The Electoral Franchise Act*.

3. Section 64 of *The Dominion Elections Act* as amended by chapter 19 of the Statutes of 1891, by chapter 15 of the Statutes of 1894, and by *The Franchise Act*, 1898, is hereby repealed and the following substituted therefor:—

R.S.C., c. 8, s. 64; 1891, c. 19, s. 9; 1894, c. 15, s. 11; and 1898, c. 14, s. 32 amended.

NOTE.—It has been considered advisable to repeal and re-enact the whole of s. 64. It has been amended by several Statutes and it will be convenient to have it entire in one place in the Statutes.

"**64.** (1.) If within four days after that on which the returning officer has made the final addition of the votes for the purpose of declaring the candidate or candidates elected, it is made to appear on the affidavit of any credible witness, to the judge of the county court of any county or union of counties, or to the judge of any judicial district in which the electoral district or any part thereof is situated, or in the province of Quebec to a judge of the Superior Court ordinarily discharging his duties in any judicial district in which the electoral district or any part thereof is situated, or in the North-west Territories to any judge of the Supreme Court of the North-west Territories, that such witness believes that any deputy returning officer at any election in such electoral district in counting the votes—(1) has improperly counted; or (2) has improperly rejected any ballot papers at such election; or (3) in the province of Prince Edward Island that any person not duly qualified to vote in such electoral district has so voted, or (4) that the returning officer has improperly summed up the votes,—and if the applicant deposits within the said time, with the clerk of the county or district court or with the prothonotary of the said Superior Court in the said judicial district, as the case may be, the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs, in respect of the recount, or final addition, of the candidate appearing by the addition to be elected, the said judge shall appoint a time within four days after the receipt of the

Provision for recount or final addition by a judge.

Grounds for application.

Security for costs.

Time to be appointed.

said affidavit by him to recount the votes if the said application is made in respect of either of the first three grounds of application, or to make the final addition if the said application is made in respect of the last-mentioned ground of application, as the case may be, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the same, or to make such final addition, as the case may be, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the same, or to make such final addition, as the case may be, and shall summon and command the returning officer and his election clerk to attend then and there with the parcels containing the ballots used at such election, or the original statements of the deputy returning officers, as the case may be, which command the returning officer and his election clerk shall obey. The judge may, at the time of such application or afterwards, direct that service of the notice aforesaid upon the candidates or their agents may be substitutional or may be made by mail or by posting, or in any such manner as he thinks fit.

Notice.

Order of judge to returning officer.

How service of notice may be made.

NOTE.—The only change from the existing law is that, in lines 49 to 52 of the original section as printed in the Revised Statutes, the words "and also with a duly certified copy of the formal order or judgment on any such appeal, as above mentioned, in respect of or in consequence of which such recount is to take place" are now omitted. They relate to appeals under *The Electoral Franchise Act*, R.S.C., chapter 5, which was repealed by *The Franchise Act*, 1898. They have consequently no *raison d'être* and should have been struck out in 1898 when the other provisions on the same subject in this section were struck out.

(2.) The said judge, the returning officer and his election clerk and each candidate and his agent appointed to attend such recount of votes, or such final addition by the judge, or in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors shall be present at such recount or final addition of the votes :

Who may be present at the recount or final addition.

NOTE.—There is no change in this subsection other than its numbering. It was subsection 3 in the original section, but subsection 2 of the original section was repealed by section 32 of *The Franchise Act, 1898*.

(3.) At the time and place appointed, and in the presence of the said persons, if they attend, the said judge shall proceed to make such final addition according to section 60 of this Act, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall in the latter case, open the sealed packets containing—(1) the used ballot papers which have been counted [including, in the Province of Prince Edward Island, those numbered and initialled by the deputy returning officer under section 23 of *The Franchise Act*, 1898, as having been cast by persons whose right to vote has been objected to on the ground of want of qualification] ; (2) the rejected ballot papers ; (3) the spoiled ballot papers,—and no other ballot papers :

Making final addition, or opening packets of ballots and re-counting the votes.

What packets are to be opened.

NOTE.—The change consists in the addition of the words between square brackets. These follow out the amendments made by clause 2 of this bill.

(4) The judge shall, as far as practicable, proceed continuously, except on Sunday, with such final addition or recount of the votes, allowing only time for refreshment, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine in the succeeding

Proceedings to be continuous.

Exception.

During excluded time documents to be under seal.

forenoon; and during such excluded time and recess for refreshments, the said judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such other of the said persons as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents:

Mode of proceeding with the recount.

(5.) 1. The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth in section 56 of this Act.

In P. E. Island judge to decide objections to voters for want of qualification.

[2. In the Province of Prince Edward Island the judge shall decide the objections made in each case where a ballot paper has been cast by a person whose right to vote has been objected to on the ground of want of qualification. For the purposes of such decision he shall hear any parties then appearing before him in support of or against such objection. The said parties may be represented by counsel, and the judge shall examine the said parties upon oath and shall ascertain the facts and may take such other evidence as he thinks necessary and is able to obtain and may require the attendance of witnesses and the production of documentary evidence and shall, for all purposes of such decision, have all the powers of a County Court in Prince Edward Island exercising his ordinary jurisdiction in civil cases.]

Parties to be heard.

Evidence and witnesses.

Power of judge.

Judge to verify or correct statement of votes.

3. The judge shall verify or correct the ballot paper account and statement of the number of votes given for each candidate; and upon the completion of such recount, or as soon as he has so ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets.

Judge to review returning officer's decision in cases under s. 63 as amended by 1891, c. 19, s. 8.

4. The judge shall also, if necessary or required, review the decision of the returning officer in respect of the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper certificates or papers were not found therein; and, for the purpose of arriving at the facts [in such case] shall have all the powers of a returning officer with regard to the attendance and examination of witnesses.

Powers in such case.

NOTE.—The portions between square brackets are new. It is intended to give the County Court Judge in Prince Edward Island making the recount or final addition full powers for the decision of objections to the qualification of persons whose right to vote has been challenged and whose ballots have been marked on that ground.

Certificate of result.

(6.) The judge shall forthwith certify the result of such final addition or recount to the returning officer, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes the returning officer shall give the casting vote.

Casting vote of returning officer.

Return not to be made until judge's certificate is received.

(7.) The returning officer, after the receipt of notice from the judge of such final addition or recount of ballots, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of such final addition or recount; and upon receipt of such certificate the returning officer shall proceed to make his return in the form CC, in the first schedule to this Act.

As to costs and disposal of deposit.

(8.) If such recount or final addition does not so alter the result of the poll as to affect the return, the judge shall order the costs of the candidate appearing to be elected to be paid by the applicant, and the said deposit shall be paid out to the said candidate on account thereof, so far as necessary; and the

judge shall tax the costs on giving his decision; and if the deposit is insufficient, the party in whose favour costs are allowed shall have his action for the balance.

Proceedings if judge does not comply with this section.

(9.) 1. In case of any omission, neglect or refusal of the said judge to comply with the foregoing directions of this section, or to proceed with the final addition or recount, therein provided for, then any party aggrieved may, within eight days thereafter, make application—

Court that may be applied to.

(i.) in the province of Ontario, to a judge of any division of the High Court of Justice;

(ii.) in the province of Quebec, to a judge of the Court of Queen's Bench;

(iii.) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island or British Columbia, to a judge of the Supreme Court of the province;

(iv.) in the province of Manitoba, to a judge of the Court of Queen's Bench; and

(v.) in the North-west Territories to the Supreme Court of the said Territories *in banco*;—for an order commanding the judge to comply with such directions, and to proceed with and complete such final addition or recount.

Affidavit of facts.

2. Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect; and the judge to whom the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing a time within eight days, and a place for the consideration of such application, and directing the attendance of all parties interested at such time and place, and giving such directions for the service of the order, and of the affidavit or affidavits upon which the same was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he may think proper, and if the circumstances appear to him to warrant it, may direct that service upon any of such parties may be substitutional, or may be made by mail, or by posting, or in such other manner as he may think fit.

Order thereon.

How service may be made.

Affidavits in reply.

3. The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court, to a judge of which the application is made, affidavits in reply to those filed by the applicant, and upon demand shall furnish him with copies thereof.

Hearing.

4. At the time and place appointed by him, or at any other time and place to which the hearing may be adjourned, after hearing the parties or such of them as may be present or their counsel, the judge, or some other judge of the same court shall make such order as the facts of the case in his opinion warrant, either dismissing the application or commanding the judge in default to take such action as may be necessary in order to a compliance with the directions of this section, and to proceed with and complete such final addition or recount as aforesaid, and may make such order as to costs as he thinks proper;

Order.

Costs.

Duty of judge found in default.

5. A judge so found to be in default as aforesaid shall forthwith carry out the directions of any order so made, and

Recovery of costs.

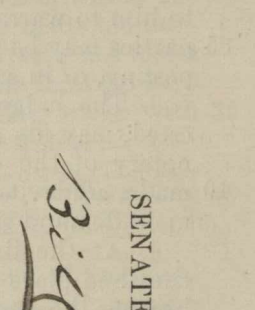
there shall be the same remedies for the recovery of the costs awarded by such order as for that of the costs in ordinary cases in the same court.

Short title.

4. This Act may be cited as *The Dominion Elections Amendment Act*, 1899.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.



An Act further to amend the Dominion Elections Act as respects the Province of Prince Edward Island.

Received and read first time, Friday, 14th July, 1899.
Second reading, Monday, 17th July, 1899.

The Honourable Mr. FERGUSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

K.] **SENATE BILL.** [1899.

An Act for the relief of Isaac Stephen Gerow Van Wart.

Preamble.

WHEREAS Isaac Stephen Gerow Van Wart, of the city of Calgary, in the District of Alberta, in the North-west Territories of Canada, merchant, has, by his petition set forth that, on the first day of March, one thousand eight hundred and eighty-four, he was lawfully married, at the city of Fredericton, in the Province of New Brunswick, to Annie Mae Van Wart, whose maiden name was Annie Mae Tibbits; that there were born of the said marriage two children, both of whom are now living; that, in or about the month of December, one thousand eight hundred and ninety-one, she deserted him and has not resided with him since that time; that before and since the said desertion she has committed adultery with one H. LeBaron Smith, of the city of Oakland, in the State of California, one of the United States of America; that, on or about the twenty-third of September, one thousand eight hundred and ninety-six, she went through a form of marriage with the said H. LeBaron Smith at the said city of Oakland; that ever since the said twenty-third of September, the said H. LeBaron Smith and she have cohabited together as man and wife; and whereas the said Isaac Stephen Gerow Van Wart has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded to him as may be deemed meet; and whereas he has proved the said allegations of his petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Isaac Stephen Gerow Van Wart and Annie Mae Van Wart, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Isaac Stephen Gerow Van Wart may, at any time hereafter, marry any woman whom he might lawfully marry in case the said marriage with the said Annie Mae Van Wart had not been solemnized.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

Bill 181

K

An Act for the relief of Isaac Stephen Gerow Van Wart.

Received and read first time, Monday, 22nd May, 1899.
Second reading, Tuesday, 6th June, 1899.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No 182.] **BILL.** [1899.

An Act respecting the Departments of Customs and Inland Revenue.

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

1897, c. 18, s. 2 amended.

1. Subsection 2 of section 2 of chapter 18 of the statutes of 1897 is hereby repealed.

Salaries of Ministers of Customs and Inland Revenue.

2. The provisions of section 3 of chapter 4 of the Revised Statutes, fixing the salaries of the Ministers of Customs and Inland Revenue at seven thousand dollars per annum each, are hereby revived

Payment of salaries of present ministers.

3. The present Ministers of Customs and Inland Revenue may be paid at the said rate of seven thousand dollars per annum each from the first day of July, one thousand eight hundred and ninety-eight.

No. 182.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the Departments of Customs and Inland Revenue.

First reading, July 29, 1899.

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 183.] **BILL.** [1899.

An Act to authorize the construction of a Branch Railway from Charlottetown to Murray Harbour, as a public work.

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

Government railway authorized in P.E.I.

1. The Minister of Railways and Canals may construct a railway from a point on the Prince Edward Island Railway at or near Charlottetown, to a point on or near Murray Harbour, as a public work; and *The Government Railway Act* shall apply to such railway, and the location and all other incidents of the work shall be determined by the Governor in Council.

R.S.C., c. 38.

Agreement respecting bridge.

2. The Minister of Railways and Canals may enter into an agreement with the Government of Prince Edward Island, providing that the bridge to be constructed over the Hillsborough River shall be so constructed as to be adapted and suitable as well for the purposes of a public highway as for the purposes of a railway; and before entering into any contract for the construction of such bridge the Government of Prince Edward Island shall undertake and agree to contribute the sum of twelve thousand dollars a year as its share of the cost of the construction of such bridge, which contribution shall be deducted half-yearly from the subsidies and allowances payable to the said province; and the Minister of Railways and Canals may, in such agreement with the Government of the said province, provide for the regulation and control of the said bridge and of the highway traffic thereon.

No. 183.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to authorize the construction of a Branch Railway from Charlottetown to Murray Harbour, as a public work.

First reading, July 31, 1899.

Mr. BLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

B.] **SENATE BILL.** [1899.

An Act further to amend the Exchequer Court Act.

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

1. The Local Judge in Admiralty of the Exchequer Court of Canada in and for any Admiralty District in Canada may at the request of the Judge of the Exchequer Court hear any cause, matter or proceeding in the said court arising in such Admiralty District, or hold any sitting of the Exchequer Court for the trial of causes in such Admiralty District, and when so acting shall in respect of such cause, matter or proceeding, or the holding of such sitting have and exercise all the jurisdiction, powers and authorities of such court, and of the judge thereof. Judge of Exchequer Court may request local judges in Admiralty to hear Exchequer Court cases. Jurisdiction of local judges in such case.

2. There shall, out of the moneys appropriated for the contingencies of the Exchequer Court, be paid to such Local Judge in respect of any cause, matter or proceeding, or the holding of any such sitting, such fees and expenses as are payable by the General Rules of the Court in the case of Special References, not exceeding in any one cause, matter or proceeding the sum of $100. Fees and expenses.

3. The third section of the Act, chapter thirty-eight of the Statutes of 1889, intituled *An Act to amend the law respecting the Exchequer Court of Canada*, is hereby repealed and the following substituted therefor:— 1889, c. 38, s. 3 amended.

"**3.** If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work, or by the abandonment of any portion of the lands taken from the claimant, or by the grant to him of any land or easement, and, if the Crown by its pleadings, or on the trial, or before judgment, undertakes to make such alteration or addition or to construct such work, or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be assessed in view of such undertaking, and the court shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made or such work constructed, or such grant made to him." Assessment of damages for injury to lands affected by public works.

4. Section three of this Act shall apply to claims in respect of lands or property heretofore as well as hereafter injuriously affected by any public work. Retroactiye application of s. 3.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

No 184

B

An Act further to amend the Exchequer Court Act.

Received and read first time, Thursday, 13th April, 1899.
Second reading, Tuesday, 18th April, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act to amend the Expropriation Act.

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

1. Section eight of *The Expropriation Act*, chapter thirteen of the Statutes of 1889, is hereby amended by adding thereto the following subsections :— 1889, c. 13, s. 8 amended.

"2. When any land taken is required for a limited time only, or a limited estate or interest therein only is required, the plan and description so deposited may indicate by appropriate words written or printed thereon that an estate for years only or some other limited estate or interest in the land is taken, and, by the deposit in such case, such estate for years or other limited estate or interest shall become and be vested in Her Majesty. Proceedings for taking possession of lands. Description when limited estate is taken. Effect of deposit of plan.

"3. All the provisions of this Act shall, so far as the same are applicable, apply to the acquisition for public works of such estates for years or other limited estates or interests in lands." Application of Act.

2. Whenever, from time to time, or at any time before the compensation money has been actually paid, any parcel of land taken for a public work, or any portion of any such parcel, is found to be unnecessary for the purposes of such public work, or if it be found that a more limited estate or interest therein only is required, the Minister may by writing under his hand declare that the same is not required and is abandoned by the Crown, or that it is intended to retain only such limited estate or interest as is mentioned in such writing, and upon such writing being registered in the office of the registrar of deeds for the county or registration division in which the land is situate such land declared to be abandoned shall revest in the person from whom the same was taken or in those entitled to claim under him, or, in the event of a limited estate or interest therein being retained by the Crown, the land shall so revest subject to the estate or interest so retained. Unnecessary lands may be abandoned by Crown. Or estate may be reduced. Re-vesting in owner.

3. The fact of such abandonment or revesting shall be taken into account in estimating or assessing the amount to be paid to any person claiming compensation for the lands taken. Assessment of damages.

4. The provisions of sections two and three of this Act shall apply to lands heretofore taken as well as to lands hereafter taken for any public work. Retroactive application of ss. 2 and 3.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

No 185

D

An Act to amend the Expropriation Act.

Received and read first time, Friday 14th April, 1899.
Second reading, Wednesday, 19th April, 1899.

Tha Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act to amend the Yukon Territory Act.

(*Reprinted as amended in Committee of the Whole.* 21*st July*, 1899.)

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

Clause A.

Subsection 3 of section 5 of *The Yukon Territory Act*, chapter 6 of the statutes of 1898, is hereby repealed. 1898, c. 6, s. 5, ss. 3 repealed. Composition of Council.

1. Section 8 of the said Act is hereby repealed and the following substituted therefor:— 1898, c. 6, s. 8, amended.

"**8.** Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order and good government of the Territory, and of Her Majesty's subjects and others therein, including the regulation of shop, tavern, and other licenses, and for charging a fee upon the issuing of the same; but no ordinance made by the Governor in Council, or the Commissioner in Council in the Yukon Territory, shall, for the enforcement of any ordinance,— Governor in Council may make certain ordinances. Restrictions as to such ordinances.

"(*a.*) impose any penalty exceeding five hundred dollars; Imposition of penalt-es.

"(*b.*) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any offence; or Punishments.

"(*c.*) appropriate any public money, lands or other property of Canada without authority of Parliament; Appropriation of public moneys, etc.

"Provided that nothing in this section shall be construed as intended to prevent, or as preventing, the Governor in Council or the Commissioner in Council from bestowing upon municipal corporations, the members of which are elective, the power of taxation for the purpose of raising revenue for municipal purposes; and— Proviso as to taxation for municipal purposes.

"Provided, further, that in any portion of the Territory in which a settlement is formed, and which is without a municipal organization, and in which it becomes necessary, for the preservation of the public health, and for local improvements, to incur expense, the Commissioner in Council may, upon a petition from the majority of the inhabitants of such settlement, impose upon it, by ordinance, such charges as may be necessary for making the required improvements." Proviso, as to public health and local improvements in settlements not organized into municipalities.

Clause B.

No intoxicating liquor or intoxicants shall be manufactured, compounded, or made in the Territories, except by special permission of the Governor in Council; nor shall any intoxicating As to manufacture and importation of intoxicants.

liquor or intoxicants be imported or brought into the Territory from any Province or Territory in Canada or elsewhere except by special permission of the Governor in Council.

Clause C.

Customs and excise laws to apply.

Intoxicating liquors or intoxicants imported or brought from any place out of Canada, by special permission, as aforesaid, shall be subject to the customs and excise laws of Canada.

Clause D.

Interpretation. "Intoxicating liquors," "intoxicants." R.S.C., c. 50, s. 2 paras. (*e*.) (*f*.)

The terms "intoxicating liquors" and "intoxicants" shall, in this Act, have the same meaning attached to them respectively as is given by paragraphs (*e*) and (*f*) of section 2 of *The North West Territories Act*.

1898, c. 6, s. 11 amended.

2. Section 11 of the said Act is hereby repealed and the following substituted therefor:—

Law as to judges and jurisdiction of the court.

"**11.** The law governing the residence, tenure of office and oath of office of the judge or judges of the court, and the rights, privileges, power, authority and jurisdiction of the court and the judge or judges thereof, shall be the same, *mutatis mutandis*, as the law governing the residence, tenure of office and oath of office of the judges, and the rights, privileges, power, authority and jurisdiction of the Supreme Court of the North-west Territories and of the judges of that court, except as the same are expressly varied by this Act."

Court of appeal constituted.

3. The Supreme Court of British Columbia is hereby constituted a Court of Appeal for the Territory.

Cases in which appeal lies.

2. An appeal shall lie from any final judgment of the Territorial Court to the Judges of the said Supreme Court sitting together as a full court where the matter in controversy amounts to the sum or value of five hundred dollars or upwards, or where the title to real estate or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights, or in cases of proceedings for or upon mandamus, prohibition or injunction.

Powers of Court of Appeal.

3. The said Supreme Court and the judges thereof shall have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by the said Supreme Court or a judge thereof in the exercise of its ordinary jurisdiction.

Notice of appeal.

4. Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given, or within such further time as the Territorial Court or a judge thereof may allow.

Stay of execution.

5. Execution of the judgment appealed from shall not be stayed except upon application to the Territorial Court or a judge thereof or to the said Supreme Court or a judge thereof, and upon such terms as may be just.

Quorum.

6. Three judges of the said Supreme Court shall constitute a quorum for the hearing of appeals from the Territorial Court.

Procedure.

7. The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the said Supreme Court, so far as such practice and procedure are applicable and are not inconsistent with anything contained in this Act, and except in so far as is otherwise provided by general rules made in pursuance of this Act.

Rules of practice.

8. The judges of the said Supreme Court or any three of them may make general rules not inconsistent with this Act for regulating the practice and procedure upon appeals from the Territorial Court.

Appeal to Supreme Court of Canada from Court of Appeal for the Yukon Territory.

9. An appeal shall lie to the Supreme Court of Canada from the judgment upon any appeal authorized by this Act of the Supreme Court of British Columbia, wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered by the Supreme Court of British Columbia in a like case in the exercise of its ordinary jurisdiction upon appeal in respect of cases originating in the courts of the said province.

4th Session, 8th Parliament, 62 Victoria, 1899

(SECOND REPRINT.)

SENATE BILL.

No 186

U

An Act to amend the Yukon Territory Act.

(*Reprinted as amended in Committee of the Whole, 21st July, 1899.*)

Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 187.] **BILL.** [1899.

An Act respecting the City of Ottawa.

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

Annual grant authorized.

1. The Minister of Finance and Receiver General is hereby authorized to pay out of the Consolidated Revenue Fund of Canada, in the manner and for the purposes hereinafter set forth, the sum of sixty thousand dollars annually, for a period not exceeding twenty years from the first day of July, one thousand eight hundred and ninety-nine.

Payable quarterly to credit of the Commi sion.

2. Such annual payment of sixty thousand dollars shall be made in four quarterly instalments of fifteen thousand dollars each, payable in advance, during the months of July, October, January and April in each year, and the amount of each such quarterly payment shall be paid by the Minister of Finance and Receiver General into a chartered bank, to be designated by him, to the credit of the Board of Commissioners hereinafter provided for, and hereinafter referred to as "the Commission", and no payment shall be made by such bank from any amount at the credit of the Commission except on the joint cheque of the chairman or acting chairman and the secretary or acting secretary of the Commission.

Number of Commissioners and tenure of office.

3. The Commission shall consist of four Commissioners, of whom three shall be appointed by the Governor in Council and shall hold office during pleasure, and one shall be appointed by the Corporation of the City of Ottawa (hereinafter referred to as "the Corporation") and shall hold office for the period of one year from the time of such appointment, or for such period, not exceeding three years, as shall be determined by by-law duly passed by the Corporation: Provided however, that if the mayor or an alderman of the said city is appointed by the Corporation to be a Commissioner, he shall cease to hold office as Commissioner when he ceases to hold office as mayor or alderman, and the corporation shall thereupon appoint a Commissioner for the unexpired term.

Proviso: if mayor or alderman is a Commissioner.

Incorporation of Commissioners.

4. The Commission shall be a body corporate under the name of "The Ottawa Improvement Commission," and shall have power to make such by-laws, employ such persons, and pay and defray such expenses as are necessary to enable them to carry into effect the purposes for which they are constituted, or any of the powers conferred on them by this Act; but no by-laws so made shall come into force or effect until approved

Approval of by-laws.

by the Governor in Council, nor shall any alteration, modification or repeal of any such by-law have any force or effect until approved by the Governor in Council.

Chairman and secretary.

5. The Governor in Council shall designate one of the Commissioners appointed by the Governor in Council to be chairman of the Commission, and he shall hold office as chairman during pleasure; and the Governor in Council shall appoint a member of the public service of Canada to be secretary of the Commission, and the person so appointed shall discharge his duties as secretary of the Commission as a part of his official duties as a member of the public service of Canada.

Commissioners and officers unpaid.

6. The chairman and other members of the Commission, and the secretary thereof, shall serve without remuneration, but they shall be entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in the discharge of their duties under this Act.

Powers.

7. The Commission may—

Acquisition of property.

(*a*) Purchase, acquire and hold real property in the City of Ottawa, or in the vicinity thereof, for the purpose of public parks or squares, streets, avenues, drives or thoroughfares;

Public works.

(*b*) Do, perform and execute all necessary or proper acts or things for the purpose of preparing, building, improving, repairing and maintaining all or any of such works for public use;

Improvement of city.

(*c*) Co-operate with the Corporation, or with the Board of Park Management of the City of Ottawa, in the improvement and beautifying of the said city, or the vicinity thereof, by the acquisition, maintenance and improvement of public parks, squares, streets, avenues, drives or thoroughfares, and the erection of public buildings in the said city or in the vicinity thereof;

Expenditure of moneys.

And for all or any of the aforesaid purposes the Commission may expend the whole or any portion of the sums that are placed at their credit under this Act: provided that in case of local improvements being made by the Corporation in front of or along the line of property owned by the Dominion Government, the Commission may out of such moneys contribute thereto such share of the cost, or may perform such portion of such local improvements, as is agreed upon between the Commission and the Corporation.

Proviso: as to improvements near Government property.

Works for general advantage of Canada.

8. All works or undertakings of the Commission under clauses (*a*) and (*b*) of section 7 of this Act are hereby declared to be for the general advantage of Canada.

Acquisition of property.

9. No real property shall be purchased or acquired by the Commission, except with the previous consent of the Governor in Council; and should the Commission be unable to agree with the owner of the property, which they are so authorized to purchase, as to the price to be paid therefor, then the Commission shall have the right to acquire the same without the consent of the owner, and the provisions of *The Railway Act*

1888, c. 29.

relative to the taking of lands by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such real property by the Commission.

Estimates to be approved.

10. The Commission shall from time to time and before making expenditures under this Act, submit to the Minister of Finance and Receiver General detailed estimates of the expenditures proposed to be made by them, which estimates shall be accompanied by such full information as is sufficient to enable the Governor in Council to determine as to the necessity or advisability of such proposed expenditures, or of any portion thereof; and no expenditure shall be made by the Commission under this Act until it has been approved by the Governor in Council.

Annual statement.

11. The Commission shall render to the Minister of Finance and Receiver General and to the Corporation, on or before the first day of September in each year, detailed statements of all their receipts and expenditures up to the last day of June in such year; and copies of such statements shall be laid before Parliament by the Minister of Finance and Receiver General within the first fourteen days of the next following session thereof.

Accounts and inspection.

12. The Commission shall, whenever required by the Minister of Finance and Receiver General, render detailed accounts of their receipts and expenditures for such period or to such day as he designates; and all books of account, records, bank books and papers of the Commission shall at all times be open to the inspection of the Minister of Finance and Receiver General, or of such person as the said Minister names to inspect them.

Commissioner and secretary not to have interest in works.

13. No member of the Commission nor the secretary thereof shall have any contract with the Commission or shall be pecuniarily interested, directly or indirectly, in any contract or work in regard to which any portion of the moneys at the credit of the Commission is being or is to be expended.

Grant to be in satisfaction of certain claims.

14. The annual grant payable under this Act shall be in full payment, satisfaction and discharge of all claims and demands by or on the part of the Corporation on the Government of the Dominion of Canada (hereinafter referred to as "the Government,") in respect of water supplied (including charges for street sprinkling) by the Corporation for use in and on all buildings, lands and premises in the said City of Ottawa (including Major's Hill Park), now owned, rented, leased or occupied, or hereafter to be owned, rented, leased or occupied by the Government, and also for use in and on Rideau Hall and Rideau Hall grounds and the Central Experimental Farm and the buildings thereon, and for use in and on all other buildings, lands and premises in the vicinity of the said City of Ottawa now or hereafter to be owned, rented, leased or occupied by the Government, and for fire protection by the Corporation to any of such buildings or premises, and all payments heretofore made by the Government to the Corporation for water supply, street sprinkling

and fire protection shall be discontinued ; and the said grant shall also be in full satisfaction and discharge of all other claims and demands on the Government by or on the part of the Corporation.

Certain agreement not affected except as herein.

15. Nothing herein shall in any way alter or change the agreement now existing between the Government and the Corporation with regard to the control and possession by the Government of the said Major's Hill Park, the abolition of tolls on and the free use by the public of the Union Bridge over the Ottawa River connecting the cities of Ottawa and Hull, and the maintenance and repair and keeping in repair by the Government of the following bridges and sidewalks in the said City of Ottawa, namely :—the bridges over the Rideau Canal, known as the Dufferin, Sappers', and Maria Street bridges, the bridges over the Chaudiere slides, and the sidewalks on the east side of Elgin Street and on the south side of Maria Street in front of and along the side of Cartier Square ; or shall in any way alter or change any of the provisions of such agreement except as in this Act provided.

Agreement altered as to Wellington street.

16. So much of the said agreement referred to in the last preceding section as relates to the repair and maintenance and the keeping in repair by the Government of that portion of Wellington street in the said city between Dufferin bridge and Bank street, and the repair and maintenance of good and sufficient sidewalks on both sides of the said portion of Wellington street, is hereby cancelled, and the following substituted therefor, namely :—That the Government shall repair and maintain good and sufficient sidewalks on the northern side of that portion of Wellington street in the said city between Dufferin bridge and Bank street, and on so much of the southern side of the said portion of said street as is in front of property owned by the Government, and shall keep in repair the roadway of the said portion of Wellington street between Dufferin bridge and Bank street, as it now exists, and should it be deemed desirable that an asphalt or other improved pavement be hereafter placed on the said roadway, such work shall be done by the Corporation in the same manner as similar works are done in other portions of the city, nothing herein contained to be construed as releasing property holders on the said portion of Wellington street from any obligation imposed upon them by law as regards payment of any taxes or rates in respect of their property on the said street.

Approval of Act by Corporation by-law.

17. The Governor in Council shall not appoint any commissioner under this Act, and no payment shall be made hereunder, until all the provisions of this Act have been accepted and approved by by-law duly passed by the Corporation.

What by-law shall provide.

2. Such by-law shall provide that the Corporation shall at all times while such annual grant is paid as aforesaid furnish an adequate and sufficient supply of water for use in and on all buildings, lands and premises in the said City of Ottawa now owned, rented, leased, or occupied, or to be hereafter owned, rented, leased or occupied by the Government, and also for use in and on Rideau Hall and Rideau Hall grounds, and the

Central Experimental Farm and buildings thereon, and for use in and on all other buildings, lands and premises in the vicinity of the said city now or hereafter to be owned, rented, leased or occupied by the Government, and shall also provide an efficient fire protection for any and all of such buildings and premises, and shall also provide for the sprinkling of the streets in front of such buildings, lands and premises, including the bridges in the said city maintained by the Government.

No. 187.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting the city of Ottawa.

First reading, August 2, 1899.

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

(W.) **SENATE BILL.** [1899.

An Act to amend the Act passed at the present session of Parliament, intituled "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts."

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

1. The operation of the Act passed during the present session of Parliament, intituled "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts," is hereby suspended until the first day of August, in the year of Our Lord one thousand nine hundred. Suspension of operation of Act of present session.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

No 188

W

An Act to amend the Act passed at the present session of Parliament, intituled "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts."

Received and read first time, Friday, 28th July, 1899.
Second reading, Monday, 31st July, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

No. 189.] **BILL.** [1899.

An Act respecting securities for Seed Grain Indebtedness.

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

Bondsmen may be discharged.

1. The Governor General in Council may discharge from liability persons who are liable to the Crown as sureties upon bonds given to secure re-payment for seed grain furnished by the Crown to persons in the North West Territories in every case where, upon inquiry, it is shown to the satisfaction of the Minister of the Interior that land owned by, or entered as a homestead by, the primary debtor is liable and is in the opinion of the said Minister sufficient security for the sum owed by the primary debtor.

No. 189.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting securities for Seed Grain Indebtedness.

First reading, August 4, 1899.

Mr. Sifton.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

No. 190] **BILL.** [1899.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

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

Interpretation. "Court."

