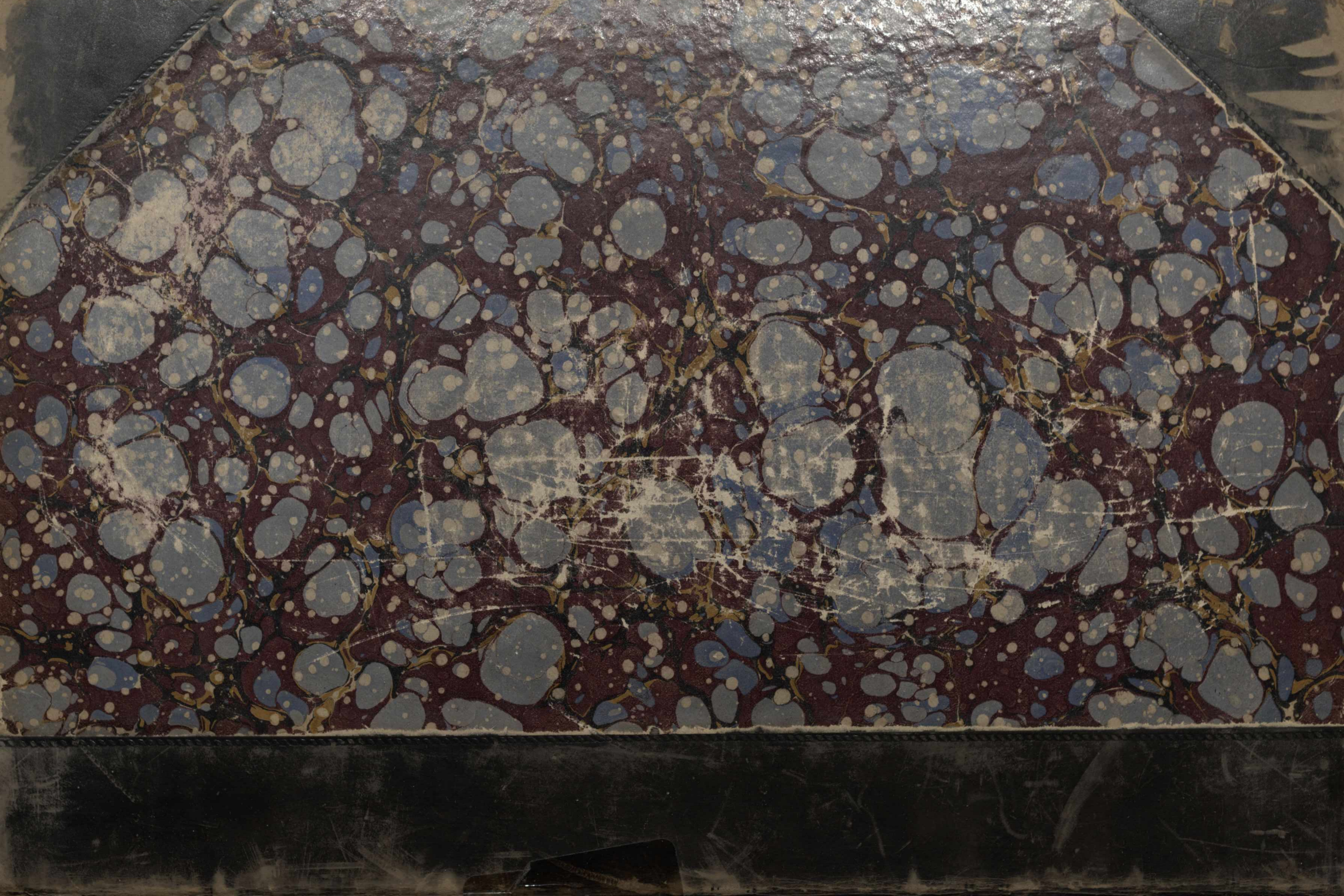


Canada. Laws, Statutes, etc.
Bills.

KA
5.2
1907/08
c.2

DATE | NAME - NOM

APR 21 19[illegible]

Canada. Laws, Statutes, etc.

143.
KA
5.2
1907/08
c.2

No. 2.] **BILL.** [1907-8

An Act to amend The Canada Shipping Act.

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

1. Subsection 1 of section 75 of *The Canada Shipping Act* is amended by striking out the words "or for persons domiciled in Canada for at least three years" in the second and third lines; and subsection 2 of the said section is repealed.

R.S., c. 113, s. 75 amended.

No. 2.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Canada Shipping Act.

First reading, December 3, 1907.

Mr Lancaster.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 3.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

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

1. Section 275 of *The Railway Act* is repealed, and the following is substituted therefor:—

Rate of speed in cities, etc.

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

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

No. 3.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, December 3, 1907.

MR. LANCASTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 4.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. Section 150 of *The Railway Act* is repealed, and the following is substituted therefor:— R.S., c. 37. new s. 150.

"**150.** If the railway is not commenced and at least ten per cent thereof constructed and put into operation within two years after the passing of the Act authorizing the construction of the railway, or if an additional ten per cent thereof is not constructed and put into operation in each of the third and fourth years after the passing of that Act, or if the railway is not finished and put into operation within five years from the passing of that Act, then the powers granted by that Act or by this Act shall be null and void as respects so much of the railway as then remains uncompleted." Limitation of time for construction.

No. 4.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, December 3, 1907.

MR. TURRIFF.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 4.] **BILL.** [1907-8

An Act to amend the Railway Act.

(Reprinted as amended and reported by the Railway Committee.)

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

R.S., c. 37. new s. 150.

1. Section 150 of *The Railway Act* is repealed, and the following is substituted therefor:—

Time for construction if railway not over 250 miles in length.

"**150.** If the railway does not exceed two hundred and fifty miles in length, the Company shall construct and put in operation within two years after the passing of the Act authorizing the construction of the railway at least one-tenth of the mileage of the railway, and not less than an additional tenth in each of the third and fourth years after the passing of that Act; and if such mileage is not so constructed and put in operation, or if the railway is not completed and put in operation within five years after the passing of that Act, then the powers granted by that Act or by this Act shall be null and void as respects so much of the railway as then remains uncompleted.

If over 250 miles in length.

"2. If the railway exceeds two hundred and fifty miles in length, the Company shall construct and put in operation within two years after the passing of the Act authorizing the construction of the railway at least one-twentieth of the mileage of the railway, and not less than an additional twentieth in each of the third and fourth years after the passing of that Act; and if such mileage is not so constructed and put in operation, or if the railway is not completed and put in operation within five years after the passing of that Act, then the powers granted by that Act or by this Act shall be null and void as respects so much of the railway as then remains uncompleted."

No. 4.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

(Reprinted as amended and reported by the Railway Committee.)

MR. TURRIFF.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 5.] **BILL.** [1907-8

An Act respecting Co-operation.

WHEREAS it is desirable to provide for the creation and organization of industrial and co-operative societies among the farming and labouring classes of Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act may be cited as *The Co-operation Act.* Short title.

2. In this Act the word "Minister" means the Minister of Labour for Canada, the word "Department" means the Department of Labour, and the word "society" means a society incorporated under this Act. Interpretation "Minister," "Department," "society."

3. A society which may be incorporated under this Act is a society for carrying on any industries, businesses or trades (except banking, as defined by *The Bank Act*, life or fire insurance), specified in or authorized by its rules, whether wholesale or retail, including dealings of any description with land: Provided that— What societies may be incorporated. Proviso.

(*a*) no member shall have more than one vote, and voting by proxy shall be allowed only in case of a joint stock company, an agricultural association existing under the law of Canada or some province thereof, or a municipal body, school board or *fabrique d'église* not prohibited from holding shares by the law or by-laws governing it;

(*b*) in regard to a savings and credit society, such society shall not carry on any other business, and shall be subject to the provisions hereinafter contained.

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

2. Such person shall, with their provisional secretary, sign, in duplicate, a declaration in the form in schedule A to this Act before two witnesses; one of such declarations, with a copy of the proposed rules or by-laws, shall be immediately forwarded by registered letter to the Minister, and the second declaration, with a copy of the said rules or by-laws, shall remain of record in the archives of the society. Declaration for incorporation.

3. The proposed corporate name of the society shall not be that of any other known society or company incorporated or unincorporated, or so nearly resembling such name as to be likely, in the opinion of the Department, to be confounded therewith, or otherwise on public grounds objectionable, and no society shall change its name except as hereinafter provided. Corporate name.

"Limited."

4. The word "limited" shall be the last word in the name of every society.

Acknowledgement of organization and notice thereof.

5. The Minister, on being satisfied that the foregoing provisions of this Act have been complied with, shall issue to each society an acknowledgement of organization and give notice thereof in the *Canada Gazette*, and thereupon such society shall be a corporation under the name described in the acknowledgement and notice and shall vest in the society all property for the time being vested in any person in trust for the society; and the rules of the society, together with the provisions of this Act, shall constitute the charter of the society.

Incorporation.

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

Shares.

5. The shares of the society shall be determined by its rules or by-laws, but no share shall be less than one dollar.

Increase of capital.

6. The capital of the society may be increased by subscriptions for new shares or the admission of new members, and it may be diminished by withdrawls; provided that no society

Reserve fund.

which has a withdrawable share capital shall carry on the business of credit and savings unless such society lays aside twenty per cent of its yearly net profits in order to establish a reserve fund to meet losses, and until the said reserve fund is equal to the maximum amount at any time of the paid-up share capital; and if the said maximum amount of paid-up capital is reduced by withdrawls the said reserve fund shall be maintained at the said maximum amount notwithstanding such subsequent reduction, and the said yearly twenty per cent of net profits shall continue to be laid aside until the said reserve fund has reached the aforesaid maximum amount of paid-up share capital, or in case the said fund is impaired by losses, after it has reached the said maximum the said percentage shall be again laid aside until the said fund is completed.

Dealings with members only.

2. No society carrying on the business of credit and savings shall advance money by discount, loan or otherwise to, nor accept deposits from, any person other than its own members.

Investments allowed.

7. A society shall have the right to invest its surplus funds or reserve fund in public securities of the Government of Canada, or of any province thereof, or of a municipal or other incorporated body, or to loan to such municipal or incorporated bodies upon the security of their general credit; provided, such municipal and other incorporated body is situated within the district of the said society.

Statement in schedule C.

8. Every society which carries on the business of credit and savings shall, every six months, make out and keep conspicuously hung up in its head office, a statement in the form in schedule C to this Act, or as near thereto as circumstances admit.

Banking operations limited as to district.

2. A society carrying on the business of credit and savings shall not operate outside of the electoral division where it has its head office; provided however that when a co-operative,,

society is organized in a city composed of more than one electoral division, the Minister may, in the acknowledgement of organization referred to in subsection 5 of section 4 of this Act, or by a subsequent notice to be published in the *Canada Gazette*, authorize the society to operate beyond the limits of the electoral division where it has its head office, within the limits of the said city.

Board.

9. A society carrying on the business of credit and savings shall elect at its annual general meeting a board which shall pass upon all loans or investments of the funds of the society.

2. Such board shall be composed of not less than three members, and their term of office shall be one year.

3. The members of such board shall not have the right to borrow either directly or indirectly from the society.

Loans.

10. The general meeting of the society shall determine from time to time the maximum amount that may be loaned to an one member; provided that this shall not apply to the investment in public securities or to loans to incorporated bodies as provided in section 7 of this Act.

Rules of society.

11. The rules of every society shall contain provision regarding the several matters contained in schedule B to this Act.

Amendments.

2. All amendments to rules, in order to be valid, must be duly certified by the proper officer of the society and copies thereof shall be deposited with the Minister.

Approval of Minister.

3. The Minister on being satisfied that any amendment to rules is not contrary to the provisions of this Act, shall issue to the society an acknowledgement of the deposit of such amendment, and such acknowledgement shall be conclusive evidence that such amendment is in force.

Copies of rules.

4. A copy of the rules of the society containing all amendments at the date of delivery thereof shall be delivered by the society to every person on demand on payment of a sum fixed by the by-laws.

Registered office.

12. Every society shall have a registered office, to which all communications and notices shall be addressed, and the society shall furnish the postmaster of the nearest post office thereto and also the Minister with written notice of the location of such office and of every change thereof.

Name of society to be kept conspicuous.

13. Every society shall paint or affix and keep affixed its name on the outside of every office or place in which the business of the society is carried on, in a conspicious position and in letters easily legible, and shall also have its name written or printed in legible characters in all of its official notices and publications.

Audit.

14. Every society shall, once at least in every year, submit its accounts for audit to two or more persons appointed as provided by the rules of the society.

Powers and duties of auditors.

2. Such auditors shall have access to all books, deeds, documents and accounts of the society, and shall examine the balance sheets showing the receipts and expenditure, funds and effects

of the society with the books, deeds, documents and vouchers relating thereto, and shall either sign the same as found by them to be correct, duly vouched and in accordance with law, or shall specially report to the society in what respect they find them incorrect, unvouched, or contrary to law.

Board of supervision.

15. Every savings and credit society shall, at its annual general meeting, elect from amongst its members a board of supervision of at least two members, whose term of office shall be one year.

2. The board shall examine and audit all the books of the society; control all the operations of the society; check the cash, the investments and securities; see to the carrying out of the by-laws, regulations and decisions of the society, especially as regards loans and renewals, and generally take cognizance of all the documents it deems useful for the performance of its duties.

3. The board shall, within five days, call a special general meeting of the shareholders if it finds anything seriously wrong in connection with the management of the societiy's affairs or any violation of the statutory provisions relating to the administration of the moneys paid into the funds.

4. The board may, in the event of emergency or an extra-ordinary case, suspend the officials, whether salaried or not, and members of the board of credit, but shall in such case within five days report its reasons to a general meeting of the shareholders, who shall decide on the board's action.

5. The members of the board shall be chosen from among the shareholders who do not belong to any board or to any committee or board, and who hold no office, whether salaried or not.

6. The members of the board shall not borrow from the society.

7. The members of the board must submit a written report to every annual general meeting.

Annual return to Minister.

16. Every society shall, once in every year, not later than the fifteenth day of April, send to the Minister an annual return of the receipts and expenditure, funds and effects of the society as audited up to the thirty-first day of March preceding.

To be signed by auditors.

2. Such annual return shall be signed by the auditors, and shall show separately the expenditure in respect of the several objects of the society.

Balance sheet and auditor's report to be kept hung up.

17. Every society shall keep a copy of the last balance sheet for the time being, together with the auditor's report and the comptrollers' report, hung up in a conspicious place and accessible to the public at its head office, and every shareholder shall be provided with a copy of each of the said reports.

Returns on special subjects.

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

19. Except as provided by this Act, no member or person shall have any right to inspect the books of the society. Inspection of books.

2. Any member or person having an interest in the funds of the society may inspect his own account and the books containing the names of the members at all reasonable hours at the office of the society or at such other place as the said account and books are kept, subject to such regulations as to time and manner of such inspection as are made, from time to time, by the society in general meeting.

3. The society may, by its rules, authorize the inspection of any of its books therein mentioned, in addition to the said books containing the names of members, under such conditions as are hereby imposed, so that no person, unless he is an officer of the society or is especially authorized by a resolution thereof, shall have a right to inspect the loan or deposit account of any other member without his written consent.

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

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

(*b*) all expenses of such inspection shall be defrayed by the applicants or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the Minister directs.

2. A person appointed under this section shall have power to examine and make copies of all books of the society, and have free access to the said books at all reasonable hours. Powers of inspector.

3. The Minister shall communicate the result of such inspection to the applicants and to the society. Result of inspection.

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

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

(*b*) if he thinks fit, at the request of the society;

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

2. Before such cancellation the Minister shall give the society a notice of not less than two months specifying briefly the ground of his proposed action (except in the case of a request by the society itself) and notice of such cancellation shall be published in the *Canada Gazette* and in a newspaper published in or near the place where such society last had its head office. Notice of intended cancellatio

3. Such society shall from the date of publication in the *Canada Gazette* of the said notice of cancellation absolutely cease to enjoy the privileges of an incorporated society, but

without prejudice to any liability incurred, which liability may be enforced as if such cancellation had not taken place.

Returns.

22. Returns and documents required under this Act shall be in the forms prescribed by the Minister from time to time.

Members to be bound by rules.

23. The rules of the society shall bind the society and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name thereto.

Dues of members.

24. Moneys payable by a member to the society shall be a debt due from such member to the society and recoverable before any court of competent jurisdiction, and the society shall have a lien on the shares of any member for any debt due to it by him and may set off against the payment of such debt any sum due to the member on such shares or otherwise.

Minors may be members.

25. A person under the age of twenty-one, but above the age of twelve, may be a member of the society, unless provision to the contrary is made in the rules, and such person may, subject to the rules of the society, enjoy all the rights of a member, (except as herein provided,) and may sign all instruments required by the rules; but he shall not be a member of the committee, nor a trustee, director, manager or treasurer of the society.

Investments.

26. The society may invest any part of its capital in or upon any security authorized by its rules.

When capital invested in other corporations.

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

Powers of proxy.

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

Shares held by other corporations.

27. Any other corporation may, if its regulations permit, hold shares in the society.

Security bond for officers.

28. The society may, by its rules, require any of its officers having receipt or charge of money to furnish security or a bond for the due and faithful handing over by him to the society at the time fixed by the rules of all sums due by him to the society received in the performance of his duties.

Disputes between members.

29. The society may, by its rules, direct how any dispute between one of its members or any person aggrieved who has not for more than six months ceased to be a member of the society, or any person claiming through such member or party aggrieved, or claiming under the rules of the society and the society or one of its officers, shall be decided, and the decision so made shall be binding on all parties without appeal and shall not be removable into any court of law by injunction or otherwise; and application

for the enforcement of such decision may be made before any court of competent jurisdiction, but where the rules contain no direction as to disputes or where no decision is made on a dispute within sixty days after application for a reference under its rules, then the party aggrieved may apply to a court of competent jurisdiction, which may hear and settle the matter in dispute.