1. In this Act, unless the context otherwise requires, the expression "cost" means the actual, necessary and reasonable cost and shall include the amount expended upon any bridge, up to and not exceeding $25,000, forming part of the line of railway subsidized not otherwise receiving any bonus, but shall not include the cost of equipping the railway, nor the cost of terminals and right of way of the railway in any city or incorporated town; and such actual, necessary and reasonable cost shall be determined by the Governor in Council, upon the recommendation of the Minister of Railways and Canals, and upon the report of the Chief Engineer of Government Railways, certifying that he has made or caused to be made an inspection of the line of railway for which payment of subsidy is asked, and careful inquiry into the cost thereof, and that in his opinion the amount upon which the subsidy is claimed is reasonable, and does not exceed the true, actual and proper cost of the construction of such railway.

Cost, how determined.

Subsidies authorized.

2. The Governor in Council may grant a subsidy of $3,200 per mile towards the construction of each of the undermentioned lines of railway (not exceeding in any case the number of miles hereinafter respectively stated) which shall not cost more on the average than $15,000 per mile for the mileage subsidized, and towards the construction of each of the said lines of railway not exceeding the mileage hereinafter stated, which shall cost more on the average than $15,000 per mile for the mileage subsidized, a further subsidy beyond the sum of $3,200 per mile of fifty per cent on so much of the average cost of the mileage subsidized as is in excess of $15,000 per mile, such subsidy not exceeding in the whole the sum of $6,400 per mile:—

1. To the Central Ontario Railway Company, for an extension of their railway from, or from near, either Coe Hill or Rathbun Station on the company's railway to, or near to Bancroft, not exceeding 21 miles, in lieu of the subsidy granted by chapter 2 of 1892;
2. To the Great Northern Railway Company, for a railway between Montcalm and St. Tite Junction, on the Lower Laurentian Railway, Quebec, not exceeding 53½ miles; and for a branch from their main line to Shawenegan Falls, Quebec, not exceeding 6½ miles;

3. To the Philipsburg Railway and Quarry Company, shortage in the extension of their railway from a point on the company's line at or near the end of the subsidized section, to the Government Wharf at Philipsburg, Quebec, not exceeding $\frac{66}{100}$ of a mile;
4. To the Strathroy and Western Counties Railway, for a line from Strathroy, Ontario, *via* Adelaide and Arkona, to either Forest, Tedford, or Park Hill, not exceeding 24 miles, in lieu of the subsidy granted by chapter 4 of 1894;
5. To the St. John Valley and Rivière du Loup Railway Company, for a line of railway from Fredericton, in the County of York, New Brunswick, to Woodstock, in the County of Carleton, not exceeding 59 miles;
6. For a railway from Port Hawkesbury, on the Strait of Canso, Nova Scotia, to St. Peter's, not exceeding 30 miles;
7. For a railway from Windsor, Nova Scotia, to Truro, *via* the Township of Clifton, not exceeding 58 miles, in lieu of the subsidy granted by chapter 4 of 1894;
8. For a railway from a point at or near Brookfield Station, Nova Scotia, on the Intercolonial Railway, to Eastville, not exceeding 25 miles, in lieu of the subsidy granted by chapter 4 of 1897;
9. For a railway from Cross Creek Station, on the Canada Eastern Railway, to Stanley Village, New Brunswick, not exceeding 6 miles;
10. For a railway from the village of St. Rémi to Stottville or some point on the Delaware and Hudson Railway (Grand Trunk) in the parish of St. Paul de l'Ile aux Noix, not exceeding 19 miles;
11. For a railway between Pontypool and Bobcaygeon, *via* Lindsay, Ontario, not exceeding 40 miles;
12. To the Pontiac Pacific Junction Railway Company, for a railway from Aylmer to Hull, Quebec, not exceeding 9 miles, in lieu of the subsidy granted by chapter 4 of 1897;
13. To the Portage du Fort and Bristol Branch Railway Company, for a branch line from a point on the Pontiac Pacific Junction Railway at or near the village of Quyon, towards the village of Portage du Fort, Quebec, not exceeding 15 miles, in lieu of the subsidy granted by chapter 4 of 1897;
14. To the Orford Mountain Railway Company, for a branch from their railway from a point between Lawrenceville and Eastman to Waterloo, not exceeding 13 miles;
15. To the Atlantic and Lake Superior Railway Company, for an extension of their railway from Caplin to Paspebiac, Quebec, not exceeding 30 miles;
16. To the United Counties Railway Company, for a railway from St. Robert Junction to Sorel, 6½ miles, (this subsidy to be payable only in the event of adequate running rights over the South-Eastern Railway between the two points above mentioned not being granted to the first mentioned Company on terms to be approved by the Railway Committee of the Privy Council,) and from Mount Johnson to St. Gregoire Station, 1 mile, not exceeding 7½ miles.

17. For a railway from a point on the Central Railway in the county of Lunenburg, Nova Scotia, to the town of Liverpool, *via* the village of Caledonia, or to the village of Caledonia, *via* Liverpool, or for any part thereof, the whole distance not exceeding 62 miles;

18. For a railway from Indian Gardens, Queen's County, Nova Scotia, to Shelburne in the said province, a distance of 35 miles;

19. The subsidy which the Ontario and Rainy River Railway Company is entitled to receive under chapter 4 of 1897, shall be $6,400 per mile for the 80 miles mentioned in the said Act;

20. To the Bay of Quinté Railway Company, for such extensions, branches or additions to their system as will enable the said company to connect their lines of railway or connecting lines with iron or other mines or mineral or wood lands in the counties of Peterborough, Northumberland, Hastings, Lennox and Addington, Frontenac or Leeds, payable in instalments regulated by the length of each of the said extensions or branches or additions, as the case may be, in lieu of part of the balance remaining unpaid of the subsidy granted to the Kingston, Napanee and Western Railway Company, by chapter 5 of 1892, but not exceeding $3,200 per mile for 10 miles, nor exceeding in the whole $32,000;

21. To the Quebec and Lake St. John Railway Company, for 12 miles of their railway from the end of their line at deep water on the Chicoutimi branch of their railway, to Ha Ha Bay, in lieu of the subsidy for the 12 miles granted by chapter 4 of 1894;

22. For a line of railway from Hawkesbury, Ontario, to South Indian, not exceeding 35 miles;

23. For a railway from Sault Ste. Marie, Ontario, towards Michipicoten River and harbour and towards the main line of the Canadian Pacific Railway, not exceeding 40 miles;

24. For a branch line of railway from the main line of the Ottawa, Arnprior and Parry Sound Railway to the town of Parry Sound, Ontario, not exceeding 5 miles;

25. For a railway from the village of Haliburton, *via* the village of Whitney, towards the town of Mattawa, Ontario, not exceeding 20 miles;

26. For an extension of the Tilsonburg, Lake Erie and Pacific Railway, from Tilsonburg to Ingersoll or Woodstock, Ontario, not exceeding 28 miles;

27. To the South Shore Railway Company, from Sorel Junction along the South Shore to Lotbinière, Quebec, a distance not exceeding 82 miles;

28. To the Massawippi Valley Railway Company, for an extension of their railway to the village of Stanstead Plain, Quebec, not exceeding 2½ miles;

29. For a railway from Port Hawkesbury on the Strait of Canso, to Caribou Cove, Nova Scotia, a distance of 10 miles;

30. For a railway from Fort Frances, Ontario, westerly to a point at or near the mouth of Rainy River, a distance not exceeding 70 miles;

31. To the Central Railway Company of New Brunswick, for an extension of their line of railway from Newcastle Coal Fields to Gibson, New Brunswick, not exceeding 30 miles;

32. To the Canadian Northern Railway Company, for a railway from a point on the present line of the Winnipeg Great Northern Railway north of Swan River to Prince Albert, North-West Territories, not exceeding 100 miles;

33. For a railway from some point near Antler Station to a point near Moose Mountain, Manitoba, not exceeding 50 miles;

34. For a railway from Sunnybrae to Country Harbour, and from a point at or near Country Harbour Cross Roads to Guysborough, Nova Scotia, to make up the deficiency in mileage between points mentioned and subsidized by chapter 4 of 1897, additional mileage not exceeding 15 miles;

35. For a railway from Port Clyde towards Lockeport, in the province of Nova Scotia, not exceeding 20 miles;

36. For a railway from a point of the Intercolonial Railway at or near Halifax towards the Central Railway in the county of Lunenburg, not exceeding 20 miles;

37. For a railway from Labelle, in the province of Quebec, in a north-westerly direction, to Nomininguc, *via* Notre Dame de l'Annonciation, a distance not exceeding 22 miles;

38. For a railway from Owen Sound, in the Province of Ontario, to Meaford, not exceeding 21 miles;

39. To the Ottawa and Gatineau Railway Company, for their line of railway in and through the city of Hull, Quebec, not exceeding 4 miles;

40. To the Western Alberta Railway Company, from a point on the United States boundary, west of Range 27, north-westerly towards Anthracite, in the district of Alberta, not exceeding 50 miles;

41. To the Edmonton, Yukon and Pacific Railway Company, for a railway from the town of South Edmonton, North-West Territories, to North Edmonton, and thence westerly towards the Yellow Head Pass, a distance not exceeding 50 miles;

42. To the Restigouche and Western Railway Company, in addition to the 20 miles subsidized by chapter 4 of 1897, and in continuation from the westerly end of the said 20 miles towards the St. John River, a further distance not exceeding 15 miles, and for the company's railway from a point on the St. John River, New Brunswick, at or near Grand Falls or St. Leonard, or between Grand Falls and St. Leonard, and extending easterly towards Campbellton, such point to be approved by the Governor in Council, a distance of 12 miles; in all not exceeding 27 miles;

43. For a railway in extension of the St. Francis Branch of the Temiscouta Railway to the mouth of the St. Francis River, a distance not exceeding 3 miles;

44. To the Canada Eastern Railway Company, for a line of railway from Nelson, New Brunswick, to connect with the company's main line running into Chatham, to

complete the connection from Nelson to such main line, not exceeding in the whole 2¼ miles;

45. To the Bay of Quinté Railway Company, for an extension of their line in a westerly direction from a point at or near Richmond Boundary Road near Deseronto for a distance not exceeding 2 miles; also for an extension of their line from its present terminus at Tweed in a northerly direction for a distance of 2 miles, and for an extension of their line from the end of the last 2 miles mentioned in a northerly direction for a distance not exceeding 3 miles—in all 7 miles; subsidies payable on each of the sections mentioned as each of such sections is completed;

46. To the Ontario, Belmont and Northern Railway Company, for an extension of their railway from its present terminus at Iron Mines in a north-westerly direction, a distance not exceeding 5 miles; and also for an extension of the company's railway southerly, from the present southern terminus thereof, to the Central Ontario Junction of the Canadian Pacific Railway, a distance not exceeding 2 miles; but the last mentioned aid for the said 2 miles of railway shall not be granted in case the Railway Committee of the Privy Council finds that adequate running powers on fair terms can be secured to the company over that portion of the line of the Central Ontario Railway between the present southerly end of the Ontario, Belmont and Northern Railway and the Canadian Pacific Railway Company's line at Central Ontario Junction; subsidies payable on each of the sections mentioned as each of such sections is completed;

47. For a line of railway from a point on the Pembroke Southern Railway at or near Golden Lake, Ontario, towards a point on the Irondale, Bancroft and Ottawa Railway at or near Bancroft, not exceeding 20 miles;

48. For a line of railway from Paspebiac, Quebec, to Gaspé in the said province, a distance not exceeding 82 miles;

49. To the Lake Erie and Detroit River Railway Company, for a line of railway from Ridgetown, Ontario, to St. Thomas in the said province, a distance not exceeding 44 miles; this subsidy to be payable only in the event of adequate running rights over the Canada Southern Railway between the two points above mentioned not being granted to the first mentioned company on terms to be approved by the Railway Committee of the Privy Council;

50. To the Kingston and Pembroke Railway Company, for the construction of branches from the company's main line to the iron mine at Bluff Point and to the Martele mine in the County of Renfrew, not exceeding 5 miles;

51. For a railway from the town of Parry Sound extending northerly towards Sudbury, a distance not exceeding 20 miles;

3. The Governor in Council may grant the subsidies hereinafter mentioned towards the construction of the railways also hereinafter mentioned, that is to say :—

The Ontario and Rainy River Railway Company, for a railway from a point 80 miles west of Stanley Station, on the Port Arthur, Duluth and Western Railway, to Fort Frances, for a distance of 140 miles, at $6,400 per mile, not exceeding in the whole	$896,000 00
To the Quebec Bridge Company, towards the construction of a railway bridge over the St. Lawrence River, at Chaudière Basin, near Quebec, one million dollars, 40 per cent of which amount may be paid on monthly progress estimates, approved by the Government Engineers, of materials delivered and work done.	
To the South Shore Railway Company, towards the restoration and renewal of the railway bridge over the Yamaska River at Yamaska, Quebec	50,000 00
Towards the construction of a bridge over the Richelieu River at Sorel, 15 per cent upon the amount expended thereon, not exceeding	35,000 00
Towards the construction of a bridge across the St. Francis River, 15 per cent of the amount expended thereon, not exceeding	50,000 00
Towards the construction of a bridge across the Nicolet River, 15 per cent upon the amount expended thereon, not exceeding	15,000 00
To the Midland Railway Company, Limited, towards the construction of a bridge across the Shubenacadie River, 15 per cent upon the amount expended thereon, not exceeding	33,750 00
To the Great Northern Railway Company, towards the construction of a bridge across the St. Maurice River, 15 per cent upon the amount expended thereon, not exceeding	16,425 00
Also towards the construction of a bridge across the Rivière du Loup, 15 per cent upon the amount expended thereon, not exceeding	15,000 00
Also towards the construction of a steel bridge and viaduct at the Maskinongé River, 15 per cent upon the amount expended thereon, not exceeding	15,000 00

Conditions as to certain companies.

4. The subsidies granted to the Ontario and Rainy River Railway Company, the Canadian Northern Railway Company and the Edmonton, Yukon and Pacific Railway Company are granted upon the condition, and, if received and paid under the authority of this Act to the above mentioned companies respectively, shall be received upon the condition, that the said companies shall not, nor shall any of them, at any time amalgamate with, or lease its line or lines to, any railway company other than those mentioned in this section, except as may be authorized by Parliament; nor shall any of the said

railways be leased to or operated by any other company; nor shall any of the said companies make an agreement for a common fund or for pooling its receipts with any other railway company; and any such lease, amalgamation or agreement shall be absolutely void, excepting in so far as such agreement may extend to traffic or running arrangements which have been approved by the Governor in Council.

Conditions as to all companies.

5. The subsidies hereinbefore mentioned as to be granted to companies named for that purpose shall, if granted by the Governor in Council, be granted to such companies respectively; the other subsidies may be granted to such companies as are approved by the Governor in Council as having established to his satisfaction their ability to construct and complete the said railways respectively; all the lines for the construction of which subsidies are granted, unless they are already commenced, shall be commenced within two years from the first day of August next, and completed within a reasonable time, not to exceed four years from the said first day of August, to be fixed by Order in Council, and shall also be constructed according to descriptions and specifications and upon conditions to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made in each case by the company with the Government, which agreement the Government is hereby empowered to make; the location also of every such line of railway shall be subject to the approval of the Governor in Council.

As to running powers.

6. The granting of such subsidies, and the receipt thereof by the respective companies, shall be subject to the condition that the Governor in Council may at all times provide and secure to other companies such running powers, traffic arrangements and other rights as will afford to all railways connecting with those so subsidized reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements with connecting companies, and equal mileage rates between all such connecting railways; and the Governor in Council shall have absolute control at all times over the rates and tolls to be levied and imposed by any of the companies or upon any of the railways hereby subsidized.

How subsidies shall be paid.

7. The said subsidies respectively shall be payable out of the Consolidated Revenue Fund of Canada, by instalments, on the completion of each section of the railway of not less than ten miles, proportionate to the value of the portion so completed in comparison with that of the whole work undertaken, to be established by the report of the said Minister, or upon the completion of the work subsidized—except as to subsidies with respect to which it is hereinbefore otherwise provided.

Public transportation.

8. Every company receiving a subsidy under this Act and its successors or assigns shall each year furnish to the Government of Canada transportation for men, supplies, material and mails over the portion of its line in respect of which it has received such subsidy, and, whenever required, shall furnish mail cars, properly equipped, for such mail service; and such transportation and service shall be performed at such rates as

are agreed upon between the Minister of the Department of the Government for which such service is being performed and the company performing it, and in case of disagreement, then at such rates as are approved by the Governor in Council; and in or towards payment for such charges the Government of Canada shall be credited by the company with a sum equal to three per cent per annum on the amount of subsidy received by the company under this Act.

Production of accounts.

9. As respects all railways for which subsidies are granted by this Act, the company at any time owning or operating any of the said railways shall, when required, produce and exhibit to the Minister of Railways, or any person appointed by him, all books, accounts and vouchers showing the cost of constructing the railway, the cost of operating it, and the earnings thereof.

No. 190.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

First reading, August 5, 1899.

Mr. BLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

A.] **SENATE BILL.** [1899.

An Act for the Relief of David Stock.

Preamble.

WHEREAS David Stock of the city of Toronto, in the province of Ontario, machinist, has by his petition, humbly setforth that on the first day of July, one thousand eight hundred and seventy-five, he was married to Mary Stock, formerly Mary Spaulding, by license at the city of Toronto in the province of Ontario; that they lived and cohabited together as husband and wife from the said day till the twenty-second of March, one thousand eight hundred and ninety-three; that there were born of the said marriage nine children, seven of whom are still living; that on or about the twenty-second of March, one thousand eight hundred and ninety-three, she deserted him and has not since then resided with him; that on or about the tenth of December, one thousand eight hundred and ninety-three, she (under the name of Mary Spaulding) went through a form of marriage with one William Jones of the city of Toronto; that on the fifth of November, one thousand eight hundred and ninety four, she was charged before George Taylor Denison, Esquire, Police Magistrate in and for the city of Toronto, with having committed bigamy with the said William Jones, and on the fifteenth day of the same month she pleaded guilty to the said charge of bigamy was convicted thereof and was sentenced by the said magistrate to imprisonment for a term of sixty days in the common gaol at Toronto; that after her release at the expiration of the said term of sixty days she continued to live and cohabit with the said William Jones as his wife and has had by him two children, and still continues to reside with the said William Jones at the city of Toronto; and whereas the said David Stock has humbly prayed that the said marriage may be dissolved so as to enable him to marry again and that such further relief may be afforded him as may be deemed meet; and whereas the said David Stock has proved the said allegations in his said petition, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the consent and advice of the Senate and House of Commons of Canada enacts as follows:—

Marriage dissolved.

1. The said marriage between the said David Stock and the said Mary Stock, his wife, is hereby dissolved and shall be from henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said David Stock may at any time hereafter contract matrimony with any other woman whom he might lawfully marry in case the said first mentioned marriage with the said Mary Stock had not been solemnized.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

A

An Act for the Relief of David Stock.

Received and read a first time, Friday, 24th March, 1899.
Second reading, Wednesday, 12th April, 1899.

The Honourable Mr. AIKINS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

B.] **SENATE BILL.** [1899.

An Act further to amend the Exchequer Court Act.

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

1. The Local Judge in Admiralty of the Exchequer Court of Canada in and for any Admiralty District in Canada may at the request of the Judge of the Exchequer Court hear any cause, matter or proceeding in the said court arising in such Admiralty District, or hold any sitting of the Exchequer Court for the trial of causes in such Admiralty District, and when so acting shall in respect of such cause, matter or proceeding, or the holding of such sitting have and exercise all the jurisdiction, powers and authorities of such court, and of the judge thereof. Judge of Exchequer Court may request local judges in Admiralty to hear Exchequer Court cases. Jurisdiction of local judges in such case.

2. There shall, out of the moneys appropriated for the contingencies of the Exchequer Court, be paid to such Local Judge in respect of any cause, matter or proceeding, or the holding of any such sitting, such fees and expenses as are payable by the General Rules of the Court in the case of Special References, not exceeding in any one cause, matter or proceeding the sum of $100. Fees and expenses.

3. The third section of the Act, chapter thirty-eight of the Statutes of 1889, intituled *An Act to amend the law respecting the Exchequer Court of Canada*, is hereby repealed and the following substituted therefor:— 1889, c. 38, s. 3 amended.

"**3.** If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work, or by the abandonment of any portion of the lands taken from the claimant, or by the grant to him of any land or easement, and, if the Crown by its pleadings, or on the trial, or before judgment, undertakes to make such alteration or addition or to construct such work, or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be assessed in view of such undertaking, and the court shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made or such work constructed, or such grant made to him." Assessment of damages for injury to lands affected by public works.

4. Section three of this Act shall apply to claims in respect of lands or property heretofore as well as hereafter injuriously affected by any public work. Retroactiye application of s. 3.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

B

An Act further to amend the Exchequer Court Act.

Received and read first time, Thursday, 13th April, 1899.
Second reading, Tuesday, 18th April, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act for the preservation of health on Public Works.

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

1. The expression "public work" or "work" in this Act means and includes in addition to every public work of Canada, every railway, canal, bridge, telegraph and other work within the legislative authority of the Parliament of Canada. Interpretation. "Public work." "Work."

2. The Governor in Council may, from time to time, make regulations for the preservation of health and the mitigation of disease among persons employed in the construction of public works, and any regulations so made may be either general or special, applying to all such public works or to all of a named class, or applying only to one or more public works named therein. Governor in Council may make regulations. General or special.

3. Such regulations may provide— Regulations as to—

(*a*) As to the extent and character of the accommodation to be afforded by the houses, tents, or other quarters occupied by the employees on the works; Accommodation of employees.

(*b*) For the inspection of such houses, tents or other quarters, and the cleansing, purifying and disinfecting thereof where necessary; Inspection and cleansing.

(*c*) As to the number and qualifications of the medical men to be employed on the works; Doctors.

(*d*) For the provision of hospitals on the works and as to the number, location and character of such hospitals; Hospitals.

(*e*) For the isolation and care of persons suffering from contagious or infectious diseases; Isolation.

and may make such other provisions for the attainment of their object as the Governor in Council thinks proper.

4. The Governor in Council may until Parliament otherwise provides prescribe punishments, penalties and forfeitures for breach or non-observance of such regulations, and may also prescribe the procedure for enforcing the same; Provided that no punishment by way of imprisonment to be prescribed by the Governor in Council shall exceed three months, and that such punishments, penalties or forfeitures shall be prescribed in addition to any others to which under the criminal law the offender may be liable. Penalties and procedure. Proviso.

5. This Act may be cited as "*The Public Works* (*Health*) *Act*, 1899." Short title.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

C

An Act for the preservation of health on Public Works.

Received and read first time, Thursday, 13th April, 1899.
Second reading, Tuesday, 18th April, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

D.] **SENATE BILL.** [1899.

An Act to amend the Expropriation Act.

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

1. Section eight of *The Expropriation Act*, chapter thirteen of the Statutes of 1889, is hereby amended by adding thereto the following subsections :— 1889, c. 13, s. 8 amended.

"2. When any land taken is required for a limited time only, or a limited estate or interest therein only is required, the plan and description so deposited may indicate by appropriate words written or printed thereon that an estate for years only or some other limited estate or interest in the land is taken, and, by the deposit in such case, such estate for years or other limited estate or interest shall become and be vested in Her Majesty. Proceedings for taking possession of lands. Description when limited estate is taken. Effect of deposit of plan.

"3. All the provisions of this Act shall, so far as the same are applicable, apply to the acquisition for public works of such estates for years or other limited estates or interests in lands." Application of Act.

2. Whenever, from time to time, or at any time before the compensation money has been actually paid, any parcel of land taken for a public work, or any portion of any such parcel, is found to be unnecessary for the purposes of such public work, or if it be found that a more limited estate or interest therein only is required, the Minister may by writing under his hand declare that the same is not required and is abandoned by the Crown, or that it is intended to retain only such limited estate or interest as is mentioned in such writing, and upon such writing being registered in the office of the registrar of deeds for the county or registration division in which the land is situate such land declared to be abandoned shall revest in the person from whom the same was taken or in those entitled to claim under him, or, in the event of a limited estate or interest therein being retained by the Crown, the land shall so revest subject to the estate or interest so retained. Unnecessary lands may be abandoned by Crown. Or estate may be reduced. Re-vesting in owner.

3. The fact of such abandonment or revesting shall be taken into account in estimating or assessing the amount to be paid to any person claiming compensation for the lands taken. Assessment of damages.

4. The provisions of sections two and three of this Act shall apply to lands heretofore taken as well as to lands hereafter taken for any public work. Retroactive application of ss. 2 and 3.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

D

An Act to amend the Expropriation Act.

Received and read first time, Friday 14th April, 1899.
Second reading, Wednesday, 19th April, 1899.

Tha Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

E.] **SENATE BILL.** [1899.

An Act for the Relief of Annie Inkson Dowding.

Preamble.

WHEREAS Annie Inkson Dowding, of the city of Hamilton, in the county of Wentworth, in the province of Ontario, wife of Frederick Charles Dowding, of the city of Buffalo, in the County of Erie, in the State of New York, one of the United States of America, has by her petition set forth that, on the twenty-fourth of January, one thousand eight hundred and ninety-four, she was lawfully married, at the city of Toronto in the County of York, in the Province of Ontario, to the said Frederick Charles Dowding; that there was born of the said marriage one child still living, namely, Harry Dowding, born on the third day of June, one thousand eight hundred and ninety-five; that they cohabited together as husband and wife until the year one thousand eight hundred and ninety-seven, when without lawful reason or excuse he deserted her; that he has ever since continued to live apart from her and has committed adultery at the said city of Hamilton and also at the following places in the United States of America, to wit: the city of Cleveland in the State of Ohio, the city of Erie in the State of Pennsylvania, North East in the State of Pennsylvania, and the city of Buffalo aforesaid: And whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet: And whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Annie Inkson Dowding and Frederick Charles Dowding her husband is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Inkson Dowding may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Charles Dowding had not been solemnized.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

E

An Act for the relief of Annie Inkson Dowding.

Received and read a first time, Thursday, 20th April, 1899.
Second Reading, Thursday, 4th May, 1899.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

F.] **SENATE BILL.** [1899.

An Act for the relief of Abraham Aronsberg.

Preamble.

WHEREAS Abraham Aronsberg, of the city of Montreal, in the Province of Quebec, optician, has, by his petition, humbly set forth that, on the eleventh day of April, eighteen hundred and eight-two, he was lawfully married to Lottie Hurrion, at Liverpool, in England; that after their said marriage they came to Canada and became domiciled there; that there was born of the marriage one child, still living, namely, Samuel Aronsberg; that they lived and cohabited together as husband and wife, in Canada, from May, eighteen hundred and eighty-two, until November, eighteen hundred and ninety-five, when,—unhappy differences having arisen between them,—they separated, at Toronto, where they then resided, and have never since lived and cohabited together; that after their said separation he discovered, as the fact was, that his said wife had committed and was living in adultery with John P. Dunning of Toronto, aforesaid, commercial traveller, she and having, on the twenty-eighth day of April, eighteen hundred and ninety-seven, gone through a form of marriage with the said Dunning at Sioux Falls in the said State of South Dakota; that in the following July the said Abraham Aronsberg left Toronto and went to reside in Montreal; that the said Lottie Hurrion and the said Dunning have ever since been and are still living and keeping house and cohabiting together as man and wife, in Toronto aforesaid and are notoriously known there as so doing; and, whereas, the said Abraham Aronsberg has humbly prayed that his said marriage may be dissolved so as to enable him to marry again, and that such further relief may be afforded him as may seem meet; and whereas he has proved the allegations of his said petition and has established the adultery above mentioned; and it is expedient that the prayer of his said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Abraham Aronsberg and Lottie Hurrion, his wife, is hereby dissolved, and shall be from henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Abraham Aronsberg may, at any time hereafter, marry any other woman whom he might lawfully marry in case his said marriage with the said Lottie Hurrion had not been solemnized.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

F

An Act for the relief of Abraham Aronsberg.

Received and read a first time, Thursday, 20th April, 1899.
Second reading, Thursday, 4th May, 1899.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act Respecting The Imperial Life Assurance Company of Canada.

WHEREAS The Imperial Life Assurance Company of Canada has by its petition prayed that its Act of Incorporation, chapter fifty of the Statutes of 1896 (1st Session), be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1896 (1st Sess.) c. 50.

1. Section two of the said Act is hereby repealed, and the following substituted therefor:— Section 2 amended.

"**2.** The Company may effect contracts of insurance, throughout Canada and elsewhere, with any persons or corporations on life or lives, and may grant, sell or purchase annuities, grant endowments, enter into any transaction dependent upon life, and generally carry on the business of life assurance in all its branches." Business of company.

3. Section ten of the said Act is hereby repealed and the following substituted therefor:— Section 10 amended.

"**10.** The funds of the Company may from time to time be laid out and invested, either by way of purchase or loan, in or on any security or investment, in Canada or elsewhere, which is from time to time authorized by resolution passed by a majority of not less than three-fourths in value of the combined vote of the shareholders and of the actual holders of participating policies of the Company present in person or by proxy at a general meeting of the Company duly called for considering the subject of such resolution; and the Company may from time to time sell, vary and transpose any of such investments. Every holder of a participating policy for a sum of not less than one thousand dollars shall have one vote for each one thousand dollars of his policy. Any proxy must be himself a shareholder or a participating policy-holder. Investment of funds. Holders of participating policies to have votes. Proxies.

"2. The purchases, investments or loans authorized by this section may be made on such terms and conditions, in such manner and at such times, and for such sums and in such sums of repayment, whether of principal, interest, or principal and interest, as the directors from time to time determine, and either in satisfaction of or as collateral security for debts to the Company or judgments recovered against any person in its behalf, or in security for payment thereof or of any part thereof. Conditions of investments, repayment, etc.

"3. To secure further the repayment of any liability to the Company, or to secure further the sufficiency of the securities upon which the Company is above authorized to lend any of Additional security.

its funds, the Company may take any additional security of any nature."

Section 17 amended.

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

Issue of paid-up policies in certain cases.

"**17.** Whenever any holder of a policy, other than a term, natural premium or other policy, which in its nature has no surrender value, has paid three or more annual premiums thereon and has failed 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 sums as the directors may fix and determine, or he shall be entitled to be paid in cash such sum as the directors fix and determine as the surrender value of the policy, such sums to be ascertained upon principles to be adopted by by-laws applicable generally to all such cases as may occur; provided he demands such paid-up and commuted policy or such cash payment while the original policy is in force, or within six months after his failure to pay the premium thereon."

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

(G)

An Act respecting the Imperial Life Assurance Company of Canada.

Received and read a first time Tuesday, 25th April, 1899.
Second reading, Friday, 28th April, 1899.

Honourable Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

H.] **SENATE BILL.** [1899.

An Act incorporating The Imperial Loan and Investment Company of Canada.

WHEREAS the Imperial Loan and Investment Company of Canada (Limited) was incorporated by letters patent under the Great Seal of the Dominion of Canada, dated the eleventh day of June one thousand eight hundred and eighty-one, issued under *The Canada Joint Stock Companies Act* 1877, and whereas the said Company has by its petition represented that it is desirous of having its shareholders incorporated by an Act of the Parliament of Canada as a Company for the purposes of carrying on business anywhere in the Dominion of Canada, and has prayed for such incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada: enacts as follows:— Preamble. 1877, c. 43.

1. The shareholders of the said "The Imperial Loan and Investment Company of Canada, Limited" (hereinafter referred to as the "old Company"), and such others as may hereafter become shareholders in the Company hereby incorporated (hereinafter referred to as the "new Company"), are hereby constituted a body corporate, under the name of "The Imperial Loan and Investment Company of Canada," for the purposes, and with the rights and powers, and subject to the obligations and restrictions hereinafter declared. Incorporation of new company. Corporate name.

2. The capital stock of the new Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each. Capital and shares.

3. The shareholders of the old Company are hereby declared to be holders respectively of shares in the new Company to the same extent, and with the same amounts paid up thereon, as they are holders respectively of shares in the old Company. Shares in old company converted.

4. The president, vice-presidents and directors of the old Company shall respectively be the president, vice-presidents and directors of the new Company until their successors are appointed. Officers.

5. The by-laws, rules, and regulations of the old Company lawfully enacted shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made. By-laws.

Liability for obligations of old company.

6. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

7. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Acquisition of old company's assets.

8. The new Company may acquire all the assets, rights, credits, effects, and property, real, personal, and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act or to the like effect, shall be sufficient.

Securities for investments.

9. The new Company shall have power to lend money on security of, or purchase or invest in,—

(*a.*) mortgages or hypothecs upon freehold real estate, or other immovables;

(*b.*) the debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank) or incorporated company, if incorporated by or under the authority of the Parliament of Canada or of the legislature of any former or present or future province of Canada; provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes.

Borrowing powers.

10. The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new Company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to the new Company.

Limitation.

Liabilities of old company included.

11. The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new

Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks and belonging to the new Company shall be deducted from such total liabilities for the purposes of said section.

Limitation to holding real estate.