Inspection of society's affairs.

30. Upon the application of one tenth of the whole number of members of the society the Minister may—

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

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

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

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

4. All the expenses connected with such inspection or meeting shall be defrayed by the applicants or out of the funds of the society or by the members or officers or former members or officers of the society in such proportions as the Minister directs.

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

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

"Special resolution."

31. For the purposes of this Act, a special resolution shall mean a resolution passed by a majority of not less than three-fourths of such members of the society for the time being entitled under the rules to vote at any general meeting, and notice of such meeting specifying the intention to propose the resolutions shall be given according to the rules of the society and not less than fourteen nor more than thirty days before the date for which such meeting is called.

When carried.

2. At such meeting a declaration by the chariman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Change of name.

32. A society may by special resolution, and with the approval of the Minister, change its name, and from the date of a notice of such change, to be published by the Minister in the *Canada Gazette*, the society shall be known and legally designated under the new name, but such change of name shall not affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name.

Amalgamation of several societies.

33. Any two or more societies incorporated under this Act within the same district may, by special resolution of each of the societies interested, become amalgamated as one society with or without any division of the funds of such societies, or any of them, and upon such conditions as are set forth in the said special resolutions, and the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than that contained in the special resolution amalgamating the societies.

Transfer of contracts and liabilities.

2. Any society may, by special resolution, transfer its contracts and liabilities to any other society which undertakes to fulfil the contracts and liabilities of the society.

Creditor's rights saved.

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

When amalgamation to take effect.

35. Such amalgamation or transfer shall only take effect from the date of the deposit with the Minister of a copy of the resolution relating thereto, certified by the chairman of the meeting at which the resolution was passed, and by the secretary of the society.

Dissolution of society.

36. A society organized under this Act may de dissolved—

(*a*) by a special resolution declairing such dissolution, and providing for the liquidation of the affairs of the society;

R.S., c. 144.

(*b*) when the society becomes insolvent and subject to the provisions of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906;

(*c*) in the case of a savings and credit society having a reserve fund, no such dissolution shall take place if five members are opposed to the said dissolution and declare such opposition in writing duly signed by them and filed at the meeting.

Liability of members on winding up.

37. The following rules shall apply where a society is wound up as regards the liability of a past or present member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up and the adjustment of the rights of contributors amongst themselves:—

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

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

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

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

(*e*) A person, society or company shall be considered to have ceased to be a member, with respect to any withdrawable share withdrawn, from the date of the notice or application for withdrawal: Provided, however, that in the case of a credit and savings society, if the society constitutes, by its rules, a reserve

as provided in paragraph (*a*) of section 6 of this Act, then and in such case any member who has withdrawn from the society shall be free from every liability whatsoever from the moment of his withdrawal from the society as regards any debts of the society.

Offences.

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

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

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

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

(*d*) carries on the business of credit and savings when it has any withdrawable share capital, or has not the reserve provided in lieu thereof, or fails to make out and keep continuously hung up the statement required by this Act, or makes any payment of withdrawable capital contrary to this Act.

Penalty for obtaining property by fraud.

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

Penalty for making false entries.

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

Penalty respecting copies of society's rules.

41. It shall be an offence under this Act if any person, with intent to mislead, gives to any other person a copy of the rules other than the then existing rules of a society, or gives to any person any rules as being the rules of an existing society when such society is not really a society incorporated under this Act.

Penalty for offences generally.

42. Every society, officer or member of a society or other person guilty of an offence under this Act for which no penalty

is otherwise expressly provided, shall be liable to a fine not exceeding twenty-five dollars.

Recovery of fines.

43. Every fine imposed by this Act or by any regulations under this Act or by the rules of a society incorporated under this Act, shall be recoverable in a summary manner.

At suit of Minister or others.

2. Any such fine, if imposed by this Act or by any regulations thereunder, shall be recoverable at the suit of the Minister or of any person aggrieved, and if imposed by the rules shall be recoverable at the suit of the society.

Regulations by Governor in Council.

44. The Governor in Council may make regulations respecting the procedure and forms to be adopted in carrying out the provisions of this Act and generally for carrying this Act into effect; and such regulations shall apply as soon as they have been published in the *Canada Gazette*.

Regulations to be laid before Parliament.

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

As to existing securities.

46. Any co-operative society existing at the time of the passing of this Act may take advantage of its provisions and be brought under the operation thereof, by conforming to the provisions of this Act in regard to incorporation; provided that in the case of societies duly incorporated under provincial statutes, the demand for admission to the benefits of this Act may be made by the corporation itself acting through its board of directors or other governing body under whatever name designated.

SCHEDULE A.

CO-OPERATION ACT.

The [*Name of Society.*] Limited.

To all whom these presents may concern:—

Application to organize a society under the above mentioned Act, under the name of The , Limited, is made by the seven persons whose names are subscribed hereto.

1. The object, name and declared office of the society are provided for in rule no. [*state number*].

2. The forms of admission of members, including any society or company investing funds in the society, under the provisions of the Act, are provided for in rule no.

3. The mode of holding meetings and right of voting and the manner of making, altering or rescinding rules, are provided for in rule no.

4. The appointment and removal of the committee of management (by the name of) of managers or other officers, and their respective powers and remunerations, are provided for in rule no.

5. The determination whether the society may contract loans or receive money on deposit, subject to the provisions of the Act, from members, and if so, under what conditions as to security, limits of amount and terms, is provided for in rule no.

6. The deterimnation whether the shares or any of them shall be transferable and the form of transfer and registration of the shares and the consent of the committee thereto, and the determination whether the shares or any of them shall be withdrawable and the mode of withdrawal and the payment of the balance due thereon on withdrawing from the society, are provided for in rule no.

7. The audit of accounts and appointment of auditors are provided for in rule no.

8. The determination whether and how members may withdraw from the society, and the claims of the representatives of deceased members or the trustees of the property of bankrupt members and the payment of nominees, are provided for in rule no.

9. The mode of application of profits is provided for in rule no.

10. The determination whether and by what authority and in what manner any part of the capital may be invested is provided for in rule no.

11. Provision as to the seal of the society and the certifying of documents is made in rule no.

12. The statutory duties of the society are set forth in rule no.

Dated at this day of 190 .

[*Signature of member.*]

[*Residence.*]

SCHEDULE B.

Matters to be provided jor by the rules of societies incorporated under the Co-operation Act:—

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

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

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

4. Appointment and removal of the committee of management, by whatever name, of managers or other officers, and their respective powers and remuneration.

5. Determination whether the society may contract loans or receive deposits, subject to the Act, from members, and if so, under what conditions, on what security, and what limits of amount.

6. Determination whether the shares or any of them shall be transferable, and regulations of the form of transfer and registration of the shares and the consent of the committee thereto;

determination whether the shares or any or them shall be withdrawable and the payment of the balance due thereon on withdrawing from the society.

7. Provisions for audit of accounts and appointment of auditors.

8. Determination whether or how members may withdraw from the society; provisions for the claims of representatives of deceased members or the disposal of property of bankrupt members for the payment of nominees.

9. Mode of application of profits.

10. Provision for custody of seal and certifying of documents issued by Society.

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

SCHEDULE C.

Form of statement to be made by a society carrying on the business of banking:—

1. Capital of the society:
(*a*) nominal amount of each share;
(*b*) number of shares issued;
(*c*) amount paid up on shares.
2. Liabilities of the society:
(*a*) on judgments;
(*b*) on contracts;
(*c*) on notes and bills;
(*d*) on estimated liabilities.
3. Assets of the society:
(*a*) government or other securities;
(*b*) bills of exchange and promissory notes;
(*c*) cash in bank;
(*d*) other securities.

No. 5.

4th Session, 10th Parliament, 7-8 Edward V

BILL.

An Act respecting Co-operati

First reading, December 3, 19

Mr. J

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Ma
1907-8

No. 6.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. *The Railway Act* is amended by adding the following section immediately after section 317 thereof:— R.S., c. 37. New section added.

"**317A.** Whenever any person, firm, corporation or association, hereinafter called "the shipper," makes application to the agent of a company for a car or cars to be loaded with freight, the company shall provide a suitable car or cars for the shipper within ninety-six hours after seven o'clock in the forenoon of the day following the time of receiving the said application. The application shall state the character of the freight to be shipped and its final destination. When the shipper making application specifies a future day on which de desires to make such shipment, giving not less than ninety-six hours notice thereof, computing from seven o'clock in the forenoon of the day following the application, the company shall furnish such cars on the day specified in the application. The company shall keep a record of every application showing the time of its receipt and from whom received, and such record shall be open to the inspection of any shipper. Any company failing to furnish cars in compliance with the terms of this subsection shall forfeit and pay to the shipper, upon his making application therefor, and the sum of one dollar per car per day or fraction of a day after the expiration of the said ninety-six hours. Company to provide cars for freight within 96 hours after application therefor. Penalty.

"2. Any shipper, upon whose application a suitable car or cars have been placed for loading, as ordered or directed in his application, after having been notified by the company that such car or cars had been placed for the loading thereof, who fails to load such cars within forty-eight hours (excepting coal, coke or lumber, upon which free time shall be seventy-two hours), from seven o'clock in the forenoon of the day following the receipt of such notification, shall pay to the company placing it one dollar per car per day or fraction of a day after the expiration of forty-eight hours from the time aforesaid. Shipper not loading within time fixed is subject to penalty.

"3. Upon the company receiving notice from the shipper that any car is loaded, it shall immediately receive it for shipment, and issue bills of lading therefor; and the company shall thereupon carry forward, with all possible despatch, the said freight toward its destination, at not less than fifty miles each twenty-four hours, unless otherwise agreed upon, computing from seven o'clock in the forenoon of the day following its Loaded cars to be despatched promptly.

Penalty.

receipt for shipment. Any company failing to receive and transport such freight within the time prescribed in this sub-section shall forfeit and pay to the shipper, or other party whose interests are affected by such delay, one dollar per car per day or fraction of a day for all time in excess of the maximum time established by this section. Payment of any penalty under the terms of this section for non-movement of freight shall not release the carrier from its liability under any law governing it as a common carrier.

Company to give notice of arrival of freight.

"4. Upon the arrival of any freight at the point of its destination, the company shall give notice of the arrival of the said freight to the consignee (or other person designated by the consignor to receive it,) within twenty-four hours after its arrival as aforesaid. Such notice shall state: the amount of freight charges; where goods or freight in carload quantities arrive; identifying numbers, letters and initials of the cars; the name of the consignor, and if transferred in transit; the numbers and initials of the cars in which originally shipped. The consignee, or other person above mentioned, shall give notice to the company of the places where the said car or cars are to be placed for unloading; and upon receiving the said notice the company shall place the said cars upon the private track of the consignee, if he has one, in the order prescribed by the consignee, or, if he has no private track, upon any side track or switch of the company convenient for the unloading of the said freight, or upon any team track accessible to the consignee for unloading.

Particulars of notice.

Placing of cars.

Penalties.

Upon failure or default of the company to place the said cars at the places designated by the consignee within twenty-four hours after receiving notice thereof, the company shall pay and forfeit to the consignee one dollar per car for each twenty-four hours or fraction thereof thereafter and until such car or cars are placed; and in case of the neglect or default of the consignee to notify the company of the places for placing the said cars within twenty-four hours after notice of their receipt by the company, the consignee shall forfeit and pay to the company one dollar per car for each twenty-four hours, or fraction thereof, thereafter.

Consignee to unload within fixed time.

"5. When any cars of freight are placed at the point or points designated by the consignee, he shall unload them within forty-eight hours thereafter, except in the case of coal, coke and lime in bulk, or in the case of the following descriptions of lumber only, namely: boards, deals and scantlings, which shall be allowed seventy-two hours for unloading. Upon default or failure of the consignee to unload the said cars within the time above specified, he shall forfeit and pay to the company one dollar per car per day, or fraction of a day, thereafter: Provided, however, that if the company removes the said car after being so placed, or in any way obstructs the unloading thereof, the consignee shall not be chargeable with the delay caused thereby.

Penalty.

Proviso.

Time to be allowed for loading in certain cases.

"6. When by reason of delay or irregularity on the part of the company to fill orders for cars, and when applications are made on several days, all of which are filled upon the same day, the shipper shall have forty-eight hours to load cars furnished on his first application, and the next forty-eight hours to load cars furnished on his second application, and so on; and the penalty prescribed by this section shall not accrue as to any

cars applied for on any one day until the period within which they may be loaded has expired; and when on account of delay or irregularity in transportation or switching, cars are bunched in transit and delivered to the consignee in numbers beyond his reasonable and known ability to unload within the time prescribed by this section, the consignee shall be allowed such additional time as is necessary to unload the said cars, in accordance with his known ability; and whenever the weather during the period of "free time," as herein specified, is so severe, inclement or rainy that it is impracticable for the shipper or consignee to load or unload freight, or when it would cause injury to the freight to load or unload it by reason of bad weather, the charges and forfeitures specified in this section shall not obtain during the continuance of such weather conditions.

Sundays and holidays not included.

"7. In the computation of time under the provisions of this section, Sundays and legal holidays shall not be included.

Recovery of penalties.

"8. The charges and penalties prescribed by this section may be recovered by action in any court of competent jurisdiction.

Rights respecting actual damage.

"9. This section shall not be construed to deprive any shipper or company of the right to recover each against the other any actual damages that may be shown by reason of the failure of either such shipper or such company to comply with the terms of this section.

Certain delays to be allowed for as "free time."

"10. The period during which the movement of freight is suspended on account of unavoidable accident, or by the act of Providence, shall be added to the free time allowed in this section, and shall be treated as additional free time."

No 6.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, December 3, 1907.

MR. MACLEAN,
(York.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 7.] **BILL.** [1907-8

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

Incorporation.

1. Joseph Walsh, William Russell, Michael Long, Jabez Bowen Hugg and Robert McLeod Campbell, all of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of "The Northern Fire Insurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, the majority of whom shall be a quorum, and they may forthwith open stock books, procure subscriptons of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada, all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

Powers.

Capital stock.

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

Payment for shares.

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

Preference stock.

3. The directors may, subject to the approval of the shareholders, create any part of the capital stock as preference stock, having such priority over the common stock as is considered advisable.

Head office.

4. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba, but local advisory boards or agencies may be established and maintained elsewhere, in such manner as the directors from time to time direct.

Agencies.

First general meeting.

5. So soon as two hundred thousand dollars of the capital stock have been subscribed, and twenty-five per cent of that amount paid in to some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Winnipeg, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than seven, nor more than nine directors, of whom a majority shall be a quorum.

Election of directors.

Qualification.

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

Annual meeting.

6. A general meeting of the Company shall be held 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 meeting.

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

Business of Company.

7. The Company may make and effect contracts of insurance against loss or damage by fire or lightning in or to any house, dwelling, store or other building whatsoever, and to any goods, chattels, bridges, railway plant or personal estate whatsoever, for such time and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are agreed upon between the Company and the insured; and the Company may generally carry on the business of fire insurance in all its branches, including the right to cause itself to be re-insured against any risk it may have undertaken, and to re-insure any other person against risks which such person may have undertaken.

Investment in foreign securities.

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

Real property.

9. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company; but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Manitoba, where it shall not exceed ten thousand dollars.

Requirements for obtaining license.

10. Before obtaining the license required by *The Insurance Act*, at least eighty thousand dollars of the capital stock shall be paid into the funds of the Company, to be appropriated only

for the purposes of the Company under this Act, and thereafter in each succeeding year, for five years, a further sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock.

11. 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*. R.S., c. 34.

12. Part II of *The Companies Act*, except sections 125, 141 and 165 thereof, shall apply to the Company in so far as it is not inconsistent with any of the provisions of *The Insurance Act* or of this Act. R.S., c. 79.

BILL.

An Act to incorporate the Northern Fire Insurance Company.

First reading, December 5, 1907.

(PRIVATE BILL.)

MR. ADAMSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 7.] **BILL.** [1907-8

An Act to incorporate the Northern Fire Insurance Company.

(Reprinted as amended and reported by 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Joseph Walsh, William Russell, Michael Long, Jabez Bowen Hugg and Robert McLeod Campbell, all of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of "The North Empire Fire Insurance Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, the majority of whom shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada, all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company. Provisional directors. Powers.

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

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

4. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba, but local advisory boards or agencies may be established and maintained elsewhere, in such manner as the directors from time to time direct. Head office. Agencies.

First general meeting.

5. So soon as two hundred thousand dollars of the capital stock have been subscribed, and twenty-five per cent of that amount paid in to some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Winnipeg, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than seven, nor more than twenty-five directors, of whom a majority shall be a quorum.

Election of directors.

Qualification.

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

Annual meeting.

6. A general meeting of the Company shall be held 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 meeting.

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

Business of Company.

7. The Company may make and effect contracts of insurance against loss or damage by fire or lightning in or to any house, dwelling, store or other building whatsoever, and to any goods, chattels, bridges, railway plant or personal estate whatsoever, for such time and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are agreed upon between the Company and the insured; and the Company may generally carry on the business of fire insurance in all its branches, including the right to cause itself to be re-insured against any risk it may have undertaken, and to re-insure any other person against risks which such person may have undertaken.

Investment in foreign securities.

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

Real property.

9. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company; but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Manitoba, where it shall not exceed ten thousand dollars.

Payments on capital.

10. The Company shall not commence the business of insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash, into the funds of the

Company, to be appropriated only for the purposes of the Company under this Act: Provided that the sum paid by any shareholder which is less than ten per cent of the amount subscribed by such shareholder shall not be reckoned as part of the said one hundred thousand dollars: Provided also that in each succeeding year, for five years after the commencement of business, a further sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the Company.

Application of Insurance Acts.

11. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with these Acts, the latter shall prevail.

Conflicting provisions.