12. So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not from time to time exceed eighty per cent of its total assets.

Directors.

13. The affairs of the new Company shall be managed by a board of not less than seven directors.

Head office.

14. The head office of the new Company shall be at the city of Toronto, Province of Ontario, or in such other place in Canada as the directors may from time to time determine by a by-law confirmed at a special general meeting of the new Company duly called for the purpose of considering the same.

Debenture stock.

15. The directors of the new Company may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts, and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the new Company, and shall be included in estimating the new Company's liabilities to the public under section 10 of this Act, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the new Company.

Limitation.

Ranking.

Registration of debenture stock.

16. The debenture stock aforesaid shall be entered by the new Company in a register to be kept for that purpose in the head office of the New company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said register shall be accessible for inspection and perusal at all reasonable times to every debenture-holder, mortgagee, bondholder, debenture-stockholder and shareholder of the Company without the payment of any fee or charge.

Transfer of debenture stock.

17. All transfers of debenture stock of the new Company shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland as the new Company appoints for that purpose, for transmission to the new Company's head office for registration.

Exchange of ordinary debentures.

18. The holders of the ordinary debentures of the new company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation of debenture stock.

19. The new Company having issued debenture stock may, from time to time, as it thinks fit, and for the interest of the new Company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Agencies.

20. The new Company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the new Company has an agency.

No liability on trusts.

21. The new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of the new Company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

Real estate to be sold within seven years.

22. No parcel of land, or interest therein at any time acquired by the new Company and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein unless by way of security, and any such parcel of land, and any interest therein not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than seven years without being disposed of shall be forfeited to Her Majesty for the use of Canada; Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years; Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the new Company of the intention of Her Majesty to claim such forfeiture, and it shall be the duty of the new Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the new Company, or in trust for the new Company, and subject to these provisos.

Forfeiture.

Proviso for extension.

Notice.

Statement.

23. The new Company shall transmit, on or before the first March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to thirty-first December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it. Financial returns.

24. *The Companies Clauses Act*, chapter 118 of the Revised Statutes of Canada, except sections 7, 18, 38 and 39, shall apply to the new Company. Application of R.S.C., c. 118.

25. This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for considering the same, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by shareholders present or represented by proxy at such meeting, and holding not less than seventy-five per cent of the subscribed capital stock of the Company represented at such meeting; and a certified copy of such resolution shall within fifteen days from the passing thereof be transmitted to the Secretary of State and shall be by him published in the *Canada Gazette;* but upon such resolution being passed this Act shall take effect and speak from the time or event fixed by such resolution; Provided always that, prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the Company, in any province of Canada. Provision for bringing this Act into effect. Proviso as to organization, etc.

26. Nothing herein contained shall be held to exempt the new Company from the effect of any legislation hereafter passed by the Parliament of Canada with respect to the powers to be exercised by loan companies. As to future legislation.

SCHEDULE.

This indenture, made the day of A.D. 18 between the Imperial Loan and Investment Company of Canada (Limited) of the first part hereinafter called the old Company,

and the Imperial Loan and Investment Company of Canada of the second part, hereinafter called the new Company.

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being the Act of the Parliament of Canada passed in the year 1898 intituled: "An Act incorporating the Imperial Loan and Investment Company of Canada (Limited)" and by the resolution of shareholders duly passed in that behalf the day of (*or* the execution hereof, *as the case may be*) was fixed as the date (*or* event) from which the said Act should take effect and speak;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real and 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 does hereby grant, assign, transfer and set over unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled; to have and to hold unto the new Company, its successors and assigns, to and for their sole and only use for ever; and the old Company covenants with the new Company to execute and deliver at the expense of the new Company all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal and equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

4th Session, 8th Parliament

SENATE

H

An Act incorporating the Imperial Loan and Investment Company of Canada (Limited).

Received and read a first time, April, 1899.
Second reading, Wednesday

The Honourable Mr.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1899

An Act respecting The Canadian Northern Railway Company.

Preamble.

WHEREAS The Canadian Northern Railway Company by its petition has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition;

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

Confirmation of a certain agreement for amalgamation.

1. The amalgamation agreement set out in schedule "A" to this Act is hereby confirmed, and The Canadian Northern Railway Company therein named is hereby declared to have been, on and after the 13th day of January, A.D. 1899, and to be, a company duly formed under the terms and conditions of, and possessing and being vested with all the powers, franchises, privileges, assets, rights, credits, effects and property mentioned in, the said agreement and in the fourth section of chapter 70 of the Statutes of 1898.

Confirmation of a certain mortgage.

2. The mortgage set out in schedule "B" to this Act is hereby declared to be valid, binding and effectual according to the terms thereof.

Time for completion of line extended.

3. The time for the completion of the Company's lines of railway south of the Saskatchewan River is hereby extended for five years after the passing of this Act, and the time for the completion of its lines of railway north of the Saskatchewan River is hereby extended for seven years from the passing of this Act.

New lines authorized.

4. The branch line authorized by section 3 of chapter 81 of the Statutes of 1887 may be commenced at a point on the Company's line at or near Red Deer Lake, and the Company may lay out, construct and operate a line of railway from a point on the said branch at or near Prince Albert to Edmonton, or thereabouts, in the District of Alberta; also a branch line from a point on the said line to the Peace River, and a branch line from said point at or near Red Deer Lake Station to Lake Winnipegosis.

Declaratory as to power to issue bonds.

5. The Canadian Northern Railway Company has had power to issue and may issue bonds, debentures or other securities, secured in all or any of the following ways:

(*a.*) By mortgage upon any lands granted to the Company, or to which the Company may be or become entitled, in aid of its railway, or any portion thereof, by the Dominion of Canada, Province of Manitoba or any municipality;

(*b.*) By mortgage second to the mortgage forming schedule "B" to Chapter 49 of the Statutes of 1897, and to the mortgage forming schedule "B" to this Act.

Limitation of amount.

Provided that the total issue of said bonds, debentures or other securities shall not exceed twenty thousand dollars per mile of the Company's railway and branches, and Sections 93 to 97, inclusive, of *The Railway Act*, shall apply to the issue of such bonds, debentures or other securities; provided that anything excepted by special or general reference from the mortgages securing such bonds, debentures or other securities shall be also excepted out of the preferential claim and charge created by Section 95 of the said Act.

1888, c. 29.

SCHEDULE A.

AT THE GOVERNMENT HOUSE AT OTTAWA,
FRIDAY, 13th January, 1899.

Present: His Excellency In Council:

Whereas under the provisions of Chapter 70 of the Acts of the Parliament of Canada passed in the sixty-first year of Her Majesty's reign, (A. D. 1898) an application was duly made to His Excellency in Council for an Order approving of an agreement dated 20th December, 1898, made between the Winnipeg Great Northern Railway Company and The Lake Manitoba Railway and Canal Company for the amalgamation of those Companies under the provisions of the said Act;

And whereas the Minister of Justice has reported that the requirements of the said Act have been duly complied with and that the agreement of amalgamation (a duplicate original of which accompanied his report) is one which from a legal point of view may properly receive the approval of His Excellency in Council.

And whereas, it is expedient that the said agreement should be approved;

Therefore, His Excellency, by and with the advice of the Queen's Privy Council for Canada, is pleased to order, and does hereby order that the said agreement of amalgamation be and the same is hereby approved.

JOHN J. McGEE,
Clerk of the Privy Council.

This indenture made the twentieth day of December, A.D. 1898, between The Winnipeg Great Northern Railway Company, hereinafter called The Winnipeg Company, of the first part; and The Lake Manitoba Railway and Canal Company, hereinafter called Lake Manitoba Company, of the second part.

Whereas the Winnipeg Company was incorporated by the Parliament of Canada, under the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company;"

And whereas by the Act of said Parliament passed in the year 1887, being Chapter 81 of the Statutes of Canada of that year, the name of the said Company was changed to "The Winnipeg and Hudson's Bay Railway Company," and by sections 30 and 31 of the said Act power was conferred on said

Company to enter into any agreement with any other Company, except The Canadian Pacific Railway Company, for amalgamation;

And whereas by the Act of the said Parliament passed in the year 1891, being Chapter 94 of the Statutes of Canada of that year, the said Company's name was further changed to "The Winnipeg Great Northern Railway Company";

And whereas under the authority of the Act of the Parliament of Canada passed in the year 1884, being Chapter 25 of the Statutes of Canada of that year (being now section 90, Subsection (c), of Chapter 54 of the Revised Statutes of Canada) the Governor General in Council by divers Orders in Council in that behalf, and by contract with the said Company dated 11th May, 1885, granted to the Winnipeg Company certain lands in aid of the construction of its line on the terms and conditions in said Order in Council and contract contained; the said lands and the rights of the said Company in respect thereof are hereinafter referred to as the said Company's "land subsidy;"

And whereas under the authority of Chapter 8 of the Statutes of the Parliament of Canada of 1895 a transport contract dated the 12th day of May, 1896, was entered into between Her Majesty and the Winnipeg Company for payment to that Company of the moneys mentioned therein on completion by the Company of the line of railway therein mentioned;

And whereas by an Act passed by the Parliament of Canada in the year 1898, intituled "An Act respecting the Transport Contract between Her Majesty and The Winnipeg Great Northern Railway Company," it was enacted that instead of a line to the Saskatchewan River the said Company might before the 31st of December, 1899, construct a line of railway commencing on the Lake Manitoba Company's line at a point between Dauphin Station and Lake Winnipegosis, thence towards the Swan River District northerly and westerly for 125 miles, and upon the Company giving its assent thereto the said transport contract should apply to the line thereby authorized instead of to the line mentioned in said contract, and that upon such assent the construction of the line by the said Act so authorized should entitle the Company to the payments under the said contract to which it would be entitled upon the construction of the line therein mentioned, and it was further enacted that the Company's land subsidy should apply to the line thereby authorized; the payments to be made under said contract and the Company's other rights thereunder are hereinafter referred to as the said Company's "Transport subsidy;"

And whereas by Order of the Governor General of Canada in Council of the 22nd day of October, A.D. 1898, the time limited by the previous Orders in Council respecting the said Company's land subsidy was extended to the 31st day of December, 1899;

And whereas the Winnipeg Company duly gave its assent to the said Act of 1898 and to the said contract applying to the line thereby authorized instead of to the line mentioned therein, and the said Company has commenced and is now carrying on the construction of the line so authorized;

And whereas the Lake Manitoba Company was incorporated by the Parliament of Canada, and by the Act of that Parliament passed in the year 1898, intituled "An Act respecting The Lake Manitoba Railway and Canal Company," the said Company was authorized to enter into an agreement for amalgamation with the Winnipeg Company, and by said Act it was enacted that such agreement might prescribe the terms and conditions of the amalgamation, and might provide for the mode of carrying the same into effect, the name of the amalgamated Company, the amount of the capital stock, the number of shares and the amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each Company into that of the amalgamated Company, and such other or additional details as might be necessary or convenient to perfect the new organization and the after management and working thereof, and by the said Act it was further enacted that on and after the date of an Order of the Governor in Council approving of the said agreement the Companies parties thereto should be amalgamated, and should form one Company by the name in the said agreement provided and upon the terms and conditions thereof, and that the amalgamated Company should possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in each of the said Companies or to which each might be or become entitled;

And whereas the authorized capital of the Winnipeg Company is $15,000,000 and that of the Lake Manitoba Company is $800,000;

And whereas the two Companies parties hereto have agreed to amalgamate upon the terms and conditions hereinafter set out, and this agreement has been duly submitted to the shareholders of each Company, as required by the Acts relating to the Companies, and the same has been duly accepted and approved by resolutions of such shareholders passed by the majorities required by said Acts;

Now this indenture witnesseth as follows:—

1. The Winnipeg Company and the Manitoba Company hereby agree to amalgamate and do hereby amalgamate and form one Company upon the terms and conditions hereinafter set out.

2. The name of the amalgamated Company shall be "The Canadian Northern Railway Company."

3. The amount of the capital stock of the amalgamated Company shall be sixteen millions of dollars ($16,000,000.00) divided into one hundred and sixty thousand (160,000) shares of one hundred dollars ($100.00) each.

4. The Head Office of the amalgamated Company shall be at the City of Toronto or at such other place as the Board of Directors may from time to time by by-law prescribe.

5. The number of the Board of Directors shall be five, with power to increase the same from time to time by by-law to any number not exceeding ten. The first Directors shall be Frederic Nicholls, James Gunn, John M. Smith, Archibald J. Sinclair and Harcourt Vernon, all of the City of Toronto, and

they shall hold office until the first annual meeting of the Company for the election of Directors or until their successors are appointed.

6. Each shareholder in the Winnipeg Company shall be entitled to receive and there shall be issued to him by the amalgamated Company, one share in the capital stock of the amalgamated Company, issued as fully paid up and free from calls and other liability, for every one hundred dollars, paid up upon the shares held by him in the capital of the Winnipeg Company.

7. Each shareholder in the Lake Manitoba Company shall be entitled to receive, and there shall be issued to him by the amalgamated Company, two shares in the capital stock of the amalgamated Company, issued as fully paid up and free from calls and other liability, for every one hundred dollars of fully paid up stock held by him in the capital of the Lake Manitoba Company.

8. The amalgamated Company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in the Winnipeg Company and in the Lake Manitoba Company, or to which the Winnipeg Company and the Lake Manitoba Company may be or become entitled.

9. The amalgamated Company shall become liable for, and shall assume, carry out, pay and discharge all the contracts, obligations, debts and liabilities of the Lake Manitoba Company and the amalgamated Company shall become liable for and shall assume and carry out the transport contract with Her Majesty the Queen above mentioned, and any contracts respecting the construction of the line of railway to which the said contract, by said Statute of 1898, is made to apply, and the extension of said line to the Saskatchewan River, also all contracts with the Government of Canada respecting the Winnipeg Company's land subsidy and the terms and conditions of all Orders of the Governor General in Council respecting the same; and the amalgamated Company shall become liable for and assume, carry out, pay and discharge any other contracts, obligations, debts or liabilities of the Winnipeg Company which the Board of Directors of the amalgamated Company may by resolution specify; but nothing in this agreement, or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the Winnipeg Company or the Lake Manitoba Company, nor shall it relieve such Company from the payment or performance of any debt, liability, obligation, contract or duty.

10. The Board of Directors of the amalgamated Company may make such settlements and compromises with the debenture holders, creditors and others having claims against the Winnipeg Company on such terms as may be agreed on with the parties interested, and may, as the consideration or part thereof of such settlements and compromises, agree to issue and may issue stock in the capital of the amalgamated Company as fully paid up and free from calls or other liability.

11. The powers of the amalgamated Company respecting the issue of, and the sale, pledge and other disposition of, bonds, and the making of mortgages, securing the same, shall, with respect to the railways, rights, properties, franchises and otherwise of the amalgamated Company, be equal to but no greater than those now possessed by the Lake Manitoba Company.

12. The by-laws, rules and regulations of the Lake Manitoba Company shall, so far as applicable, be the by-laws, rules and regulations of the amalgamated Company, until repealed, amended, altered, or added to by by-laws, rules or regulations of the amalgamated Company.

13. An application shall be made to the Governor General in Council for an Order approving of the same, and upon such Order being made this agreement shall take effect.

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

(Sgd.) JAMES GUNN,
Vice President.

[L S.] [Seal.] (Sgd.) J. M. SMITH,
Secy. (W. G. N. Ry. Co.)

(Sgd.) FREDERIC NICHOLLS,
President.

[L.S.] [Seal.] (Sgd.) J. M. SMITH,
Secy. (L.M. R. & C. Co.)

IN PRESENCE OF :
(Sgd.) H. E. HARCOURT VERNON.

SCHEDULE B.

This indenture, made the First day of February, A.D., 1899, between The Canadian Northern Railway Company, hereinafter called the Company, of the first part ; the Honorable Thomas Greenway, of the City of Winnipeg, Railway Commissioner of the Province of Manitoba, and the Honourable Robert Watson, of the same place, Minister of Public Works of the said Province, and their successors in the trust, hereinafter called the Trustees, of the second part ; and Her Majesty the Queen, hereinafter called the Government and herein represented and acting by the Railway Commissioner of the Province of Manitoba, of the third part.

1. Whereas the Company is a Company formed by the amalgamation of The Winnipeg Great Northern Railway Company, hereinafter called the Winnipeg Company, and The Lake Manitoba Railway and Canal Company, hereinafter called the Lake Manitoba Company, the agreement of amalgamation, dated 20th December, 1898, having been approved by Order of the Governor General of Canada in Council, made pursuant to the Statutes in that behalf and dated the thirteenth day of January, 1899 ;

2. And whereas under the said agreement and the Statutes pursuant to which it was made the Company became and is

possessed of and is vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in the Winnipeg Company and the Lake Manitoba Company, or to which each might be or become entitled ;

3. And whereas by agreement dated the thirteenth day of May, 1898, made between the Government and the Lake Manitoba Company, pursuant to and under the authority of the Act of the Legislature of Manitoba, being Chapter 43 of the Statutes of Manitoba for the year 1898, the Lake Manitoba Company agreed to construct or cause to be constructed, completed and equipped the line of railway hereinafter mentioned, and the Government agreed to guarantee the payment of the principal and interest of the first mortgage bonds of the Company to the extent of eight thousand dollars per mile for the said line of railway ;

4. And whereas the Winnipeg Company was empowered, among other things, to lay out, construct and operate the line of railway hereinafter mentioned, with respect to which the bonds hereinafter mentioned are issued, and the Lake Manitoba Company pursuant to the said agreement duly caused the Winnipeg Company to commence and carry on the construction of the said line, and certain parts thereof were completed, and the amalgamated Company is now empowered to construct and complete and proposes to proceed with the construction and completion of said line, and to operate the same, and a contract for such construction has been duly entered into and the said line is now in course of construction thereunder, and it is necessary for the Company to issue its bonds for the purpose of raising money for prosecuting its undertaking ;

5. And whereas by the said agreement it was provided that, in case the Lake Manitoba Company became amalgamated with the Winnipeg Company, the amalgamated Company might, before, during or after the construction of the said line, be substituted for the Lake Manitoba Company, when so amalgamated, in respect of the said guarantee ; and whereas the amalgamated Company has been so substituted ;

6. And whereas under the Acts relating thereto the Company is duly authorized to issue the bonds hereinafter mentioned and to secure the payment of the same by this mortgage ;

7. And whereas the said line is a line of railway commencing at a point on the line of railway of the Lake Manitoba Company, as constructed previous to said amalgamation, at or near the first curve eastward, north of Sifton Station, thence, in a northerly or north-westerly direction to a point on the south bank of the Saskatchewan River, which line is 196 miles in length or thereabouts ;

8. And whereas all necessary and requisite by-laws and resolutions of the Directors and Shareholders of the Company have been duly passed so as to make the issue of bonds hereby secured and the execution of these presents legal and valid and in accordance with the requirements of the Statutes relating to the Company and of all other Statutes and laws in that behalf ;

9. And whereas these presents have been duly submitted to and have been duly approved of by the Shareholders and Directors of the Company at meetings duly called and held to consider the same, and these presents are also satisfactory to the Government;

NOW THIS INDENTURE WITNESSETH—

10. Wherever in these presents the Company is mentioned or referred to such mention or reference shall extend to and include its successors and assigns, and wherever the Trustees are mentioned or referred to such mention or reference shall extend to and include their successors in this trust and any other Trustee or Trustees who may be appointed or succeed to the trusts hereof.

11. The total amount of the issue of bonds hereby secured shall be at the rate of eight thousand dollars per mile, and no more, for each mile of the said line of railway. Each bond shall be for the sum of one hundred pounds sterling money of Great Britain. The said bonds shall be dated the first day of February, A.D., 1899. The principal money thereby secured shall be payable on the first day of February A.D., 1929, with interest at the rate of four per cent per annum, half-yearly, on the first days of August and February in each year during the currency of the said bonds; all interest to be represented by coupons attached to the said bonds. The place of payment of both principal and interest shall be at the Bank of Scotland, in London, England. The form of bond shall be as follows or to the like effect:—

DOMINION OF CANADA.

PROVINCE OF MANITOBA.

Series A.

£..... No.....

THE CANADIAN NORTHERN RAILWAY COMPANY.

FOUR PER CENT. FIRST MORTGAGE BOND.

Guaranteed by the Province of Manitoba.

The Canadian Northern Railway Company, for value received, hereby promises to pay to the bearer hereof, or, if registered, to the registered holder, one hundred pounds, sterling money of Great Britain, on the first day of February, A.D., 1929, at the office of the Bank of Scotland in London, England, with interest thereon at the rate of four per cent per annum, payable half-yearly, at the said place, on the first days of August and February in each year, on the presentation and surrender of the interest coupons hereto annexed as they severally become due.

This bond is one of a series of like tenor and date, the total amount of which is at the rate of eight thousand dollars per mile, and no more, of the said Company's line of railway from a point near Sifton Station in Manitoba, thence in a northerly or

north-westerly direction to a point on the south bank of the Saskatchewan River, a distance of 196 miles or thereabouts. The payment of principal of all of said bonds and interest thereon is secured by a deed of mortgage bearing even date herewith, duly executed by the Company, to the Honourable Thomas Greenway, the Railway Commissioner of the Province of Manitoba, and the Honourable Robert Watson, the Minister of Public Works of the said Province, and their successors in the trust, as Trustees, which conveys to the said Trustees by way of mortgage the said line of railway of the Company and the other premises and properties as in said mortgage described, but not including payments to be received from the Government of Canada under any transportation contract made in pursuance of Chapter 8 of the Statutes of Canada, 1895, and the Acts therein mentioned, and Chapter 10 of the Statutes of Canada of 1898, or any subsidies, gifts or bonuses, whether in land, money or otherwise, to which the Company is now or hereafter may become entitled.

And the payment of the principal of the said bonds and interest thereon is guaranted by the Province of Manitoba as thereon endorsed.

This bond may be registered in the books of the Company at its head office, or at the office of the Bank of Scotland, London, after which no transfer, except upon the books of the Company, at the place of registry, will be valid, but it is not to be deemed registered until the name of the holder is registered on the back of the bond as well as in the said books. A transfer in favour of bearer may subsequently be registered, after which this bond shall be transferable by delivery alone until again registered in the name of the holder.

This bond shall not become obligatory until it shall be certified by the Trustees for the time being under the said mortgage.

In witness whereof the Canadian Northern Railway Company has caused its seal to be hereto affixed, and these presents to be signed by its President and countersigned by its Secretary, this First day of February, one thousand eight hundred and ninety-nine.

.....

President.

Countersigned. [SEAL.]

.....

Secretary.

CERTIFICATE TO BE ENDORSED ON BOND.

"Certified by

.....

.....

Trustees."

INTEREST COUPON.

"£2..0..0. Coupon No.....

The Canadian Northern Railway Company will pay the bearer two pounds sterling on the.....day of....., at the office of the Bank of Scotland, London, England, being half-yearly interest on bond No.....

Series A. .....

Secretary."

GUARANTEE TO BE ENDORSED ON BOND.

"Under the provisions of 61 Victoria, Chapter 43, Statutes of Manitoba, 1898, the principal sum secured by the within bond, and interest thereon payable semi-annually for thirty years, at the rate of four per cent per annum, is hereby guaranteed by the Government of Manitoba.

Dated the.....day of.....A.D., 1899.

.....

Provincial Treasurer."

12. For and in consideration of the premises, and for the purpose of securing the payment of the said bonds and the interest thereon, the Company doth hereby grant and convey unto the Trustees, their heirs and assigns, as joint tenants and not as tenants in common, that portion of the said Company's railway above described, viz., commencing at or near Sifton Station on the line of railway of the Lake Manitoba Company heretofore constructed, thence in a northerly or north-westerly direction to a point on the south bank of the Saskatchewan River, which line is hereinafter referred to as "the said railway," as the same is now located and constructed or in course of construction, and as the same may be hereafter located and constructed, which line is estimated at one hundred and ninety-six miles in length, or thereabouts; together with all the Company's property, comprising telegraph and telephone lines erected along the said railway or used in connection therewith and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops and all other structures now held and acquired, or which hereafter may be held or acquired by the Company, its successors or assigns, for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars, and all other rolling stock, steam shovels and equipment whatsoever, and all machinery, tools and implements, and all supplies and materials now held or hereafter acquired by the Company, its successors or assigns, for constructing, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtenances thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property, except as hereinafter provided; and also all other

privileges, powers, immunities; and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it, its successors and assigns; also the earnings of that portion of the Company's line of railway constructed by The Lake Manitoba Railway and Canal Company before the formation of the amalgamated Company by the amalgamation of The Lake Manitoba Railway and Canal Company with The Winnipeg Great Northern Railway Company, which line of railway extends from the point of junction with The Manitoba and North-Western Railway near Gladstone, Manitoba, and extends in a northerly, north-westerly and north-easterly direction to a point on Lake Winnipegosis, after deducting from such earnings the working expenses of said line and the interest on the bonds issued by the Lake Manitoba Railway and Canal Company and secured by a first mortgage upon the said line, excepting, however, payments to be received from the Government of Canada under any transportation contract made in pursuance of Chapter 8 of the Statutes of Canada for 1895 and the Acts therein mentioned and Chapter 10 of the Statutes of Canada for 1898, and any subsidies, gifts or bonuses, whether in land, money or otherwise, to which the Company is now or may hereafter become entitled; also excepting the line of railway (about forty miles in length) constructed by The Winnipeg Great Northern Railway Company from a point at or near Winnipeg and running in a northerly and westerly direction; all which are hereby expressly excepted and reserved from the operation of this mortgage; and this mortgage is made subject to whatever prior charge on any part of the mortgaged premises may have been created by the mortgage dated August 1st, 1896, made by The Lake Manitoba Railway and Canal Company to the said Trustees, securing the issue of bonds therein mentioned.

To have and to hold the above described property, premises, things, rights, privileges and franchises acquired and to be acquired, and hereby expressed to be conveyed and intended so to be unto the Trustees, their heirs and assigns, according to the nature and quality thereof, as joint tenants and not as tenants in common, and to their successors in the said trust:

In trust, nevertheless, to and for the uses and for the purposes and conditions hereinafter set forth:

13. Until default shall be made in the payment of the principal or interest of the said bonds hereby secured, or of some one or more of them, or in respect of something herein required to be done, or some condition or covenant to be performed by it, the Company and its assigns shall be suffered and permitted to possess, manage and enjoy the said railway, and all other property expressed to be conveyed hereby, together with the equipment and appurtenances thereof, and the franchises appertaining thereto, and to take and use the rents, incomes, profits, tolls and issues thereof, in the same manner and with the same effect as if this deed had not been made, but subject or to be subject nevertheless to the lien of these presents.

14. In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued

by the Company, when such interest shall become payable according to the tenor of such bond or the terms of any coupons thereto annexed, and such default shall continue for a period of six months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the said Company, and such default shall continue for a period of six months after written notice thereof to the Company, then and from thenceforth, and in either of such cases, except as hereinafter mentioned, it shall be lawful for the Trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway and property hereby conveyed or intended so to be acquired or constructed, and to be acquired or constructed, or any part thereof; and thenceforth to have, hold, possess and use the said railway and property, and each and every part and parcel thereof, then subject to the lien of these presents, with full power for the period of three months thereafter, and afterwards until the sale and subsequent delivery of the said railway shall have been made as herein provided, to operate and conduct the business of the said railway, including all telegraph and telephone lines, by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; or to lease to some other company the said railway and telegraph and telephone lines, with full power to such other company to operate and conduct the business of the railway and telegraph and telephone lines, and after deducting the expenses of operating the said railway and telegraph and telephone lines and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this Indenture created, the Trustees shall apply the moneys arising from such collections and receipts, as aforesaid, to the payment of interest on the said bonds, but excluding all interest coupons which may have been paid by the Government of Manitoba under its guarantee, in the order in which such interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain, and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the Trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same shall be applied in payment of the interest coupons which may have

been paid by the Government of Manitoba, and any surplus which shall remain after such payment shall be paid over to the Company or its assigns; but in case the principal of said bonds shall have become due, or shall have been declared by the Trustees to be due, under the provisions of paragraph 16 of this Indenture, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon the sale of the said railway and premises as hereinafter provided.

15. In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue, as aforesaid, for the period of six months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, and shall continue for a period of six months thereafter, it shall be lawful for the Trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents to sell and dispose of the said railway, property and all and singular the property, rights and franchises hereinbefore particularly described and expressed to be conveyed, and which shall be then subject to the lien of these presents, at public auction in the City of Winnipeg, in the Province of Manitoba, and at such time as the Trustees shall appoint, having first given notice of the time and place of such sale, by advertisement, published not less than three times a week for three successive months, in one or more daily newspapers published in the Cities of Winnipeg, London (England), Toronto and Montreal. And, after such notice, it shall be lawful for the Trustees to make such sale, with or under any special conditions as to upset price, reserved bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds or interest coupons secured hereunder, which may be prescribed or authorized by the Bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and re-sell with or under any of the powers herein. And the Trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, and after one month's notice thereof, published not less than three times a week for one month in the said daily newspaper or newspapers, make such sale with or under any of the powers herein, at the time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway, property, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the Company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from or under the said Company or its assigns. And, after deducting from the proceeds of such sale just allowances for all expenses thereof, including attorneys' and counsel fees, and all other expenses, advances or liabilities, which may have been made or incurred by the Trustees in operating or maintaining the said railway and property, or in managing the business thereof, and all payments by them made for taxes and assessments, and for charges and liens

prior to the lien of these presents on the same or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in paragraph 14, it shall be lawful for the Trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of the said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders, excluding, however, any bonds and interest coupons paid by the Government of Manitoba; and if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, the same shall be applied in payment of the bonds and coupons which may have been paid by the Government of Manitoba, and if any surplus thereafter to pay such surplus to the Company or its assigns. And it is hereby declared and agreed that the receipt of the Trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money; and that after payment of such purchase money, and having such receipt, such purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase money, or of any part thereof, nor shall he or they at any time be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

16. In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond, or of any coupon thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid, and been demanded, and such default shall continue for six months thereafter, then and from thenceforth the principal sum of each of the bonds aforesaid shall, upon a declaration of the Trustees to that effect, made upon the request hereinafter provided for, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the Trustees unless a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have requested the Trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided at any time before the actual payment and acceptance of the interest in arrear, have instructed the Trustees to declare such principal sum due; and such majority of the Bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided, always, that no act or omission either of the Trustees or of the Bondholders in the premises shall extend

to, or be taken in any manner whatsoever to affect, any subsequent default, or the rights resulting therefrom.

17. It shall be the duty of the Trustees, but subject always to the provisoes in paragraph 15 contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of Bondholders in the several cases of default herein specified, on the part of the Company or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of Bondholders as herein prescribed, as follows :

1. In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of six months, then and in every such case, upon a requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the Trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the Trustees to proceed to enforce the rights of the Bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of Bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law, shall deem most expedient for the interest of the holders of said bonds ; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof; provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the Trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this Indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the Trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid ; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults, on which it is founded, in like manner as is hereinbefore provided for a direction to the Trustees to waive default. And it is hereby further declared and provided that no action, taken by the Trustees or by the Bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the Trustees, or of the Bondholders, in the event of any subsequent default or breach of condition or covenant herein.

2. If the Company shall make default or breach in the performance or observance of any other condition, obligation or

requirement by the said bonds or by this present deed imposed upon them, then and in such case the Trustees shall, upon a requisition in a manner aforesaid, of not less than one-fifth in interest of the Bondholders, for the time being, and upon adequate and proper indemnification of the Trustees against the costs, expense and liabilities to be by them incurred, proceed to enforce the rights of the Bondholders under these presents in the manner by the first clause of this Article provided, subject to a power in such majority at any time to direct in manner aforesaid, the Trustees to waive such default or breach, upon due reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the Trustees or by the Bondholders, under this clause, shall prejudice or in any manner affect the powers or rights of the Trustees or of the Bondholders, in the event of any subsequent default or breach of condition or covenant herein.

18. The Trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the lands and premises which are conveyed hereby, or which are at any time acquired or held by the said Company or its assigns for use in connection with the said railway and telegraph and telephone lines or extension thereof, or the construction, maintenance or operation thereof, but which in the judgment of the Trustees it shall be unnecessary longer to retain for use in connection therewith. And the Trustees shall also have power and authority to allow the Company or its assigns from time to time to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock, steam shovels, and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

19. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to Shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof.

20. All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at its head office or at its transfer office in the Counting House of the Bank of Scotland, in the City of London, England, a Bond Register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by production thereof; and every registra-

tion of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last-mentioned transfer book, so as to show the number of the bond transferred, and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered ; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery ; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

21. The Company shall from time to time and at all times hereafter well and truly defend and keep harmless and fully indemnify the Government against all loss, costs, charges, damages and expenses which the Government may at any time or times hereafter bear, sustain or be put to for, by reason or on account of the Company failing to pay the said coupons and bonds or any of them.