R.S., c. 79.

12. Part II of *The Companies Act*, except sections 125, 141 and 165 thereof, shall apply to the Company in so far as it is not inconsistent with any of the provisions of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

No. 7.

4th Session, 10th Parliament, 7-8 E[illegible], 1907-8

BILL.

An Act to incorporate the Northern Fire Insurance Company.

(Reprinted as amended and reported by the Banking and Commerce Committee.)

(PRIVATE BILL.)

MR. ADAMSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 8.] **BILL.** [1907-8

An Act respecting the Tobique Manufacturing Company, and to change its name to "Fraser Lumber Company, Limited."

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1898, c. 116.

1. The name of the Tobique Manufacturing Company, Limited, is changed to "Fraser Lumber Company, Limited," but such change of name shall not in any way impair, alter or affect the rights or liabilities of the said company, nor in any suit or proceeding now pending, or judgment existing, either by or in favour of, or against the said company, which, notwithstanding such change in the name of the said company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Name changed. Existing rights saved.

No. 8.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Tobique Manufacturing Company, and to change its name to "Fraser Lumber Company, Limited."

First reading, December 5, 1907.

(PRIVATE BILL.)

MR. CARVELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 9.] **BILL.** [1907-8

An Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make such surveys.

SHORT TITLE.

1. This Act may be cited as *The Dominion Lands Surveys Act.* Short title.

Explanatory Note.—This Act is to take the place of sections 16 to 80 and 221 to 224, inclusive, of chapter 55, R.S. 1906, as they have been omitted from the recent consolidation of the laws respecting the public lands of the Dominion with the object of making reference more easy. With regard to sections 1, 2, 3, 6, 8, 10, 11, 206, 211, 212, 213, 214, 217, of chapter 55, R.S. 1906, those which are of a general character are retained both in the Bill respecting Dominion lands and in this Bill, while those sections which relate to land administration and to surveys have been separated, only the part relating to surveys being retained here.

With the exception of amendments to sections 11, 22, 56, 57 and 59, the Bill is substantially the same as the Dominion Lands Surveys Act passed in the last session of Parliament (6-7 E. VII., c. 12), and repealed in the same session. The other changes, all of minor importance, are:—

1. A revision of the order of the sections to agree with the order adopted in the Revised Statutes of 1906.

2. The insertion of sections 4, 5 and 6 defining the powers of the Governor in Council, and sections 72, 73 and 74 respecting affidavits, forms, and the like.

3. Verbal changes for the purpose of making the meaning more clear.

INTERPRETATION.

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

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

(*b*) "Surveyor General" means the officer of the Department of the Interior who bears that designation, and has, subject to the direction of the Minister, the management of surveys of Dominion lands, or the chief clerk performing his duties for the time being;

(*c*) "Board" means the Board of Examiners for Dominion Land Surveyors;

(*d*) "Dominion Land Surveyor" means a surveyor authorized to survey Dominion Lands under the provisions of this Act;

(*e*) "Dominion lands" means any lands to which the Dominion Lands Act applies;

(*f*) "Monument" means a post, stake, peg, mound, pit or trench, or anything used to mark a boundary corner. 6-7 E. VII., c. 12, s. 2.

Explanatory Note.—No change.

APPLICATION OF ACT.

3. This Act applies to the public lands of the Dominion to which the Dominion Lands Act applies. 6-7 E. VII., c. 12, s. 3. Application.

Explanatory Note.—No change.

POWERS OF THE GOVERNOR IN COUNCIL.

Cases unprovided for, etc.

4. The Governor in Council may—

(*a*) make such orders as are deemed necessary to carry out the provisions of this Act, according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary to give the provisions in this section full effect;

(*b*) impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act;

(*c*) provide that any statement or return required to be made by such regulations shall be verified on oath. R.S., c. 55, s. 6 part.

Explanatory Note.—In paragraph (*a*), the authority to alter or revoke orders or regulations and to make others in their stead has been omitted because it is covered by the Interpretation Act.

Orders and Regulations must be published.

5. Every order or regulation made by the Governor in Council by virtue of the provisions of this Act shall, unless herein otherwise specially provided, have force and effect only after it has been published for four successive weeks in *The Canada Gazette;* and all such orders or regulations shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. R.S., c. 55, s. 8.

Explanatory Note.—No change.

Fees.

6. The Governor in Council may establish a tariff of fees to be charged by the Minister for all copies of maps, township plans, field notes and other records; and all fees received under such tariff shall form part of the revenue from Dominion Lands. R.S., c. 55, s. 10.

Explanatory Note.—"Registering assignments" has been struck out because no assignments are registered in connection with surveys.

ADMINISTRATION.

Administration.

7. The Minister shall have the administration, direction and control of the surveys of Dominion lands. 6-7 E. VII., c. 12, s. 4.

Explanatory Note.—No change.

SURVEYORS.

Qualified to survey.

8. No person shall act as surveyor of any lands to which this Act applies unless he has become qualified to do so under the provisions hereinafter set forth or was, before the fourteenth day of April, 1872, duly qualified by certificate, diploma or commission, to survey Crown lands in some one of the provinces of Canada. 6-7 E. VII., c. 12, s. 32.

Explanatory Note.—Change of form only.

Board of examiners.

9. There shall be a Board of Examiners for the examination of candidates for admission as articled pupils, for commissions as Dominion Land Surveyors or for certificates as Dominion Topographical Surveyors, which shall consist of the Surveyor General and two Dominion Topographical Surveyors appointed from time to time by the Governor in Council.

2. The Board shall meet annually for such examination on the second Monday in the month of February, and the Minister may require the Board to meet and to hold examinations at such other times and places as are necessary.

3. Notice of such annual and other meetings shall be given in *The Canada Gazette*. 6-7 E. VII., c. 12, s. 33.

Explanatory Note.—Change of form only.

Oath of office.

10. Every member of the Board shall take an oath of office, in the form A in the schedule to this Act, which may be administered by a judge of any court in Canada. 6-7 E. VII., c. 12, s. 34.

Explanatory Note.—"May" is substituted for "shall."

Secretary.

11. The Minister shall, from time to time, appoint a fit and proper person to be secretary of the Board who shall keep a record of its proceedings. 6-7 E. VII., c. 12, s. 35.

Explanatory Note.—The Minister instead of the Board is to appoint the secretary. The secretary being a departmental officer, it is proper that the Minister should have the control of the appointment.

Examinations.

12. The Minister may cause examinations of candidates for admission as articled pupils or for commissions as Dominion Land Surveyors to be held at such times and places as he directs, by one of the members of the Board or by a special examiner who is a Dominion Land Surveyor, and is appointed thereto by the Governor in Council.

2. Notice of any such examinations shall be given for four consecutive weeks in *The Canada Gazette*.

3. Such examinations shall be subject to any rules and regulations made by the Board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the Board. 6-7 E. VII., c. 12, s. 36.

Explanatory Note.—Change of form only.

Filling vacancies on Board *pro tem.*

13. The Governor in Council may appoint one or more Dominion Topographical Surveyors for the purpose of filling the place of any member or members of the Board who may, through illness or other cause, be unable to attend any meeting of the Board. 6-7 E. VII., c. 12, s. 37.

Explanatory Note.—No change.

Secretary to be notified by candidate for examination.

14. Every person who desires to be examined by the Board shall notify the secretary in writing at least one month previous to the meeting of the Board at which the examination is to take place, and shall, with such notice, transmit the fee hereinafter prescribed. 6-7 E. VII., c. 12, s. 38.

Explanatory Note.—Changed in expression only.

Examination for admission as articled pupil.

15. No person shall be admitted as an articled pupil with any Dominion Land Surveyor unless he has previously passed an examination before the Board, or before one of the members thereof, or before a special examiner as hereinbefore provided, as to his knowledge of arithmetic, algebra including quadratic equations, plane geometry, plane trigonometry, spherical trigonometry as far as the solution of triangles, the mensuration of superficies, and the use of logarithms, and in penmanship and

orthography, and has obtained from the Board a certificate of having passed such examination. 6-7 E. VII., c. 12, s. 39.

Explanatory Note.—No change.

Conditions precedent to examination for commission.

16. Except as hereinafter provided, no pupil shall be entitled to be examined for a commission as a Dominion Land Surveyor unless he has previously served regularly and faithfully for and during the period of three years, under articles in form B in the schedule to this Act, as pupil of a Dominion Land Surveyor, and unless he produces an affidavit from such surveyor in form C in the schedule to this Act, together with his own affidavit in form D in the schedule to this Act, that he has so served; or, if for some good and valid reason the surveyor's affidavit cannot be produced, unless he produces such evidence of service as the Board requires: Provided that such three years' service shall include at least twelve months' actual practice in the field. 6-7 E. VII., c. 12, s. 40.

Explanatory Note.—Verbal changes only.

Transfer of pupil.

17. Any Dominion Land Surveyor may, by an instrument in writing, in form E in the schedule to this Act, transfer a pupil with his own consent, to any other Dominion Land Surveyor, with whom such pupil may serve the remainder of his term; but such pupil shall not be entitled to examination unless he produces the affidavits of both surveyors in form C in the schedule to this Act, together with his own affidavit in form D in the schedule to this Act, that he has so served: Provided that, if such pupil is unable to obtain the surveyors' affidavits, or either of them, as aforesaid, the Board may accept evidence of service, in such form as it sees fit. 6-7 E. VII., c. 12, s. 17.

Explanatory Note.—Verbal changes only.

Variation of form when pupil is of age.

18. If a person who enters into articles pursuant to the provisions of this Act is, at the time of so entering, of the full age of twenty-one years, and in the event of his being transferred, forms B and E respectively in the schedule to this Act may be so varied as to provide for the articles being entered into and the transfer made on the responsibility of such person himself without reference to the consent and approbation of his father or of any other person. 6-7 E. VII., c. 12, s. 42.

Explanatory Note.—Verbal changes only.

Completion of term with another surveyor.

19. If any Dominion Land Surveyor dies, or leaves Canada, or is suspended, or has had his commission as a surveyor cancelled, his pupil may complete his term under articles, as aforesaid, with any other Dominion Land Surveyor. 6-7 E. VII., c. 12, s. 43.

Explanatory Note.—No change.

Duplicate of articles and of transfers to be transmitted to Board.

20. Articled pupils shall transmit to the secretary of the Board, by registered letter, within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for filing such duplicate.

2. They shall also transmit to the secretary, by registered letter, within three months of the transfer, if any, of their articles, a duplicate of such transfer.

3. The secretary shall acknowledge the receipt of such duplicates and shall file and keep them with the records of the Board.

4. In any case in which a duplicate of the articles of a pupil or of the transfer of his articles is not transmitted to the secretary of the Board within a period of three months, as aforesaid, the time of service of the pupil under the said articles or transfer shall count from the date of the receipt of the duplicate thereof by the secretary. 6-7 E. VII., c. 12, s. 44.

Explanatory Note.—Verbal changes only.

As to provincial surveyors.

21. Every person who upon or after the fourteenth day of April, 1872, became, or hereafter becomes, by certificate, diploma or commission, qualified to survey lands in any province of Canada and who is still so qualified, and who, in order to become so qualified, has—

(*a*) served a term under articles to a surveyor, similar to the term prescribed by this Act, and

(*b*) passed examinations before the Board of Examiners of the province for which he is so qualified, in the subjects prescribed by this Act for the examination of candidates for admission as articled pupils and for commissions as Dominion Land Surveyors,

shall be entitled to obtain a commission as a Dominion Land Surveyor without further service and without being subjected to any examination other than with respect to the system of survey of Dominion Lands.

2. If, in the opinion of the Board,—

(*a*) the service of any person so qualified who applies for a commission is not equivalent to that required by this Act for pupils of Dominion Land Surveyors, or—

(*b*) the subjects of the examination passed by him for certificate, diploma or commission as a surveyor, in the province for which he is qualified, are not sufficiently similar to those by this Act prescribed for qualification as a Dominion Land Surveyor—

the Board may, in its discretion, require the candidate to complete such further term of service or practice in surveying and may examine him in such of the subjects prescribed by this Act as appear necessary. 6-7 E. VII., c. 12, s. 45.

Explanatory Note.—Verbal changes only.

As to surveyors qualified otherwise than under this Act.

22. Every person who is duly qualified by certificate, diploma or commission as a surveyor of lands in any part of His Majesty's dominions and who has had at least two years' practice either as a surveyor or as a pupil to a surveyor, (of which practice at least six months has been in the field,) shall be entitled to obtain a commission as a Dominion Land Surveyor on passing an examination in such subjects as are prescribed by this Act for the examination of candidates for admission as articled pupils and for commissions as Dominion Land Surveyors, and on his producing an affidavit from a Dominion Land Surveyor in form C in the schedule to this Act, together with his own affidavit in form D in the schedule to this Act, that he has, in addition to the service aforesaid, served for one year with such surveyor, inclusive of at least six months' actual practice with him in the field.

2. If, in order to become so qualified in such part of His Majesty's dominions, such person has passed in any subject or subjects an examination sufficiently similar in the opinion of the Board to the examination prescribed by this Act in the same subject or subjects, the Board may, in its discretion, dispense such person from further examination in such subject or subjects. 6-7 E. VII., c. 12, s. 46.

Explanatory Note.—This section has been amended by giving authority to the Board to dispense with an examination in case of surveyors who have previously passed examinations equivalent to those prescribed by this Act. It is expected that the Board will admit under this clause land surveyors from New Zealand, Australia and Cape Colony, the standard of examinations in these colonies being very high.

As to graduates of Royal Military College and other graduates.

23. Every graduate in surveying of the Royal Military College of Canada, and every person who has followed a regular course of study in all the branches of education required by this Act for admission as a Dominion Land Surveyor, for at least two years, in any college or university where a complete course of theoretical and practical instruction in surveying is organized, and who, after examination, has thereupon received from such college or university a diploma or certificate, shall be exempt from serving three years as aforesaid, and shall be entitled to examination for a commission after being admitted upon examination as aforesaid as an articled pupil and serving one year under articles with a Dominion Land Surveyor, including six months actual practice with him in the field, on producing an affidavit from the said surveyor in said form C, together with his own affidavit in said form D, that he has served for one year as herein provided; but it shall rest with the Board to decide whether the course of instruction in such college or university meets the requirement of this section. 6-7 E. VII., c. 12, s. 47.

Explanatory Note.—After "shall be entitled to examination" there has been added "for a commission after being admitted upon examination as aforesaid as an articled pupil." The object of the amendment is to make the meaning clear.

Examination for commission as a surveyor.

24. Except as in this Act otherwise provided, no person shall receive a commission from the Board authorizing him to practise as a Dominion Land Surveyor until he has complied with the general requirements of this Act in that behalf, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the Board or before a member thereof, or before a special examiner as hereinbefore provided, in the following subjects:—

(*a*) plane and solid geometry;

(*b*) spherical trigonometry, as far as the solution of triangles;

(*c*) the use of logarithms;

(*d*) the measurement of areas, including their calculation by latitude and departure;

(*e*) the dividing or laying off of land;

(*f*) the elements of astronomy and their practical application in the determination of latitude, longitude, time and azimuth:

Provided that no commission shall issue unless the Board is satisfied that the person is well informed as to the system of survey prescribed by this Act; that he is conversant with the manual of instructions for the survey of Dominion lands issued from time to time, under the authority of the Minister, by the

Surveyor General for the guidance of Dominion Land Surveyors; and that his practical knowledge is such that—

(*a*) he can properly conduct surveying operations and report thereon;

(*b*) he can correctly keep field notes and plot and represent them on plans of survey;

(*c*) he can describe land by metes and bounds for title;

(*d*) he can properly adjust and use ordinary surveying instruments. 6-7 E. VII., c, 12, s. 48.

Explanatory Note.—Verbal change only.

Examine candidate on oath.

25. The Board may examine any candidate on oath, which oath may be administered by any one of the examiners, as to his actual practice in the field or as to any matter relating to his examination. 6-7 E. VII., c. 12, s. 49.

Explanatory Note.—Verbal change only.

Issue of commission.

Security and oath.

26. Every person who qualifies in the manner prescribed by this Act shall receive a commission from the Board in form F in the schedule to this Act, constituting him a Dominion Land Surveyor: Provided that he shall, jointly and severally with two sufficient securities to the satisfaction of the Board, enter into a bond to the Crown in the sum of one thousand dollars, conditioned for the due and faithful performance of his duties as a surveyor, and that he shall take and subscribe before a judge of any court in Canada, or before any member of the Board who is hereby authorized to adminster it, the oath of allegiance and an oath in form G in the schedule to this Act.

Registering of commission.

Depositing of oath and bond and enuring of bond.

2. The commission shall be registered in the office of the Registrar General of Canada; the oaths shall be deposited in the office of the Surveyor General; and the bond shall be deposited and kept in the manner prescribed by, and shall be subject to the provisions of the Act respecting public officers, and shall enure to the benefit of any person who sustains damage by breach of any condition thereof. 6-7 E. VII., c. 12, s. 50.

Explanatory Note.—Verbal changes only.

Examination in higher branches.

27. Any Dominion Land Surveyor, who has previously given the notice of examination required by this Act, may present himself for examination as to his knowledge of the higher branches of surveying, qualifying him for the prosecution of extensive, governing or topographical surveys, and geographic explorations; and a syllabus of the subjects of such examination shall be prepared from time to time by the Board and published in *The Canada Gazette* at least six months before the examination. 6-7 E. VII., c. 12, s. 51.

Explanatory Note.—No change.

Certificate as topographical surveyor.

28. Persons who pass the examination provided for in the next preceding section shall receive a certificate to that effect from the Board, and shall be designated Dominion Topographical Surveyors. 6-7 E. VII., c. 12, s. 52.

Explanatory Note.—No change.

Fees.