22. In the event of the Government under the terms of its guarantee paying the interest coupons upon such bonds, or any of them, or paying the said bonds themselves or any of them, the Government shall be subrogated to all the rights of the holders of such coupons and bonds so paid by the Government, and the Governmeut shall in such event be deemed to be purchasers of such coupons and bonds so paid, and shall have all the rights and remedies which are provided in this instrument for the protection of original holders of such bonds, and the trustees shall in such event be deemed to be trustees for the Government in respect of the coupons and bonds so paid by the Government, and may be called upon by the Government to exercise and shall then exercise all the powers and remedies herein provided in the event of any default in payment on the part of the Company so as to fully secure payment and recoupment to the Government of any and of all coupons and bonds paid by it under the terms of the said guarantee. And the Trustees shall in such event and upon being requested so to do have the right to apply to a court of competent jurisdiction for and to secure the appointment of a receiver of the undertaking, assets and revenues of the Company.

23. Provided, however, that no steps shall be taken by the said Trustees or by the Government to enforce the payment by the Company to the Government of any instalment of interest paid by the Government before the expiration of four years from the completion of the said railway unless and until the certificate of the Chief Justice of the Court of Queen's Bench of Manitoba has been given that during the financial year in which such certificate is given there have been net earnings of the Company over and above the working expenses of the railway, and that such net earnings or some part thereof have not been applied in payment of interest upon the said bonds

guaranteed by the Government. And in the construction of this mortgage the term "Working Expenses" shall in no case be held to include the salary of any officer or employee whose time is not wholly employed bona fide in the operation or management of the said railway except that as to officers and employees whose services are necessary or desirable but whose whole time is not fully taken up in the service of the Railway Company under the head of "Working Expenses" there shall be included a reasonable remuneration for the time actually expended and services actually rendered by such officer or employee to the Company in connection with the operation or maintenance of the railway, and that under the term "Working Expenses" there shall not be included any expenses, payments or outgoings not reasonably necessary for the efficient management, maintenance, operation and repair of the said railway.

24. The said Chief Justice shall have full power to decide what are proper working expenses, and in so deciding may take evidence or consult with experts and use his own judgment in coming to a decision, and the decision of the Chief Justice thereon shall in any and all cases be final and binding without appeal. Three months' notice of any application for the granting of a certificate by the Chief Justice as aforesaid shall be given to the Company by leaving the same at its head office or by publishing the same in a daily newspaper of the City of Winnipeg.

25. Provided further, however, that the said Trustees shall not take any steps for the sale of the said railway or for the foreclosure of this mortgage or other steps which would have the effect of returning to the Bondholders the principal or part of the principal of their bonds before the maturity thereof at the instance of the Government or its assigns or any person acting on their behalf or in their interest, until the principal money of the said bonds is to become due in accordance with the terms of such bonds, or has been declared by the Trustees to be due under the provisions of paragraph 16 of this Indenture, it being agreed and intended that the principal money of the said bonds shall not be called in at the instance of the Government until the principal money of the said bonds becomes due according to the terms thereof or has been declared by the Trustees to be due under the provisions of paragraph 16 of this Indenture, and that no proceedings by way of sale, foreclosure or otherwise which would have the effect of returning to the Bondholders the principal or part of the principal of their bonds before the maturity thereof shall be taken at the instance of or on behalf of or in the interests of the Government, and that any interest and coupons not paid by the Government under the terms of the said guarantees shall be paid in priority to the claim of the Government for any interest paid under the terms of the guarantee.

26. The Trustees, or any Trustee hereunder, may take such legal advice and employ such assistance as may be necessary in their judgment to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation the Company hereby promises and agrees to pay; but in case the Company should

make default in such payment, the same shall be retained by the Trustees out of any trust moneys coming into their hands.

27. The trustees shall not, nor shall any Trustee hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trusts, and not the one for the other or others of them, or the acts or defaults of the other or others.

28. The Trustees shall be the parties who occupy the offices of Railway Commissioner and Minister of Public Works in the Province of Manitoba, and their successors in such offices from time to time, and, in the event of those offices becoming vacant, then the Government shall have power to appoint such person or persons as to the Government may seem meet to be Trustees under the terms of this mortgage, and on such appointment each person so appointed shall, and on a successor in such office succeeding thereto, he shall be vested with the same powers, rights and interests, and charged with the same duties and responsibilities as if he had been named among the parties of the second part to this instrument in place of the Trustee whom he succeeds, without any further assurance, conveyance, act or deed; but in the event of any conveyance or other instrument being thought necessary or suitable for the purpose of assuring the new Trustee so appointed a full general estate in the premises, then the company shall forthwith execute the same.

29. Meetings of the Bondholders under this deed of trust may be called in such mode as may be fixed by regulations prescribed or established by the Bondholders; and the Bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the Bondholders, acting by the majority in interest, as to them shall seem expedient; and until the Bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the Trustees. And the Trustees shall have the right, at or before any meeting of Bondholders, to require that any act or resolution of the Bondholders affecting the duties of the Trustees, shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said Bondholders are herein declared to have any discretionary voice or power; it shall be the duty of the Trustees, and such Trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the Bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed, if necessary, from the trust fund) to be published three times in each week for six weeks, in one or more daily newspapers of good circulation among

the business community of the Cities of Winnipeg, London (England), Toronto and Montreal, and in default of such meeting being called by the Trustees within thirty days after notification to them in writing by any Bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any such meeting.

30. Each of the Trustees hereby accepts the trusts hereby created and agrees to discharge the same unless and until he be legally discharged therefrom either by resignation or removal as hereinbefore provided or otherwise.

31. If the Company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by them or either of them done or observed, then and in that case all the estate, right, title and interest of the Trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the Trustees shall execute such re-conveyance and re-assignment of the premises as may be necessary or expedient.

32. And the Company, for itself and its assigns, hereby covenants and agrees to and with the Trustees, and their successors in the trust created by these presents, that the bonds hereby secured or intended so to be, shall be issued only at such times and in such amounts as hereinbefore limited; that the said Company will, in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed, or intended or contemplated so to be, which may not be covered by the exemption from taxation under the said recited Act, so as to keep the mortgaged premises free and clear from any encumbrance by reason thereof;

and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the Trustees, under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the Trustees, upon the trusts herein expressed, the railway aforesaid, acquired and to be acquired, constructed and to be constructed, together with their equipment, appurtenances and franchises, and all and singular the lands, property and things hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed to the Trustees, or their successors in the trust created by these presents, as by the Trustees, or by their counsel learned in the law, shall be reasonably advised, devised or acquired, so that the Trustees or their successors in the trust and their assigns may become fully possessed of and entitled to the same.

33. The Company for itself and its assigns hereby covenants and agrees to and with the Trustees and their successors in the trust created by these presents and with the Government as follows:

(*a*) At all stations upon the said railway there shall always be permitted the loading of grain into cars from farmers' vehicles or flat warehouses, subject to reasonable regulations made by the Company, and at all reasonable times during the period of the guarantee hereinbefore referred to, proper facilities therefor shall be afforded.

(*b*) No lease, agreement, contract or transaction shall be at any time entered into the effect of which will be to interfere with or prevent the fulfilment of the various covenants herein entered into, on the part of the Company.

(*c*) No lease of the said railway, no contract for running powers or wheelage over the said railway, no traffic contract or contract for the operation of the said railway, made or entered into during the currency of the said bonds without the consent of the Government shall be valid as against the Government after default made by the Company in payment of interest on any of the bonds so guaranteed by the Government.

(*d*) During the currency of the said bonds, the said line of railway shall be preserved in a proper and efficient state of repair and equipment, and it shall be efficiently and regularly operated.

(*e*) Proper and correct books of account shall be kept by the Company which shall show all the transactions of the Company, and particularly shall clearly exhibit a statement of the working expenses of the said railway and the earnings thereof, and all earnings properly applicable to the said railway, whether the same is further extended or connected with another railway or other railways or not, and the Company shall deliver to the Government within one month after the 31st day of December in each year after the date hereof a statement of such working expenses and earnings in such detail as shall be required by the Government.

(*f*) All reasonable facilities shall be furnished to any other railway company for the receiving and forwarding and delivering of traffic upon and from the line of railway belonging to

or worked by such companies respectively, and for the return of carriages and cars and no undue or unreasonable preference or advantage shall be made or given to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever, nor shall any particular person or company or any particular description of traffic be subjected to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and all due and reasonable facilities for receiving and forwarding over the said railway of the traffic arriving by such other railway or railways shall be forwarded without any unreasonable delay and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction is afforded to the public desirous of using such railway as a continuous line of communication and so that all reasonable accommodation by means of the railways of the several companies is at all times afforded to the public in that behalf, and any agreement made between the said Company or its assigns and any other company or its assigns and any other company contrary to the provisions of this instrument or anything therein contained shall be null and void.

(*g*) If requested so to do by the Government, the Company will make an application to the Parliament of Canada for an Act to ratify and confirm and make binding upon the Company and its assigns everything herein contained, and the parties hereto covenant that they will assist and promote in every way in their power such application and the obtaining of the passage of the said Act.

(*h*) The Government shall be entitled to take proceedings by way of injunction to prevent the infringement of any of the terms or provisions of this instrument, and in the event of the Company failing to fully and completely perform all such terms and provisions, the Government shall be entitled to enforce such performance.

In witness whereof the Company has caused its corporate seal to be hereunto affixed and these presents to be signed by its President and Secretary; and the Trustees, to evidence their acceptance of the said trust, have likewise signed and sealed these presents; and the Government have also caused these presents to be executed under the hand and seal of the Railway Commissioner of the Province of Manitoba.

SIGNED, SEALED AND DELIVERED BY THE COMPANY In the presence of

.....
President.

.....
Secretary.

BY THE TRUSTEES In the presence of

.....
Trustee.

.....
Trustee.

BY THE GOVERNMENT In the presence of

.....
Railway Commissioner of the Province of Manitoba.

CANADA
Province of Manitoba
To Wit:

I, of the City of Winnipeg, in the Province of Manitoba, make oath and say:

1. That I was personally present and did see the Honourable Thomas Greenway, and the Honourable Robert Watson, the Trustees named in the within Instrument, and the Honourable Thomas Greenway, Railway Commissioner, who are personally known to me to be the persons named therein, duly sign, seal and execute the same for the purposes named therein.

2. That the said Instrument and duplicate were executed at the City of Winnipeg, and that I am subscribing witness to the said Instrument and Duplicate.

Sworn before me at the City of Winnipeg, in the Province of Manitoba, this
day of
in the year of our Lord 1899.

A Notary Public.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

I

An Act respecting the Canadian Northern Railway Company.

Received and read a first time, Friday, 28th April, 1899.
Second Reading, Wednesday, 17th May, 1899.

The Honourable
Mr. KIRCHHOFFER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

J.] **SENATE BILL.** [1899.

An Act respecting Usury.

WHEREAS on the part of some money-lenders a practice has obtained for charging exorbitant rates of interest to needy or ignorant borrowers, sometimes as much as five per cent per diem, and whereas it is in the public interest that the transactions of money-lenders should be controlled by limiting their rates of interest: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. This Act may be cited as *The Usury Act*, 1899. Short title.

2. Notwithstanding the provisions of chapter 127 of the Revised Statutes, no person shall stipulate for, allow or exact on any negotiable instrument, contract or agreement whatsoever a rate of interest or discount greater than twenty per cent per annum, and the said rate of interest shall be reduced to the rate of ten per cent per annum from the date of issue of process in any suit, action or other proceeding for the recovery of the amount due. Interest on negotiable instruments, contracts, etc., limited to 20 per cent per annum. And to 10 per cent after suit is begun.

3. In any suit, action or other proceeding respecting a loan of money wherein it is made to appear to the Court that the amount of interest sought to be recovered exceeds the rate of twenty per cent per annum, the Court may re-open the whole transaction, up to the original contract, if there have been renewals, and may determine the rate of interest paid or claimed, by taking an account between the parties and by computing in the legal interest all sums paid or claimed as and for commission, fines, bonus and other such outlays; and the lender who is found to have received more than twenty per cent interest shall be condemned to repay such excess, and such judgment may be executed even by coercive imprisonment. Powers to court for determination of rate charged. Lender to repay excess.

4. The *bona fide* holder, before maturity, of a negotiable instrument discounted by a preceding holder at a rate of interest exceeding that authorized by this Act, may nevertheless recover the amount thereof, but the party discharging such instrument may reclaim from the usurer any amount paid thereon for interest or discount in excess of the amount allowed by this Act Exception in case of negotiable instrument. Recovery of excess in such case.

5. The principal of any sum of money due and exigible, before the date of the passing of this Act, in virtue of any negotiable instrument or under any contract or agreement, shall not, from and after the said date, bear a rate of interest Application of Act to existing contracts.

greater than twenty per cent per annum; and from and after the said date no rate of interest greater than ten per cent per annum shall be recovered under any judgment, rendered before the said date, allowing a greater rate than ten per cent per annum.

And to existing judgments.

6. In the case of negotiable instruments maturing after the date of the passing of this Act, and in the case of contracts and agreements to be performed after the said date, the provisions of this Act shall apply only from the date of maturity or performance as the case may be.

As to instruments and contracts not yet matured.

7. Nothing in this Act shall operate to increase the rate of interest that may be recovered in any case where by law the rate is fixed at less than twenty per cent per annum.

Act not to increase existing rates.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

J

An Act respecting Usury.

Received and read first time, Thursday, 18th May, 1899.
Second reading, Tuesday, 23rd May, 1899.

The Honourable Mr. DANDURAND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

J.] **SENATE BILL.** [1899.

An Act respecting Usury.

(*Reprinted as amended in Committee of the Whole.* 13*th July*, 1899.)

WHEREAS on the part of some money-lenders a practice has obtained of charging exorbitant rates of interest to needy or ignorant borrowers, and whereas it is in the public interest that the transactions of money-lenders should be controlled by limiting their rates of interest: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act may be cited as *The Usury Act*, 1899. Short title.

2. The expression "money-lender" in this Act shall include any person who carries on the business of money-lending, or advertizes, or announces himself, or holds himself out in any way, as carrying on that business, and who makes a practice of lending money at a higher rate than ten per cent per annum, but does not comprise registered pawnbrokers as such. Definition. "Money-lender."

3. Notwithstanding the provisions of chapter 127 of the Revised Statutes no money-lender shall stipulate for, allow or exact on any negotiable instrument, contract or agreement, the principal of which is under five hundred dollars, a rate of interest or discount greater than twenty per cent per annum; and the said rate of interest shall be reduced to the rate of ten per cent per annum from the date of judgment in any suit, action or other proceeding for the recovery of the amount due. Interest on negotiable instruments, contracts, etc., limited to 20 per cent per annum. And to 10 per cent after judgment rendered.

4. In any suit, action or other proceeding concerning a loan of money by a money-lender the principal of which was originally under five hundred dollars, wherein it is alleged that the amount of interest paid or claimed exceeds the rate of twenty per cent per annum, including the charges for discount, commission, expenses, inquiries, fines, bonus, renewals, or any other charges, but not including taxable conveyancing charges, the court may re-open the transaction and take an account between the parties, and may, notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation, re-open any account already taken between the parties, and relieve the person under obligation to pay from payment of any sum in excess of the said rate of interest; and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it; and may set aside, either wholly or in part, or revise, or alter, any security given in respect of the transaction. Powers to court for inquiry into transaction and relief of debtor. Lender to repay excess.

Exception in case of negotiable instrument.

Recovery of excess in such case.

5. The *bona fide* holder, before maturity, of a negotiable instrument discounted by a preceding holder at a rate of interest exceeding that authorized by this Act, may nevertheless recover the amount thereof, but the party discharging such instrument may reclaim from the money-lender any amount paid thereon for interest or discount in excess of the amount allowed by this Act

Application of Act to existing contracts.

And to existing judgments.

6. The principal of any sum of money, as expressed by section 4 of this Act, due and payable before the date of the passing of this Act, in virtue of any negotiable instrument given to a money-lender or of any contract or agreement entered into with such money-lender in respect of money lent by him, shall not, from and after the said date, bear a rate of interest greater than twenty per cent per annum; and from and after the said date no rate of interest greater than ten per cent per annum shall be recovered upon any judgment, rendered before the said date, upon any such negotiable instrument, contract or agreement for the payment of money lent by a money-lender, and which allows a greater rate than ten per cent per annum.

As to instruments and contracts not yet matured.

7. In the case of any such negotiable instruments maturing after the date of the passing of this Act, and in the case of any such contracts and agreements to be performed after the said date, the foregoing provisions of this Act shall apply only from the date of maturity or performance as the case may be.

Act not to increase existing rates.

8. Nothing in this Act shall operate to increase the rate of interest that may be recovered in any case where by law the rate is fixed at less than twenty per cent per annum.

Penal clause.

9. Every money-lender is guilty of an indictable offence and liable to imprisonment for a term not exceeding one year, or to a penalty not exceeding one thousand dollars, who lends money at a rate of interest greater than that authorized by this Act.

1898, c. 6 not affected.

10. This Act shall not apply to the Yukon Territory.

4th Session, 8th Parlia

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(*Reprinted as amended Whole.* 13th

The Honourable

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1899

K.] **SENATE BILL.** [1899.

An Act for the relief of Isaac Stephen Gerow Van Wart.

Preamble.

WHEREAS Isaac Stephen Gerow Van Wart, of the city of Calgary, in the District of Alberta, in the North-west Territories of Canada, merchant, has, by his petition set forth that, on the first day of March, one thousand eight hundred and eighty-four, he was lawfully married, at the city of Fredericton, in the Province of New Brunswick, to Annie Mae Van Wart, whose maiden name was Annie Mae Tibbits; that there were born of the said marriage two children, both of whom are now living; that, in or about the month of December, one thousand eight hundred and ninety-one, she deserted him and has not resided with him since that time; that before and since the said desertion she has committed adultery with one H. LeBaron Smith, of the city of Oakland, in the State of California, one of the United States of America; that, on or about the twenty-third of September, one thousand eight hundred and ninety-six, she went through a form of marriage with the said H. LeBaron Smith at the said city of Oakland; that ever since the said twenty-third of September, the said H. LeBaron Smith and she have cohabited together as man and wife; and whereas the said Isaac Stephen Gerow Van Wart has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded to him as may be deemed meet; and whereas he has proved the said allegations of his petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Isaac Stephen Gerow Van Wart and Annie Mae Van Wart, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Isaac Stephen Gerow Van Wart may, at any time hereafter, marry any woman whom he might lawfully marry in case the said marriage with the said Annie Mae Van Wart had not been solemnized.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

K

An Act for the relief of Isaac Stephen Gerow Van Wart.

Received and read first time, Monday, 22nd May, 1899.
Second reading, Tuesday, 6th June, 1899.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act respecting the Sun Life Assurance Company of Canada.

Preamble.

WHEREAS the Sun Life Assurance 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers of investment in U.S. enlarged.

1. The Sun Life Assurance Company of Canada, hereinafter called "the Company," may invest a larger proportion of its funds within the United States (which term shall be interpreted to include the colonies and dependencies of the United States) than the Company's Act of incorporation and the amendments thereto at present authorize, provided that the Company shall be bound to retain at all times in Canadian securities an amount at least equal to the reserves upon all its outstanding policies in force in Canada, calculated upon the basis prescribed by *The Insurance Act;* such investments may be made in or on the debentures, bonds or stock of the United States, or of any state, colony or dependency thereof, or of any municipal or school corporation, or harbour trust therein; or in or on the debentures, bonds, stocks or shares of any incorporated loan or investment company, water-works company, gas company, street railway company, electric railway company, electric light or power company, telegraph or cable company, or telephone company; or in mortgage on real estate; or in or on the bonds, debentures, debenture stocks, guaranteed stocks or preference shares of any railway company, which has paid a dividend on its ordinary stock during the preceding year; or in real estate required in whole or in part for the convenient transaction of the Company's business; but the total amount thus invested in real estate outside of Canada shall not exceed ten per cent of the reserves on the Company's policies in force outside of Canada.

28 V., c. 43 (Can.); 1870, c. 58; 1871, c. 53; 1882, c. 100.

R.S.C., c. 124.

Investments in foreign countries other than United States.

2. The Company may also make investments in other countries in which it transacts business, to the extent that may be necessary or desirable for the maintenance of the branch of the Company in such country; and such investments shall be in such securities only as are authorized by the preceding section, and shall be subject to the restrictions as to amount therein mentioned.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

L

An Act respecting the Sun Life Assurance Company of Canada.

Received and read a first time, Thursday, 25th May, 1899.
Second reading, Thursday, 1st June, 1899.

The Honourable Mr. OGILVIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

M.] **SENATE BILL.** [1899.

An Act respecting the Northern Commercial Telegraph Company (Limited).

Preamble.

WHEREAS The Northern Commercial Telegraph Company (Limited), hereinafter called "the Company," has by its petition prayed that it may be enacted as follows, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 118.

1. Notwithstanding anything contained in *The Companies Clauses Act* to the contrary the majority of the directors of the Company need not be persons resident in Canada.

1898, c. 111, s. 8 amended.

2. Paragraph (*b*) of section 8 of the Act incorporating the Company, chapter 111 of the statutes of 1898, is hereby repealed and the following is substituted therefor:—

Branches.

"(*b.*) Construct, maintain and operate branch lines and "extensions of its electric telegraph and telephone lines; but "no such branch or extension shall exceed seventy miles in "length."

Capital increased.

3. The capital stock of the Company is hereby increased to three hundred thousand pounds sterling, divided into shares of one pound sterling each.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

M

An Act respecting the Northern Commercial Telegraph Company (Limited).

Received and read a first time, Monday, 29th May, 1899.
Second reading, Wednesday, 31st May, 1899.

Honourable Mr. MACDONALD,
(Victoria.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

N.] **SENATE BILL.** [1899.

An Act to amend The Companies' Act.

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

1. The directors of any company heretofore or hereafter incorporated, and to which *The Companies' Act*, Chapter 119 of the Revised Statutes, is applicable, may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by the by-law. Preference stock may be created by by-law.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as is considered expedient. Holders may be given control of affairs.

3. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Secretary of State, petition the Governor in Council for an order approving the said by-law, and the Governor in Council may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon. Sanction by shareholders. Approval by Governor Council.

4. Holders of shares of such preference stock shall be shareholders within the meaning of the said Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Act; provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. Rights of holders of preference stock.

5. Nothing contained in this Act or done in pursuance thereof shall affect or impair the rights of creditors of the company. Savings clause.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

N

An Act to amend The Companies' Act.

Received and read first time, Tuesday, 30th May, 1899.
Second reading, Friday, 2nd June, 1899.

Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

N.] **SENATE BILL.** [1899.

An Act to amend The Companies' Act.

(*Reprinted as amended in Committee of the Whole. 7th June*, 1899.)

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

1. The directors of any company heretofore or hereafter incorporated, and to which *The Companies' Act*, Chapter 119 of the Revised Statutes, is applicable, may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by the by-law. Preference stock may be created by by-law.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as is considered expedient. Holders may be given control of affairs.

3. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same and representing two-thirds of the stock of the Company, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by not less than three-fourths in value of the shareholders of the company, the company may, through the Secretary of State, petition the Governor in Council for an order approving the said by-law, and the Governor in Council may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon. Sanction by shareholders. Approval by Governor Council.

4. Holders of shares of such preference stock shall be shareholders within the meaning of the said Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Act; provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. Rights of holders of preference stock.

5. Nothing contained in this Act or done in pursuance thereof shall affect or impair the rights of creditors of the company. Savings clause.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

N

An Act to amend The Companies' Act.

(*Repriuted as amended in Committee of the Whole. 7th June*, 1899.)

Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act further to amend The Winding Up Act.

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

1. This Act may be cited as *The Winding Up Amendment Act*, 1899. Short title.

2. The expressions "company" "contributory" and "court" wherever they occur in this Act have the meanings assigned to them respectively in section 2 of *The Winding Up Act*, and this Act shall be read with and construed as forming part of *The Winding Up Act* and *The Winding Up Amendment Act*, 1889. Interpretation. R.S.C., c. 129. 1889, c. 32.

3. Where any compromise or arrangement is proposed between a company which is, at the time of the passing of this Act or afterwards, in the course of being wound up, either voluntarily, or by or under the supervision of the court, under the provisions of *The Winding Up Act* or of any amendment thereto, and the creditors of the company, or by and between any such creditors or any class or classes of such creditors and the company, the court, in addition to any others of its powers, may, on the application in a summary way of any creditor or of the liquidator, order that a meeting of such creditors or class or classes of creditors shall be summoned in such manner as the court shall direct; and if a majority in number representing three-fourths in value of such creditors or class or classes of creditors present, either in person or by proxy, at such meeting, agree to any arrangement or compromise, such arrangement or compromise, if sanctioned by an order of the court, shall be binding on all such creditors, or on such class or classes of creditors as the case may be, and also on the liquidator and contributories of the company. Court may summon meeting of creditors to consider any proposed compromise. Conditions of sanction by court. Effect.

4. Section 8 of *The Winding Up Act* is hereby amended by inserting immediately after the word "dollars" in the second line thereof the following words :—"or a shareholder, except in the case of banks and insurance corporations, holding shares in the capital stock of the company, to the amount of at least five hundred dollars;" and all companies now being wound up under a winding up order made upon the application of a shareholder holding shares as aforesaid, are hereby declared to be in the same position as if the order had also been applied for under the said section 8 as hereby amended and had been R.S.C., c. 129, s. 8 amended. Applications for winding up orders. Amendment retroactive.

made in pursuance of the provisions of *The Winding Up Act* as well as of the provisions of *The Winding Up Amendment Act*, 1889.

Definition of "capital stock" as used in the Winding Up Acts.

5. The words "capital stock" where they occur in section 3 of *The Winding Up Act* and in section 8 thereof as hereby amended, and in sections 3, 4, 5, and 8 of *The Winding Up Amendment Act*, 1889, shall mean and be taken to have heretofore meant a capital stock either *de jure* or *de facto*.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

An Act further to amend the Winding Up Act.

Received and read first time, Wednesday, 31st May, 1899.
Second reading, Friday, 2nd June, 1899.

The Honourable Mr. KIRCHHOFFER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

P.] **SENATE BILL.** [1899.

An Act respecting Loan Companies.

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

1. This Act may be cited as *The Loan Companies Act, Canada*, 1899; and in this Act the expression "Company" means a company incorporated under its provisions. Short title. "Company" defined.

2. *The Companies Clauses Act*, being chapter 118 of the Revised Statutes of Canada, except such parts thereof as are inconsistent with this Act, and such parts as by the letters patent issued under this Act are declared not to apply, shall apply to a company which is subject to the provisions of this Act. Application of R.S.C., c. 118.

3. The Governor in Council may, from time to time, make regulations with respect to the following matters, viz.:— Regulations which may be made by Governor in Council.

(*a.*) The notice to be given of applications under this Act, and the evidence and material to be produced or filed in support thereof; Notice of application.

(*b.*) The form and manner of giving any other notice required by this Act or by regulations made under it; Forms of notices.

(*c.*) The forms of petitions, certificates, letters patent and other instruments and documents relating to proceedings under this Act; Forms of documents.

(*d.*) The persons before whom any affidavit, affirmation, or declaration required by this Act, or by regulations made under it, may be taken or made. Making affidavits, etc.

(*e.*) The departmental or other officers to be charged with the administration of the Act and their respective duties thereunder. Officers.

4. Any five or more persons of the full age of twenty-one years may apply to the Governor in Council for letters patent under the great seal incorporating them as a loan company under this Act. Persons who may apply for charter.

5. The application shall show, (*a*) the number of the proposed board of directors, and the names of not less than three of the applicants, who are to be the provisional board, (*b*) the proposed name of the company, (*c*) the place where its head office is to be established, (*d*) the amount of the proposed capital stock, the number of shares and the amount of each share and (*e*) such other information as may be required by regulations made under this Act. What application shall show.

What application may be for.

6. The application may pray for power to acquire the franchises and assets of any existing company, whether incorporated by or under the authority of the Parliament of Canada or otherwise, whose main business is of the character described in section 20 of this Act, and in such case the applicants shall declare the terms upon which such franchises and assets are to be acquired and shall be required to show to the satisfaction of the Governor in Council that such existing company is in a solvent condition and has power to dispose of its franchises and assets in the manner proposed, and has agreed, in a manner binding upon it and subject to the granting of letters patent to the applicants, to such a disposal of them.

Declarations requisite.

Consideration.

2. The consideration for such franchises and assets may consist wholly or in part of shares in the capital stock of the company for which incorporation is sought.

Conditions on which application may be granted.

7. Upon the terms of this Act and of any regulations made thereunder being complied with, the Governor in Council may grant such application and issue the letters patent if he considers it consistent with the public interests so to do.

Provisions possible by by-law may be embodied in charter, etc.

8. Any provision which might be made by by-law of the company may be embodied in the letters patent, and a provision so embodied shall not be subject to alteration or repeal without the consent of the Governor in Council.

As to naming company.

9. The name given to a company may differ in whole or in part from that asked for by the applicants.

As to use of existing names.

10. The name so given shall not be that of any known company or partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to be calculated to deceive or cause confusion. Provided, however, that a subsisting name may be given in whole or part with the consent of the company or person entitled thereto, and that the name of any existing company whose franchises and assets are to be acquired may be given to the applicants if the Governor in Council is satisfied that such company has the best right to that name.

Governor in Council's decision as to certain questions final.

11. The decision of the Governor in Council as to questions arising under sections 9, 10, 37 and 38 hereof, shall be final, and the provisions of this Act relating to matters preliminary to the issue of letters patent, or of any certificate, order, or other proceeding, by or on behalf of the Governor in Council, or Treasury Board, or of any Minister or Departmental or other officer under this Act, shall be deemed to be directory only, and such letters patent or other proceeding shall not be void or voidable on account of any omission or irregularity in respect of any matter preliminary thereto.

Certain matters directory only.

Effect of charter.

12. By virtue of letters patent so issued the persons therein mentioned and such others as may thereafter become shareholders shall become and be a body corporate, with the rights and powers conferred by law upon corporations, and with the rights and powers and subject to the obligations and restrictions hereinafter declared.

Powers of corporation.

13. The name of the company, the place of its head office, the amount of its capital stock, the number of shares and amount of each share, the number of its board of directors, and its provisional board shall be as declared in the letters patent, subject to such changes as may be lawfully made. Name and organization.

14. The provisional directors of a company so incorporated may receive subscriptions for stock in the capital of the company, and so soon as a sum not less than one hundred thousand dollars of such capital stock has been subscribed and a sum not less than fifty thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General of Canada, the provisional directors may call a meeting of the subscribers to said stock, to be held in the place of the company's head office, at which meeting the board of directors of the company shall be elected, who shall hold office until their successors are duly appointed; and upon the election of such board the functions of the provisional directors shall cease. Two weeks' notice of said meeting shall be given by advertisement in a newspaper published in the place of the head office, and by circular to each subscriber of stock posted by registered letter to his last known address. Provided that if all of said subscribers are present in person or represented by proxy, said meeting may be held at any time and at any place without notice. Subscriptions for stock and proceedings to organize company. Subscription of stock. Deposit. First meeting and election of directors. Notice. Proviso.

2. Where the object of the company is wholly or in part to acquire the franchises and assets of an existing company, and the proposed consideration for such franchises and assets consists wholly or in part of shares in the capital stock of the company, the Minister of Finance and Receiver General, may dispense to such extent as he may think proper with the payment and deposit required by subsection 1 of this section. Deposit may in certain cases be dispensed with.

15. A company incorporated under this Act 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 the board of directors has been elected as provided in section 14 and until it has been shown to the satisfaction of the Minister of Finance and Receiver General that the provisions of the said section have been complied with, and no such certificate shall be given unless application therefor be duly made within two years after the issue of the letters patent, or within such extended period as the Governor in Council may, before the expiration of such two years, allow. Provided that no such certificate shall be given to a company authorized to receive money on deposit unless and until at least three hundred thousand dollars of its capital stock has been subscribed and at least one hundred thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General except in the case of a company authorized to acquire the franchises and assets of an existing company in which case such payment and deposit may be wholly or in part dispensed with. Certificate requisite for doing business. Conditions of issue of certificate. Period within which application may be made for certificate. Proviso: subscription of capital, deposit, etc.

Effect of failure to obtain certificate.

16. Should application for such certificate not be duly made within the time limited, or should such certificate be refused, the company's letters patent shall thereupon cease and become void, 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 may be entitled to.

Return of deposit.

17. Upon the issue of the certificate, or upon refusal to issue it, the Minister of Finance and Receiver General shall pay over to the company the amount deposited with him pursuant to section 14 or section 15, without interest.

Rights and obligations of new company.