29. The following fees shall be paid to the secretary of the Board:—

(*a*) by each person, on giving notice of his desire for examination for admission as an articled pupil, one dollar;

(*b*) by each candidate for such preliminary examination, ten dollars;

(*c*) for certificate of preliminary examination, two dollars;

(*d*) by each pupil, at the time of transmitting his indenture or articles, two dollars;

(*e*) by each applicant for examination for a commission as Dominion Land Surveyor or for a certificate as Dominion Topographical Surveyor, with his notice thereof, two dollars;

(*f*) by each applicant upon obtaining a commission, two dollars;

(*g*) for admission to practice after receiving a commission, twenty dollars;

(*h*) by each applicant who obtains a certificate as Dominion Topographical Surveyor, two dollars;

(*i*) for a subsidiary standard of the Dominion measure of length, tested and stamped as hereinafter provided, eight dollars;

(*j*) for each subsequent testing of such subsidiary standard, two dollars;

Provided that the fees payable under paragraphs "*b*," "*g*" and "*i*" shall be deposited to the credit of the Receiver General on account of Dominion lands; and that the other fees payable under this section shall belong to the secretary. 6-7 E. VII., c. 12, s. 53.

Explanatory Note.—Changes in expression only.

Allowances to members of Board, Secretary and special examiners.

30. Every member of the Board who attends at the meetings thereof, or who holds an examination, and every Dominion Topographical Surveyor who fills the place of an absent member, shall receive seven dollars and fifty cents for each day's sitting; and every special examiner who holds an examination for admission as articled pupils or for commissions as Dominion Land Surveyors, and the secretary of the Board, shall receive five dollars for each day's sitting; and in addition to such per diem allowance, there shall be paid the actual travelling and living expenses incurred by such member, surveyor, special examiner or secretary, and consequent upon such attendance or examination. 6-7 E. VII., c. 12, s. 54.

Explanatory Note.—No change.

Suspension or cancellation of commissions.

31. The Board may suspend for such period as it deems meet, or may cancel, the commission or certificate of any Dominion Land or Topographical Surveyor, or debar from surveying under this Act any Provincial Land Surveyor authorized to act as a Dominion Land Surveyor under the provisions of this Act, whom it finds guilty of—

(*a*) gross negligence or corruption in the performance of his duties as a surveyor;

(*b*) certifying to false returns of a survey;

(*c*) certifying as his own surveys not made by himself; or,

(*d*) making a survey without being in possession of a standard measure, as required by this Act:

Provided that the Board shall not suspend or cancel the commission or certificate of such surveyor, or debar any surveyor from surveying under this Act, unless he has, at least thirty days in advance of action by the Board, been notified by the

secretary by registered letter, mailed to his last known address, of the charges against him, and been summoned to appear before the Board to make his defence, nor before having heard the evidence offered both in support of the charges and by the surveyor himself, or, in the event of his failure to appear, by a person appointed by the Board to act on his behalf. 6-7 E. VII., c. 12, s. 55.

Explanatory Note.—Verbal changes only.

Affidavit of correct and personal work.

32. The Surveyor General shall require every Dominion Land Surveyor, in addition to the oath by this Act required to be administered to him on receiving his commission as such, to take and subscribe an oath or make and subscribe an affirmation, on the return of his surveys of Dominion lands, that he has faithfully and correctly, and in his own proper person, executed such surveys in accordance with the provisions of this Act and the instructions of the Surveyor General; and, if it is proved before any court of competent jurisdiction, that such surveys, or any part thereof, have not been so executed, the Attorney General of Canada shall, upon the application of the Surveyor General, immediately institute a suit upon the bond of such surveyor; and the institution of such suit shall operate as a lien on any property owned or held by such surveyor, or his sureties, at the time the suit is instituted. 6-7 E. VII., c. 12, s. 56.

Proceedings to be taken if false statement.

Explanatory Note.—No change.

Surveyors records.

33. Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and shall file them in the order of time in which the surveys have been performed, and he shall give copies thereof to all persons concerned, when required so to do; and for so doing he shall be paid the sum of one dollar for each copy, if the number of words therein does not exceed four hundred; but if the number of words therein exceeds four hundred, he shall be paid ten cents additional for every hundred words over and above four hundred words. 6-7 E. VII., c. 12, s. 57.

Explanatory Note.—No change.

Allowance to surveyors as witnesses.

34. Every Dominion Land Surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as a surveyor, shall be allowed five dollars for each day he so attends, in addition to his reasonable travelling and living expenses, to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court. 6-7 E. VII., c. 12, s. 58.

Explanatory Note.—No change.

CHAIN BEARERS.

Chain bearers to be sworn.

35. Every chain bearer employed in the survey of Dominion lands shall, before he commences his chaining or measuring, take an oath or affirmation that he will discharge such duty with exactness, according to the best of his judgment and ability, and render a true account of his chaining or measuring to the surveyor by whom he is employed; and any Dominion

Land Surveyor may administer such oath or take such affirmation. 6-7 E. VII., c. 12, s. 59.

Explanatory Note.—No change.

STANDARD OF MEASURE.

Measure of length.

36. The measure of length used in the surveys of Dominion lands shall be the Dominion measure of length defined by the Weights and Measures Act, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard, tested by the secretary of the Board under the supervision of the Surveyor General, and stamped as correct by the Surveyor General, shall be furnished to him by the secretary of the Board on payment of the fee fixed therefor by this Act; and, notwithstanding anything to the contrary in the Weights and Measures Act, such subsidiary standard shall not require any test, stamp, inspection or verification other than is required by this Act; and all Dominion Land Surveyors shall, from time to time, regulate and verify by such standard, the length of their chains and other instruments for measuring lengths; and the said standard measure shall be returned to the secretary of the Board as often as it requires to be tested again. 6-7 E. VII., c. 12, s. 60.

Subsidiary standard.

Verification.

Explanatory Note.—Verbal change only.

EVIDENCE BEFORE SURVEYORS.

Surveyors may examine under oath.

37. Every Dominion Land Surveyor acting in that capacity may examine witnesses on oath with respect to all matters relating to the survey of lands, and for better ascertaining the original corners or limits of any township, section, quarter-section, legal or other authorized subdivision, lot, parcel or tract of land, and may adminster such oath to every person whom he examines in relation to such matters. 6-7 E. VII., c. 12, s. 61.

Explanatory Note.—Verbal change only.

Procedure for compelling attendance of persons who have information as to boundaries.

38. Whenever any Dominion Land Surveyor is in doubt as to the true corner, boundary or limit of any township, section, quarter-section, legal or other authorized subdivision, lot, parcel or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, and if such person does not willingly appear before, and be examined by, such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any justice of the peace for an ordinary subpœna *ad testificandum*, or a subpœna *duces tecum*, as the case requires, accompanying such application by an affidavit or solemn declaration made before such justice of the peace, as to the facts on which the application is founded; and such justice may issue a subpœna accordingly, commanding such person to appear before the surveyor at a time and place mentioned in the subpœna, and, if the case requires it, to bring

with him any writing, plan or document mentioned or referred to therein. 6-7 E. VII., c. 12, s. 62.

Explanatory Note.—Verbal change only.

Service of subpœna.

39. A subpœna issued as in the next preceding section set forth shall be served on the person named therein by delivering a copy thereof to him, or by leaving the copy for him with some adult person at his residence and exhibiting to him or such adult person the original; and if the person required in such subpœna to appear (his reasonable expenses having been paid or tendered to such adult person), refuses or neglects to appear before the surveyor at the place and time appointed in the subpœna, or to produce the writing, plan or document, if any, therein mentioned or referred to, or to give such evidence and information as he possesses touching the boundary or limit in question, a warrant by a justice for the arrest of such person may be issued, and he shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days, or to both, in the discretion of such justice. 6-7 E. VII., c. 12, s. 63.

Penalty.

Explanatory Note.—No change except in form.

Evidence to be put in writing.

40. All evidence taken by a Dominion Land Surveyor, as aforesaid, shall be reduced to writing and shall be read over to the person giving the evidence, and shall be signed by such person, or if he cannot write, shall be acknowledged by him as correct before two witnesses, who shall sign it, as shall also the Dominion Land Surveyor; and such evidence shall be filed and kept, and any document or plan prepared and sworn to as correct before a justice of the peace, by any Dominion Land Surveyor, with reference to any survey by him performed, may be filed and kept, at the registry office of the place in which the lands to which they relate are situate, subject to be produced thereafter in evidence in court. 6-7 E. VII., c. 12, s. 64.

Explanatory Note.—Verbal changes only.

Right to enter upon private lands

41. Any Dominion Land Surveyor, when engaged in the performance of his duties as such, may pass over, measure along and ascertain the bearings of any township or section line, or other governing line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. 6-7 E. VII., c. 12, s. 65.

Explanatory Note.—No change.

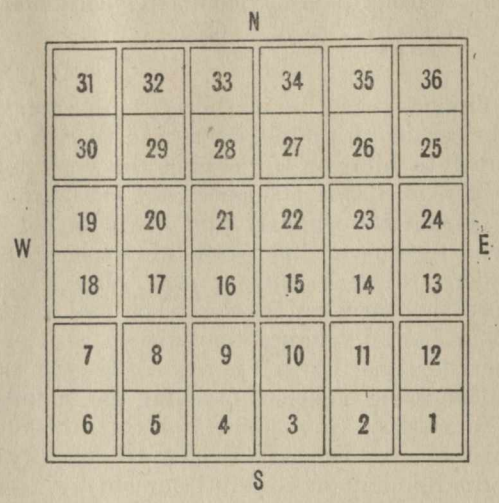
SURVEYS.

System of survey.

Townships.

Sections.

42. The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such road allowances, and of such width, as the Governor in Council prescribes. Such sections shall be bounded and numbered as shown by the following diagram:—



6-7 E. VII., c. 12, s. 5.

Explanatory Note.—No change.

Township boundaries.

43. The lines bounding townships on the east and west sides shall be meridians; and those on the north and south sides shall be chords to parallels of latitude. 6-7 E. VII., c. 12, s. 6.

Explanatory Note.—No change.

Numbering and ranging of townships.

44. The townships shall be numbered, in regular order, northerly from the international boundary, or forty-ninth parallel of latitude, and shall lie in ranges numbered, in the province of Manitoba, east and west from a certain meridian line run in the year one thousand eight hundred and sixty-nine, styled the principal meridian, drawn northerly from the forty-ninth parallel of latitude at a point ten miles or thereabouts, westerly from Pembina; and in ranges numbered from such other initial meridians as the Minister orders to be established, which meridians shall be styled the second, the third, the fourth meridian, and so on, according to their order in number westward from the principal meridian. 6-7 E. VII., c. 12, s. 7.

Explanatory Note.—No change.

Width of townships on base line. Meridians.

45. Townships shall be given their prescribed width on the base lines hereinafter mentioned; and the meridians between townships shall be drawn across such bases, northward and southward to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned. 6-7 E. VII., c. 12, s. 8.

Explanatory Note.—No change.

Base lines.

46. The said forty-ninth parallel, or international boundary, shall be the first base line, or that for townships numbered one; the second base line shall be between townships four and five; the third between townships eight and nine; the fourth between townships twelve and thirteen; the fifth between townships sixteen and seventeen; and so on northerly, in regular succession. 6-7 E. VII., c. 12, s. 9.

Explanatory Note.—No change.

47. The correction lines, or those upon which the jog resulting from the convergence of meridians shall be allowed, shall be those lines running east and west between townships and midway between the bases, which lines are, the line between townships two and three, that between townships six and seven, that between townships ten and eleven, and so on. 6-7 E. VII., c. 12, s. 10. Correction lines.

Explanatory Note.—No change.

48. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter contained. 6-7 E. VII., c. 12, s. 11. Division of sections.

Explanatory Note.—No change.

49. The north and south error in closing on the correction lines from the north and south shall be allowed in the ranges of quarter-sections adjoining, and north or south respectively of the said correction lines; except in the case of the north and south error in those townships between the first and second base lines, which error is to be left in the last quarter-section adjoining the said first base line. 6-7 E. VII., c. 12, s. 12. Error.

Explanatory Note.—No change.

50. In the survey of a township, the east and west deficiency or surplus shall be allowed in the range of quarter-sections adjoining the west boundary of the township; but the Governor in Council may order such deficiency or surplus to be equally distributed among all the quarter-sections involved. 6-7 E. VII., c. 12, s. 13. Deficiency or surplus.

Explanatory Note.—No change.

51. The dimensions and area of irregular quarter-sections or other parcels of land shall, in all cases, be returned by the surveyor at their actual measurements and contents: Provided that in cases in which road allowances are not between but through sections, the area reserved for such road allowances shall not be included in the area returned for a quarter-section, or other parcel of land. 6-7 E. VII., c. 12, s. 14. Irregular quarter-sections.

Explanatory Note.—No change.

52. Except as hereinafter provided, only a single row of monuments to indicate the corners of townships, sections or quarter-sections, shall be placed on any survey line thereof; such monuments shall, on north and south lines, be placed in the west limit of the road allowances, and on the east and west lines, in the south limit of road allowances, and in all cases shall fix and govern the position of the boundary corner between the adjoining townships, sections, or quarter-sections, on the opposite side of the road allowance. 6-7 E. VII., c. 12, s. 15. Monuments to indicate corners.

Explanatory Note.—No change.

53. In the case of township, section and quarter-section corners on correction lines, monuments shall, in all cases, be placed and marked independently for the townships on each side; and when a road allowance is laid out along such a line, the monuments shall be placed in the limit of the road lying Corners in correction line.

alongside the lands which they are intended to define. 6-7 E. VII., c. 12, s. 16.

Explanatory Note.—No change.

Surveying to be by contract or tender.

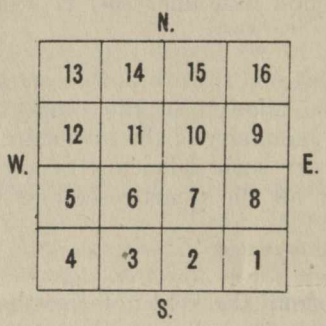
54. The township subdivision surveys of Dominion lands, according to the system above described, shall be performed under contract, either at a rate per township, per mile, or per acre, to be fixed, from time to time, by the Governor in Council, or by competitive tender, as the Governor in Council may, from time to time, direct: Provided that in special cases, where circumstances render it advisable, the Governor in Council may order the survey of a township or townships to be otherwise performed. 6-7 E. VII., c. 12, s. 17.

Exception.

Explanatory Note.—No change.

Legal subdivisions.

55. To facilitate the description for letters patent of less than a quarter section, every section shall be taken to be divided into quarter quarter-sections, each of forty acres more or less, which shall be styled legal subdivisions, and shall be numbered as shown in the following diagram



6-7 E. VII., c. 12, s. 18.

Explanatory Note.—No change.

Special provisions as to survey of certain lands.

56. Notwithstanding anything in this Act contained, the Minister may direct—

(*a*) that lands bordering on any river, water course or lake, or on a public road, be surveyed, laid out and divided into lots of any certain frontage or depth, in such manner and with such roads as appears desirable;

(*b*) that lands be surveyed, laid out and divided into town or village lots, with such streets, lanes, places, squares and commons as are considered necessary;

(*c*) that roads not exceeding sixty-six feet in width, be surveyed and laid out where such roads appear to be required;

(*d*) that lands in the Yukon Territory and in remote parts of the unorganized portions of the provinces of Manitoba, Saskatchewan and Alberta and the Northwest Territories be surveyed, laid out and divided into lots of such size and shape as may be found advisable;

(*e*) that lands in mountainous regions where the ordinary mode of survey is impracticable, be laid out into townships, sections, quarter-sections and legal or other authorized subdivisions by fixing the corners of such townships, sections, quarter-sections and legal or other authorized subdivisions by

reference to points determined by astronomical observations, or by triangulation or other geodetic process;

(*f*) that townships, sections, quarter-sections, legal or other authorized subdivisions, settlement or river lots, town or village lots, or other lots or parcels of land, surveyed or laid out under the authority of this section, be described for patent by numbers according to plans of record, or by metes and bounds, or by both, as seems expedient. 6-7 E. VII., c. 12, ss. 19 and 20.

Explanatory Note.—Sections 19 and 20 of 6-7 E. VII., c. 12, have been consolidated because they relate to the same subject, and authority is taken to survey townsites and roads. Otherwise the changes are in form only.

OFFICIAL PLANS OF DOMINION LANDS.

57. Plans of Dominion lands surveyed or resurveyed under the provisions of this Act shall be plotted from the surveyors' field notes under the direction of the Surveyor General; and such plans shall show the direction and length of the boundaries, the nature and position of the boundary monuments and the areas of the quarter-sections or other parcels of land laid out. Description of plans.

2. The confirmation of any such plan by the Surveyor General shall be held to be a confirmation of the survey or resurvey as the case may be, and the confirmed plan shall be the official plan; but no survey or resurvey of Dominion lands shall be confirmed unless made in conformity with the provisions of this Act. Confirmation of plans.

3. No land shall be held to be surveyed, or resurveyed until the official plan of the survey or resurvey has been confirmed by the Surveyor General. When lands are deemed surveyed.

4. Where any plan of Dominion lands of record in the Department of the Interior is found to have been improperly or incorrectly plotted from the field notes of the survey, or where any omissions or clerical error or other defect is found in the plan, the Surveyor General may cause a new plan to be plotted from the field notes of the survey or a new plan to be made showing such omissions or error or defect corrected, and such new plan shall, after confirmation by the Surveyor General, become the official plan of the survey and shall be used for all purposes instead of the old plan: Provided that nothing in this section shall affect any rights claimed or set up under the old plan prior to the date of the confirmation of the new plan, and that all transactions prior to that date shall remain in force as if the new plan did not exist. 6-7 E. VII., c. 12, s. 21. Correction of plans.