18. A company which has been authorized under this Act to acquire and which has acquired the franchises and assets of an existing company shall be and is hereby declared to be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of such latter company; and any person having any

And of creditors.

claim, demand, right, cause of action or complaint against such latter company, or to whom such latter company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof, from and against the new company, its directors and shareholders, as such person has against the old company, its directors and shareholders.

Power to acquire assets of existing company.

19. A company so authorized may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the existing company or to which it is or may be or become entitled, and no company so authorized shall be vested with or exercise any of such franchises unless or until the same have been actually so acquired. Provided that nothing in this Act

Savings clause.

contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against such existing company, or its directors or shareholders, or shall relieve it, or its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty.

Business powers of company under this Act.

20. A company which is subject to the provisions of this Act shall, subject to the terms and exceptions contained in its letters patent, have power to carry on in Canada the business of lending money on the security of or purchasing or investing in, (*a*) mortgages or hypothecs upon freehold or leasehold real estate or other immovables, (*b*) the debentures, bonds, stocks and other securities of any government or 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 and promissory

No loans to be made on stock of another loan company.

notes. Provided that no loan company incorporated under this Act shall invest in or lend money upon the security of the stocks of any other loan company.

Borrowing powers and deposits.

21. Except as otherwise provided by its letters patent, a company which is subject to this Act, may borrow money and receive money on deposit upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed. Provided always that the total of such company's liabilities 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 and belonging to such company shall be deducted from such total liabilities for the purposes of this section. Provided also that the amount held on deposit shall not at any time exceed the aggregate amount of such company's then actually paid-up and unimpaired capital and of its cash actually on hand or deposited in any chartered bank or banks in Canada and belonging to the company.

Limitation of liabilities.

Limitation of amount of deposits.

Liabilities to be reckoned in computation.

22. The liabilities of a previously existing company which are assumed by a company incorporated under this Act, shall form part of the total liabilities to the public for the purposes of the last preceding section.

As to locking up assets in real estate.

23. So long as a company which is subject to the provisions of this Act is indebted for money received upon deposit, its total assets over and above the value of its real estate and its mortgages or hypothecs upon freehold or leasehold estate or other immovables shall be equal to at least fifty per cent of its indebtedness in respect of such money.

Issue of debenture stock.

24. The directors of a company which is subject to the provisions of this Act may, with the consent of the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company, and shall be included in estimating the company's liabilities to the public under section 21 hereof, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the company.

To be included in estimating liabilities.

Rank and powers.

Debenture stock to be registered.

25. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bond holder, debenture stock holder 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.

Perusal of register.

Transfer of debenture stock.

Registry of transfers

26. All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere; but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland, as the company appoints for that purpose, for transmission to the company's head office for registration.

Exchange of debentures for debenture stock.

27. 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.

28. The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Agencies in United Kingdom.

29. The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed establishing such agency shall not be altered or repealed excepting by a vote of shareholders present, or represented by proxy, at a special meeting to be called for that purpose; and holding not less than two-thirds of the issued capital stock of the company represented at such meeting; nor unless the notice calling such meeting be published once a week for for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has an agency.

Trusts, company not liable for execution of.

30. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of such company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the company shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the 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.

Increase of capital stock.

31. The directors, at any time after ninety per centum of the capital stock of the company has been subscribed and ninety per centum thereof paid in, but not sooner, may by by-law provide for the increase of the capital stock of the company to any amount which they consider requisite.

Decrease of capital stock.

32. The directors at any time may 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 may consider sufficient.

2. The by-law shall declare the number of the shares of the stock so decreased, and the allotment thereof or the rule or rules by which the same is to be made.

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.

Conditions of such increase or decrease.

33. No by-law for increasing or decreasing the capital stock of the company shall have any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the company represented at such meeting, and has afterwards been confirmed by a certificate of the Minister of Finance and Receiver General given under the authority of the Treasury Board.

Minister of Finance to be satisfied as to *bona fides* of increase or decrease.

34. Upon an application to the Minister of Finance and Receive General for a certificate confirming such by-law, the company shall satisfy him of the *bonâ fide* character of the increase or decrease of capital thereby provided for, and, unless it appear 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 always that, with the consent of the company, the amount of such increase or decrease of capital may by said certificate be changed and the increase or decrease made subject to such conditions as the Treasury Board may think proper.

Preference stock.

35. The directors of the company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Effect as to control of affairs.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Conditions for effect of by-law creating preference stock.

3. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company. Provided, however, that if at such meeting the by-law be sanctioned by shareholders holding three-fourths of the issued capital stock of the company and present or represented by proxy at such meeting, the company may petition the Minister of Finance and Receiver General for an order approving the said by-law, and the said Minister may, with the approval of the Treasury Board, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Rights of preference stock holders.

4. Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders. Provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Savings clause.

5. Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of any company.

Limitation of time for holding real estate.

36. No parcel of land, or interest therein at any time acquired by the company and not required for its actual use and occupation or held by way of security, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the 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 then seven years without being disposed of, shall be forfeited to Her Majesty. Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years. And further provided 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 Her Majesty to claim such forfeiture; and it shall be the duty of the company to give the Minister of Finance and Receiver General, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisos.

Forfeiture.

Enforcement of forfeiture.

Statement to be furnished.

Amalgamation of companies.

37. Any two or more companies which are subject to the provisions of this Act, or which are incorporated by or under the authority of an Act of the Parliament of Canada and whose main business is of the character described in section 20 hereof, may, in the manner herein provided, amalgamate the one with the other or others, and may enter into all agreements and do all acts necessary or convenient for the purposes of such amalgamation.

Agreements for amalgamation.

Purchase of assets.

2. Any one or more of such companies may alone or together purchase the entire assets of any other or others of such companies which may sell said assets, and the companies may enter into all agreements of purchase and sale and do all acts necessary or convenient for the purposes of such purchase and sale. Provided always that specified assets may be excepted from such purchase and sale.

Contents of agreement.

3. The agreement shall prescribe the terms and conditions of the amalgamation or purchase, and may provide for the mode of carrying the same into effect, the name of the amalgamated company, the amount of capital stock, the number of shares and amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the after management and working thereof, but no share in the amalgamated company shall be terminating or liable to be withdrawn.

Approval of agreement.

4. The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof duly called and held separately for the purpose of taking the same into

consideration, and, if at each such meeting the same is accepted and approved by resolution passed by shareholders present or represented by proxy and holding not less than two-thirds of all the shares of the issued capital stock of the company, the said agreement may be executed under the corporate seals of the companies, and an application may be made to the Governor in Council by the companies for letters patent confirming the same.

Confirmation by Governor in Council.

5. Upon the terms of this Act, and of any regulations made hereunder, being complied with, and, unless it appear that the granting of said application would not be in the public interest, the Governor in Council may grant the same and issue letters patent under the great seal confirming said agreement and incorporating the amalgamated companies as a company under this Act.

Effect of letters patent confirming agreement.

6. On, from and after the date of such letters patent or purchase the said companies shall be amalgamated and shall form one company by the name in said agreement provided, and, upon the terms and conditions thereof, subject to the provisions of subsection 8 of this section, the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to each of the said companies or to which it may be or become entitled, and shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of each of said companies; and any person having any claim, demand, right, cause of action or complaint against any of said companies, or to whom any such company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the amalgamated company as such person has against such other company.

Preservation of rights, etc.

7. Nothing in said agreement of amalgamation or in this Act contained or done in pursuance thereof shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any of the companies so amalgamated, or their respective directors or shareholders, or shall relieve any such company, its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty.

Non-abatement of suits.

8. No action or proceeding by or against any of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the amalgamated company may be substituted in such action or proceeding in the place thereof.

Application of this Act to amalgamated company.

9. Subject to the terms and exceptions contained in said letters patent, the provisions of this Act shall apply to the amalgamated company and to the business carried on by it, and, subject as aforesaid, the borrowing and lending powers of such company shall be governed by the provisions of this Act, and, subject as aforesaid, any provision in the charter or Act of incorporation, or of any other Act, applicable to any of the

amalgamated companies which is inconsistent with the provisions of this Act, shall cease to have effect.

Vesting of assets conveyed.

10. On, from and after the date of such letters patent confirming an agreement of purchase and sale, the assets purchased and sold shall, in accordance with and subject to the terms of said agreement and without any further conveyance, become vested in the company or companies purchasing, but the selling company shall from time to time (subject to the terms of said agreement) execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as may be reasonably required to confirm or evidence the vesting in the purchasing company or companies of the full title and ownership of the assets purchased and sold.

Conversion of shares into paid-up shares.

38. Any company of any of the kinds mentioned in subsection 1 of section 37 hereof may pass a bylaw providing, upon such terms as may be thought best, for the conversion into fully paid up shares, of shares in its capital stock which have been only partly paid up, but such by-law shall not have any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the company represented at such meeting, and has afterwards been confirmed by a certificate of the Minister of Finance and Receiver General given under the authority of the Treasury Board.

Confirmation by Minister of Finance.

Conditions of confirmation.

39. Upon an application to the Minister of Finance and Receiver General for a certificate confirming such by-law, unless it appear that the granting of such certificate would not be in the public interest, the said Minister may, with the approval of the Treasury Board, grant the same, and upon the granting of such certificate the said bylaw shall come into force and take effect and may be acted on according to its terms. Provided, however, that nothing in this section and the last preceding section contained, or done under or in pursuance thereof, shall effect or impair the rights of creditors of the company.

Savings clause.

Statements to be transmitted.

40. Every company which is subject to the provisions of this Act, shall transmit, on or before the first day of March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first day of December inclusive 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 and Receiver General 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 or private affairs of any person who has dealings with it.

To whom.

Verification.

Contents.

Form.

Private affairs.

41. The Companies Act, chapter 119 of the Revised Statutes of Canada, is hereby repealed so far as regards the formation or incorporation hereafter of any loan company or the amalgamation of any two or more loan companies by virtue of any of the provisions thereof; but every such company incorporated or formed by virtue of the said Act shall so remain and no provision of the said Act shall as touching any such company, be in any wise affected by this Act.

R.S.C., c. 119
Effect of this Act upon.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

P

An Act respecting Loan Companies.

Received and read first time, Wednesday, 31st May, 1899.
Second reading, Monday, 5th June, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act further to amend the Criminal Code, 1892.

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

1. This Act may be cited as *The Criminal Code Amendment Act*, 1899. Short title.

2. *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— 1892, c. 29, amended.

SCHEDULE.

NOTE.—The addition of new words to the existing sections of the Code is shown by their inclusion within square brackets.
The explanatory notes have been furnished by the Department of Justice.

Section **3.** By repealing sub-paragraph (i) of paragraph (e) as that sub-paragraph is enacted by chapter 40 of the statutes of 1895, and substituting the following therefor :—

"(i.) In the Province of Ontario, [the Court of Appeal for Ontario."]

NOTE.—The sub-paragraph now reads "any Divisional Court of the High Court of Justice."

"And by repealing sub-paragraph (i) of paragraph (y) and substituting the following therefor :—

"(i.) In the Province of Ontario [the High Court of Justice for Ontario."]

NOTE.—This amendment is necessary because the provision as it stands relates to "Divisions" of the High Court, and under recent legislation the Divisions of the High Court have no jurisdiction as such.

166A. Every one is guilty of an indictable offence and liable to one year's imprisonment, who, by failing to perform any legal duty, permits a person in his lawful custody on a criminal charge to escape therefrom.

NOTE.—This clause providing against negligent escape, was contained in the Bill of 1891 (see clause 167), and also in the Bill of 1892 (clause 168), but it was struck out in Committee of the Whole in the House of Commons. The suggestion was that the offence was not essentially a criminal one. From two or three quarters it has been proposed that the Code should contain such a provision. There was a corresponding provision in the pre-existing law (see Revised Statute, chapter 165, section 7.) The clause now proposed is adopted from the Criminal Code Bill (Imp.) of 1880, clause 136.

Section **179.**—By substituting the following therefor :—

"**179.** Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse—

(*a.*) [manufactures, or] sells, or exposes for sale or to public view, [or distributes or circulates, or causes to be distributed

or circulated] any obscene book, or other printed, [typewritten,] or [otherwise] written matter, or any picture, photograph, model or other object tending to corrupt morals; or

(*b.*) publicly exhibits any disgusting object or any indecent show; or

(*c.*) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any medicine, drug or article intended or represented as a means of preventing conception or causing abortion [or miscarriage.]

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done.

3. It shall be a question [for the court or judge] whether the occasion of the [manufacture,] sale, [exposing for sale,] publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in to or under which the [manufacture,] sale, [exposing for sale,] publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the [manufacturer], seller, [exposer,] publisher or exhibitor shall in all cases be irrelevant."

NOTE.—This amendment omits the word "publicly" from before "sells," and "public" from before "sale," in the first line of paragraph (*a*) of subsection one. In subsection 3, the first line now reads, "It shall be a question of law, &c."

Section **180.**—By substituting the following therefor:—

"**180.** Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post,—

(*a.*) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral [or scurrilous] character; or

(*b.*) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or

(*c.*) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses."

NOTE.—Section 180 was adapted from the P. O. Act, s. 103, which section was repealed by the Code (section 981). It contained the words which have not been copied in section 180, viz.: "seditious, disloyal, scurrilous or libellous." Of these all but "scurrilous" are probably thought to be sufficiently covered elsewhere in the Code. Scurrilous mail-matter causes serious trouble to the Post Office Department and the sending of it is a grave offence, but there is at present no provision in the Code dealing with it. The object of the amendment is to supply the omission.

Section **181.**—By repealing the section as amended by chapter 32 of the Statutes of 1893, and substituting the following therefor:—

"**181.** Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces and has illicit connection with any girl of or above the age of 14 years and under the age of 16 years."

NOTE.—Section 269 of the Criminal Code deals with carnal knowledge of girls under 14. As to girls from 14 to 16 the clause as now proposed omits from section 181 the words "of previously chaste character" before the word "girl." There is no such condition in the Imperial Act, 48-49 Vic., cap. 69, s. 5, which makes a like act

criminal in the case of girls under 16, nor is there any such condition in sections 261, 269, 282 or 283 of the Canadian Code. Under section 181 of this code, however, after the age of 13, there is no protection unless the girl's previously chaste character is provable and proved, and it is urged that this, in the case of poor friendless girls, may be impossible, and that what was perhaps a single or a falsely alleged instance of defilement, no matter under what circumstances it occurred, takes away all protection. It has been urged that this condition leads to groundless attacks on a girl's character by perjured witnesses. It is claimed that there should be absolute and unconditional protection up to the age of 16, and that the protection should not apply to the first offence only. A previous instance of unchastity does not appear to be a defence in any of the United States.

The bill as introduced in 1897 proposed to raise the age of consent to 18, but the Senate restored it to 16.

Section **183.**—By substituting the following therefor:—

"**183.** Every one is guilty of an indictable offence and liable to two years' imprisonment—

(*a.*) Who, being a guardian, seduces or has illicit connection with his ward; or—

(*b.*) Who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill, workshop, [shop or store, or as a domestic servant,] or who, being in a common employment with him in such factory, mill, workshop, [shop or store, or as a domestic servant,] is, in respect of her employment or work in such factory, mill, workshop, [shop or store, or as a domestic servant,] under or in any way subject to his control or direction, [or receives her wages or salary directly or indirectly from him."]

NOTE.—The words between square brackets make the only change. See Reports of the National Council of the Women of Canada. Rejected by Senate in 1897.

Section **185.**—By repealing paragraph (*d*) thereof; and by substituting for paragraph (*e*) thereof the following:—

"(*e.*) procures any woman or girl to come to Canada from abroad with intent that she may [have unlawful carnal connection with any person or that she may] become an inmate of a brothel in Canada."

NOTE.—The words in square brackets are new. This clause was added to the Bill by the Senate in 1897.

Section **186A.**—By inserting the following sections immediately after section 186:—

["**186A.** The word "guardian" in sections 183 and 186 shall be deemed to include the following:—

(*a.*) Any Dominion or Provincial officer charged with the oversight of minors;

(*b.*) Any society or person to whom a court or judge or other lawful authority has at any time theretofore committed the control or care of the girl or child;

(*c.*) Any society or person who in any province has by the laws thereof such control or care;

(*d.*) Any person who is for the time guardian *de facto*, or is occupying for the time the position of guardian of the girl or child."]

NOTE.—Section 183—Seduction of ward. Section 185—Parent or guardian procuring defilement of girl.

["**186B.** In order to prove the age of a girl or child for the purposes of sections 183, 186, 210, 282, 283 and 284, the following shall be sufficient *primâ facie* evidence:—

(*a.*) Any entry or record by an incorporated society or its officers having had the control or care of the girl at or about

the time of the girl being brought to Canada, if such entry or record has been made before the alleged offence was committed.

(*b.*) In the absence of other evidence, or by way of corroboration of other evidence, the judge or jury before whom an indictment for the offence is tried, or the justice before whom a preliminary inqury thereinto is held, may infer the age from the appearance of the girl."]

NOTE.—These two clauses 186A and 186B are suggested to remove technical difficulties in consequence of which the law has become almost a dead letter. *See* Statutes of Ontario 1893, chap. 45 ; 1895, chap. 52.

Rejected by Senate in 1897.

Section **187.**—By substituting the following therefor :—

"**187.** Every one who, being the owner [or] occupier of any premises, or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence and—

(*a.*) is liable to ten years' imprisonment if such girl is under the age of 14 years ; and

(*b.*) is liable to two years' imprisonment if such girl is of or above the age of 14 and under the age of 18 years."

NOTE.—The Bill as introduced in 1897 substituted 16 for 14, and 21 for 18. The Senate restored the present limits of age, and the only change in the clause as passed is the substitution of "or" for "and." As the section stands guilty owners would in many cases escape conviction and in other cases, guilty occupants.

Section **189.**—By substituting the following therefor :—

"**189.** Every one is guilty of an indictable offence and liable to four years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile, insane or deaf and dumb woman or girl, under circumstances which do not amount to rape but which prove that the offender knew [or had reason to believe,] at the time of the offence, that the woman or girl was an idiot, or imbecile, or insane or deaf and dumb."

NOTE.—The only change is the insertion of the words in brackets.

Section **205.**—By substituting for subsection six thereof the following :—

"6. This section does not apply to

(*a.*) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests (*droits indivis*) in any such property ; or

(*b.*) raffles for prizes of small value at any bazaar held for any charitable object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held and the articles, raffled for thereat, have first been offered for sale and none of them are of a value exceeding fifty dollars; or

(*c.*) any distribution by lot among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other works of art produced by the labour of the members of, or published by or under the direction of such incorporated society ; [if—

(i) such paintings, drawings or other works of art are themselves actually and *bonâ fide* so distributed, and

(ii) the member or ticket holder is not given the option of taking in place of any work allotted to or drawn by him a sum of money or something else of value; and

(iii) no other such distribution has taken place among the members or ticket holders for a period of six months less one day next preceding the date of, or the date fixed for, such distribution;] or

(*d.*) the Crédit Foncier du Bas-Canada, or the Crédit Foncier Franco-Canadien."

NOTE.—The changes are the insertion of the words within square brackets.

The attention of the authorities has been called to several societies, claiming to be art societies, but whose operations are only colourably so, they being to all intents and purposes lotteries for money prizes, as directly or indirectly they give ticket-holders an option to take money.

Section **207.**—By substituting the following for paragraph (*a.*) of subsection one thereof:—

"(*a.*) [Not having any visible means of subsistence and not giving a good account of himself, is found wandering abroad or lodging in any barn or outhouse, or in any deserted or unoccupied building, or in any cart or wagon, or in any railway carriage or freight car; or not having any visible means of maintaining himself, lives without employment.]"

Section **208**, as amended by chapter 57 of the statutes of 1894.—By adding at the end thereof the following proviso:—

"Provided that no person shall be convicted as a loose, idle or disorderly person or vagrant for any reason coming within paragraph (*a*) of section 207, in the county of which he is a resident."

Section **210.** By adding thereto the following subsection:

"(3) In this section the word "guardian" has the same meaning as, under section 186 A, it has in sections 183 and 186."

Section **261.**—By substituting the following therefor:—

"**261.** It is no defence to a charge or indictment for any indecent assault on a person under the age of [sixteen] years to prove that he or she consented to the act of indecency."

NOTE.—The age at present is 14

Section **278.** By repealing this section and substituting the following:—

"**278.** Every one is guilty of an indictable offence and liable to imprisonment for five years, and to a fine of five hundred dollars,

(*a.*) who practises, or, by the rites, ceremonies, forms, rules or customs of any denomination, sect or society, religious or secular, or by any form of contract, or by mere mutual consent, or by any other method whatsoever, and whether in a manner recognized by law as a binding form of marriage or not, agrees or consents to practise or enter into

(i.) any form of polygamy;

(ii.) any kind of conjugal union with more than one person at the same time; or

(iii.) what among the persons commonly called Mormons is known as spiritual or plural marriage; or

(*b.*) who lives, cohabits, or agrees or consents to live or cohabit in any kind of conjugal union with a person who is

married to another, or with a person who lives or cohabits with another or others in any kind of conjugal union; or

(*c.*) celebrates, is a party to, or assists in any such rite or ceremony which purports to make binding or to sanction any of the sexual relationships mentioned in paragraph (*a*) of this section; or

(*d.*) procures, enforces, enables, is a party to, or assists in the compliance with, or carrying out of, any such form, rule or custom which so purports; or

(*e.*) procures, enforces, enables, is a party to, or assists in the execution of, any such form of contract which so purports, or the giving of any such consent which so purports."

NOTE.—Corrects a clerical error. The paragraph lettered (b) is printed in the code as a sub-paragraph "(iv)" of paragraph (a).

Section **284.**—By adding at the end thereof the following words :—

"In this section the word "guardian" has the same meaning as it has in sections 183 and 186."

NOTE.—Section 284—Stealing of children under 14.

Section **285.**—By substituting the following for subsection thereof:—

"**285.** A defamatory libel is matter published, without legal justification or excuse, likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or designed to insult the person [of or concerning] whom it is published."

NOTE:—This clause was added by the Senate to the Bill of 1897. The subsection now has the word "to" in place of the words in square brackets.

Section **306.**—By substituting the following therefor :—

"**306.** Every one commits theft and steals the thing taken or carried away who, whether pretending to be the owner or not, secretly or openly, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention [by any peace officer or public officer in his official capacity."]

NOTE:—The only change is the addition of the words within square brackets.

In consequence of the absence of some such words the provisions of the section may be and have been taken advantage of to try private rights at the expense of the Crown, and even to brand as a criminal a party to a mere civil dispute arising out of a more or less doubtful question of law or fact.

The Senate in 1897 added the words "in his official capacity."

Section **331A.**—By inserting the following section immediately after section 331 ;—

["**331A.** Every one is guilty of an indictable offence and liable to three years' imprisonment who—

(*a*) without the consent of the owner thereof,

(i) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or fraudulently causes or procures, or assists in taking possession of, concealing, appropriating, purchasing or selling any cattle which is found astray; or

(ii) fraudulently, wholly or partially obliterates, or alters or defaces, or causes or procures to be obliterated, altered or defaced, any brand, mark or vent brand on any such cattle, or makes or causes or procures to be made any false or counterfeit brand, mark or vent brand on any such cattle; or

(*b*) without reasonable cause refuses to deliver up any such cattle to the proper owner thereof or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive such cattle.]

NOTE :—See Section 707A *post*.

Section **410.**—By substituting the following thereto :—

"**410.** Every one is guilty of the indictable offence called burglary, and liable to imprisonment for life, who

(*a.*) breaks and enters a dwelling-house by night with intent to commit any indictable offence therein ; or

(*b.*) breaks out of any dwelling-house by night, either after committing an indictable offence therein, or after having entered such dwelling-house, either by day or by night, with intent to commit an indictable offence therein.

[2. Every one convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.]

NOTE.—The only change is in the addition of subsection two.

It has been represented that crimes of this nature have been alarmingly frequent of late, and that in many cases they are committed by professional tramps, which class is year by year becoming a greater menace to the peace and safety of residents of small towns and of villages and rural districts. A provision such as that proposed would probably be the most effective preventive, as imprisonment alone has not sufficient terrors for the class referred to. The Code already provides the punishment of whipping for the crime of robbery with violence. See Section 398.

Section **442A.**—By inserting the following section immediately after section 442 :—

["**442A.** Every one is guilty of an indictable offence and liable to years' imprisonment or to a fine not exceeding dollars, or to both who, having in his possession any plate, roll or die made for the purpose of printing or engraving dominion notes or any stamps, impressed or adhesive, to be used for revenue purposes by the post office department or any other department of the Government of Canada, or made for the purpose of printing or engraving any part of any such Dominion note or stamp, fails, neglects or refuses on demand to deliver the same to the Minister of Finance of Canada for the time being or to any person authorized by the said Minister of Finance to demand and receive the same."]

Section **479.**—By substituting the following therefor :—

"**479.** In this Part the expression "counterfeit token of value" means any spurious or counterfeit coin, paper money, inland revenue stamp, postage stamp, or other evidence of value, by whatever technical, trivial or deceptive designation the same may be described, [and includes also any coin or paper money, which although genuine has no value as money, but in the case of such coin or paper money it is necessary in order to constitute an offence under this part that there should be knowledge on the part of the person charged that such coin or paper money was of no value as money, and a fraudulent intent on his part in his dealings with or with respect to the same."]

NOTE.—The object of the amendment is obvious ; cases not covered by the terms of the section of the Code as it now stands and requiring to be provided for have frequently been brought to the attention of the authorities, especially in the case of bills of defunct banks, and notes of the Confederate States.

Section **520.** By substituting the following therefor:—

"**520.** Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is lible to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully—

(*a.*) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

(*b*) to restrain or injure trade or commerce in relation to any such article or commodity; or

(*c.*) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(*d*) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

[2. Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees."]

NOTE.—The change is in the addition of the second subsection. Rejected by the Senate in 1897.

Section **540.**—By adding to the section as amended by section one of chapter 57 of the Statutes of 1894, the following:—

["Or any indictment for bribery or undue influence, personation or other corrupt practice under *The Dominion Elections Act.*"]

NOTE:—The 540th section provides that the Courts of General or Quarter Sessions shall not have jurisdiction in certain cases which are specified, and does not specify these offences against the Election law, but the Dominion Elections Act declares that these offences shall not be tried in those courts, and this amendment to the Criminal Code is proposed to make the Code correspond.

Section **550A.**—By adding immediately after Section 550 the following section:—

["**550A.**—At the trial of any person charged with an offence under any of the following sections, that is to say, 174, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 195, 198, 208 in so far as it relates to paragraphs (i) (j) and (k) of 207, 259, 260, 267, 268, 269, 270, 271, 272, 273, 274, 281, and 282, or with conspiracy or attempt to commit, or being an accessory after the fact to any such offence, the court or judge may order that the public be excluded from the room or place in which the court is held during such trial; and such order may be made in any other case also in which the court or judge or justice may be of opinion that the same will be in the interests of public morels.

2. Nothing in this section shall be construed by implication or otherwise as limiting any power heretofore possessed at common law by the presiding judge or other presiding officer of any court of excluding the general public from the court-room in any case when such judge or officer deems such exclusion necessary or expedient."]

NOTE.—Section 174, Unnatural offence; 175, Attempt to commit sodomy; 176, Incest'; 177, Indecent acts; 178, Acts of gross indecency; 181, Seduction of girls under 16; 182, Seduction under promise of marriage; 183, Seduction of ward, servant, etc.; 184, Seduction of passengers on vessels; 185, Procuring; 186, Parent or guardian procuring; 187, Householders permitting defilement on premises; 188, Conspiracy to defile; 189, Carnally knowing idiots, etc.; 190, Prostitution of Indian women; 195 to 198, Keeping bawdy house; 207 (*i*) (*j*) and (*k*) being common prostitute; keeping house of ill-fame; frequenting such house; 259, Indecent assaults on females; 260, Indecent assault on males; 267, Rape; 268, Attempt to commit rape; 269, Defiling children under 14; 270, Attempting to defile child; 271, Killing unborn child; 272, Procuring abortion; 275, Woman procuring her own miscarriage; 274, Supplying noxious drugs, etc.; 281, Abduction of woman; 282, Abduction of heiress.

Section **553.**—By substituting the following for paragraph (*a.*) thereof:—

"(*a.*) Where the offence is committed in [or upon] any water, tidal, or other, [or upon any bridge], between two or more magisterial jurisdictions, such offence may be considered as having been committed in either of such jurisdictions;"

NOTE.—This clause was added by the Senate. It supplies words which are obviously necessary to complete the sense.

Section **589.** By substituting the following therefor:—

"**589.** If the accused person does not afterwards appear at the time and place mentioned in the recognizance the said justice, or any other justice who is then and there present, having certified upon the back of the recognizance the non-appearance of such accused person, in the form R in schedule one hereto, may transmit the recognizance to the proper officer appointed by law, to be proceeded upon in like manner as other recognizances; and such certificate shall be *primâ facie* evidence of the non-appearance of the accused person.

["2. The proper officer to whom the recognizance and certificate of default are to be transmitted in the province of Ontario, shall be the clerk of the peace of the county for which such justice is acting; and the Court of General Sessions of the Peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court. In the province of British Columbia, such proper officer shall be the clerk of the County Court having jurisdiction at the place where such recognizance is taken, and such recognizance shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such County Court: and in the other provinces of Canada such proper officer shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the passing of this Act; and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected."]

NOTE.—Difficulty in applying present section pointed out by the Attorney General's Office, British Columbia. The change suggested adopts the practice under the Summary Convictions Part, s. 878.

Section **641.**—By substituting the following therefor:—

"**641.** Any one who is bound over to prosecute any person, whether committted for trial or not, may prefer a bill of indictment for the charge on which the accused has been committed,

or in respect of which the prosecutor is so bound over, or for any charge founded upon the facts or evidence disclosed on the despositions taken before the justice. The accused may at any time before he is given in charge to the jury apply to the court to quash any count in the indictment on the ground that it is not founded on such facts or evidence, and the court shall quash such count if satisfied that it is not so founded. And if at any time during the trial it appears to the court that any count is not so founded, and that injustice has been or is likely to be done to the accused in consequence of such count remaining in the indictment, the court may then quash such count and discharge the jury from finding any verdict upon it.

[2. The counsel acting on behalf of the Crown at any court of criminal jurisdiction may prefer against any person who has been committed for trial at such court a bill of indictment for the charge on which the accused has been so committed or for any charge founded on the facts or evidence disclosed in the depositions taken before the justice.]

3. The Attorney General or any one by his direction or any one with the written consent of a judge of any court of criminal jurisdiction or of the Attorney General, may prefer a bill of indictment for any offence before the grand jury of any court specified in such consent; and any person may prefer any bill of indictment before any court of criminal jurisdiction by order of such court.

4. It shall not be necessary to state such consent or order in the indictment. An objection to an indictment for want of such consent or order must be taken by motion to quash the indictment before the accused person is given in charge.

5. Save as aforesaid no bill of indictment shall after the commencement of this Act be preferred in any province of Canada."

NOTE.—The only amendment consists in the insertion of subsection 2. The subsequent subsections are renumbered to accord with this change.

Section **680.**—By substituting the following therefor :—

"**680.** When the attendance of any person confined in any prison in Canada, or upon the limits of any jail, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court or of any superior court or county court, [or any chairman of General Sessions,] may, before or during any such term or sittings at which the attendance of such person is required, make an order upon the warden or jailer of the prison, or upon the sheriff or other person having the custody of such prisoner,—

(*a.*) to deliver such prisoner to the person named in such order to receive him; and such person named shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet; or

[(*b.*) to himself convey such prisoner to such place, there to receive and obey such further order as to the said court seems meet; and in such latter case, on being served with the order and being paid or tendered his reasonable charges, such warden,

jailer, sheriff or other person shall convey the prisoner to such place and produce him there according to the exigency of the order."]

NOTE.—The only change is in the insertion of the words in square brackets and the addition of paragraph (*b*). See Impl. Act, 16 & 17 Vict., ch. 30; Taylor on Evidence 9th Ed., ss. 1275, 1276.

This paragraph was suggested by the late Chief Justice Davie of British Columbia, and will, especially in that province, effect a considerable saving of expense.

Section **687.**—By substituting the following therefor:—

"**687.** If upon the trial of an accused person [such facts are] proved upon the oath or affirmation of any credible witness that [it can be reasonably inferred therefrom] that any person whose deposition has been taken in the investigation of any charge is dead, or so ill as not to be able to travel, or is absent from Canada, and if it is proved that such deposition was taken in the presence of the person accused, and that he, or his counsel or solicitor, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the [judge or] justice, before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it is proved that such deposition was not in fact signed by the [judge or] justice purporting to have signed the same.

[(2) In this section the word "deposition" includes the evidence of a witness given at a trial."]

NOTE.—Under the section as it stands, it is doubtful if depositions at a previous trial can be read. See Article Canada Law Journal of Feby., 1899, p. 91.