Explanatory Note.—Subsection 3 is new; it is intended to define the expression "surveyed" frequently employed in Statutes relating to Dominion Lands. Subsection 4 is also new; its object is to confirm the practice which obtains to make a correct plan in cases where a plan is found to be incorrect.

RE-SURVEYS.

58. Wherever through an error in the survey, a boundary monument is not at the place where it should have been erected, the Minister may order that such monument be removed and that a new monument be erected at the proper place; but no monument defining the boundary of land for which letters patent have issued shall be displaced without the consent in writing of the owner thereof; nor shall a monument defining the boundary of land held as a homestead or under lease, Re-survey of land disposed of.

license or agreement of sale be displaced without the consent in writing of the holder thereof, unless the error in the position of the monument is at least five chains, in which event the Minister may, without the consent of the holder, authorize the correction of the error, but the person or persons acquiring through such correction any improvements on the land shall be required to pay the owner of such improvements therefor such an amount as may be fixed by the Minister. 6-7 E. VII., c. 12, s. 22.

Explanatory Note.—No change.

Re-survey on petition.

59. The Minister may order a resurvey on receipt of a petition from owners of lands or from persons holding lands as homesteads or under lease, license or agreement of sale, representing that part or the whole of the monuments of the original survey have disappeared and cannot be found.

Notice.

2. Before commencing any such resurvey, public notice thereof shall be given once a week for a period of four weeks in *The Canada Gazette* and in some newspaper circulating in the neighbourhood of the lands to be resurveyed.

Evidence of original survey.

3. Any person who claims to know the position of one or more of the survey monuments defining the lands to be resurveyed, or to be in possession of information whereby the position of such monument or monuments can be established, may give notice thereof by registered letter addressed to the Minister before the commencement of the resurvey.

Production of evidence.

4. Before re-establishing any monument with respect to which notice has been given, the surveyor shall, by registered letter, request the person who has given such notice to appear before him at a time and place specified and to show the position of the said monument or to produce the evidence in his possession with regard thereto.

Finding of original monument after re-survey.

5. Notwithstanding anything in this Act contained, any monument re-established under the provisions of this section to replace a lost monument shall define the boundary line which such monument is intended to mark, even though the monument of the original survey be subsequently found or its position be proved by other evidence. 6-7 E. VII., c. 12, s. 23.

Explanatory Note.—Frequent applications for resurveys are made by settlers who complain that all traces of their lines have disappeared. It is necessary that the Minister should have authority to make resurveys in such cases. Experience has shown that, after a resurvey has been made, a number of the persons who asked for it object to the new lines, claiming that the old monuments have not disappeared and can be found. Section 23 of the Dominion Lands Surveys Act made it a condition precedent to the authorization of a resurvey that all the settlers should agree and bind themselves to accept the lines of the resurvey. This agreement is seldom obtained by reason of the difficulty of reaching all the settlers. The section has therefore been amended by requiring those who object to a resurvey to give notice to the Minister.

Re-survey of land undisposed of.

60. Undisposed of Dominion lands may be resurveyed when necessary. 6-7 E. VII., c. 12, s. 24.

Explanatory Note.—No change.

Re-survey to have effect of original.

61. Any resurvey of lands authorized by the Minister under the provisions of this Act, whether for the purpose of removing a monument wrongly placed through an error in a previous survey and erecting a new monument at the proper place, or for the purpose or re-establishing the lines of a previous survey, shall, when confirmed by the Surveyor General, become, and

it is hereby declared to be, the original survey of the said lands; and upon such confirmation the boundaries established by the previous survey shall cease to have any force or effect, and any confirmed plan or plans plotted from the field notes of the previous survey shall cease to be the official plan or plans of the said lands. 6-7 E. VII., c. 12, s. 25.

Explanatory Note.—Verbal change only.

SURVEY OF AUTHORIZED SUBDIVISIONS.

62. When it is necessary for a Dominion Land Surveyor to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting points established in renewal thereof, in accordance with the provisions of this Act relating to lost corners, giving, in either case, the quarter-sections involved an equal breadth. Establishing line between sections.

2. In laying out a half-section or a quarter-section he shall connect the opposite quarter-section corners by straight lines, but when the quarter-section corner in any of the limits of the section has not been marked by a monument in the original survey, then such corner shall be established by giving to each half-section its proportionate share of such limit according to the official plan of the township, and the half-sections shall then be laid out by connecting the corner so established to the opposite corner. Laying out half or quarter sections.

3. In laying out other authorized subdivisions he shall give to every such subdivision its proportionate share of the frontage and interior breadth, according to the official plan of the survey, and connect the resulting terminal points by a straight line. Other subdivisions.

4. The lines or limits so drawn on the ground in the manner above described shall, in the respective cases, be the true lines or limits of such section, half-section, quarter-section, legal or authorized subdivision, whether they correspond or do not correspond with the area expressed in the respective official plans or letters patent for such lands. 6-7 E. VII., c. 12, s. 26. Lines in ground to be true limits.

Explanatory Note.—Verbal changes only.

ORIGINAL BOUNDARY LINES.

63. All boundary lines of townships, sections or other authorized subdivisions, and of towns or villages, and all boundary lines of blocks, gores or commons, all section lines, and all limits of lots or parcels of land surveyed or resurveyed, as defined by monuments placed at the corners of any such townships, sections or other authorized subdivisions, towns or villages, or of any blocks, gores, commons, lots or parcels of land under the authority of this Act or of the Governor in Council, shall, after confirmation of the survey or resurvey by the Surveyor General and subject to the provisions herein contained, be the true boundaries of such townships, sections, or other authorized subdivisions, towns or villages, blocks, gores, commons, lots or parcels of land respectively, whether the same, upon admeasurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any official plan or in any letters Boundaries as defined by monuments shall be deemed the true boundaries.

Explanatory Note.—Verbal changes only.

patent, grant or other instrument of or affecting any such township, town, village, section or other authorized subdivision, town, village, block, gore, common, lot or parcel of land. 6-7 E. VII., c. 12, s. 27.

Every division to comprise the area within its boundaries.

64. Every township, section or other authorized subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several monuments placed as aforesaid, at the several corners thereof, and no more or less, notwithstanding any quantity or measure expressed in the official plan, letters patent, grant, or other instrument. 6-7 E. VII., c. 12, s. 28.

Explanatory Note.—Verbal changes only.

Aliquot part.

65. Any letters patent, grant or instrument purporting to convey any right or interest in any aliquot part of any section, or other authorized subdivision, block, gore, common, lot or parcel of land, shall be construed to affect such aliquot part of the quantity it contains on the ground, whether such quantity is more or less than that expressed in such letters patent, grant or instrument. 6-7 E. VII., c. 12, s. 29.

Explanatory Note.—Verbal changes only.

Road allowances in towns and villages to be public highways.

66. In every town or village surveyed or laid out under the provisions of this Act, all allowances for roads, streets, lanes, or commons, laid out in the original survey of such town or village, shall be public highways and commons; and boundary lines defined by monuments placed or planted in the original survey or resurvey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true boundaries of such road, street, lane, lot or common; and all Dominion Land Surveyors employed to make surveys in such town, or village shall follow and pursue the same rules and regulations in respect of such surveys as are, by law, required of them when employed to make surveys in townships, as far as such rules and regulations are applicable. 6-7 E. VII., c. 12, s. 30.

Explanatory Note.—Verbal changes only.

RE-ESTABLISHMENT OF LOST CORNERS.

When original monument is lost.

67. Whenever a Dominion Land Surveyor is employed to run any dividing line or limit between sections or other authorized subdivisions, and any monument erected in the original survey to define a corner of any section or other authorized subdivision cannot be found, he shall obtain the best evidence that the nature of the case admits of, respecting such monument; but if its position cannot be satisfactorily so ascertained he shall proceed as follows:—

If a township corner.

(*a*) If the lost monument is that defining a township corner he shall report the circumstances of the case to the Surveyor General, who shall instruct him how to proceed;

If on the outlines.

(*b*) If the lost monument is on one of the outlines of a township, or on one of the interior meridian section lines of a township, he shall connect by a straight line the nearest section or quarter-section corners found on such outline or such interior meridian section line, and divide such straight line into such

number of quarter-sections as it contained in the original survey, giving to each a breadth proportional to the breadth shown on the official plan of the township;

If on the outline, and other monuments are lost.

(*c*) If the lost monument is on the outline of a township and all the monuments between it and the corner of the township, together with the monument defining the said corner, are also lost, the township corner shall be re-established, as provided in paragraph (*a*), previously to re-establishing the outline of the township;

If in the interior.

(*d*) When the lost corner is that of a quarter-section on a section line running east and west in the interior of a township, the surveyor shall connect by a straight line, the opposite section corners on the meridian boundaries of the section and give to each quarter-section a breadth proportional to the breadth shown on the official plan of the township;

If on meridian boundary.

(*e*) When a corner on either of the meridian boundaries of the section is also lost, such meridian shall be re-established previously to re-establishing the east and west line.

Road allowance to be taken into account.

2. Whenever a surveyor places a monument, as aforesaid, to re-establish a lost corner, he shall duly take into account any allowance for a road or roads; and the corner, or division or limit so established, shall be the true corner, or division or limit of such township, section or quarter-section.

Exception.

3. Notwithstanding anything in this section provided, re-surveys of Dominion lands may be made, on the order of the Minister, in such manner, not inconsistent with the other provisions of this Act, as he may direct. 6-7 E. VII., c. 12, s. 31.

Transmission of plans to local registrar.

68. The Minister shall cause to be transmitted to the registrar of every registration district or division or land titles district in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, and in the Northwest Territories and in the Yukon Territory, as soon as possible after the confirmation thereof, to be lodged or filed with him, a copy of the official plan of the survey or resurvey of each township, settlement, town or village site, lot, plot or other survey or resurvey made under the authority of this Act, and of each plan amended or corrected under the authority of this Act, of Dominion lands in such registration district, or division or land titles district. 6-7 E. VII., c. 12, s. 68.

Explanatory Note.—The word "county" has been struck out and "land titles district" substituted. It is provided that the plans are to be "lodged or filed" with the registrar. Copies of plans of townsites and amended plans are included among those to be transmitted.

EVIDENCE.

Copies as evidence.

69. Copies of any records, documents, plans, books or papers, belonging to or deposited in the Surveyor General's office, attested under the signature of the Minister, or of the Surveyor General, or of any chief clerk or officer authorized thereto, shall be competent evidence in all cases in which the original records, documents, books, plans or papers would be evidence. 6-7 E. VII., c. 12, s. 66.

Explanatory Note.—No change.

Plans as evidence.

70. Lithographed or other copies of maps or plans purporting to be issued or published by the Department of the Interior, and to have a lithographed or copied signature of the Minister of the Interior or of the Surveyor General thereto attached, shall be received in all courts and proceedings as *prima facie* evidence of the original and of the contents thereof. 6-7 E. VII., c. 12, s. 67.

Before whom affidavits, etc., may be made.

71. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits, or any notary public, or any Dominion Land Surveyor, or any person specially authorized to take such affidavits by this Act or by the Minister. R.S., c. 55, s. 213.

Explanatory Note.—"Dominion Land Surveyor" is substituted for "Dominion Lands Agent or Officer."

Minister may require sworn statement as to lands.

72. The Minister may require any statement in relation to any land to which any Act relating to Dominion lands applies to be verified by oath, affirmation, declaration or affidavit. R.S., c. 55, s. 214.

Explanatory Note.—No change.

GENERAL.

Forms in Schedule may be varied by Minister.

73. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable to or necessary in or for the purposes of any special case or class of cases. R.S., c. 55, s. 217.

Explanatory Note.—Change in expression only.

OFFENCES AND PENALTIES.

Molesting a surveyor.

74. Every person who, in any part of the Dominion lands, interrupts, molests or hinders any Dominion Land Surveyor while in the discharge of his duty as a surveyor, is guilty of an indictable offence, and liable on conviction thereof, either summarily or upon indictment, to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months, or to both, in the discretion of the court. 6-7 E. VII., c. 12, s. 69.

Explanatory Note.—"in any part of the Dominion lands" and "on conviction thereof either summary or upon indictment" have been added.

Destroying marks of original survey.

75. Every person who, knowingly and wilfully, pulls down, defaces, alters, or removes any monument erected, planted or placed in any original survey or resurvey, is guilty of an indictable offence, and shall be liable on conviction thereof, either summary or upon indictment, to imprisonment for any term not exceeding seven years.

Destroying other marks.

2. Every person who, knowingly and wilfully, defaces, alters or removes any other monument placed by any Dominion Land

Surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel of land is guilty of an indictable offence, and liable on conviction thereof either summary or upon indictment, to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court.

Unlawful possession of monuments.

3. Every person who, not being a Dominion Land Surveyor, knowingly and wilfully has in his possession and custody, not for any lawful purpose in connection with a survey of Dominion lands, any such monument, or any post or monument intended, or apparently intended to be used for the purposes of any such survey, or to mark any such limit, boundary or angle, is guilty of an indictable offence and is liable on summary conviction or upon indictment to imprisonment for a term not exceeding six months, or to a penalty not exceeding one hundred dollars, or to both, in the discretion of the court. 6-7 E. VII., c. 12, s. 70.

Explanatory Note.—The offenders are made liable to the penalty provided for the offence "on conviction thereof, either summarily or upon indictment." The other changes are verbal.

Surveyors' privilege as to displacing monuments.

76. Nothing in this Act shall be held to prevent Dominion Land Surveyors, in their operations, from displacing any monuments or other boundary marks when necessary, after which they shall carefully replace them as they were before; or from removing a monument and erecting a new one when making a resurvey under the authority of this Act. 6-7 E. VII., c. 12, s. 71.

Explanatory Note.—Last two lines added.

SCHEDULE.

FORM A. (Section 10.)

OATH OF MEMBER OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear [*or* affirm, *as the case may be*] that I will faithfully discharge the duty of an examiner of candidates for admission as articled pupils, for commissions as Dominion Land Surveyors or for certificates as Dominion Topographical Surveyors, according to law, without favour, affection or partiality.

Subscribed and sworn to before me at , this day of 19 .

FORM B. (Section 16.)

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

These articles of agreement, made the day of one thousand nine hundred and , between A. B., of of , Dominion Land Surveyor, of the one part, and C. D., of and E. F., son of the said C. D., of the other part, witnesseth as follows:—

The said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B., to serve him as such from the date hereof, for and during and until the full end and term of three years from thence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well, and faithfully, and diligently, according to the best and utmost of his power, serve the said A. B. as his pupil in the practice or profession of a Dominion Land Surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the date hereof, for and during and unto the full end of the said term of three years:

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last-mentioned covenant, or if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said E. F.,

the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse to him or them the amount or value thereof:

And further, that the said E. F. shall, at all times, keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and, from time to time, pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and shall readily obey and execute the lawful and reasonable commands of the said A. B., and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term, without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he, the said E. F., will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do, in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D. to the said A. B. paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B., for himself, his heirs, executors and administrators, doth covenant with each of them the said C. D. and E. F., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he, the said A. B., will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by the *Dominion Lands Surveys Act*, in practical surveying operations, and in the use of instruments, and generally in the art, practice and profession of a Dominion Land Surveyor, which he, the said A. B., now doth, and shall, at all times during the said term, use and practise; that he also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B.; that at the expiration of the said term, he will make the affidavit of service required; and that he will use his best means and endeavour, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him, the said E. F., to be examined before the Board of Examiners of candidates for commissions as Dominion Land Surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them, the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the

other, his heirs, executors, administrators and assigns, in the penal sum of five hundred dollars, firmly by these presents.

In witness whereof, the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered in the presence of } A. B. (Seal.) C. D. (Seal.) E. F. (Seal.)

Witnesses.

Form C.

AFFIDAVIT BY THE SURVEYOR.

I, A. B., of , Dominion Land Surveyor, do solemnly swear that E. F. has served regularly and faithfully as my pupil from the day of , 19 , to the day of , 19 ; that he has been engaged with me in the field on the following surveys, that is to say: from the day of to the day of , on the survey of at ; from the day of to the day of , on the survey of at , (*and so on*); and that the said E. F. has always conducted himself with all due diligence, honesty and sobriety on the said service.

Subscribed and sworn to before me at , this day of , 19 .

Form D.

AFFIDAVIT BY THE PUPIL.

I, E. F., of , do solemnly swear that I have attained the full age of twenty-one years; that I have served regularly and faithfully with A. B., Dominion Land Surveyor, as his pupil, from the day of , 19 , to the day of , 19 ; and that I have been engaged with him in the field between the following dates on the following surveys, that is to say: from the day of to the day of , on the survey of at ; from the day of to the day of , on the survey of , (*and so on.*)

Subscribed and sworn to before me at , this day of , 19 .

Form E.

TRANSFER OF A PUPIL FROM ONE DOMINION LAND SURVEYOR TO ANOTHER.

This indenture made the day of , in the year of Our Lord one thousand nine hundred and , between , of , Dominion Land Surveyor, of the first part; of , Dominion Land Surveyor, of the second part; of , student, of the third part; and , of , father of the said party of the third part, of the fourth part.

Whereas by articles of clerkship bearing date the day of , in the year of Our Lord one thousand nine hundred and , and made between the said party hereto of the first part, the said party hereto of the third part and the said party hereto of the fourth part, the said party of the third part with the consent of the said party hereto of the fourth part did put, place and bind himself pupil to the said party hereto of the first part to serve him from the date thereof for and during and until the full end and term of years from thence next ensuing and fully to be completed and ended subject to the several covenants therein contained;

And whereas the said party hereto of the third part hath served the said party hereto of the first part from the date of the said articles of clerkship to the date of these preesnts;

And whereas it has been agreed that the said party hereto of the first part shall assign to the said party hereto of the second part all benefit and advantage of him the said party hereto of the first part under or by virtue of the said articles of clerkship for all the residue now to come and unexpired of the said term of years; and it has been further agreed that the said party hereto of the third part shall put, place and bind himself as pupil to the said party hereto of the second part from the date of these presents for the remainder of the said term:

Now this indenture witnesseth that in pursuance of the said agreement, he, the said party hereto of the first part, at the request and with the consent of the said parties hereto of the third and fourth parts, testified by their being parties to these presents, hath assigned, transferred and set over and by these presents doth assign, transfer and set over unto the said party of the second part all benefit and advantage, interest, claim and demand whatsoever of him the said party hereto of the first part under the hereinbefore in part recited articles of clerkship and the service of him the said party hereto of the third part under or by virtue of the same; to have and to hold all right and interest whatsoever of him the said party hereto of the first part in and to the service of the said party hereto of the third part under or by virtue of the same, unto the said party hereto of the second part, his executors, administrators and assigns.