Section **702.**—By substituting the following therefor:—

"**702.** When any cards, dice, balls, counters, tables or other instruments of gaming used in playing any unlawful game are found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be *primâ facie* evidence, on the trial of a prosecution under section 198 [or section 199], that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming are found were playing therein although no play was actually going on in the presence of the officer entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid."

NOTE.—The only material change is the insertion of the words within square brackets. This is to make certain evidence sufficient on the trial of a prosecution under section 199, as it is already on the trial of a prosecution under section 198.

Section **703.**—By substituting the following therefor:—

"**703.** In any prosecution under section 198 for keeping a common gaming house, or under section 199 for playing or looking on while any other person is playing in a common gaming house, it shall be *primâ facie* evidence that a house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein—

(*a.*) if any constable or officer authorized to enter any house, room or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof; or

(*b.*) if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or

with any means or contrivance for concealing, removing or destroying any instruments of gaming."

NOTE.—The object of this amendment is the same as that of the amendment of 702, *supra*. The only change is that the provision is made applicable to section 199 as well as to section 198.

Section **707A.**—By inserting immediately after section 707 the following section :—

["**707A.** In any prosecution, proceeding or trial for any offence under section 331A, a brand or mark, duly recorded or registered under the provisions of any Act, ordinance or law, on any cattle shall be *primâ facie* evidence that such cattle is the property of the registered owner of such brand or mark, and possession by the person charged or by others in his employ or on his behalf of any such cattle marked with such a brand or mark of which he is not himself the registered owner shall throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf, unless it appears that such possession by others in his employ or on his behalf was without his knowledge and without his authority, sanction or approval."]

NOTE.—See section 331A *ante*.

Section **760.**—By substituting the following therefor :—

"**760.** In the province of Nova Scotia a calendar of the criminal cases shall be sent by the Clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses."

NOTE.—This section applies only to Nova Scotia. The amendment consists in striking out the last two lines of the section which read thus : "And the indictments shall not be made out, except in Halifax, until the grand jury so directs. One of the judges has pointed out that the distinction thus made between Halifax and the country is not now necessary and is very inconvenient in practice. Practitioners have communicated the same view.

Section **763.**—By inserting after the word "includes" in the second line of paragraph (*b*) thereof, the following words :—

["In the province of Ontario the County Crown Attorney."]

NOTE.—The County Crown Attorney is the prosecuting officer in that province.

Section **765.**—By substituting the following therefor :

"**765.** Every person committed to jail for trial on a charge of being guilty of any of the offences which are mentioned in section five hundred and thirty-nine as being within the jurisdiction of the General or Quarter Sessions of the Peace, may, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried in any province under the following provisions out of sessions and out of the regular term or sittings of the court, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof, is or is not then in session, and if such person is convicted, he may be sentenced by the judge.

[2. A person who has been bound over by a justice under the provisions of section 601 and has either been unable to find bail or been surrendered by his sureties, and is in custody on such a charge, or who is otherwise in custody awaiting trial on such a charge shall be deemed to be committed for trial within the meaning of this section."]

NOTE.—The Supreme Court of Nova Scotia has held that the present section only applies where the person is actually and formally "committed for trial," and not to the other cases to which it is now proposed to extend it, so that in that province, the advantage of speedy trial cannot be had in those cases.

Section **766.**—By adding thereto the following subsection:

"2. Where the judge does not reside in the county in which the prisoner is committed, the notification required by this section may be given to the prosecuting officer, instead of to the judge, and the prosecuting officer shall in such case, with as little delay as possible, cause the prisoner to be brought before him."

NOTE.—This clause was omitted from the Bill of 1897 by some mistake. Without it the object of the following clause would be incomprehensible. The clause is intended to apply to cases where one judge holds the courts in several counties.

Section **767.**—By substituting the following therefor:—

"**767.** The judge [or such prosecuting officer] upon having obtained the depositions on which the prisoner was so committed, shall state to him,—

(*a.*) that he is charged with the offence, describing it;

(*b.*) that he has the option to be forthwith tried before such judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

[2. If the prisoner has been brought before the prosecuting officer, and consents to be tried by the judge, without a jury, such prosecuting officer shall forthwith inform the judge, and the judge shall thereupon fix an early day for the trial and communicate the same to the prosecuting officer; and in such case the trial shall proceed in the manner provided by subsection 3.]

3. [If the prisoner has been brought before the judge and consents to be tried by him without a jury,] the prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in one of the forms MM or NN in schedule one to this Act, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way.

4. If the prisoner demands a trial by jury, he shall be remanded to jail.

[5. Any prisoner who has elected to be tried by jury, may, notwithstanding such election, at any time before such trial has commenced, notify the sheriff that he desires to re-elect, and it shall thereupon be the duty of the sheriff to proceed as directed by section 766, and thereafter such person shall be proceeded against as if his said election had not been made."]

NOTE.—It has been held that the technical effect of a prisoner's having once elected to be tried by jury is that his power to elect has been thereby exhausted, a consequence which there is no reason for maintaining except a mere technical reason. The rule delays a trial uselessly, involves increased expense to the Crown and the prisoner, and prolongs the time of imprisonment of a man who on the trial may be found not guilty. Subsection 5 therefore proposes that prisoner may re-elect. The other changes are necessitated by the change of procedure under section 766.

Section **784.**—By repealing the subsection substituted for subsection 3 thereof, by chapter 40 of the Statutes of 1895, and substituting the following :—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, [and in the North-West Territories,] and the district of Keewatin, under this part, is absolute without the consent of the party charged [except in cases coming within the provisions of section 785, and except in cases under sections 789 and 790 where the person charged is not a person who under section 784, subsection 2 can be tried summarily without his consent."]

Section **785.**—By substituting the following therefor :—

"**785.**—If any person is charged, in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province, with having committed any offence for which he may be tried at a Court of General Sessions of the Peace, or if any person is committed to a jail in the county, district or provisional county, under the warrant of any justice of the peace, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sentenced by the magistrate to the same punishment as he would have been liable to if he had been tried before the Court of General Sessions of the Peace.

["2. This section shall apply also to police magistrates of cities and incorporated towns in every other part of Canada.

3. Sections 787 and 788 do not extend or apply to cases tried under this section ; but where the magistrate has jurisdiction by virtue of the section only, no person shall be summarily tried thereunder without his own consent."]

NOTE.—The only change is in the addition of subsections two and three.

Section 785 at present applies to Ontario only, and it is proposed to extend it to cities and incorporated towns elsewhere.

The proposed subsection 3 is intended to make clear that where a prisoner elects to be tried under this section the punishment, if he is found guilty, is to be the same as if he were tried otherwise. This was no doubt the intention of the present section 785. Sections 787 and 788 provide for the punishment by the magistrate in ordinary cases under the Summary Trials Part. Section 785 declares that in cases under that section a prisoner may be sentenced to the same punishment to which he would have been liable if he had been tried before the Court of General Sessions of the Peace, and at such general sessions a greater punishment might by law be inflicted than where the magistrate convicts under sections 787 and 788. A doubt having been expressed whether, notwithstanding the terms of section 785, the punishment to be imposed thereunder is not limited by sections 787 and 788, it is expedient to remove any such possible doubt.

Section **789.**—By substituting the following therefor :—

"**789.**—When any person is charged before a magistrate with theft or with having obtained property by false pretenses, or with having unlawfully received stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, and the evidence in support of the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial for the offence charged, such magistrate, if the case appears to him to be one which may properly be disposed of in a summary way, shall reduce the charge to writing, and shall read it to the said person, and, unless such person is one who, [under section 789, subsection 2,] can be tried summarily without his consent, shall then put to him the question

mentioned in section 786, and shall explain to him that he is not obliged to plead or answer before such magistrate, and that if he does not plead or answer before him, he will be committed for trial in the usual course."

NOTE.—The amendment consists in striking out the words "and may be adequately punished by virtue of the powers conferred by this Part," in lines 9,10 and 11 of the original and in the insertion of the words in square brackets.

This section gives the magistrate, under certain circumstances, jurisdiction to try theft, etc., where the value of the property exceeds $10, if he thinks the offence may be adequately punished under this part. The words struck out are no longer necessary and may be misleading, because since the passing of the Act of 52 Victoria, chapter 46, the magistrate may in such cases impose the same punishment as if the accused had been convicted upon indictment.

Section **790.**—By substituting the following therefor :—

"**790.** If the person charged as mentioned in the next preceding section consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted upon indictment in the ordinary way; and if he says that he is not guilty, [he shall be remanded to jail to await his trial in the usual course."]

NOTE.—The amendment consists in the substitution of the words within square brackets for "the magistrate shall proceed as provided in section seven hundred and eighty-six." The section now provides that if a person charged under the preceding section with theft, etc., where the value of the property exceeds $10, pleads not guilty, the magistrate shall proceed as provided in section 786. So proceeding, he can in case of conviction, impose a sentence of only six months imprisonment, while if the prisoner pleads guilty, he can under this section impose the same punishment as if the case had been tried in the ordinary way. The amendment does away with this anomaly. It takes away the jurisdiction of the magistrate to try such cases at all where the prisoner says he is not guilty. This makes the law as it was up to the time the Code was passed. It is thought best that in such serious cases as may arise under these sections, the magistrate should have jurisdiction to try only where the accused pleads guilty. It will be seen, however, that so far as magistrates in cities and towns are concerned, this bill proposes to largely extend their jurisdiction, making it the same in all the provinces as that of magistrates in Ontario under section 785.

Section **801.**—By substituting the following therefore :—

"**801.** The magistrate adjudicating under the provisions of this part shall transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, [to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of General or Quarter Sessions of the peace."]

NOTE.—Under section 801 the records are to be sent to the next court of General or Quarter Sessions, and that court may not meet for months. The amendment is adapted from section 822 in Part LVI., Juvenile Offenders.

Section **806.**—By repealing this section, as it is amended by Chapter 57 of the Statutes of 1894.

NOTE.—See section proposed to be substituted for section 927, and the note thereto.

Section **827.**—By repealing this section.

NOTE.—See section proposed to be substituted for section 927, and the note thereto.

Section **832.**—By substituting the following therefor :—

"**832.** Any court by which and any judge under Part LIV or magistrate under LV by whom judgment is pronounced or

recorded, upon the conviction of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such court it seems fit so to do; [and the court may include in the amount to be paid such moderate allowance for loss of time as the court, by affidavits or other inquiry and examination, ascertains to be reasonable;] and the payment of such costs and expenses, or any part thereof, may be ordered by the court to be made out of any moneys taken from such person on his apprehension (if such moneys are his own), or may be enforced at the instance of any person liable to pay or who has paid the same in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any court of competent jurisdiction in any civil action or proceeding may for the time being be enforced: Provided, that in the meantime, and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this section had not been passed; and any money which is recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses have been paid or defrayed."

Section **846.**—By substituting the following therefor:—

"**846.** No information, complaint, warrant, conviction or other proceeding under this Part shall be deemed objectionable or insufficient on any of the following grounds; that is to say:

(*a*) that it does not contain the name of the person injured, or intended or attempted to be injured; or

(*b*) that it does not state who is the owner of any property therein mentioned; or

(*c*) that it does not specify the means by which the offence was committed; or

(*d*) that it does not name or describe with precision any person or thing.

Provided that the justice may, if satisfied that it is necessary for a fair trial, order that a particular, further describing such means, person, place or thing, be furnished by the prosecutor.

[2. The description of any offence in the words of the Act, or any Order, By-law, Regulation or other document creating the offence, or any similar words, shall be sufficient in law."]

NOTE:—See Imperial Act 42 and 43 Vict. (1879) c. 49, s. 39; Regina *v.* Coulson. 24 Ontario Reports 247, 249.

Section **872.**—By adding the following paragraph at the end of subsection 1 thereof:—

["(*c*) Whenever under such Act or law imprisonment with hard labour may be ordered or adjudged in the first instance as part of the punishment for the offence of the defendant, the imprisonment in default of distress or of payment may be with hard labour."

NOTE:—Suggested by Mr. Pelton, Q.C., of Yarmouth, N.S.

916.—By striking out the first five lines of subsection 2 and substituting the following therefor:—

"2. If such court is a superior court having criminal jurisdiction one of such rolls shall be filed with the clerk, prothonotary, registrar or other proper officer.

[(*a*.) In the Province of Ontario, of the High Court of Justice."]

NOTE:—The section as it now stands needs this alteration because the "divisions" of the High Court have been abolished.

Section **927.**—By substituting the following therefor:—

"**927.** Whenever no other provision is made by any law of Canada for the application of any fine, penalty or forfeiture imposed for the violation of any such law or of the proceeds of an estreated recognizance, the same shall be paid over by the magistrate or officer receiving the same to the Treasurer of the Province in which the same is imposed or recovered, to be by him paid over to the municipal or local authority, if any, which wholly or in part bears the expenses of administering the law under which the same was imposed or recovered, or to be applied in any other manner deemed best adapted to attain the objects of such law and secure its due administration, except that

"(*a*) all fines, penalties and forfeitures imposed in respect of the breach of any of the revenue laws of Canada, or imposed upon any officer or employee of the Government of Canada in respect of any breach of duty or malfeasance in his office or employment, and the proceeds of all recognizances estreated in connection with proceedings for the prosecution of persons charged with such breaches or malfeasance, and

(*b*) all fines, penalties and forfeitures imposed for whatever cause in any proceeding instituted at the instance of the Government of Canada or of any department thereof in which that Government bears the cost of prosecution, and the proceeds of all recognizances estreated in connection with such proceedings shall belong to Her Majesty for the public uses of Canada, and shall be paid by the Magistrate or officer receiving the same to the Receiver General and form part of the Consolidated Revenue Fund of Canada.

Provided that nothing in this section contained shall affect any right of a private person suing as well for Her Majesty as for himself, to the moiety of any fine, penalty or forfeiture recovered in his suit."

NOTE:—Makes general provision covering all fines, etc. Is result of correspondence with the several Provincial Governments. Ss. 806 and 827, making partial provision, it is proposed to repeal.

Section **943.**—By substituting the following therefor:—

"**943.** The duties imposed upon the sheriff, jailer, medical officer or surgeon by the [three] sections next preceding, may be, and, in his absence, shall be performed by his lawful deputy or assistant, or other officer or person ordinarily acting for him, or conjointly with him, or discharging the duties of any such officer."

NOTE.—The section as it stands has "two" instead of "three" in the second line which is obviously a mistake.

Section **955.** By adding at the end of subsection 3 thereof the following :—

["and provided further that where any one is sentenced for any offence who is, at the date of such sentence, serving a term of imprisonment in a penitentiary for another offence, he may be sentenced for a term shorter than two years to imprisonment in the same penitentiary, such sentence to take effect from the termination of his existing sentence or sentences."]

NOTE.—Suggested by Mr. Whiting, County Crown Attorney at Kingston. Would apply to attempts at escape, assaults on officers, &c.

Section **957.**—By substituting the following therefor :—

"**957.** Whenever whipping may be awarded for any offence, the court may sentence the offender to be once, twice or thrice whipped, within the limits of the prison, under the supervision of the medical officer of the prison.

2. The number of strokes shall be specified in the sentence; [and the instrument to be used for whipping shall be a cat of nine tails unless some other instrument is specified in the sentence.]

3. Whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence.

4. Whipping shall not be inflicted on any female."

Section **958.** By adding thereto the following subsection :—

["2. Any person convicted of an indictable offence punishable with imprisonment for more than five years may be fined, in addition to, but not in lieu of, any punishment otherwise ordered, and in such case, also, the sentence may in like manner direct imprisonment in default of payment of any fine imposed."]

NOTE.—Suggested by the ex-Judge of the Yukon District, where such a provision would be valuable on account of the cost of maintaining prisoners.

Section **971.**—By substituting the following therefor :—

"**971.** In any case in which a person is convicted before any court of any offence punishable with not more than two years' imprisonment and no previous conviction is proved against him, if it appears to the court before which he is so convicted, that, regard being had to the [age,] character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour :

[2. Where the offence is punishable with more than two years' imprisonment the court shall have the same power as aforesaid with the concurrence of the counsel acting for the Crown in the prosecution of the offender.]

3. The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the

same, within such period and by such instalments as the court directs."

NOTE.—Section 971 enacts that in the case of an offence "punishable with not more than two years' imprisonment" (that is, two years being the maximum punishment for the offence) the court may under certain circumstances and on certain conditions, instead of sentencing the offender at once, direct his release on probation of good conduct. Previous to the statutory enactment the court had this power in the case of offences without the restriction as to two years; and it has since the statute been found that a suspended sentence may be proper in the case of an offence punishable (as a maximum) with more than two years' imprisonment. It is therefore proposed to make the statutory enactment conform to the law as it previously stood, adding only the proviso that the prosecuting counsel concur. The amendment consists in the addition of subsection 2 as shown above and in renumbering the existing subsection 2 as 3.

The Senate in 1897 changed "youth" to "age."

Schedule One, Form J.—By substituting the following therefor:—

"J.—(*Section* 569.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada.
Province of ,
County of .

The information of A.B., of in the said county (*yeoman*), taken this day of in the year before me, J.S., Esquire, a justice of the peace, in and for the district (*or* county, *etc.*,) of , who says that (*describe things to be searched for and offence in respect of which search is made*), and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, &c.*) of C.D., of in the said district (*or* county, *etc.*) (*here add the causes of suspicion, whatever they may be*): Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, &c.*), of the said C.D., as aforesaid, for the said goods and chattels so stolen, taken and carried away as aforesaid (*or as the case may be*).

Sworn (*or* affirmed) before me the day and year first above mentioned, at in the said county of

J.S.,
J.P., (*name of district or county, etc*)."

NOTE.—This is to correct a manifest slip in the position of the words "(*describe things to be searched for and offence in respect of which search is made.*)"

Schedule 1, Forms BB and CC.—By substituting the following therefor:—

"BB.—(*Section* 601.)

RECOGNIZANCE OF BAIL

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , A.B. of (*labourer*) L. M. of , (*grocer*), and N. O. of , (*butcher*), personally came before (*us*) the undersigned, (*two*) justices of the peace for the county of , and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her heirs and successors, the several sums following, that is to say: the said A.B. the sum of , and the said L.M. and N.O. the sum of , 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 Lady the Queen, her heirs and successors, if he, the said A.B., fails in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned, at before us.

J. S.,
J.N.,
J. P. (*Name of county.*)

The condition of the within (*or* above) written recognizance, is such that whereas the said A. B. was this day charged before (*us*), the justices within mentioned for that (*&c., as in the warrant*); if, therefore, the said A. B. appears at the next [Superior Court of criminal jurisdiction] (*or* court of General or Quarter Sessions of the Peace) to be holden in and for the county of , and there surrenders himself into the custody of the keeper of the common jail (*or* lock-up house) there, and pleads to such indictment as may be found against him by the grand jury, for and in respect to the charge aforesaid, and takes his trial upon the same, and does not depart the said court without leave, then the said recognizance to be void, otherwise to stand in full force and virtue.

"CC.—(*Section* 602.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Canada,
Province of ,
County of .

To the keeper of the common jail of the county of at , in the said county.

Whereas A. B. late of , (*labourer*), has before (*us*) (*two*) justices of the peace in and for the said county of , entered into his own recognizance, and found sufficient sureties for his appearance at the next [Superior Court of criminal jurisdiction] (*or* court of General or Quarter Sessions of the Peace), to be holden in and for the county of , to answer our Sovereign Lady the Queen, for that (*&c., as in*

the commitment), for which he was taken and committed to your said common jail: These are therefore to command you, in Her Majesty's name, that if the said A. B. remains in your custody in the said common jail for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our hands and seals, this day of , in the year , at , in the county aforesaid.

J. S. [SEAL.]
J. N. [SEAL.]
J. P. (Name of county.)"

NOTE.—The old courts of Oyer and Terminer and General Jail Delivery have been done away with in most of the provinces, but their names are retained in these forms. It is proposed to substitute the words in square brackets.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

Q

An Act further to amend the Criminal Code, 1892.

Received and read a first time, Friday, 2nd June, 1899.
Second Reading, Friday, 9th Jnne, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

An Act further to amend the Criminal Code, 1892.

(*Reprinted as amended in Committee of the Whole, 7th June*, 1899.)

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

1. This Act may be cited as *The Criminal Code Amendment Act*, 1899. Short title.

2. *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— 1892, c. 29. amended.

SCHEDULE.

NOTE.—The addition of new words to the existing sections of the Code is shown by their inclusion within square brackets.
The explanatory notes have been furnished by the Department of Justice.

Section **3.**—By repealing sub-paragraph (i) of paragraph (e) as that sub-paragraph is enacted by chapter 40 of the statutes of 1895, and substituting the following therefor :—

"(i.) In the Province of Ontario, [the Court of Appeal for Ontario."]

NOTE.—The sub-paragraph now reads "any Divisional Court of the High Court o Justice."

"And by repealing sub-paragraph (i) of paragraph (y) and substituting the following therefor :—

"(i.) In the Province of Ontario [the High Court of Justice for Ontario."]

NOTE.—This amendment is necessary because the provision as it stands relates to "Divisions" of the High Court, and under recent legislation the Divisions of the High Court have no jurisdiction as such.

Section **166A.**—By inserting the following section imme diately after section 166 :—

"**166A.** Every one is guilty of an indictable offence and liable to one year's imprisonment, who, by failing to perform any legal duty, permits a person in his lawful custody on a criminal charge to escape therefrom."

NOTE.—This clause providing against negligent escape, was contained in the Bill of 1891 (see clause 167), and also in the Bill of 1892 (clause 168), but it was struck out in Committee of the Whole in the House of Commons. The suggestion was that the offence was not essentially a criminal one. From two or three quarters it has been proposed that the Code should contain such a provision. There was a corresponding provision in the pre-existing law (see Revised Statute, chapter 165, section 7.) The clause now proposed is adopted from the Criminal Code Bill (Imp.) of 1880, clause 136.

Section **179.**—By substituting the following therefor :—

"**179.** Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse—

(*a.*) [manufactures, or] sells, or exposes for sale or to public view, [or distributes or circulates, or causes to be distributed

or circulated] any obscene book, or other printed, [typewritten,] or [otherwise] written matter, or any picture, photograph, model or other object tending to corrupt morals; or

(*b.*) publicly exhibits any disgusting object or any indecent show; or

(*c.*) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any medicine, drug or article intended or represented as a means of preventing conception or causing of abortion [or miscarriage.]

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done.

3. It shall be a question [for the court or judge] whether the occasion of the [manufacture,] sale, [exposing for sale,] publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in to or under which the [manufacture,] sale, [exposing for sale,] publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the [manufacturer], seller, [exposer,] publisher or exhibitor shall in all cases be irrelevant."

NOTE.—This amendment omits the word "publicly" from before "sells," and "public" from before "sale," in the first line of paragraph (*a*) of subsection one. In subsection 3, the first line now reads, "It shall be a question of law, &c."

Section **180.**—By substituting the following therefor:—

"**180.** Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post,—

(*a.*) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral [or scurrilous] character; or

(*b.*) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or

(*c.*) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses."

NOTE.—Section 180 was adapted from the P. O. Act, s. 103, which section was repealed by the Code (section 981). It contained the words which have not been copied in section 180, viz.: "seditious, disloyal, scurrilous or libellous." Of these all but "scurrilous" are probably thought to be sufficiently covered elsewhere in the Code. Scurrilous mail-matter causes serious trouble to the Post Office Department and the sending of it is a grave offence, but there is at present no provision in the Code dealing with it. The object of the amendment is to supply the omission.

Section **181.**—By repealing the section as amended by chapter 32 of the Statutes of 1893, and substituting the following sections therefor:—

["**181.** Every one above the age of sixteen years is guilty of an indictable offence and liable to two years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any girl being of or above the age of fourteen years and under the age of sixteen years.]

"**181A.** Every one above the age of eighteen years is guilty of an indictable offence and liable to one year's imprisonment

who seduces [and] has illicit connection with any girl of previously chaste character above the age of [sixteen] years and under the age of [eighteen] years."

NOTE.—Section 269 of the Criminal Code deals with carnal knowledge of girls under 14. As to girls from 14 to 16 the clause as now proposed omits from section 181 the words "of previously chaste character" before the word "girl." There is no such condition in the Imperial Act, 48-49 Vic., cap. 69, s. 5, which makes a like act criminal in the case of girls under 16, nor is there any such condition in sections 261, 269, 282 or 283 of the Canadian Code. Under section 181 of this code, however, after the age of 13, there is no protection unless the girl's previously chaste character is provable and proved, and it is urged that this, in the case of poor friendless girls, may be impossible, and that what was perhaps a single or a falsely alleged instance of defilement, no matter under what circumstances it occurred, takes away all protection. It has been urged that this condition leads to groundless attacks on a girl's character by perjured witnesses. It is claimed that there should be absolute and unconditional protection up to the age of 16, and that the protection should not apply to the first offence only. A previous instance of unchastity does not appear to be a defence in any of the United States.

The bill as introduced in 1897 proposed to raise the age of consent to 18, but the Senate restored it to 16.

Section **183.**—By substituting the following therefor:—

"**183.** Every one is guilty of an indictable offence and liable to two years' imprisonment—

(*a.*) Who, being a guardian, seduces or has illicit connection with his ward; or—

(*b.*) Who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill, workshop, [shop or store,] or who, being in a common, but not necessarily similar, employment with him in such factory, mill, workshop, [shop or store,] is, in respect of her employment or work in such factory, mill, workshop, [shop or store,] under or in any way subject to his control or direction, or receives her wages or salary directly or indirectly from him."]

NOTE.—The words between square brackets make the only change. See Reports of the National Council of the Women of Canada. Rejected by Senate in 1897.

Section **185.**—By substituting for paragraph (*e*) thereof the following:—

"(*e.*) procures any woman or girl to come to Canada from abroad with intent that she may [have unlawful carnal connection with any person or that she may] become an inmate of a brothel in Canada."

NOTE.—The words in square brackets are new. This clause was added to the Bill by the Senate in 1897.

Section **186A.**—By inserting the following sections immediately after section 186:—

["**186A.** The word "guardian" in sections 183 and 186 shall be deemed to include the following:—

(*a.*) Any Dominion or Provincial officer charged with the oversight of minors;

(*b.*) Any person to whom a court or judge or other lawful authority has at any time theretofore committed the custody or the control or care of the girl or child;

(*c.*) Any person who in any province has by the laws thereof such custody, control or care;

(*d.*) Any person who is for the time guardian *de facto*, or is occupying for the time the position of guardian of the girl or child;

(*e.*) Any member of any society to which a court or judge or other lawful authority has at any time theretofore committed the custody or the control or care of the girl or child;

(*f.*) Any membef of any society which in any province has by the laws thereof such custody, control or care."]

NOTE.—Section 183—Seduction of ward. Section 185—Parent or guardian procuring defilement of girl.

["**186B.** In order to prove the age of a girl or child for the purposes of sections 183, 186, 210, 283 and 284, the following shall be sufficient *primâ facie* evidence :—

(*a.*) Any entry or record by an incorporated society or its officers having had the control or care of the girl at or about the time of the girl being brought to Canada, if such entry or record has been made before the alleged offence was committed.

(*b.*) In the absence of other evidence, or by way of corroboration of other evidence, the judge or, in cases where an offender is tried with a jury, jury before whom an indictment for the offence is tried, or the justice before whom a preliminary inquiry thereinto is held, may infer the age from the appearance of the girl."]

NOTE.—These two clauses 186A and 186B are suggested to remove technical difficulties in consequence of which the law has become almost a dead letter. *See* Statutes of Ontario 1893, chap. 45 ; 1895, chap. 52.

Rejected by Senate in 1897.

Section **187.**—By substituting the following therefor :—

"**187.** Every one who, being the owner [or] occupier of any premises, or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence and—

(*a.*) is liable to ten years' imprisonment if such girl is under the age of 14 years ; and

(*b.*) is liable to two years' imprisonment if such girl is of or above the age of 14 and under the age of 18 years."

NOTE.—The Bill as introduced in 1897 substituted 16 for 14, and 21 for 18. The Senate restored the present limits of age, and the only change in the clause as passed is the substitution of "or" for "and." As the section stands guilty owners would in many cases escape conviction and in other cases, guilty occupants.

Section **189.**—By substituting the following therefor :—

"**189.** Every one is guilty of an indictable offence and liable to four years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile, insane or deaf and dumb woman or girl, under circumstances which do not amount to rape but where the offender knew [or had reason to believe,] at the time of the offence, that the woman or girl was an idiot, or imbecile, or insane or deaf and dumb"

NOTE.—The only change is the insertion of the words in brackets.

Section **205.**—By substituting for subsection six thereof the following :—

"6. This section does not apply to

(*a.*) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests (*droits indivis*) in any such property ; or

(*b.*) raffles for prizes of small value at any bazaar held for any charitable object, if permission to hold the same has been

obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held and the articles, raffled for thereat, have first been offered for sale and none of them are of a value exceeding fifty dollars; or

(*c.*) any distribution by lot among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other works of art produced by the labour of the members of, or published by or under the direction of such incorporated society; [if—

(i) such paintings, drawings or other works of art are themselves actually and *bonâ fide* so distributed, and

(ii) the member or ticket holder is not given the option of taking in place of any work allotted to or drawn by him a sum of money or something else of value; and

(iii) no other such distribution has taken place among the members or ticket holders for a period of six months less one day next preceding the date of, or the date fixed for, such distribution;] or

(*d.*) the Crédit Foncier du Bas-Canada, or the Crédit Foncier Franco-Canadien."

NOTE.—The changes are the insertion of the words within square brackets.

The attention of the authorities has been called to several societies, claiming to be art societies, but whose operations are only colourably so, they being to all intents and purposes lotteries for money prizes, as directly or indirectly they give ticket-holders an option to take money.

Section **207.**—By substituting the following for paragraph (*a.*) of subsection one thereof:—

"(*a*) [Not having any visible means of subsistence, is found wandering abroad or lodging in any barn or outhouse, or in any deserted or unoccupied building, or in any cart or wagon, or in any railway carriage or freight car, and not giving a good account of himself, or not having any visible means of maintaining himself, lives without employment.]"

Section **208**, as amended by chapter 57 of the statutes of 1894.—By adding at the end thereof the following proviso:—

"Provided that no aged or infirm person shall be convicted as a loose, idle or disorderly person or vagrant for any reason coming within paragraph (*a*) of section 207, in the county of which he has for the two years immediately preceding been a resident."

Section **210.**—By adding thereto the following subsection:

"(3) In this section the word "guardian" has the same meaning as, under section 186 A, it has in sections 183 and 186."

Section **261.**—By substituting the following therefor:—

"**261.** It is no defence to a charge or indictment for any indecent assault on a person under the age of [sixteen] years to prove that he or she consented to the act of indecency."

NOTE.—The age at present is 14

Section **264.**—By substituting the following therefor:—

"**264.** Every one is guilty of an indictable offence and liable to seven years' imprisonment who, without lawful authority—

(*a.*) Kidnaps any other person with intent—

(i) to cause such other person to be secretly confined or imprisoned in Canada against his will; or

(ii) to cause such other person to be unlawfully sent or transported out of Canada against his will; or

(iii) to cause such other person to be sold or captured as a slave, or in any way held to service against his will; or

(*b.*) Forcibly seizes and confines or imprisons any other person within Canada.

2. Upon the trial of any offence under this section the non-resistance of a person so unlawfully confined or kidnapped shall not be a defence unless it appears that it was not caused by threats, duress or force, or exhibition of force."

Section **278.**—By repealing this section and substituting the following:—

"**278.** Every one is guilty of an indictable offence and liable to imprisonment for five years, and to a fine of five hundred dollars,

(*a.*) who practises, or, by the rites, ceremonies, forms, rules or customs of any denomination, sect or society, religious or secular, or by any form of contract, or by mere mutual consent, or by any other method whatsoever, and whether in a manner recognized by law as a binding form of marriage or not, agrees or consents to practise or enter into

(i.) any form of polygamy;

(ii.) any kind of conjugal union with more than one person at the same time; or

(iii.) what among the persons commonly called Mormons is known as spiritual or plural marriage; or

(*b.*) who lives, cohabits, or agrees or consents to live or cohabit in any kind of conjugal union with a person who is married to another, or with a person who lives or cohabits with another or others in any kind of conjugal union; or

(*c.*) celebrates, is a party to, or assists in any such rite or ceremony which purports to make binding or to sanction any of the sexual relationships mentioned in paragraph (*a*) of this section; or

(*d.*) procures, enforces, enables, is a party to, or assists in the compliance with, or carrying out of, any such form, rule or custom which so purports; or

(*e.*) procures, enforces, enables, is a party to, or assists in the execution of, any such form of contract which so purports, or the giving of any such consent which so purports."

NOTE.—Corrects a clerical error. The paragraph lettered (b) is printed in the code as a sub-paragraph "(iv)" of paragraph (a).

Section **284.**—By adding at the end thereof the following words:—

"In this section the word "guardian" has the same meaning as it has in sections 183 and 186, as interpreted by section 186A of this Act."

NOTE.—Section 284—Stealing of children under 14.

Section **285.**—By substituting the following for subsection 1 thereof:—

"**285.** A defamatory libel is matter published, without legal justification or excuse, likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or designed to insult the person [of or concerning] whom it is published."

NOTE:—This clause was added by the Senate to the Bill of 1897. The subsection now has the word "to" in place of the words in square brackets.

Section **306.**—By substituting the following therefor :—

"**306.** Every one commits theft and steals the thing taken or carried away who, whether pretending to be the owner or not, secretly or openly, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention [by any peace officer or public officer in his official capacity."]

NOTE :—The only change is the addition of the words within square brackets.

In consequence of the absence of some such words the provisions of the section may be and have been taken advantage of to try private rights at the expense of the Crown, and even to brand as a criminal a party to a mere civil dispute arising out of a more or less doubtful question of law or fact.

The Senate in 1897 added the words "in his official capacity."

Section **331A.**—By inserting the following section immediately after section 331 ;—

["**331A.** Every one is guilty of an indictable offence and liable to three years' imprisonment who—

(*a*) without the consent of the owner thereof,

(i) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or fraudulently causes or procures, or assists in taking possession of, concealing, appropriating, purchasing or selling any cattle which are found astray ; or

(ii) fraudulently, wholly or partially obliterates, or alters or defaces, or causes or procures to be obliterated, altered or defaced, any brand, mark or vent brand on any such cattle, or makes or causes or procures to be made any false or counterfeit brand, mark or vent brand on any such cattle; or

(*b*) without reasonable cause refuses to deliver up any such cattle to the proper owner thereof or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive such cattle.]

NOTE :—See Section 707A *post.*

Section **410.**—By substituting the following therefor :—

"**410.** Every one is guilty of the indictable offence called burglary, and liable to imprisonment for life, who

(*a.*) breaks and enters a dwelling-house by night with intent to commit any indictable offence therein ; or

(*b.*) breaks out of any dwelling-house by night, either after committing an indictable offence therein, or after having entered such dwelling-house, either by day or by night, with intent to commit an indictable offence therein.

[2. Every one convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.]

NOTE.—The only change is in the addition of subsection two.

It has been represented that crimes of this nature have been alarmingly frequent of late, and that in many cases they are committed by professional tramps, which class is year by year becoming a greater menace to the peace and safety of residents of small towns and of villages and rural districts. A provision such as that proposed would probably be the most effective preventive, as imprisonment alone has not sufficient terrors for the class referred to. The Code already provides the punishment of whipping for the crime of robbery with violence. See Section 398.

Section **479.**—By substituting the following therefor :—

"**479.** In this Part the expression "counterfeit token of value" means any spurious or counterfeit coin, paper money, inland revenue stamp, postage stamp, or other evidence of

value, by whatever technical, trivial or deceptive designation the same may be described, [and includes also any coin or paper money, which although genuine has no value as money, but in the case of such last mentioned coin or paper money it is necessary in order to constitute an offence under this part that there should be knowledge on the part of the person charged that such coin or paper money was of no value as money, and a fraudulent intent on his part in his dealings with or with respect to the same."]

NOTE.– The object of the amendment is obvious; cases not covered by the terms of the section of the Code as it now stands and requiring to be provided for have frequently been brought to the attention of the authorities, especially in the case of bills of defunct banks, and notes of the Confederate States.

Section **520.**—By substituting the following therefor:—

"**520.** Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company—

(*a.*) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

(*b*) to restrain or injure trade or commerce in relation to any such article or commodity; or

(*c.*) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(*d*) to unduly prevent, or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

[2. Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees."]

NOTE. —The change is in the addition of the second subsection.
Rejected by the Senate in 1897.

Section **540.**—By adding to the section as amended by section one of chapter 57 of the Statutes of 1894, the following:—

["Or any indictment for bribery or undue influence, personation or other corrupt practice under *The Dominion Elections Act.*"]

NOTE:—The 540th section provides that the Courts of General or Quarter Sessions shall not have jurisdiction in certain cases which are specified, and does not specify these offences against the Election law, but the Dominion Elections Act declares that these offences shall not be tried in those courts, and this amendment to the Criminal Code is proposed to make the Code correspond.

Section **550A.**—By adding immediately after Section 550 the following section:—

["**550A.**—At the trial of any person charged with an offence under any of the following sections, that is to say, 174, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 195, 198, 208 in so far as it relates to paragraphs (i) (j) and (k) of 207, 259, 260, 267, 268, 269, 270, 271, 272,

273, 274, 281, and 282, or with conspiracy or attempt to commit, or being an accessory after the fact to any such offence, the court or judge may order that the public be excluded from the room or place in which the court is held during such trial; and such order may be made in any other case also in which the court or judge or justice may be of opinion that the same will be in the interests of public morals.

2. Nothing in this section shall be construed by implication or otherwise as limiting any power heretofore possessed at common law by the presiding judge or other presiding officer of any court of excluding the general public from the court-room in any case when such judge or officer deems such exclusion necessary or expedient."]

NOTE.—Section 174, Unnatural offence; 175, Attempt to commit sodomy; 176, Incest; 177, Indecent acts; 178, Acts of gross indecency; 181, Seduction of girls under 16; 182, Seduction under promise of marriage; 183, Seduction of ward, servant, etc.; 184, Seduction of passengers on vessels; 185, Procuring; 186, Parent or guardian procuring; 187, Householders permitting defilement on premises; 188, Conspiracy to defile; 189, Carnally knowing idiots, etc.; 190, Prostitution of Indian women; 195 to 198, Keeping bawdy house; 207 (*i*) (*j*) and (*k*) being common prostitute; keeping house of ill-fame; frequenting such house; 259, Indecent assaults on females; 260, Indecent assault on males; 267, Rape; 268, Attempt to commit rape; 269, Defiling children under 14; 270, Attempting to defile child; 271, Killing unborn child; 272, Procuring abortion; 275, Woman procuring her own miscarriage; 274, Supplying noxious drugs, etc.; 281, Abduction of woman; 282, Abduction of heiress.

Section **553.**—By substituting the following for paragraph (*a.*) thereof:—

"(*a.*) Where the offence is committed in [or upon] any water, tidal, or other, [or upon any bridge], between two or more magisterial jurisdictions, such offence may be considered as having been committed in either of such jurisdictions;"

NOTE.—This clause was added by the Senate. It supplies words which are obviously necessary to complete the sense.

Section **589.**—By substituting the following therefor:—

"**589.** If the accused person does not afterwards appear at the time and place mentioned in the recognizance the said justice, or any other justice who is then and there present, having certified upon the back of the recognizance the non-appearance of such accused person, in the form R in schedule one hereto, may transmit the recognizance to the proper officer appointed by law, to be proceeded upon in like manner as other recognizances; and such certificate shall be *primâ facie* evidence of the non-appearance of the accused person.

["2. The proper officer to whom the recognizance and certificate of default are to be transmitted in the province of Ontario, shall be the clerk of the peace of the county for which such justice is acting; and the Court of General Sessions of the Peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court. In the province of British Columbia, such proper officer shall be the clerk of the County Court having jurisdiction at the place where such recognizance is taken, and such recognizance shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such County Court: and in the other pro-

vinces of Canada such proper officer shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the passing of this Act; and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected."]

NOTE.—Difficulty in applying present section pointed out by the Attorney General's Office, British Columbia. The change suggested adopts the practice under the Summary Convictions Part, s. 878.

Section **641.**—By substituting the following therefor :—

"**641.** Any one who is bound over to prosecute any person, whether committted for trial or not, may prefer a bill of indictment for the charge on which the accused has been committed, or in respect of which the prosecutor is so bound over, or for any charge founded upon the facts or evidence disclosed on the depositions taken before the justice. The accused may at any time before he is given in charge to the jury apply to the court to quash any count in the indictment on the ground that it is not founded on such facts or evidence, and the court shall quash such count if satisfied that it is not so founded. And if at any time during the trial it appears to the court that any count is not so founded, and that injustice has been or is likely to be done to the accused in consequence of such count remaining in the indictment, the court may then quash such count and discharge the jury from finding any verdict upon it.

[2. The counsel acting on behalf of the Crown at any court of criminal jurisdiction may prefer against any person who has been committed for trial at such court a bill of indictment for the charge on which the accused has been so committed or for any charge founded on the facts or evidence disclosed in the depositions taken before the justice.]

3. The Attorney General or any one by his direction or any one with the written consent of a judge of any court of criminal jurisdiction or of the Attorney General, may prefer a bill of indictment for any offence before the grand jury of any court specified in such consent ; and any person may prefer any bill of indictment before any court of criminal jurisdiction by order of such court.

4. It shall not be necessary to state such consent or order in the indictment. An objection to an indictment for want of such consent or order must be taken by motion to quash the indictment before the accused person is given in charge.

5. Save as aforesaid no bill of indictment shall after the commencement of this Act be preferred in any province of Canada."

NOTE.—The only amendment consists in the insertion of subsection 2. The subsequent subsections are renumbered to accord with this change.

Section **680.**—By substituting the following therefor :—

"**680.** When the attendance of any person confined in any prison in Canada, or upon the limits of any jail, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court or of any superior court or county court, [or any chairman of General Sessions,] may, before or during any such term or sittings at

which the attendance of such person is required, make an order upon the warden or jailer of the prison, or upon the sheriff or other person having the custody of such prisoner,—

(*a.*) to deliver such prisoner to the person named in such order to receive him; and such person named shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet; or

[(*b.*) to himself convey such prisoner to such place, there to receive and obey such further order as to the said court seems meet; and in such latter case, on being served with the order and being paid or tendered his reasonable charges, such warden, jailer, sheriff or other person shall convey the prisoner to such place and produce him there according to the exigency of the order."]

NOTE.—The only change is in the insertion of the words in square brackets and the addition of paragraph (*b*). See Impl. Act, 16 & 17 Vict., ch. 30; Taylor on Evidence 9th Ed., ss. 1275, 1276.

This paragraph was suggested by the late Chief Justice Davie of British Columbia, and will, especially in that province, effect a considerable saving of expense.

Section **687.**—By substituting the following therefor:—

"**687.** If upon the trial of an accused person [such facts are] proved upon the oath or affirmation of any credible witness that [it can be reasonably inferred therefrom] that any person whose deposition has been taken in the investigation of any charge is dead, or so ill as not to be able to travel, or is absent from Canada, and if it is proved that such deposition was taken in the presence of the person accused, and that his counsel or solicitor had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the [judge or] justice, before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it is proved that such deposition was not in fact signed by the [judge or] justice purporting to have signed the same.

[(2) In this section the word "deposition" includes the evidence of a witness given at a trial."]

NOTE.—Under the section as it stands, it is doubtful if depositions at a previous trial can be read. See Article Canada Law Journal of Feby., 1899, p. 91.

Section **702.**—By substituting the following therefor:—

"**702.** When any cards, dice, balls, counters, tables or other instruments of gaming used in playing any unlawful game are found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be *primâ facie* evidence, on the trial of a prosecution under section 198 [or section 199], that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming are found were playing therein although no play was actually going on in the presence of the officer entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid."

NOTE.—The only material change is the insertion of the words within square brackets. This is to make certain evidence sufficient on the trial of a prosecution under section 199, as it is already on the trial of a prosecution under section 198.

Section **703.**—By substituting the following therefor:—

"**703.** In any prosecution under section 198 for keeping a common gaming house, or under section 199 for playing or looking on while any other person is playing in a common gaming house, it shall be *primâ facie* evidence that a house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein—

(*a.*) if any constable or officer authorized to enter any house, room or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof; or

(*b.*) if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming."

NOTE.—The object of this amendment is the same as that of the amendment of 702, *supra*. The only change is that the provision is made applicable to section 199 as well as to section 198.

Section **707A.**—By inserting immediately after section 707 the following section:—

["**707A.** In any prosecution, proceeding or trial for any offence under section 331A, a brand or mark, duly recorded or registered under the provisions of any Act, ordinance or law, on any cattle shall be *primâ facie* evidence that such cattle is the property of the registered owner of such brand or mark, and possession by the person charged or by others in his employ or on his behalf of any such cattle marked with such a brand or mark of which he is not himself the registered owner shall throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf, unless it appears that such possession by others in his employ or on his behalf was without his knowledge and without his authority, sanction or approval."]

NOTE.—See section 331A *ante*.

Section **760.**—By substituting the following therefor:—

"**760.** In the province of Nova Scotia a calendar of the criminal cases shall be sent by the Clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses."

NOTE.—This section applies only to Nova Scotia. The amendment consists in striking out the last two lines of the section which read thus: "And the indictments shall not be made out, except in Halifax, until the grand jury so directs. One of the judges has pointed out that the distinction thus made between Halifax and the country is not now necessary and is very inconvenient in practice. Practitioners have communicated the same view.

Section **763.**—By inserting after the word "includes" in the second line of paragraph (*b*) thereof, the following words:—

["In the province of Ontario the County Crown Attorney."]

NOTE.—The County Crown Attorney is the prosecuting officer in that province.

Section **765.**—By substituting the following therefor:

"**765.** Every person committed to jail for trial on a charge of being guilty of any of the offences which are mentioned in section 539 as being within the jurisdiction of the General or Quarter Sessions of the Peace, may, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried in any province

under the following provisions out of sessions and out of the regular term or sittings of the court, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof, is or is not then in session, and if such person is convicted, he may be sentenced by the judge.

[2. A person who has been bound over by a justice under the provisions of section 601 and has either been unable to find bail or been surrendered by his sureties, and is in custody on such a charge, or who is otherwise in custody awaiting trial on such a charge shall be deemed to be committed for trial within the meaning of this section."]

NOTE.—The Supreme Court of Nova Scotia has held that the present section only applies where the person is actually and formally "committed for trial," and not to the other cases to which it is now proposed to extend it, so that in that province, the advantage of speedy trial cannot be had in those cases.

Section **766.**—By adding thereto the following subsection:

"2. Where the judge does not reside in the county in which the prisoner is committed, the notification required by this section may be given to the prosecuting officer, instead of to the judge, and the prosecuting officer shall in such case, with as little delay as possible, cause the prisoner to be brought before him."

NOTE.—This clause was omitted from the Bill of 1897 by some mistake. Without it the object of the following clause would be incomprehensible. The clause is intended to apply to cases where one judge holds the courts in several counties.

Section **767.**—By substituting the following therefor:—

"**767.** The judge [or such prosecuting officer] upon having obtained the depositions on which the prisoner was so committed, shall state to him,—

(*a.*) that he is charged with the offence, describing it;

(*b.*) that he has the option to be forthwith tried before a judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

[2. If the prisoner has been brought before the prosecuting officer, and consents to be tried by the judge, without a jury, such prosecuting officer shall forthwith inform the judge, and the judge shall thereupon fix an early day for the trial and communicate the same to the prosecuting officer; and in such case the trial shall proceed in the manner provided by subsection 3.]

3. [If the prisoner has been brought before the judge and consents to be tried by him without a jury,] the prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in one of the forms MM or NN in schedule one to this Act, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way.

4. If the prisoner demands a trial by jury, he shall be remanded to jail.

[5. Any prisoner who has elected to be tried by jury, may, notwithstanding such election, at any time before such trial

has commenced, notify the sheriff that he desires to re-elect, and it shall thereupon be the duty of the sheriff to proceed as directed by section 766, and thereafter such person shall be proceeded against as if his said election had not been made."]

NOTE.—It has been held that the technical effect of a prisoner's having once elected to be tried by jury is that his power to elect has been thereby exhausted, a consequence which there is no reason for maintaining except a mere technical reason. The rule delays a trial uselessly, involves increased expense to the Crown and the prisoner, and prolongs the time of imprisonment of a man who on the trial may be found not guilty. Subsection 5 therefore proposes that prisoner may re-elect. The other changes are necessitated by the change of procedure under section 766.

Section **784.**—By repealing the subsection substituted for subsection 3 thereof, by chapter 40 of the Statutes of 1895, and substituting the following :—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, [and in the North-West Territories,] and the district of Keewatin, under this part, is absolute without the consent of the party charged [except in cases coming within the provisions of section 785, and except in cases under sections 789 and 790 where the person charged is not a person who under section 784, subsection 2 can be tried summarily without his consent."]

Section **785.**—By substituting the following therefor :—

"**785.**—If any person is charged, in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province, with having committed any offence for which he may be tried at a Court of General Sessions of the Peace, or if any person is committed to a jail in the county, district or provisional county, under the warrant of any justice of the peace, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sentenced by the magistrate to the same punishment as he would have been liable to if he had been tried before the Court of General Sessions of the Peace.

["2. This section shall apply also to police magistrates of cities and incorporated towns in every other part of Canada.

3. Sections 787 and 788 do not extend or apply to cases tried under this section ; but where the magistrate has jurisdiction by virtue of this section only, no person shall be summarily tried thereunder without his own consent."]

NOTE.—The only change is in the addition of subsections two and three.

Section 785 at present applies to Ontario only, and it is proposed to extend it to cities and incorporated towns elsewhere.

The proposed subsection 3 is intended to make clear that where a prisoner elects to be tried under this section the punishment, if he is found guilty, is to be the same as if he were tried otherwise. This was no doubt the intention of the present section 785. Sections 787 and 788 provide for the punishment by the magistrate in ordinary cases under the Summary Trials Part. Section 785 declares that in cases under that section a prisoner may be sentenced to the same punishment to which he would have been liable if he had been tried before the Court of General Sessions of the Peace, and at such general sessions a greater punishment might by law be inflicted than where the magistrate convicts under sections 787 and 788. A doubt having been expressed whether, notwithstanding the terms of section 785, the punishment to be imposed thereunder is not limited by sections 787 and 788, it is expedient to remove any such possible doubt.

Section **789.**—By substituting the following therefor :—

"**789.**—When any person is charged before a magistrate with theft or with having obtained property by false pretenses,

or with having unlawfully received stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, and the evidence in support of the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial for the offence charged, such magistrate, if the case appears to him to be one which may properly be disposed of in a summary way, shall reduce the charge to writing, and shall read it to the said person, and, unless such person is one who, [under section 784, subsection 2,] can be tried summarily without his consent, shall then put to him the question mentioned in section 786, and shall explain to him that he is not obliged to plead or answer before such magistrate, and that if he does not plead or answer before him, he will be committed for trial in the usual course."

NOTE.—The amendment consists in striking out the words "and may be adequately punished by virtue of the powers conferred by this Part," in lines 9,10 and 11 of the original and in the insertion of the words in square brackets.

This section gives the magistrate, under certain circumstances, jurisdiction to try theft, etc., where the value of the property exceeds $10, if he thinks the offence may be adequately punished under this part. The words struck out are no longer necessary and may be misleading, because since the passing of the Act of 52 Victoria, chapter 46, the magistrate may in such cases impose the same punishment as if the accused had been convicted upon indictment.

Section **790.**—By substituting the following therefor :—

"**790.** If the person charged as mentioned in the next preceding section consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted upon indictment in the ordinary way; and if he says that he is not guilty, [he shall be remanded to jail to await his trial in the usual course."]

NOTE.—The amendment consists in the substitution of the words within square brackets for "the magistrate shall proceed as provided in section seven hundred and eighty-six." The section now provides that if a person charged under the preceding section with theft, etc., where the value of the property exceeds $10, pleads not guilty, the magistrate shall proceed as provided in section 786. So proceeding, he can in case of conviction, impose a sentence of only six months imprisonment, while if the prisoner pleads guilty, he can under this section impose the same punishment as if the case had been tried in the ordinary way. The amendment does away with this anomaly. It takes away the jurisdiction of the magistrate to try such cases at all where the prisoner says he is not guilty. This makes the law as it was up to the time the Code was passed. It is thought best that in such serious cases as may arise under these sections, the magistrate should have juris liction to try only where the accused pleads guilty. It will be seen, however, that so far as magistrates in cities and towns are concerned, this bill proposes to largely extend their jurisdiction, making it the same in all the provinces as that of magistrates in Ontario under section 785.

Section **801.**—By substituting the following therefor :—

"**801.** The magistrate adjudicating under the provisions of this part shall transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, [to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of General or Quarter Sessions of the peace."]

NOTE.—Under section 801 the records are to be sent to the next court of General or Quarter Sessions, and that court may not meet for months. The amendment is adapted from section 822 in Part LVI., Juvenile Offenders.

Section **806.**—By repealing this section, as it is amended by Chapter 57 of the Statutes of 1894.

NOTE.—See section proposed to be substituted for section 927, and the note thereto.

Section **827.**—By repealing this section.

NOTE.—See section proposed to be substituted for section 927, and the note thereto.

Section **832.**—By substituting the following therefor :—

"**832.** Any court by which and any judge under Part LIV or magistrate under LV by whom judgment is pronounced or recorded, upon the conviction of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such court or judge it seems fit so to do; [and the court or judge may include in the amount to be paid such moderate allowance for loss of time as the court or judge, by affidavits or other inquiry and examination, ascertains to be reasonable;] and the payment of such costs and expenses, or any part thereof, may be ordered by the court or judge to be made out of any moneys taken from such person on his apprehension (if such moneys are his own), or may be enforced at the instance of any person liable to pay or who has paid the same in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any court of competent jurisdiction in any civil action or proceeding may for the time being be enforced: Provided, that in the meantime, and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this section had not been passed; and any money which is recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses have been paid or defrayed."

Section **846.**—By substituting the following therefor:—

"**846.** No information, complaint, warrant, conviction or other proceeding under this Part shall be deemed objectionable or insufficient on any of the following grounds; that is to say:

(*a*) that it does not contain the name of the person injured, or intended or attempted to be injured; or

(*b*) that it does not state who is the owner of any property therein mentioned; or

(*c*) that it does not specify the means by which the offence was committed; or

(*d*) that it does not name or describe with precision any person or thing.

Provided that the justice may, if satisfied that it is necessary for a fair trial, order that a particular, further describing such means, person, place or thing, be furnished by the prosecutor.

[2. The description of any offence in the words of the Act, or any Order, By-law, Regulation or other document creating the offence, or any similar words, shall be sufficient in law."]

NOTE:—See Imperial Act 42 and 43 Vict. (1879) c. 49, s. 39; Regina *v.* Coulson. 24 Ontario Reports 247, 249.

Section **872.**—By adding the following paragraph at the end of subsection 1 thereof:—

["(*c*) Whenever under such Act or law imprisonment with hard labour may be ordered or adjudged in the first instance as part of the punishment for the offence of the defendant, the imprisonment in default of distress or of payment may be with hard labour."

NOTE:—Suggested by Mr. Pelton, Q.C., of Yarmouth, N.S.

916.—By striking out the first five lines of subsection 2 and substituting the following therefor:—

"2. If such court is a superior court having criminal jurisdiction one of such rolls shall be filed with the clerk, prothonotary, registrar or other proper officer.

[(*a.*) In the Province of Ontario, of the High Court of Justice."]

NOTE:—The section as it now stands needs this alteration because the "divisions" of the High Court have been abolished.

Section **927.**—By substituting the following therefor:—

"**927.** Whenever no other provision is made by any law of Canada for the application of any fine, penalty or forfeiture imposed for the violation of any such law or of the proceeds of an estreated recognizance, the same shall be paid over by the magistrate or officer receiving the same to the Treasurer of the Province in which the same is imposed or recovered, to be by him paid over to the municipal or local authority, if any, which wholly or in part bears the expenses of administering the law under which the same was imposed or recovered, or to be applied in any other manner deemed best adapted to attain the objects of such law and secure its due administration, except that

"(*a*) all fines, penalties and forfeitures imposed in respect of the breach of any of the revenue laws of Canada, or imposed upon any officer or employee of the Government of Canada in respect of any breach of duty or malfeasance in his office or employment, and the proceeds of all recognizances estreated in connection with proceedings for the prosecution of persons charged with such breaches or malfeasance, and

(*b*) all fines, penalties and forfeitures imposed for whatever cause in any proceeding instituted at the instance of the Government of Canada or of any department thereof in which that Government bears the cost of prosecution, and the proceeds of all recognizances estreated in connection with such proceedings shall belong to Her Majesty for the public uses of Canada, and shall be paid by the Magistrate or officer receiving the same to the Receiver General and form part of the Consolidated Revenue Fund of Canada.

Provided that nothing in this section contained shall affect any right of a private person suing as well for Her Majesty as for himself, to the moiety of any fine, penalty or forfeiture recovered in his suit."

NOTE:—Makes general provision covering all fines, etc. Is result of correspondence with the several Provincial Governments. Ss. 806 and 827, making partial provision, it is proposed to repeal.

Section **943.**—By substituting the following therefor:—

"**943.** The duties imposed upon the sheriff, jailer, medical officer or surgeon by the [three] sections next preceding, may

be, and, in his absence, shall be performed by his lawful deputy or assistant, or other officer or person ordinarily acting for him, or conjointly with him, or discharging the duties of any such officer."

NOTE.—The section as it stands has "two" instead of "three" in the second line which is obviously a mistake.

Section **955.**—By adding at the end of subsection 3 thereof the following :—

["and provided further that where any one is sentenced for any offence who is, at the date of such sentence, serving a term of imprisonment in a penitentiary for another offence, he may be sentenced for a term shorter than two years to imprisonment in the same penitentiary, such sentence to take effect from the termination of his existing sentence or sentences."]

NOTE.—Suggested by Mr. Whiting, County Crown Attorney at Kingston. Would apply to attempts at escape, assaults on officers, &c.

Section **957.**—By substituting the following therefor :—

"**957.** Whenever whipping may be awarded for any offence, the court may sentence the offender to be once, twice or thrice whipped, within the limits of the prison, under the supervision of the medical officer of the prison, or if there be no such officer, or if the medical officer be for any reason unable to be present, then, under the supervision of a surgeon or physician to be named by the Minister of Justice, in the case of prisons under the control of the Dominion, and in the case of other prisons by the Attorney General of the province in which such prison is situated.

2. The number of strokes shall be specified in the sentence; [and the instrument to be used for whipping shall be a cat of nine tails unless some other instrument is specified in the sentence.]

3. Whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence.

4. Whipping shall not be inflicted on any female."

Section **958.**—By adding thereto the following subsection :—

["2. Any person convicted of an indictable offence punishable with imprisonment for more than five years may be fined, in addition to, but not in lieu of, any punishment otherwise ordered, and in such case, also, the sentence may in like manner direct imprisonment in default of payment of any fine imposed."]

NOTE.—Suggested by the ex-Judge of the Yukon District, where such a provision would be valuable on account of the cost of maintaining prisoners.

Section **971.**—By substituting the following therefor :—

"**971.** In any case in which a person is convicted before any court of any offence punishable with not more than two years' imprisonment and no previous conviction is proved against him, if it appears to the court before which he is so convicted, that, regard being had to the [age,] character, and antecedents of the offender, to the trivial nature of the offence,

and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour :

[2. Where the offence is punishable with more than two years' imprisonment the court shall have the same power as aforesaid with the concurrence of the counsel acting for the Crown in the prosecution of the offender.]

3. The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as the court directs."

NOTE.—Section 971 enacts that in the case of an offence "punishable with not more than two years' imprisonment" (that is, two years being the maximum punishment for the offence) the court may under certain circumstances and on certain conditions, instead of sentencing the offender at once, direct his release on probation of good conduct. Previous to the statutory enactment the court had this power in the case of offences without the restriction as to two years ; and it has since the statute been found that a suspended sentence may be proper in the case of an offence punishable (as a maximum) with more than two years' imprisonment. It is therefore proposed to make the statutory enactment conform to the law as it previously stood, adding only the proviso that the prosecuting counsel concur. The amendment consists in the addition of subsection 2 as shown above and in renumbering the existing subsection 2 as 3.

The Senate in 1897 changed "youth" to "age."

Schedule One, Form J.—By substituting the following therefor :—

"J.—(*Section* 569.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada.
Province of ,
County of .

The information of A.B., of in the said county (*yeoman*), taken this day of in the year before me, J.S., Esquire, a justice of the peace, in and for the district (*or* county, *etc.*,) of , who says that (*describe things to be searched for and offence in respect of which search is made*), and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, &c.*) of C.D., of in the said district (*or* county, *etc.*) (*here add the causes of suspicion, whatever they may be*) : Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, &c.*), of the said C.D., as aforesaid, for the said goods and chattels so stolen, taken and carried away as aforesaid (*or as the case may be*).

Sworn (*or* affirmed) before me the day and year first above mentioned, at in the said county of

J.S.,
J.P., (*name of district or county, etc*)."

NOTE.—This is to correct a manifest slip in the position of the words "(*describe things to be searched for and offence in respect of which search is made.*)"

Schedule I, Forms BB and CC.—By substituting the following therefor :—

"BB.—(*Section* 601.)

RECOGNIZANCE OF BAIL

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , A.B. of (*labourer*) L. M. of , (*grocer*), and N. O. of , (*butcher*), personally came before (*us*) the undersigned, (*two*) justices of the peace for the county of , and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her heirs and successors, the several sums following, that is to say: the said A.B. the sum of , and the said L.M. and N.O. the sum of , 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 Lady the Queen, her heirs and successors, if he, the said A.B., fails in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned, at before us.

J. S.,
J.N.,
J. P. (*Name of county.*)

The condition of the within (*or* above) written recognizance, is such that whereas the said A. B. was this day charged before (*us*), the justices within mentioned for that (*&c., as in the warrant*) ; if, therefore, the said A. B. appears at the next [Superior Court of criminal jurisdiction] (*or* court of General or Quarter Sessions of the Peace) to be holden in and for the county of , and there surrenders himself into the custody of the keeper of the common jail (*or* lock-up house) there, and pleads to such indictment as may be found against him by the grand jury, for and in respect to the charge aforesaid, and takes his trial upon the same, and does not depart the said court without leave, then the said recognizance to be void, otherwise to stand in full force and virtue.

"CC.—(*Section* 602.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Canada,
Province of ,
County of .

To the keeper of the common jail of the county of at , in the said county.

Whereas A. B. late of , (*labourer*), has before (*us*) (*two*) justices of the peace in and for the said county of , entered into his own recognizance, and found sufficient

sureties for his appearance at the next [Superior Court of criminal jurisdiction] (*or* court of General or Quarter Sessions of the Peace), to be holden in and for the county of , to answer our Sovereign Lady the Queen, for that (*&c., as in the commitment*), for which he was taken and committed to your said common jail: These are therefore to command you, in Her Majesty's name, that if the said A. B. remains in your custody in the said common jail for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our hands and seals, this day of , in the year , at , in the county aforesaid.

J. S. [SEAL.]
J. N. [SEAL.]
J. P. (*Name of county.*)"

NOTE.—The old courts of Oyer and Terminer and General Jail Delivery have been done away with in most of the provinces, but their names are retained in these forms. It is proposed to substitute the words in square brackets.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

Q

An Act further to amend the Criminal Code, 1892.

(Reprinted as amended in Committee of the Whole. 27th June, 1899..)

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

R.] **SENATE BILL.** [1899.

An Act further to amend the Penitentiary Act.

HER 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 Penitentiary Act*, chapter 182 of the Revised Statutes, is hereby amended by adding thereto the following subsection:— R.S.C., c. 182, s. 5, amended.

"2. The portion of Canada for which a penitentiary is the penitentiary shall be subject to alteration from time to time by proclamation of the Governor in Council, and by such proclamation the Governor in Council may attach to the territory or province for which any one of the above named penitentiaries is the penitentiary, any tract or territory forming a portion or the whole of the territory or province, for which some other of the said penitentiaries is the penitentiary; and any person thereafter convicted of crime and sentenced as aforesaid by any court within the limits of the tract or territory so attached shall undergo in the former penitentiary the imprisonment to which he is sentenced." Changes in districts. As to persons thereafter sentenced.

2. Section 33 of the said Act and section 6 of chapter 42 of the Statutes of 1895 are hereby repealed and the following is substituted therefor, and shall hereafter constitute section 33 of the said Act:—

"33. The Governor in Council may, from time to time, fix the sums to be annually paid to the warden and the other officers and servants of any penitentiary established under the provisions of this Act."

3. Section 45 of the said Act is hereby further amended by adding thereto the following subsections:— Section 45 amended.

"2. For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence; and the sheriff or other officer in whose custody he then is shall, upon receiving a receipt therefor, deliver up the said convict, together with a copy of the sentence taken from the minutes of the court and certified by a judge or by the clerk or acting clerk thereof, to any constable or other officer or person who produces a warrant under this section for the removal of such convict from such penitentiary to any other penitentiary, and the like action shall thereupon be had and taken as in other cases under this section. Custody of convict from times of sentence.