And this indenture further witnesseth that the said party hereto of the third part of his own free will testified as aforesaid (and with the consent and approbation of the said ,

the said party hereto of the fourth part, testified by his execution of these presents) hath put, placed and bound himself, the said party hereto of the third part, and by these presents doth put, place and bind himself pupil to the said party hereto of the second part to serve him from the date of these presents for and during the remainder of the said term of
year , and fully to be completed and ended, and for such further period, if any, as may be necessary to complete the full term of
year under articles in accordance with the provisions of the statutes in that behalf.

And the said party hereto of the third part and the said party hereto of the fourth part do hereby, respectively, covenant with the said party hereto of the second part, his executors, administrators and assigns, that he, the said party hereto of the third part shall and will well, faithfully and diligently serve the said party hereto of the second part as his pupil in the practice and profession of a Dominion Land Surveyor from the date hereof during the remainder of the said term of year , according to the terms and conditions of the said hereinbefore in part recited articles of clerkship.

In consideration whereof the said party hereto of the second part, for himself, his heirs, executors and administrators, doth hereby covenant with each of them the said parties hereto of the first, third and fourth parts, their executors, administrators and assigns that he, the said party hereto of the second part, will accept and take the said party hereto of the third part as his pupil, and also that he the said party hereto of the second part will observe and be bound by the terms and conditions of the said hereinbefore in part recited articles of clerkship, in so far as the same were binding on him, the said party hereto of the first part.

In witness whereof the said parties have hereunto set their hands and seals.

A. B. (Seal.)
C. D. (Seal.)
E. F. (Seal.)
G. H. (Seal.)

Signed, sealed and delivered in presence of }

Witnesses.

FORM F.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify, to all whom it may concern, that A. B., of , hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to perform the duties of a Dominion Land Surveyor, he having complied with all the requirements of the law in that behalf: Wherefore, he, the said A. B., is hereby duly commissioned to

practise as a surveyor of Dominion lands, under the provisions of the Dominion Lands Surveys Act.

In witness whereof, we, the President and Secretary of the said Board, have signed this commission, at , on this day of , one thousand nine hundred and .

Surveyor General, President of Board.

Secretary.

FORM G.

SURVEYOR'S OATH.

I, , do solemnly swear [*or* affirm *as the case may be*] that I will faithfully discharge the duties of a Dominion Land Surveyor according to law, without favour, affection or partiality.

Subscribed and sworn to before me at , this day of , 19 .

No. 9.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make such surveys.

First reading, December 6, 1907.

Mr. Oliver.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 10.] **BILL.** [1907-8

An Act to amend the Irrigation Act.

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

R.S., c. 61, s. 6 amended.

1. Section 6 of *The Irrigation Act* is amended by inserting the word "spring" after the word "creek" in the second line of sub-section 1 and the second line of sub-section 2 of that section.

Section 8 amended.

2. Section 8 of the said Act is amended by inserting the word "spring" after the word "creek" in the fifth line of that section.

Section 25 amended.

3. Section 25 of the said Act is amended by striking out the word "theretofore" in the third line of that section.

Section added.

4. The said Act is amended by inserting the following section immediately after section 25:—

Consent of municipality to construction of works.

"**25A.** Notwithstanding anything in this Act, no company shall construct, maintain, or operate works along, across or under any street, lane, alley, road, highway, square or other public place, or other lands, within the limits of any city, town, village or other municipality, without the consent of the municipal council or other authority having jurisdiction, authority or control in such municipality."

Section added.

5. The said Act is further amended by inserting the following section immediately after section 30:—

Power to take lands for connecting works.

"**30A.** Lands required by any consumer or user of water for works to be constructed to connect with, and to obtain and carry water from, works already authorized, plans of which have been filed as required under the provisions of this Act, may be taken and acquired by such persons under the provisions of section 29 of this Act as if they were covered by the plans originally filed of the works already authorized, upon a memorial and plans of the connecting works being filed with the Commissioner and being approved, after public advertisement in the manner prescribed in this Act."

Section 60 amended.

6. Section 60 of the said Act is amended by inserting the word "spring" after the word "lake" in the second line of that section.

No. 10.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Irrigation Act.

First reading, December 5, 1907.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

An Act to amend the Irrigation Act.

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

R.S., c. 61, s. 6 amended.

1. Section 6 of *The Irrigation Act* is amended by inserting the word "spring" after the word "creek" in the second line of sub-section 1 and the second line of sub-section 2 of that section.

Section 8 amended.

2. Section 8 of the said Act is amended by inserting the word "spring" after the word "creek" in the fifth line of that section.

Section 25 amended.

3. Section 25 of the said Act is amended by striking out the word "theretofore" in the third line of that section.

Section added.

4. The said Act is amended by inserting the following section immediately after section 25:—

Consent of municipality to construction of works.

"**25A.** Notwithstanding anything in this Act, no company shall construct, maintain, or operate works along, across or under any street, lane, alley, road, highway, square or other public place, or other lands, within the limits of any city, town, village or other municipality, without the consent of the municipal council or other authority having jurisdiction, authority or control in such municipality."

Section added.

5. The said Act is further amended by inserting the following section immediately after section 30:—

Power to take lands for connecting works.

"**30A.** Lands required by any consumer or user of water for works to be constructed to connect with, and to obtain and carry water from, works already authorized, plans of which have been filed as required under the provisions of this Act, may be taken and acquired by such persons under the provisions of section 29 of this Act as if they were covered by the plans originally filed of the works already authorized, upon a memorial and plans of the connecting works being filed with the Commissioner and being approved, after public advertisement in the manner prescribed in this Act."

Section 60 amended.

6. Section 60 of the said Act is amended by inserting the word "spring" after the word "lake" in the second line of that section.

No. 10.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Irrigation Act.

First reading, December 5, 1907.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 11.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. Section 5 of *The Railway Act* is amended by inserting after the word "persons" in the second line, the words "sleeping car companies, telegraph companies and" R. S., c. 37., s. 5 amended.

2. Section 331 of the said Act is amended by adding thereto the following subsection:— S. 331 amended.

"4 The tolls of any standard passenger tariff shall not exceed two cents per mile."

3. The said Act is further amended by inserting the following section immediately after section 332:— New section added.

' '**332**A. Notwithstanding anything herein, or in any Special Act, the company may not,—

"(*a*) charge or receive a higher rate or toll per mile for the carriage of passengers in Canada than the maximum rate or toll per mile that it is permitted by law to charge for the carriage of passengers in any foreign country, state, or part thereof, in which it operates a railway;

"(*b*) charge or receive a higher rate or toll per mile for passenger traffic beginning and ending in Canada than it charges or receives for passenger traffic in Canada, which originates in, or is destined for, a foreign country."

4. Section 358 of the said Act is amended by striking out the words "long distance" wherever they occur in that section. S. 358 amended.

No. 11.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, December 5, 1907.

MR. MACLEAN,
(York.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 12.] **BILL.** [1907-8

An Act to amend the Canada Shipping Act.

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

R.S., c. 113, s, 72 amended.

1. Paragraph (*f*) of section 72 of *The Canada Shipping Act* is repealed and the following paragraph is substituted therefor—

Coasting voyage defined.

"(*f*) 'coasting voyage' means a voyage between Canada and Newfoundland or St. Pierre or Miquelon or a port or place on the eastern coast of the United States of America, or Mexico or Central America, or in the West Indies or on the eastern coast of South America, not further south than Rio de Janeiro; and also means a voyage between any port or place on the western coast of Canada and any other port or place on such coast or on the western coast of the United States of America not further south than the harbour of Portland in the State of Oregon, and not further north than Cape Spencer in the Territory of Alaska, or any inlet or bay having its entrance on the eastern side of the said cape;"

Section 96 amended.

2. Section 96 of the said Act is amended by striking out the words "one hundred" in the first line thereof and substituting therefor the words "three hundred."

Section 97 amended.

3. Section 97 of the said Act is amended by striking out the words "two hundred" in the first line thereof, and substituting therefor the words "three hundred."

Section 98 amended.

4. Section 98 of the said Act is amended by striking out the words "one hundred" in the second line thereof, and substituting therefor the words "five hundred."

Section 477 amended.

5. Subsection 1 of section 477 of the said Act is amended by adding the following paragraph thereto:—

"(*g*) Ships making or entering a harbour for refuge."

No. 12.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Canada Shipping Act.

First reading, December 6, 1907.

Mr. Maclean,
(Lunenburg.)

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 13.] **BILL.** [1907-8

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

Time for construction of Fort Steele-Golden line extended.

1899, c. 55, s. 2.

1. The British Columbia Southern Railway Company may commence the railway from Fort Steele to Golden heretofore authorized within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act, and if the said railway is not commenced, or if the said railway is not so completed and put in operation, within the said periods respectively the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Issue of securities.

2. The securities issued by the said company in respect of the said railway shall not exceed twenty-five thousand dollars per mile of the said railway, and may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

No. 13.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the British Columbia Southern Railway Company.

First reading, December 9, 1907.

(PRIVATE BILL.)

MR. GALLIHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 14.] **BILL.** [1907-8

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

Preamble.

WHEREAS the Campbellford, Lake Ontario 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1904, c. 54; 1906, c. 72.

Time for construction of railway extended.

1. The Campbellford, Lake Ontario and Western Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1906, c. 72 repealed.

2. Chapter 72 of the statutes of 1906 is repealed.

No. 14.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

First reading, December 9, 1907.

(PRIVATE BILL.)

MR. MCCOLL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

CORRECTED COPY.

No. 14.] **BILL.** [1907-8

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

WHEREAS the Campbellford, Lake Ontario 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1904, c. 54; 1906, c. 72.

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

No. 14.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

CORRECTED COPY.

BILL.

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

First reading, December 9, 1907.

(PRIVATE BILL.)

MR. MCCOLL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 15.] **BILL.** [1907-8

An Act respecting the Esquimalt and Nanaimo Railway Company.

Preamble. 1884, c. 6; 1886, c. 15; 1888, c. 89; 1905, c. 90; 1906, c. 92.

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

Time for construction of railway extended. 1906, c. 92.

1. The Esquimalt and Nanaimo Railway Company may commence the construction of the railway and branches authorized by section 2 of chapter 92 of the statutes of 1906, within two years after the passing of this Act, and may complete the said railway and branches and put them in operation within five years after the passing of this Act; and if the said railway and branches are not so commenced, or if the said railway and branches are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Issue of securities.

2. The securities issued by the said company in respect of the said railway and branches shall not exceed thirty thousand dollars per mile of the said railway and branches, and may be issued only in proportion to the length of the said railway and branches constructed or under contract to be constructed.

No. 15.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Esquimalt and Nanaimo Railway Company.

First reading, December 9, 1907.

(PRIVATE BILL.)

MR. SLOAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 16. **BILL.** [1907-8

An Act respecting the South Ontario Pacific Railway Company.

Preamble. 1887, c. 85; 1889, c. 70; 1891, c. 92; 1896 (1st Sess.), c. 35; 1906, c. 161.

WHEREAS the South Ontario 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction of railway extended.

1. The South Ontario Pacific Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put in it operation within five years after the passing of this Act, and may complete its bridge within seven years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway and bridge are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway and bridge as then remains uncompleted.

No. 16.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the South Ontario Pacific Railway Company.

First reading, December 9, 1907.

(PRIVATE BILL.)

MR. GUTHRIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 17.] **BILL.** [1907-8

An Act to amend the Canada Shipping Act.

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

R. S., c. 113, s. 566 amended.

1. Subsection 1 of section 566 of *The Canada Shipping Act*, as that section is amended by section 1 of chapter 47 of the statutes of 1907, is amended by striking out paragraphs (*b*), (*c*) and (*d*) thereof and substituting therefor the following paragraph:—

Exemption from inspection.

"(*b*) no steamboat having an engine under ten nominal horse power, if it is of the single cylinder type, and eighteen horse power if it is of the combined type, shall be subject to any of the provisions of this Part."

Section 641 amended.

2. Subsection 1 of section 641 of the said Act is amended by striking out the words " or any freight steamboat of over one hundred and fifty tons gross" in the third and fourth lines thereof, and substituting therefor the following: " or any steamboat having an engine of more than ten nominal horse power if of the single cylinder type, and eighteen horse power if it is of the compound type, other than a steam yacht used exclusively for pleasure or private use without hire or remuneration whatever."

Employment of engineers.

No. 17.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Canada Shipping Act.

First reading, December 9, 1907.

MR. MCCARTHY,
(North Simcoe.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 18.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. Subsection 2 of section 298 of *The Railway Act*, is amended by striking out the words "to crops, lands, fences, plantations, or buildings and their contents" in the first and second lines thereof. R.S., c. 37, s. 298 amended.

No 18.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, December 9, 1907.

MR. KENNEDY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 19.] **BILL.** [1907-8

An Act to incorporate the Bank of Winnipeg.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that an Act be passed for the purpose of establishing a bank in Canada, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. The persons hereinafter named, together with such others as become shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of "The Bank of Winnipeg," hereinafter called "the Bank."

Capital.

2. The capital stock of the Bank shall be two million dollars.

Chief office.

3. The chief office of the Bank shall be at the city of Winnipeg, in the province of Manitoba.

Provisional directors.

4. Charles F. P. Conybeare, of the town of Lethbridge, in the province of Alberta, W. E. Seaborn, of the city of Moosejaw, in the province of Saskatchewan, Frank Denton, of the city of Toronto, in the province of Ontario, and Clarence H. F. Bell, of the city of Winnipeg, in the province of Manitoba, shall be the provisional directors of the Bank.

Duration of charter. R.S., c. 29, s. 16.

5. This Act shall, subject to the provisions of section 16 of *The Bank Act*, remain in force until the first day of July, in the year one thousand nine hundred and eleven.

No. 19.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Bank of Winnipeg.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. BOLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 20.] **BILL.** [1907-8

An Act respecting the Belleville Prince Edward Bridge Company.

Preamble. 1899, c. 95.

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

New s. 8.

1. Section 8 of chapter 95 of the statutes of 1899 is repealed and the following is substituted therefor:—

Powers of directors.

"**8.** The directors of the Company from time to time shall have the control and management of the stock, property and affairs of the Company, and may fix, and from time to time regulate, increase or reduce, the tolls and rates to be charged to persons using the said bridge. Provided, however, that the rates and tolls collected and charged shall not exceed the following, that is to say:—

Tolls.

	cts.
For each person passing on or over the bridge or its approaches	5
Children under six years of age accompanied by parent or guardian	Free.
Automobiles	10
Bicycles	5
Hand vehicles	5
For each carriage, wagon, cart, or other vehicle not specifically mentioned herein	5
For horses and cattle on foot or otherwise, each	5
For calves, sheep, goats, and swine, on foot or carried, each	5
For every threshing mill, clover mill or separator	10
For every mule	5
For every colt	5
Farming implements on wheels drawn or otherwise carried	5
For each load on wagon or other vehicle not hereinbefore specified and not exceeding two tons	5
For each additional ton or fraction thereof	5
(But in no case shall a load or wagon exceeding three tons pass over the said bridge without permission of the Company.)	
For each other animal, vehicle, conveyance or implement not herein specified	10

The tolls hereby fixed are for passage either way.

Regulation of traffic.

"2. All horses, colts, cattle, calves, sheep or swine in droves shall pass over the said bridge only in such numbers, in single or divided droves, and at such distances apart, as the Company directs.

Power to reduce tolls.

"3. So long as all persons are charged equal rates and given equal privileges and facilities, the directors may charge less than the rates above fixed.

Approval of tolls.

"4 The tolls from time to time charged by the Company shall first be approved by the Governor in Council."

No. 20.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Belleville Prince Edward Bridge Company.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. PORTER.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 20. **BILL.** [1907-8

An Act respecting the Belleville Prince Edward Bridge Company.

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

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1899, c. 95.

1. Section 8 of chapter 95 of the statutes of 1899 is repealed and the following is substituted therefor:— New s. 8.

"**8.** The directors of the Company from time to time shall have the control and management of the stock, property and affairs of the Company, and may fix, and from time to time regulate, increase or reduce, the tolls and rates to be charged to persons using the said bridge. Provided, however, that the rates and tolls collected and charged shall not exceed the following, that is to say:— Powers of directors. Tolls.

	cts.
For each person passing on or over the bridge or that portion of the approach lying between the bridge and Zwick's Island	5
Children under six years of age accompanied by parent or guardian	Free.
Automobiles	10
Bicycle and rider	10
For every horse and single carriage, wagon, cart, or other vehicle and driver	10
For each carriage, wagon, cart or other vehicle drawn by two horses, driver and horses included	20
For horses and cattle on foot, each	5
For calves, sheep, goats, and swine, on foot, each.	5
For every threshing mill, clover mill or separator	10
For every mule	5
For every colt	5
Farming implements drawn on their own wheels	5

(In no case shall any traction or other engine, or any load or wagon exceeding three tons pass over the said bridge without permission of the Company.)

The tolls hereby fixed are for passage either way.

Regulation of traffic.

"2. All horses, colts, cattle, calves, sheep or swine in droves shall pass over the said bridge only in such numbers, in single or divided droves, and at such distances apart, as the Company directs.

Power to reduce tolls.

"3. So long as all persons are charged equal rates and given equal privileges and facilities, the directors may charge less than the rates above fixed.

Approval of tolls.

"4 The tolls from time to time charged by the Company shall first be approved by the Governor in Council."

Use of part of approach as public highway.

2. If at any time the corporation of the city of Belleville desires the use of that portion of the approach to the said bridge which lies between Dundas Street and Zwick's Island, for the purpose of a public highway, the said corporation may have such portion of the said approach for the said use, upon undertaking to maintain the said portion, and to pay to the owner of the said bridge a sum equal to the amount of any taxes levied upon the said portion.

No. 20.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Belleville Prince Edward Bridge Company.

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

(PRIVATE BILL.)

MR. PORTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 21.] **BILL.** [1907-8

An Act respecting the British Yukon Railway Company.

Preamble. 1897, c. 89; 1900, c. 53; 1901, c. 50.

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

Line of railway authorized.

1. The British Yukon Railway Company, hereinafter called "the Company," may lay out, construct and operate an extension of its line of railway from a point at or near the one hundred and sixth mile post on its line of railway as now constructed and operated, south of the town of White Horse in the Yukon Territory, thence in a north-westerly direction to the Tahkeena river, a distance of about miles.

Time for construction limited.

2. The said line of railway shall be commenced within two years and completed within five years after the passing of this Act, and as to so much thereof as is not constructed within that period the powers of the Company shall cease and determine.

Existing Acts to apply.

3. All the provisions of the Company's Act of incorporation and amendments thereto, except in so far as they are inconsistent with this Act or with *The Railway Act*, shall, so far as applicable, apply to the railway which the Company is, by this Act, authorized to construct and operate.

Issue of securities.

4. The securities issued by the Company shall not exceed six thousand pounds sterling per mile of the railway which the Company is by this Act authorized to construct and operate, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

No. 21.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the British Yukon Railway Company.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. STEWART.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 22.] **BILL.** [1907-8

An Act respecting the Macleod, Cardston and Montana Railway Company.

Preamble.

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

1903, c. 147; 1905, c. 119.

1905, c. 119 repealed.

1. Chapter 119 of the statutes of 1905 is repealed.

Time for construction extended.

2. The construction of the railway of the Macleod, Cardston and Montana Railway Company may be commenced, and fifteen per cent on the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway may be finished and put in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not finished and put in operation within the said respective periods, then the powers granted to the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

. No 22.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Macleod, Cardston and Montana Railway Company.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. HERRON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 23.] **BILL.** [1907-8

An Act respecting the Ministers' Widows' and Orphans' Fund of the Presbyterian Church in Canada.

Preamble.

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

1882, c. 125, s. 2 amended. Board of Managers.

1. Section 2 of chapter 125 of the statutes of 1882, is amended by striking out the words "whose rights in the fund are guaranteed by this Act, or members or adherents of their congregations," and by substituting therefor the words "or members or adherents in good standing of the Presbyterian Church in Canada."

No. 23.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Ministers' Widows' and Orphans' Fund of the Presbyterian Church in Canada.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. BICKERDIKE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 24.] **BILL.** [1907-8

An Act respecting the West Ontario Pacific Railway Company.

Preamble. 1885, c. 87; 1886, c. 70; 1887, c. 62; 1888, c. 53; 1906, c. 178.

WHEREAS the West Ontario 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction of branch line extended.

1. The West Ontario Pacific Railway Company may commence the construction of its branch line of railway authorized by section 1 of chapter 178 of the statutes of 1906 within two years after the passing of this Act, and may complete the said branch and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said branch as then remains uncompleted.

No. 24.

4th Session, 10th Parliament. 7-8 Edward VII., 1907-8

BILL.

An Act respecting the West Ontario Pacific Railway Company.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. CALVERT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 25] **BILL.** [1907-8

An Act respecting the Hamilton Radial Electric Railway Company.

Preamble.

WHEREAS the Hamilton Radial Electric Railway Company has by its petition represented that it was incorporated by chapter 88 of the statutes of 1894 of Ontario, whereby, and by subsequent amendments of the said Act, the said company was authorized to construct various lines of railway from the city of Hamilton to different places in the province of Ontario as in the said Act and amendments set forth; and whereas the said company has been advised that, under and by virtue of the provisions of sections 306 and 307 of *The Railway Act* of 1888, and sections 91 and 92 of *The British North America Act*, 1867, its railway, on crossing the line of the Grand Trunk Railway Company at Burlington in the year 1897 became and has since been subject to the exclusive legislative authority of the Parliament of Canada; and whereas applications have been made to the Legislative Assembly of Ontario for Acts extending the time for constructing the said company's lines of railway, and such Acts have been passed, but, as the said company has been advised, without authority or jurisdiction; and whereas the said company has by its petition asked for authority to carry out certain extensions and works beyond Provincial jurisdiction; and whereas it is advisable that all questions as to jurisdiction should be set at rest, that everything done by the said company in pursuance of the several Acts relating thereto should be confirmed, and that the said company should be enabled to carry out its various enterprises; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ont. 1894, c. 88; 1895, c. 101; 1896, c. 103; 1900, c. 112; 1904, c. 77.

Interpretation.

1. In this Act the expression "the Company" means the body politic and corporate created by chapter 88 of the statutes of Ontario, 1894, and continued by the said amendments thereof; and the lines of railway which the Company is hereby empowered to construct are hereby declared to be works for the general advantage of Canada; and all rights, privileges and immunities which the Company has heretofore been entitled to under its Act of incorporation and amendments thereof, and not inconsistent with this Act, are hereby continued and confirmed.

Declaration for the general advantage of Canada.

Lines of railway authorized.

2. The Company may lay out, construct and operate the lines of railway referred to in section 1 of this Act; and if the construction of the said lines of railway is not commenced, and fifteen per cent of the amount of the capital stock of the Company is not expended thereon, within two years of the passing of this Act, or if the said lines of railway are not completed within five years of the passing of this Act, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

Limitation of time for construction.

Extension of railway.

3. The Company may lay out, construct and operate an extension of its heretofore authorized lines of railway from the town of Oakville, in the county of Halton, to some point within the limits of the city of Toronto, in the county of York.

Branch lines.

4. The Company may lay out, construct and operate the following branch lines:—

(*a*) From the city of Hamilton to some point on the Niagara River between Niagara Falls and Fort Erie, with a bridge over the Niagara River in connection with the Company's line of railway, or instead of constructing such bridge the Company may enter into an agreement or agreements for running rights over any bridge across the said river already or hereafter constructed;

(*b*) From the city of Brantford to a point on the Detroit River at or near Windsor, running through the counties of Brant, Elgin, Kent and Essex and through or near the cities of Woodstock and St. Thomas and the town of Chatham, and in connection with such branch the Company may construct, maintain and operate ferries across the Detroit River;

(*c*) Suburban lines of railway within the limits of the county of Wentworth and city of Hamilton;

but shall not construct or operate its railway, or any extension thereof, along any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place and upon terms to be agreed on with such municipality.

Use of steam.

2 Within the limits of the county of Wentworth and of the city of Hamilton steam may be used for the purpose of constructing the said railway, but shall not be used as motive power for its operation.

Alternative powers.

3. Instead of constructing the line of railway authorized by paragraph (*b*) of subsection 1 of this section, the Company may construct a line of railway from the city of Brantford to the city of London, and, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into an agreement or agreements with the Windsor, Chatham and London Railway Company and the Windsor, Essex and Lake Shore Rapid Railway Company, or with either of the said companies, for any of the purposes specified in the said section 361.

Issue of securities.

5. Notwithstanding anything in the said Act of incorporation or in the said amendments thereof, the Company may issue securities in respect of its several undertakings to the amount of thirty thousand dollars per mile of single track, with

an additional amount of ten thousand dollars per mile of double track; and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Securities on bridges and terminals.

6. The Company may issue also securities to the extent of seventy-five per cent of its actual expenditure upon or in respect of a bridge, including the approaches thereto, across the old Welland Canal, at the city of St. Catharines, a bridge, including the approaches thereto, across the Niagara River, the purchase of right of way and the terminal station buildings in the city of Toronto, and the ferries for operating on the Detroit River, including wharf accommodation at or near Windsor, and the immediate approaches thereto.

Saving clause as to agreements with municipalities.

7. Nothing in this Act contained, or done under or by virtue of the powers hereby granted, shall alter or affect the provisions contained in any by-law of any municipality heretofore passed relating to the Company, or to any portion of the Company's railway heretofore or hereafter constructed, or contained in any agreement between any municipality and the Company; but all such agreements and by-laws shall continue and remain in full force as between the municipality and the Company as continued and incorporated by this Act; and in case of any inconsistency between the provisions contained in any such by-law or agreement and the provisions of *The Railway Act*, the provisions contained in the by-law or agreement shall prevail, and all such by-laws and agreements and all rights, franchises, privileges and exemptions of the Company thereunder are hereby confirmed.

Trees not to be cut.

8. Paragraph (*j*) of section 151 of *The Railway Act* shall not apply to the Company with respect to any such line of railway as is constructed along or upon any public highway.

Agreements with other companies.

R. S., c. 37.

9. The Company may, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, enter into any agreement or agreements, for any of the purposes mentioned in the said section 361, with the Brantford and Hamilton Electric Railway Company, the Hamilton, Grimsby and Beamsville Electric Railway Company, and the Hamilton and Dundas Street Railway Company, or with any other electric railway company now or hereafter running to the city of Hamilton.

No. 25.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Hamilton Radial Electric Railway Company.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. CLARKE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 25.] **BILL.** [1907-8

An Act respecting the Hamilton Radial Electric Railway Company.

(*Reprinted as proposed to be amended in the Railway Committee.*)

Preamble. WHEREAS the Hamilton Radial Electric Railway Company has by its petition represented that it was incorporated by chapter 88 of the statutes of 1894 of Ontario, whereby, and by subsequent amendments of the said Act, the said company was authorized to construct various lines of railway from the city of Hamilton to different places in the province of Ontario as in the said Act and amendments set forth; and whereas the said company has been advised that, under and by virtue of the provisions of sections 306 and 307 of *The Railway Act* of 1888, and sections 91 and 92 of *The British North America Act*, 1867, its railway, on crossing the line of the Grand Trunk Railway Company at Burlington in the year 1897 became and has since been subject to the exclusive legislative authority of the Parliament of Canada; and whereas applications have been made to the Legislative Assembly of Ontario for Acts extending the time for constructing the said company's lines of railway, and such Acts have been passed, but, as the said company has been advised, without authority or jurisdiction; and whereas the said company has by its petition asked for authority to carry out certain extensions and works beyond Provincial jurisdiction; and whereas it is advisable that all questions as to jurisdiction should be set at rest, that everything done by the said company in pursuance of the several Acts relating thereto should be confirmed, and that the said company should be enabled to carry out its various enterprises; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ont, 1894, c. 88; 1895, c. 101; 1896, c. 103; 1900, c. 112; 1904, c. 77.

Interpretation. **1.** In this Act the expression "the Company" means the body politic and corporate created by chapter 88 of the statutes of Ontario, 1894, and continued by the said amendments thereof; and for the removal of all doubts the lines of railway which the Company is empowered to construct are hereby declared to be works for the general advantage of Canada; and all rights, privileges and immunities which the Company has heretofore been entitled to under its Act of incorporation and amendments thereof, and not inconsistent with this Act and *The Railway Act*, are hereby continued and confirmed.

Declaration for the general advantage of Canada.

Lines of railway authorized.

2. The Company may lay out, construct and operate the lines of railway referred to in this Act; and if the construction of the said lines of railway is not commenced, and fifteen per cent of the amount of the capital stock of the Company is not expended thereon, within two years of the passing of this Act, or if the said lines of railway are not completed within five years of the passing of this Act, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

Limitation of time for construction.

Extension of railway.

3. The Company may lay out, construct and operate an extension of its heretofore authorized lines of railway from the town of Oakville, in the county of Halton, to some point within the limits of the city of Toronto, in the county of York; but it shall not construct its railway, or any extension thereof, along any highway or public place within the limits of the county of York or the city of Toronto, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality: Provided, however, that if the Company wishes to construct its railway through or across High Park (one of the public places or parks of the city of Toronto), it may construct it along the south limit of the said park, north of and parallel with and contiguous to the right of way of the Grand Trunk Railway Company of Canada, or along such other location near thereto as may be agreed upon between the Company and the Council of the said city; such railway to be constructed and kept, from time to time, at the same elevation as the tracks of the said Grand Trunk Railway Company; the Company to make compensation to the city according to the provisions of *The Railway Act* for lands taken or injuriously affected; and the Company to make safe and suitable provision for crossing the roads entering, or in the said park, by means of bridges or under-crossings to be constructed at such places and according to such plans, and at such elevations, as may be approved by the engineer for the time being of the said city, or such engineer as may be appointed for that purpose.

Consent of municipalities.

As to High Park.

Branch lines.

4. The Company may lay out, construct and operate the following branch lines:—

(*a*) From the city of Hamilton to some point on the Niagara River between Niagara Falls and Fort Erie, with a bridge over the Niagara River in connection with the Company's line of railway, or instead of constructing such bridge the Company may enter into an agreement or agreements for running rights over any bridge across the said river already or hereafter constructed;

(*b*) From the city of Brantford to a point on the Detroit River at or near Windsor, running through the counties of Brant, Elgin, Kent and Essex and through or near the cities of Woodstock and St Thomas and the city of Chatham; and in connection with such branch the Company may construct, maintain and operate ferries across the Detroit River;

(*c*) Suburban lines of railway within the limits of the county of Wentworth, but not within the limits of the city of Hamilton,

save as hereinafter set forth: Provided, however, that the Company may construct a line on private right of way connecting with the present line at a point south of Cannon street between Cannon and Wilson streets and running easterly to the city limits:

Provided further that the Company, having at the request of the city agreed to abandon its proposed freight switch line running south-westerly through private property from near the intersection of Cannon street and Birch avenue to the Company's property on the south side of Wilson street between Sandford avenue and Wentworth street, and the city consenting hereto, the Company may use its line of railway for ordinary freight traffic from the point where it runs upon Wilson street between Birch and Stirton avenues westerly to the said property of the Company or that portion thereof on which it is intended by the Company to establish a freight warehouse between Sandford avenue and Wentworth street.

2. Save as aforesaid, nothing in this Act shall empower the Company to lay out or construct any railway track upon, along under, over or across any highway in the city of Hamilton without the consent of the Council of the said city.

Use of steam.

3. Within the limits of the county of Wentworth and of the city of Hamilton steam may be used for the purpose of constructing the said railway, but shall not be used as motive power for its operation.

Alternative powers.

4. Instead of constructing the line of railway authorized by paragraph (*b*) of subsection 1 of this section, the Company may construct a line of railway from the city of Brantford to the city of London, and, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into an agreement or agreements with the Windsor, Chatham and London Railway Company and the Windsor, Essex and Lake Shore Rapid Railway Company, or with either of the said companies, for any of the purposes specified in the said section 361.

Consent of municipalities.

5. Save as otherwise herein provided, the Company shall not construct or operate its railway along any highway or public place without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place and upon terms to be agreed on with such municipality.

Taking of lands.

5. Subject to the provisions of *The Railway Act* as to the taking of lands and the compensation to be made therefor, the Company may, from time to time, take and use such lands as shall be required for the purpose of building, maintaining and supporting the bridges, terminals, terminal buildings, wharfs and ferries referred to in this Act.

Issue of securities.

6. Notwithstanding anything in the said Act of incorporation or in the said amendments thereof, the Company may issue securities in respect of its several undertakings to the amount of thirty thousand dollars per mile of single track, with an additional amount of ten thousand dollars per mile of double track; and such securities may be issued only in proportion to

the length of railway constructed or under contract to be constructed.

Securities on bridges and terminals.

7. The Company may issue also securities to the extent of seventy-five per cent of its actual expenditure upon or in respect of a bridge, including the approaches thereto, across the old Welland Canal, at the city of St. Catharines, a bridge, including the approaches thereto, across the Niagara River, the purchase of right of way and the terminal station buildings in the city of Toronto, and the ferries for operating on the Detroit River, including wharf accommodation at or near Windsor, and the immediate approaches thereto.

Saving clause as to agreements with municipalities.

8. Nothing in this Act contained, or done under or by virtue of the powers hereby granted, shall alter or affect the provisions contained in any by-law of any municipality heretofore passed relating to the Company, or to any portion of the Company's railway heretofore or hereafter constructed, or contained in any agreement between any municipality and the Company; but all such agreements and by-laws shall continue and remain in full force as between the municipality and the Company as continued and incorporated by this Act; and in case of any inconsistency between the provisions contained in any such by-law or agreement and the provisions of *The Railway Act*, the provisions contained in the by-law or agreement shall prevail, and all such by-laws and agreements and all rights, franchises, privileges and exemptions of the Company thereunder are hereby confirmed.

Trees not to be cut.

9. Paragraph (*j*) of section 151 of *The Railway Act* shall not apply to the Company with respect to any such line of railway as is constructed along or upon any public highway.

Agreements with other companies.

R. S., c. 37.

10. The Company may, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, enter into any agreement or agreements, for any of the purposes mentioned in the said section 361, with the Brantford and Hamilton Electric Railway Company and the Hamilton and Dundas Street Railway Company, or either of them; but it shall not, without the consent of the Council of the city of Hamilton, enter into agreement or agreements for any of the said purposes with the Hamilton, Grimsby and Beamsville Electric Railway Company, the Hamilton Street Railway Company, or any other street railway company whose railway may be constructed or operated in the said city of Hamilton.

No. 25.

4th Session, 10th Parliament, 7-8 Edward VII.

BILL.

An Act respecting the Hamilton E
Electric Railway Company.

*(Reprinted as proposed to be amended
Railway Committee.)*

(PRIVATE BILL.)