"3. Any convict confined in a gaol in the North-west Territories or in the custody of the North-west Mounted Police under sentence of imprisonment for a term of two years or longer, may be removed to a penitentiary in the same manner as, under subsection 1 of this section, a convict may be removed from one penitentiary to another, the sheriff or other person in charge of such gaol, or the officer in command of the North-west Mounted Police at the post where such convict is in custody, being substituted in the application of the said subsection to such cases for the warden of the penitentiary from which a convict is removed."

New section 61A.

4. The said Act is hereby further amended by inserting therein immediately after section 61 thereof the following section:—

Powers of warden and constable.

"**61A.** With respect to any offence or charge of an offence under section 60 or section 61, and for all purposes in connection with any such offence or charge, the warden or the deputy warden of the penitentiary shall *ex officio* be, and have the powers and authority of, a justice of the peace, and each and every keeper and guard of the penitentiary shall *ex officio* be and have the powers and authority of a constable."

Section 62 repealed.

5. Section 62 of the said Act is hereby repealed.

Transfer of officers.

6. Notwithstanding anything contained in *The Penitentiary Act* or in any Act amending it, the Governor in Council may transfer from one penitentiary to another any of the officers mentioned in section 22 of *The Penitentiary Act*, and the Minister of Justice may transfer from one penitentiary to another any of the officers mentioned in sections 23 and 24 of the said Act, without prejudice, in either case, to the salary, perquisites, or other privileges which such officers enjoy in the first mentioned penitentiary.

Removal of insane convict.

7. If at any time within three months after the receipt at a penitentiary of any convict sentenced to imprisonment therein, it be established to the satisfaction of the Minister of Justice either by the written certificate of the surgeon of such penitentiary or otherwise, that the convict is insane and was insane at the time when he was received at the penitentiary, the Minister of Justice may, after first giving reasonable notice of his intention to the Attorney General of the province within which such insane convict was convicted, by warrant under his hand, direct the removal of such insane convict from the penitentiary to the jail or other place of confinement from which such insane convict came to the penitentiary, and such warrant shall be sufficient authority to the warden or any other officer of the penitentiary to remove such insane convict from the penitentiary to such jail or place of confinement and there to deliver him to the keeper thereof.

Gratuities to officers. 1887, c. 52, s. 1 amended.

8. Section 4 of chapter 52 of the statutes of 1887, is hereby amended by adding at the end thereof the following subsection:—

"2. The eligibility of any officer to be paid such a gratuity shall not be affected by his promotion heretofore or hereafter

to an office which makes him a member of the Civil Service, as defined for the purposes of *The Civil Service Superannuation Act* and *The Civil Service Retirement Act*, 1898, or by his having otherwise become or becoming a member of the Civil Service as so defined; but such officer, upon retirement from the service, under circumstances which would have rendered him eligible for a gratuity, may be paid a gratuity based upon his services up to the date of such promotion or of his becoming a member of the Civil Service as aforesaid, in addition to any superannuation allowance or gratuity or other payment or benefit for which he may be eligible or to which he may be entitled under the said Acts or either of them."

R.S.C., c. 18.
1898, c. 17.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

R

An Act further to amend the Penitentiary Act.

Received and read first time, Thursday, 15th June, 1899.
Second reading, Friday, 20th June, 1899.

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

THE SENATE OF CANADA.

167

PASSED BILL.

An Act to provide for the Administration of Criminal Justice in the territory east of Manitoba and Keewatin and north of Ontario and Quebec.

[*Passed 27th June*, 1899.]

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

1. All offences committed in any part of Canada east of the province of Manitoba and the district of Keewatin and north of the provinces of Ontario and Quebec may be laid and charged to have been committed, and may be inquired of and tried within any district, county or place in any of the said provinces; and such offences shall be within the jurisdiction of any court having jurisdiction over offences of the like nature committed within the limits of such district, county or place; and such court shall proceed therein to trial, judgment and execution or other punishment for any such offence in the same manner as if such offence had been committed within the district, county or place where such trial is had. Trial of offences committed in the said territory. Jurisdiction of provincial courts.

2. The several courts of criminal jurisdiction in the said provinces of Ontario, Quebec and Manitoba, including justices of the peace, are hereby constituted and established as courts having the same powers, jurisdiction and authority in case of such offences, as they respectively have with reference to offences within their ordinary jurisdiction as provincial courts. Provincial courts constituted courts for the said territory.

3. This Act shall apply to past offences as well as to such as may be hereafter committed. Act retroactive.

R.] **SENATE BILL.** [1899.

An Act further to amend the Penitentiary Act.

(*Reprinted as amended in Committee of the Whole, 4th July*, 1899.)

HER 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 Penitentiary Act*, chapter 182 of the Revised Statutes, is hereby amended by adding thereto the following subsection:— R.S.C., c. 182, s. 5, amended.

"2. The portion of Canada for which a penitentiary is the penitentiary shall be subject to alteration from time to time by proclamation of the Governor in Council, and by such proclamation the Governor in Council may attach to the territory or province for which any one of the above named penitentiaries is the penitentiary, any tract or territory forming a portion or the whole of the territory or province, for which some other of the said penitentiaries is the penitentiary; and any person thereafter convicted of crime and sentenced as aforesaid by any court within the limits of the tract or territory so attached shall undergo in the former penitentiary the imprisonment to which he is sentenced." Changes in districts. As to persons thereafter sentenced.

2. Section 33 of the said Act and section 6 of chapter 42 of the Statutes of 1895 are hereby repealed and the following is substituted therefor, and shall hereafter constitute section 33 of the said Act:—

"33. The Governor in Council may, from time to time, fix the sums to be annually paid to the warden and the other officers and servants of any penitentiary established under the provisions of this Act; but such salaries shall not exceed the sums specified in the Schedule to this Act."

3. Section 45 of the said Act is hereby further amended by adding thereto the following subsections:— Section 45 amended.

"2. For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence; and the sheriff or other officer in whose custody he then is shall, upon receiving a receipt therefor, deliver up the said convict, together with a copy of the sentence taken from the minutes of the court and certified by a judge or by the clerk or acting clerk thereof, to any constable or Custody of convict from times of sentence.

other officer or person who produces a warrant under this section for the removal of such convict from such penitentiary to any other penitentiary, and the like action shall thereupon be had and taken as in other cases under this section.

"3. Any convict confined in a gaol in the North-west Territories or in the custody of the North-west Mounted Police under sentence of imprisonment for a term of two years or longer, may be removed to a penitentiary in the same manner as, under subsection 1 of this section, a convict may be removed from one penitentiary to another, the sheriff or other person in charge of such gaol, or the officer in command of the North-west Mounted Police at the post where such convict is in custody, being substituted in the application of the said subsection to such cases for the warden of the penitentiary from which a convict is removed."

New section 61A.

4. The said Act is hereby further amended by inserting therein immediately after section 61 thereof the following section:—

Powers of warden and constable.

"**61A.** With respect to any offence or charge of an offence under section 60 or section 61, and for all purposes in connection with any such offence or charge, the warden or the deputy warden of the penitentiary shall *ex officio* be, and have the powers and authority of, a justice of the peace, and each and every keeper and guard of the penitentiary shall *ex officio* be and have the powers and authority of a constable."

Section 62 repealed.

5. Section 62 of the said Act is hereby repealed.

Transfer of officers.

6. Notwithstanding anything contained in *The Penitentiary Act* or in any Act amending it, the Governor in Council may transfer from one penitentiary to another any of the officers mentioned in section 22 of *The Penitentiary Act*, and the Minister of Justice may transfer from one penitentiary to another any of the officers mentioned in sections 23 and 24 of the said Act, without prejudice, in either case, to the salary, perquisites, or other privileges which such officers enjoy in the first mentioned penitentiary.

Removal of insane convict.

7. If at any time within three months after the receipt at a penitentiary of any convict sentenced to imprisonment therein, it be established to the satisfaction of the Minister of Justice either by the written certificate of the surgeon of such penitentiary or otherwise, that the convict is insane and was insane at the time when he was received at the penitentiary, the Minister of Justice may, after first giving reasonable notice of his intention to the Attorney General of the province within which such insane convict was convicted, by warrant under his hand, direct the removal of such insane convict from the penitentiary to the jail or other place of confinement from which such insane convict came to the penitentiary, and such warrant shall be sufficient authority to the warden or any other officer

of the penitentiary to remove such insane convict from the penitentiary to such jail or place of confinement and there to deliver him to the keeper thereof.

Gratuities to officers. 1887, c. 52, s. 1 amended.

8. Section 4 of chapter 52 of the statutes of 1887, is hereby amended by adding at the end thereof the following subsection :—

"2. The eligibility of any officer to be paid such a gratuity shall not be affected by his promotion heretofore or hereafter to an office which makes him a member of the Civil Service, as defined for the purposes of *The Civil Service Superrnnuation Act* and *The Civil Service Retirement Act*, 1898, or by his having otherwise become or becoming a member of the Civil Service as so defined; but such officer, upon retirement from the service, under circumstances which would have rendered him eligible for a gratutty, may be paid a gratuity based upon his services up to the date of such promotion or of his becoming a member of the Civil Service as aforesaid, in addition to any superannuation allowance or gratuity or other payment or benefit for which he may be eligible or to which he may be entitled under the said Acts or either of them."

R.S.C., c. 18.
1898, c. 17.

SCHEDULE.

KINGSTON PENITENTIARY.

Warden	$2,600
Deputy warden	1,500
Chaplain	1,200
Surgeon	1,800
Accountant	1,200
Warden's clerk	900
Storekeeper	900
Steward	900
Chief keeper	1,000
Hospital overseer	800
Schoolmaster	800
Engineer	1,000
Trade instructor	700
Keepers	600
Guards	500
Messenger	500
Stoker	500
Teamsters	400
Matron	600
Deputy matron	400

ST. VINCENT DE PAUL PENITENTIARY

Warden	$2,400
Deputy warden	1,500
Chaplain	1,200

Surgeon	1,600
Accountant	1,100
Warden's clerk	800
Storekeeper	900
Steward	800
Chief keeper	900
Hospital overseer	750
Schoolmaster	800
Engineer	900
Trade instructor	700
Keepers	600
Guards	500
Messenger	500
Teamsters	400

DORCHESTER PENITENTIARY.

Warden	$2,000
Deputy warden	1,400
Deputy warden and chief keeper, when offices held by one person.	1,500
Chaplain	800
Surgeon	1,200
Accountant	1,000
Storekeeper	800
Steward	800
Storekeeper and steward, when offices held by one person	1,000
Chief keeper	800
Hospital overseer	700
Schoolmaster	700
Engineer	1,000
Assistant engineer	750
Trade instructors	700
Keepers	600
Guards	500
Messenger	500
Teamster	400

MANITOBA PENITENTIARY.

Warden	$2,000
Deputy warden and chief keeper	1,200
Chaplains	800
Surgeon	1,200
Accountant and storekeeper	1,100
Steward	800
Hospital overseer and schoolmaster	900
Engineer	1,000
Trade instructors	700
Guards	600
Messenger	600

Warden	$2,000
Deputy warden and chief keeper	1,200
Chaplains	800
Surgeon	1,000
Accountant, storekeeper & schoolmaster	1,000
Steward	800
Trade instructors	700
Keepers and guards	600
Messenger	600
Teamster	600

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL

R

An Act further to amend the Penitentiary Act.

(*Reprinted as amended in Committee of the Whole. 4th July*, 1899.)

The Honourable Mr. MILLS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

U | **SENATE BILL.** [1899.

An Act to amend the Yukon Territory Act.

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

1. Section 8 of *The Yukon Territory Act*, chapter 6 of the statutes of 1898, is hereby repealed and the following substituted therefor:— 1898, c. 6, s. 8, amended.

"**8.** Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order and good government of the Territory, and of Her Majesty's subjects and others therein, but no ordinance made by the Governor in Council or the Commissioner in Council shall Governor in Council may make certain ordinances.

"(*a*) impose any tax or any duty of customs or excise, or any penalty exceeding one hundred dollars, or Restrictions as to such ordinances.

"(*b*) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any offence, or

"(*c*) appropriate any public money, lands or property of Canada without authority of Parliament:

"Provided that nothing in this section shall be construed as intended to prevent or as preventing the Governor in Council or the Commissioner in Council from bestowing upon municipal corporations the members of which are elective the power of taxing real and personal property for the purpose of raising a revenue for municipal purposes" Proviso as to taxation for municipal purposes.

2. Section 11 of the said Act is hereby repealed and the following substituted therefor:— 1898, c. 6, s. 11 amended.

"**11.** The law governing the residence, tenure of office and oath of office of the judge or judges of the court, and the rights, privileges, power, authority and jurisdiction of the court and the judge or judges thereof, shall be the same, *mutatis mutandis*, as the law governing the residence, tenure of office and oath of office of the judges, and the rights, privileges, power, authority and jurisdiction of the Supreme Court of the North-west Territories and of the judges of that court, except as the same are expressly varied by this Act." Law as to judges and jurisdiction of the court.

3. The Supreme Court of British Columbia is hereby constituted a Court of Appeal for the Territory. Court of appeal constituted.

2. An appeal shall lie from any final judgment of the Territorial Court to the Judges of the said Supreme Court sitting together as a full court where the matter in controversy amounts to the sum or value of five hundred dollars or Cases in which appeal lies.

upwards, or where the title to real estate or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights, or in cases of proceedings for or upon mandamus, prohibition or injunction.

Powers of Court of Appeal.

3. The said Supreme Court and the judges thereof shall have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by the said Supreme Court or a judge thereof in the exercise of its ordinary jurisdiction.

Notice of appeal.

4. Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given, or within such further time as the Territorial Court or a judge thereof may allow.

Stay of execution.

5. Execution of the judgment appealed from shall not be stayed except upon application to the Territorial Court or a judge thereof or to the said Supreme Court or a judge thereof, and upon such terms as may be just.

Quorum.

6. Three judges of the said Supreme Court shall constitute a quorum for the hearing of appeals from the Territorial Court.

Procedure.

7. The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the said Supreme Court, so far as such practice and procedure are applicable and are not inconsistent with anything contained in this Act, and except in so far as is otherwise provided by general rules made in pursuance of this Act.

Rules of practice.

8. The judges of the said Supreme Court or any three of them may make general rules not inconsistent with this Act for regulating the practice and procedure upon appeals from the Territorial Court.

Appeal to Supreme Court of Canada from Court of Appeal for the Yukon Territory-

9. An appeal shall lie to the Supreme Court of Canada from the judgment upon any appeal authorized by this Act of the Supreme Court of British Columbia, wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered by the Supreme Court of British Columbia in a like case in the exercise of its ordinary jurisdiction upon appeal in respect of cases originating in the courts of the said province.

4th Session, 8th Parliament

SENATE B

An Act to amend the Act.

Received and read a first July, 1899.
Second Reading, Tuesday,

Honoura

OTTAW
Printed by S. E.
Printer to the Queen's most
1899

An Act to amend the Yukon Territory Act.

(*Reprinted as amended in Committee of the Whole.* 21*st July*, 1899.)

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

Clause A.

Subsection 3 of section 5 of *The Yukon Territory Act*, chapter 6 of the statutes of 1898, is hereby repealed. 1898, c. 6, s. 5, ss. 3 repealed. Composition of Council.

1. Section 8 of the said Act is hereby repealed and the following substituted therefor:— 1898, c. 6, s. 8, amended.

"**8.** Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order and good government of the Territory, and of Her Majesty's subjects and others therein, including the regulation of shop, tavern, and other licenses, and for charging a fee upon the issuing of the same; but no ordinance made by the Governor in Council, or the Commissioner in Council in the Yukon Territory, shall, for the enforcement of any ordinance,— Governor in Council may make certain ordinances. Restrictions as to such ordinances.

"(*a.*) impose any penalty exceeding five hundred dollars; Imposition of penalt-es.

"(*b.*) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any offence; or Punishments.

"(*c.*) appropriate any public money, lands or other property of Canada without authority of Parliament; Appropriation of public moneys, etc.

"Provided that nothing in this section shall be construed as intended to prevent, or as preventing, the Governor in Council or the Commissioner in Council from bestowing upon municipal corporations, the members of which are elective, the power of taxation for the purpose of raising revenue for municipal purposes; and— Proviso as to taxation for municipal purposes.

"Provided, further, that in any portion of the Territory in which a settlement is formed, and which is without a municipal organization, and in which it becomes necessary, for the preservation of the public health, and for local improvements, to incur expense, the Commissioner in Council may, upon a petition from the majority of the inhabitants of such settlement, impose upon it, by ordinance, such charges as may be necessary for making the required improvements." Proviso, as to public health and local improvements in settlements not organized into municipalities.

Clause B.

No intoxicating liquor or intoxicants shall be manufactured, compounded, or made in the Territories, except by special permission of the Governor in Council; nor shall any intoxicating As to manufacture and importation of intoxicants.

liquor or intoxicants be imported or brought into the Territory from any Province or Territory in Canada or elsewhere except by special permission of the Governor in Council.

Clause C.

Customs and excise laws to apply.

Intoxicating liquors or intoxicants imported or brought from any place out of Canada, by special permission, as aforesaid, shall be subject to the customs and excise laws of Canada.

Clause D.

Interpretation. "Intoxicating liquors," "intoxicants." R.S.C., c. 50, s. 2 paras. (*e*.) (*f*.)

The terms "intoxicating liquors" and "intoxicants" shall, in this Act, have the same meaning attached to them respectively as is given by paragraphs (*e*) and (*f*) of section 2 of *The North West Territories Act*.

1898, c. 6, s. 11 amended.

2. Section 11 of the said Act is hereby repealed and the following substituted therefor:—

Law as to judges and jurisdiction of the court.

"**11.** The law governing the residence, tenure of office and oath of office of the judge or judges of the court, and the rights, privileges, power, authority and jurisdiction of the court and the judge or judges thereof, shall be the same, *mutatis mutandis*, as the law governing the residence, tenure of office and oath of office of the judges, and the rights, privileges, power, authority and jurisdiction of the Supreme Court of the North-west Territories and of the judges of that court, except as the same are expressly varied by this Act."

Court of appeal constituted.

3. The Supreme Court of British Columbia is hereby constituted a Court of Appeal for the Territory.

Cases in which appeal lies.

2. An appeal shall lie from any final judgment of the Territorial Court to the Judges of the said Supreme Court sitting together as a full court where the matter in controversy amounts to the sum or value of five hundred dollars or upwards, or where the title to real estate or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights, or in cases of proceedings for or upon mandamus, prohibition or injunction.

Powers of Court of Appeal.

3. The said Supreme Court and the judges thereof shall have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by the said Supreme Court or a judge thereof in the exercise of its ordinary jurisdiction.

Notice of appeal.

4. Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given, or within such further time as the Territorial Court or a judge thereof may allow.

Stay of execution.

5. Execution of the judgment appealed from shall not be stayed except upon application to the Territorial Court or a judge thereof or to the said Supreme Court or a judge thereof, and upon such terms as may be just.

Quorum.

6. Three judges of the said Supreme Court shall constitute a quorum for the hearing of appeals from the Territorial Court.

Procedure.

7. The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the said Supreme Court, so far as such practice and procedure are applicable and are not inconsistent with anything contained in this Act, and except in so far as is otherwise provided by general rules made in pursuance of this Act.

Rules of practice.

8. The judges of the said Supreme Court or any three of them may make general rules not inconsistent with this Act for regulating the practice and procedure upon appeals from the Territorial Court.

Appeal to Supreme Court of Canada from Court of Appeal for the Yukon Territory.

9. An appeal shall lie to the Supreme Court of Canada from the judgment upon any appeal authorized by this Act of the Supreme Court of British Columbia, wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered by the Supreme Court of British Columbia in a like case in the exercise of its ordinary jurisdiction upon appeal in respect of cases originating in the courts of the said province.

4th Session, 8th Parliament, 62 Victoria, 1899

(SECOND REPRINT.)

SENATE BILL.

U

An Act to amend the Yukon Territory Act.

(*Reprinted as amended in Committee of the Whole, 21st July, 1899.*)

Honourable Mr. MILLS.

OTTAWA
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1899

An Act further to amend the Dominion Elections Act as respects the Province of Prince Edward Island.

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

1. (1) Section 43 of *The Dominion Elections Act*, chapter 8 of the Revised Statutes, as amended by section 19 of *The Franchise Act*, 1898, is hereby repealed, and the following substituted therefor:— R.S.C., c. 8, s. 43 and 1898, c. 14, s. 19 amended.

"**43.** Each elector shall, subject to the provisions contained in the next following section of this Act, be entitled to vote only at the polling station of the polling district, or one of the districts, upon the list of voters for which his name is entered as such voter, and at no other. Where electors shall vote.

[(2.) The preceding sub-section of] this section does not apply in the province of Prince Edward Island. Exception as to P. E. I.

(3.) The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station." Electors not to be impeded or molested.

NOTE.—The only change is that made by the words between square brackets in subsection 2. By s. 18 of *The Franchise Act, 1898*, the whole section was made not to apply to Prince Edward Island.

2. (1.) Section 56 of *The Dominion Elections Act*, as amended by section 4 of chapter 19 of the statutes of 1891, and by sections 28 and 29 of *The Franchise Act*, 1898, is hereby repealed and the following substituted therefor: R.S.C., c. 8, s. 56; 1891, c. 19, s. 4, and 1898, c. 14, ss. 28 and 29 amended.

"**56.** Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk and the candidates or their agents—and if the candidates and their agents or any of them are absent, then, in the presence of such, if any, of them as are present, and of at least three electors—open the ballot box and proceed to count the number of votes given for each candidate; and in doing so he shall reject all ballot papers which have not been supplied by the deputy returning officer, all those by which votes been have given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified, other than the numbering *and initialling* by the deputy returning officer in the cases [provided for by this Act and by section 23 of *The Franchise Act*, 1898.] Counting of votes by D. R. officers. Rejecting ballots.

NOTE.—The only changes are in the addition of the words "and installing," and in the substitution of the words between square brackets for "hereinbefore provided for."

(2.) The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the Duty of D. R. officer after counting the votes.

Rejected, spoiled and unused ballot papers.

number of rejected ballot papers, all the ballot papers indicating the number of votes given for each candidate respectively, except as in this section is *otherwise* provided, shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall be put respectively into separate envelopes or parcels, [and in the province of Prince Edward Island all ballot papers numbered and initialled under section 23 of *The Franchise Act*, 1898, shall also be put into a separate envelope or parcel *after being counted for the candidates for whom respectively they have been cast.*]

Ballot papers of voters objected to in P. E. Island.

NOTE.—The changes are the substitution of "otherwise" for "hereinafter," and the addition of the provision between square brackets, which is taken from section 29 of *The Franchise Act, 1898*, the words in italics being added.

Endorsation and identification of envelopes containing the ballot papers.

(3.) All such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and shall be marked with the signatures of any agents present in the booth who are willing so to do by writing their signatures across the flap thereof, and shall then be put back into the ballot box.

NOTE.—There is no change in subsection 3 which is the concluding part of subsection 2 of section 56 of *The Dominion Elections Act* as amended by 1891, c. 19, s. 4. Subsection 3 of section 56 of *The Dominion Elections Act* is repealed by s. 28 of *The Franchise Act, 1898*. It related to ballots of voters the subjects of undecided appeals under *The Electoral Franchise Act*.

R.S.C., c. 8, s. 64; 1891, c. 19, s. 9; 1894, c. 15, s. 11; and 1898, c. 14, s. 32 amended.

3. Section 64 of *The Dominion Elections Act* as amended by chapter 19 of the Statutes of 1891, by chapter 15 of the Statutes of 1894, and by *The Franchise Act*, 1898, is hereby repealed and the following substituted therefor:—

NOTE.—It has been considered advisable to repeal and re-enact the whole of s. 64. It has been amended by several Statutes and it will be convenient to have it entire in one place in the Statutes.

Provision for recount or final addition by a judge.

"**64.** (1.) If within four days after that on which the returning officer has made the final addition of the votes for the purpose of declaring the candidate or candidates elected, it is made to appear on the affidavit of any credible witness, to the judge of the county court of any county or union of counties, or to the judge of any judicial district in which the electoral district or any part thereof is situated, or in the province of Quebec to a judge of the Superior Court ordinarily discharging his duties in any judicial district in which the electoral district or any part thereof is situated, or in the North-west Territories to any judge of the Supreme Court of the North-west Territories, that such witness believes that any deputy returning officer at any election in such electoral district in counting the votes—(1) has improperly counted; or (2) has improperly rejected any ballot papers at such election; or (3) in the province of Prince Edward Island that any person not duly qualified to vote in such electoral district has so voted, or (4) that the returning officer has improperly summed up the votes,—and if the applicant deposits within the said time, with the clerk of the county or district court or with the prothonotary of the said Superior Court in the said judicial district, as the case may be, the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs, in respect of the recount, or final addition, of the candidate appearing by the addition to be elected, the said judge shall appoint a time within four days after the receipt of the

Grounds for application.

Security for costs.

Time to be appointed.

said affidavit by him to recount the votes if the said application is made in respect of either of the first three grounds of application, or to make the final addition if the said application is made in respect of the last-mentioned ground of application, as the case may be, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the same, or to make such final addition, as the case may be, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the same, or to make such final addition, as the case may be, and shall summon and command the returning officer and his election clerk to attend then and there with the parcels containing the ballots used at such election, or the original statements of the deputy returning officers, as the case may be, which command the returning officer and his election clerk shall obey. The judge may, at the time of such application or afterwards, direct that service of the notice aforesaid upon the candidates or their agents may be substitutional or may be made by mail or by posting, or in any such manner as he thinks fit.

Notice.

Order of judge to returning officer.

How service of notice may be made.

NOTE.—The only change from the existing law is that, in lines 49 to 52 of the original section as printed in the Revised Statutes, the words "and also with a duly certified copy of the formal order or judgment on any such appeal, as above mentioned, in respect of or in consequence of which such recount is to take place" are now omitted. They relate to appeals under *The Electoral Franchise Act*, R.S.C., chapter 5, which was repealed by *The Franchise Act*, 1898. They have consequently no *raison d'être* and should have been struck out in 1898 when the other provisions on the same subject in this section were struck out.

(2.) The said judge, the returning officer and his election clerk and each candidate and his agent appointed to attend such recount of votes, or such final addition by the judge, or in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors shall be present at such recount or final addition of the votes :

Who may be present at the recount or final addition.

NOTE.—There is no change in this sub section other than its numbering. It was subsection 3 in the original section, but subsection 2 of the original section was repealed by section 32 of *The Franchise Act, 1898*.

(3.) At the time and place appointed, and in the presence of the said persons, if they attend, the said judge shall proceed to make such final addition according to section 60 of this Act, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall in the latter case, open the sealed packets containing—(1) the used ballot papers which have been counted [including, in the Province of Prince Edward Island, those numbered and initialled by the deputy returning officer under section 23 of *The Franchise Act*, 1898, as having been cast by persons whose right to vote has been objected to on the ground of want of qualification] ; (2) the rejected ballot papers ; (3) the spoiled ballot papers,—and no other ballot papers :

Making final addition, or opening packets of ballots and re-counting the votes.

What packets are to be opened.

NOTE.—The change consists in the addition of the words between square brackets. These follow out the amendments made by clause 2 of this bill.

(4) The judge shall, as far as practicable, proceed continuously, except on Sunday, with such final addition or recount of the votes, allowing only time for refreshment, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine in the succeeding

Proceedings to be continuous.

Exception.

During excluded time documents to be under seal.

forenoon; and during such excluded time and recess for refreshments, the said judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such other of the said persons as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents:

Mode of proceeding with the recount.

(5.) 1. The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth in section 56 of this Act.

In P. E. Island judge to decide objections to voters for want of qualification.

Parties to be heard.

[2. In the Province of Prince Edward Island the judge shall decide the objections made in each case where a ballot paper has been cast by a person whose right to vote has been objected to on the ground of want of qualification. For the purposes of such decision he shall hear any parties then appearing before him in support of or against such objection. The said parties may be represented by counsel, and the judge shall examine the said parties upon oath and shall ascertain the facts and may take such other evidence as he thinks necessary and is able to obtain and may require the attendance of witnesses and the production of documentary evidence and shall, for all purposes of such decision, have all the powers of a County Court in Prince Edward Island exercising his ordinary jurisdiction in civil cases.]

Evidence and witnesses.

Power of judge.

Judge to verify or correct statement of votes.

3. The judge shall verify or correct the ballot paper account and statement of the number of votes given for each candidate; and upon the completion of such recount, or as soon as he has so ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets.

Judge to review returning officer's decision in cases under s. 63 as amended by 1891, c. 19, s. 8.

Powers in such case.

4. The judge shall also, if necessary or required, review the decision of the returning officer in respect of the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper certificates or papers were not found therein; and, for the purpose of arriving at the facts [in such case] shall have all the powers of a returning officer with regard to the attendance and examination of witnesses.

NOTE.--The portions between square brackets are new. It is intended to give the County Court Judge in Prince Edward Island making the recount or final addition full powers for the decision of objections to the qualification of persons whose right to vote has been challenged and whose ballots have been marked on that ground.

Certificate of result.

(6.) The judge shall forthwith certify the result of such final addition or recount to the returning officer, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes the returning officer shall give the casting vote.

Casting vote of returning officer.

Return not to be made until judge's certificate is received.

(7.) The returning officer, after the receipt of notice from the judge of such final addition or recount of ballots, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of such final addition or recount; and upon receipt of such certificate the returning officer shall proceed to make his return in the form CC, in the first schedule to this Act.

As to costs and disposal of deposit.

(8.) If such recount or final addition does not so alter the result of the poll as to affect the return, the judge shall order the costs of the candidate appearing to be elected to be paid by the applicant, and the said deposit shall be paid out to the said candidate on account thereof, so far as necessary; and the

judge shall tax the costs on giving his decision; and if the deposit is insufficient, the party in whose favour costs are allowed shall have his action for the balance.

Proceedings if judge does not comply with this section.

(9.) 1. In case of any omission, neglect or refusal of the said judge to comply with the foregoing directions of this section, or to proceed with the final addition or recount, therein provided for, then any party aggrieved may, within eight days thereafter, make application—

Court that may be applied to.

(i.) in the province of Ontario, to a judge of any division of the High Court of Justice;

(ii.) in the province of Quebec, to a judge of the Court of Queen's Bench;

(iii) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island or British Columbia, to a judge of the Supreme Court of the province;

(iv.) in the province of Manitoba, to a judge of the Court of Queen's Bench; and

(v.) in the North-west Territories to the Supreme Court of the said Territories *in banco*;—for an order commanding the judge to comply with such directions, and to proceed with and complete such final addition or recount.

Affidavit of facts.

2. Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect; and the judge to whom the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing a time within eight days, and a place for the consideration of such application, and directing the attendance of all parties interested at such time and place, and giving such directions for the service of the order, and of the affidavit or affidavits upon which the same was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he may think proper, and if the circumstances appear to him to warrant it, may direct that service upon any of such parties may be substitutional, or may be made by mail, or by posting, or in such other manner as he may think fit.

Order thereon.

How service may be made.

Affidavits in reply.

3. The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court, to a judge of which the application is made, affidavits in reply to those filed by the applicant, and upon demand shall furnish him with copies thereof.

Hearing.

Order.

4. At the time and place appointed by him, or at any other time and place to which the hearing may be adjourned, after hearing the parties or such of them as may be present or their counsel, the judge, or some other judge of the same court shall make such order as the facts of the case in his opinion warrant, either dismissing the application or commanding the judge in default to take such action as may be necessary in order to a compliance with the directions of this section, and to proceed with and complete such final addition or recount as aforesaid, and may make such order as to costs as he thinks proper;

Costs.

Duty of judge found in default.

5. A judge so found to be in default as aforesaid shall forthwith carry out the directions of any order so made, and

Recovery of costs.

there shall be the same remedies for the recovery of the costs awarded by such order as for that of the costs in ordinary cases in the same court.

Short title.

4. This Act may be cited as *The Dominion Elections Amendment Act*, 1899.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

V

An Act further to amend the Dominion Elections Act as respects the Province of Prince Edward Island.

Received and read first time, Friday, 14th July, 1899.
Second reading, Monday, 17th July, 1899.

The Honourable Mr. FERGUSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1899

(W.) **SENATE BILL.** [1899.

An Act to amend the Act passed at the present session of Parliament, intituled "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts."

Preamble.

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

Suspension of operation of Act of present session.

1. The operation of the Act passed during the present session of Parliament, intituled "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts," is hereby suspended until the first day of August, in the year of Our Lord one thousand nine hundred.

4th Session, 8th Parliament, 62 Victoria, 1899

SENATE BILL.

No 188

W

An Act to amend the Act passed at the present session of Parliament, intituled "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts."

Received and read first time, Friday, 28th July, 1899.
Second reading, Monday, 31st July, 1899.

The Honourable Mr. MILLS.

OTTAWA
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1899