MR. CLARI

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 25.] **BILL.** [1907-8

An Act respecting the Hamilton Radial Electric Railway Company.

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

Preamble. Ont., 1894, c. 88; 1895, c. 101; 1896, c. 103; 1900, c. 112; 1904, c. 77.

WHEREAS the Hamilton Radial Electric Railway Company has by its petition represented that it was incorporated by chapter 88 of the statutes of 1894 of Ontario, whereby, and by subsequent amendments of the said Act, the said company was authorized to construct various lines of railway from the city of Hamilton to different places in the province of Ontario as in the said Act and amendments set forth; and whereas doubts have been raised whether, under and by virtue of the provisions of sections 306 and 307 of *The Railway Act* of 1888, and sections 91 and 92 of *The British North America Act*, 1867, the railway of the said Company on crossing the line of the Grand Trunk Railway Company at Burlington in the year 1897 became and has since been subject to the exclusive legislative authority of the Parliament of Canada; and whereas applications have been made to the Legislative Assembly of Ontario for Acts extending the time for constructing the said company's lines of railway, and such Acts have been passed; and whereas the said company has by its petition asked for authority to carry out certain extensions and works beyond Provincial jurisdiction; and whereas it is advisable that all questions as to jurisdiction should be set at rest, and that the said company should be enabled to carry out its various enterprises; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation. Declaratory.

1. In this Act the expression "the Company" means the body politic and corporate created by chapter 88 of the statutes of Ontario, 1894, and continued by the said amendments thereof; and for the removal of all doubts the lines of railway which the Company is empowered to construct are hereby declared to be works for the general advantage of Canada.

Powers confirmed. R. S., c. 37.

2. Nothing in this Act, or in *The Railway Act*, shall invalidate any action heretofore taken by the Company pursuant to powers contained in the Acts mentioned in the preamble, and the powers and privileges granted by the said Acts are hereby confirmed, subject to the conditions and obligations imposed by the said Acts: Provided that hereafter *The Railway Act*

shall apply to the Company and the said railway to the exclusion of any of the provisions of the said Acts mentioned in the preamble which are inconsistent herewith and in lieu of any general Railway Act of the province of Ontario.

Lines of railway authorized.

3. The Company may lay out, construct and operate the lines of railway referred to in this Act; and if the construction of the said lines of railway is not commenced, and fifteen per cent of the amount of the capital stock of the Company is not expended thereon, within two years of the passing of this Act, or if the said lines of railway are not completed and put in operation within five years of the passing of this Act, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

Limitation of time for construction.

Extension of railway.

4. The Company may lay out, construct and operate an extension of its heretofore authorized lines of railway from the town of Oakville, in the county of Halton, to some point within the limits of the city of Toronto, in the county of York; but it shall not construct its railway, or any extension thereof, along any highway or public place within the limits of the county of York or the city of Toronto, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality: Provided, however, that if the Company wishes to construct its railway through or across High Park (one of the public places or parks of the city of Toronto), it may construct it along the south limit of the said park, north of and parallel with and contiguous to the right of way of the Grand Trunk Railway Company of Canada, or along such other location near thereto as may be agreed upon between the Company and the Council of the said city; such railway to be constructed and kept, from time to time, at the same elevation as the tracks of the said Grand Trunk Railway Company; the Company to make compensation to the city according to the provisions of *The Railway Act* for lands taken or injuriously affected; and the Company to make safe and suitable provision for crossing the roads entering, or in the said park, by means of bridges or under-crossings to be constructed at such places and according to such plans, and at such elevations, as may be approved by the engineer for the time being of the said city, or such engineer as may be appointed for that purpose.

Consent of municipalities.

As to High Park.

Crossings in Toronto.

2. Unless with the consent of the council of the city of Toronto, expressed by by-law, the railway of the Company shall not be constructed across any highway in the said city east of Roncesvalles avenue, except by a subway underneath, or by a bridge over, such highway.

Stopping places in Toronto.

3. The Company shall not, without the consent of the council of the said city expressed by by-law, receive or discharge passengers at more than two points (to be approved by the said council) between its terminal to the said city and the present westerly limit of the said city; and, if hereafter extended easterly, the Company shall not, without the like consent, receive or discharge passengers at more than two points (to be approved

by the said council) between the said terminal and the present easterly limit of the said city.

5. The Company may lay out, construct and operate the following branch lines:— Branch lines.

(*a*) From the city of Hamilton, running through the city of St. Catharines, to some point on the Niagara River between Niagara Falls and Fort Erie, with a bridge over the Niagara River in connection with the Company's line of railway, or instead of constructing such bridge the Company may enter into an agreement or agreements for running rights over any bridge across said river already or hereafter constructed;

(*b*) From the city of Brantford to a point on the Detroit River at or near Windsor, running through the counties of Brant, Oxford, Elgin, Kent and Essex and through or near the cities of Woodstock and St. Thomas and the city of Chatham; and in connection with such branch the Company may construct, maintain and operate ferries across the Detroit River;

(*c*) Suburban lines of railway within the limits of the county of Wentworth, but not within the limits of the city of Hamilton, save as hereinafter set forth: Provided, however, that the Company may construct a line on private right of way connecting with the present line at a point south of Cannon street between Cannon and Wilson streets and running easterly to the city limits:

Provided further that the Company, having at the request of the city agreed to abandon its proposed freight switch line running south-westerly through private property from near the intersection of Cannon street and Birch avenue to the Company's property on the south side of Wilson street between Sanford avenue and Wentworth street, and the city consenting hereto, the Company may use its line of railway for ordinary freight traffic from the point where it runs upon Wilson street between Birch and Stirton avenues westerly to the said property of the Company or that portion thereof on which it is intended by the Company to establish a freight warehouse between Sanford avenue and Wentworth street.

2. Save as aforesaid, nothing in this Act shall empower the Company to lay out or construct any railway track upon, along, under, over or across any highway in the city of Hamilton without the consent of the Council of the said city expressed by by-law. Crossings in Hamilton.

3. Within the limits of the county of Wentworth and of the city of Hamilton steam may be used for the purpose of constructing the said railway, but shall not be used as motive power for its operation. Use of steam.

4. Instead of constructing the line of railway authorized by paragraph (*b*) of subsection 1 of this section, the Company may construct a line of railway from the city of Brantford to the city of London, and, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into an agreement or agreements with the Windsor, Chatham and London Railway Company and the Windsor, Essex and Lake Shore Rapid Railway Company, or with either of the said companies, for any of the purposes specified in the said section 361. Alternative powers.

Consent of municipalities.

6. Save as otherwise in this Act specifically provided, the Company shall not construct or operate its railway along any highway or public place without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place and upon terms to be agreed on with such municipality.

Taking of lands.

7. Subject to the provisions of *The Railway Act* as to the taking of lands and the compensation to be made therefor, the Company may, from time to time, take and use such lands as shall be required for the purpose of building, maintaining and supporting the bridges, terminals, terminal buildings, wharfs and ferries referred to in this Act.

Issue of securities.

8. Notwithstanding anything in the said Act of incorporation or in the said amendments thereof, the Company may issue securities in respect of its several undertakings not exceeding the amount of thirty thousand dollars per mile of single track, with an additional amount of ten thousand dollars per mile of double track; and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Securities on bridges and terminals.

9. The Company may issue also securities to the extent of seventy-five per cent of its actual expenditure upon or in respect of a bridge, including the approaches thereto, across the old Welland Canal, at the city of St. Catharines, a bridge, including the approaches thereto, across the Niagara River, the purchase of right of way, terminals and station buildings in the city of Toronto, and the ferries for operating on the Detroit River, including wharf accommodation at or near Windsor, and the immediate approaches thereto.

Saving as to agreements with municipalities.

10. Nothing in this Act contained, or done under or by virtue of the powers hereby granted, shall alter or affect the provisions contained in any by-law of any municipality heretofore passed relating to the Company, or to any portion of the Company's railway heretofore or hereafter constructed, or contained in any agreement between any municipality and the Company; but all such agreements and by-laws shall continue and remain in full force as between the municipality and the Company as continued and incorporated by this Act; and in case of any inconsistency between the provisions contained in any such by-law or agreement and the provisions of *The Railway Act*, the provisions contained in the by-law or agreement shall prevail, and all such by-laws and agreements and all rights, franchises, privileges and exemptions of the Company thereunder are hereby confirmed.

Trees not to be cut.

11. Paragraph (*j*) of section 151 of *The Railway Act* shall not apply to the Company with respect to any such line of railway as is constructed along or upon any public highway.

Agreements with other companies.

12. The Company may, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, enter into any agreement or agreements, for any of the purposes mentioned in the said

section 361, with the Brantford and Hamilton Electric Railway Company and the Hamilton and Dundas Street Railway Company, or either of them; but it shall not, without the consent of the Council of the city of Hamilton expressed by by-law, enter into agreement or agreements for any of the said purposes with the Hamilton, Grimsby and Beamsville Electric Railway Company, the Hamilton Street Railway Company, or any other street railway company whose railway may be constructed or operated in the said city of Hamilton. R. S., c. 37.

13. The Company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any city which owns and operates its own electric lighting or power plant without the consent of the Council of such city. Saving as to municipal electric plant.

No. 25.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Hamilton Radial Electric Railway Company.

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

(PRIVATE BILL.)

MR. CLARKE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 26.] **BILL.** [1907-8

An Act respecting the Manitoba and North-Western Railway Company of Canada.

Preamble.

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

Line of railway authorized.

1. The Manitoba and North-Western Railway Company of Canada may lay out, construct and operate a branch of its railway from a point on its main line at or near Theodore in a south-easterly direction to a junction with its Russell branch in township twenty or twenty-one, range twenty-eight west of the principal meridian, a distance of about one hundred and ten miles.

Time for construction limited.

2. The said branch shall be commenced within two years after the passing of this Act and completed within five years after the passing of this Act, and the powers conferred upon the said company shall cease and be null and void as respects so much of the said branch as is not so commenced and completed.

Issue of securities.

3. The securities issued by the said company in respect of the said branch shall not exceed twenty thousand dollars per mile of the said branch, and may be issued only in proportion to the length of the branch constructed or under contract to be constructed.

No. 26.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Manitoba and North-Western Railway Company of Canada.

First reading, December 10, 1907.

(PRIVATE BILL.)

MR. CASH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 27.] **BILL.** [1907-8

An Act to amend the Government Railways Act.

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

1. Section 29 of *The Government Railways Act*, chapter 36 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 36, new s. 29.

"**29.** When any cattle or other animals at large upon the highway or otherwise get upon the railway and are killed or injured by a train, the owner of any such animal so killed or injured shall be entitled to recover the amount of such loss or injury unless His Majesty, in the opinion of the court trying the case, establishes that the animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of the animal, or his agent; but the fact that the animal was not in charge of some competent person shall not, for the purpose of this section, deprive the owner of his right to recover." Where animals are killed through negligence of owner.

2. Section 61 of the said Act is repealed and the following is substituted therefor:— New s. 61.

"**61.** The cleared land or ground adjoining the railway and belonging to the railway shall at all times be maintained and kept free from dead or dry grass, weeds, thistles and other unnecessary combustible material. Cleared land adjoining railway to be free from weeds, etc.

"2. Whenever damage is caused to crops, lands, fences, plantations or buildings and their contents by a fire started by a railway locomotive working on the railway, His Majesty, whether his officers or servants have been guilty of negligence or not, shall be liable for such damages: Provided that, if it is shown that modern and efficient appliances have been used and that the officers or servants of His Majesty have not otherwise been guilty of any negligence, the total amount of compensation recoverable under this subsection shall not exceed five thousand dollars, and it shall be apportioned among the parties who suffered the loss as the court or judge determines." Liability of His Majesty for fire from locomotive. Proviso. Compensation.

No. 27.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Government Railways Act.

First reading, December 10, 1907.

MR. MACDONALD.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 28.] **BILL.** [1907-8

An Act to amend the Copyright Act.

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

R. S., c. 70, s 14 amended.

Notice of copyright.

1. Section 14 of *The Copyright Act*, chapter 70 of the Revised Statutes, 1906, is amended by striking out of the said section the words "Entered according to Act of the Parliament of Canada, in the year . . . , by A. B., at the Department of Agriculture," and substituting therefor the words "Copyright, Canada, 190 , by A. B."

No. 28.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Copyright Act.

First reading, December 11, 1907.

MR. MACDONELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 29.] **BILL.** [1907-8

An Act to amend the Dominion Elections Act.

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

1. *The Dominion Elections Act* is amended by inserting the following section immediately after section 68:— R. S., c. 6. New section.

"COMPULSORY VOTING.

"**68A.** Any person who does not vote at an election at which he is qualified to vote shall be disfranchised for a term of six years from the date of such election. Disqualification for not voting.

"2. No person shall, however, be disfranchised if he has been prevented from voting by illness or by absence from the electoral district, if he did not absent himself therefrom in order that he might avoid voting, or if more than one election was being held at the same time and such person voted in some other electoral district where he was qualified to vote: Provided always that a judge of any court of record, upon being satisfied that any person entitled to vote had any other good and sufficient reason for not voting, may grant such person a certificate of enfranchisement annulling the disfranchisement, which certificate may be in the form KK. Reasons sufficient for not voting. Judge's certificate of enfranchisement.

"3. Any person who, while disfranchised under the provisions of this section, votes or attempts to vote in any electoral district, shall be guilty of an indictable offence and shall be liable to a fine of not less than one hundred dollars and costs and not exceeding two hundred dollars and costs, or, in default of payment of such fine and costs, to imprisonment for any term not exceeding six months and not less than three months, with or without hard labour." Penalty for disfranchised person voting.

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

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

3. Paragraph (*b*) of section 96, and sections 97 and 98, of *The Dominion Elections Act* are repealed. R. S., c. 6 amended.

New form.

4. The following form is added to schedule one of the said Act:—

"KK.—(*Section* 68A.)

"(*Certificate of enfranchisement.*)

"Whereas A. B. was duly qualified to vote at an election held in the electoral district of.....in the province of.....on the.....day of..... A.D.....but the said A. B. did not vote at such election;

"And whereas the said A. B. has established to my satisfaction that he did not vote at such election because..... .....(*here insert the reason given*), I hereby certify under the provisions of section 68A of *The Dominion Elections Act* that this is in my opinion a good and sufficient reason for his not voting.

"As witness my hand this.....day of .....A.D.....

.....

"*Judge.*"

No. 29.

4th Session, 10th Parliament, 7-8 Edward VI

BILL.

An Act to amend the Dominion El Act.

First reading, December 11, 19(

MR. MACDON

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majes
1907-8

No. 30.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. Subsection 1 of section 196 of *The Railway Act*, as amended by section 1 of chapter 37 of the statutes of 1907, is repealed and the following is substituted therefor:— R.S., c. 37, new s. 196.

"**196.** If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, the judge shall, on the application of the company, or of the opposite party, appoint an expert to be sole appraiser for determining the compensation to be paid as aforesaid: Provided that the judge shall, at the request of either party on such application, appoint three experts as appraisers to determine such compensation, one of whom may be named by each party on such application, and the third of whom shall be appointed by the judge; and the judge shall fix the date on which the said appraisers shall report to him their proceedings, which date may be subsequently changed by the judge as circumstances require." If sum offered not accepted. Appointment of appraiser. Three appraisers if required by either party.

2. Subsection 1 of section 197 of the said Act is amended by adding thereto the following words, "according, however, to the formalities hereinbefore set forth regarding their powers." Section 197 amended.

3. Subsection 2 of section 197 of the said Act is repealed. Section 197 ss. 2, repealed.

4. Section 199 of the said Act is repealed and the following is substituted therefor:— New s. 199.

"**199.** If by any award of the appraisers or of the sole appraiser made under this Act, the sum awarded exceeds the sum offered by the company, the costs of the appraisement shall be borne by the company; but if otherwise they shall be borne by the opposite party and be deducted from the compensation; provided that, in either case, the award is not contested and forms the basis of the judgement which establishes the compensation. Costs.

"2. The amount of the costs shall in every case be taxed by the judge." Taxation.

5. Section 200 of the said Act is repealed. Section 200 repealed.

6. Section 201 of the said Act is repealed and the following is substituted therefor:— New s. 201.

Powers of appraisers.

"**201.** The sole appraiser or the appraisers may with respect to such appraisement,—

Entry.

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

Inspection.

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

Production.

"(*c*) require the production, by all persons custodians thereof, of all books, papers, plans, specifications, drawings and documents relating to the matter before him or them, and compel such persons to appear before him or them for the purposes herein mentioned; and,

Oaths.

"(*d*) administer oaths, affirmations or declarations relating only to the books, papers, plans, specifications and documents mentioned in paragraph (*c*).

Witness fees.

"2. The persons so required to appear before the appraisers or before the sole appraiser shall be entitled to the like fees and allowances for so doing as if summoned to attend before the Exchequer Court; and the amount of such fees and allowances shall be mentioned in the report of the appraisers and shall form part of the costs of appraisement.

Powers of appraisers.

"3. For the purposes of this section the appraisers or sole appraiser shall possess the powers conferred on courts of justice in civil matters.

Evidence of value of lands, etc.

"4. The appraisers or the sole appraiser shall not admit any oral or documentary evidence of a mere opinion as to the value of the lands, works or other things in dispute, but must form such opinion for themselves or himself, after which they shall establish, in their report to the judge, the final amount at which they have fixed the said compensation."

Section 202 repealed.

7. Section 202 of the said Act is repealed.

New s. 203.

8. Section 203 of the said Act is repealed, and the following is substituted therefor:—

Award and papers to be filed in court

"**203.** The award of the appraisers or of the sole appraiser, as well as all documents therewith connected shall be delivered or transmitted, by registered post to the clerk of the court, and, at the request of either party in writing, be submitted to the judge for adjudication.

Accepted award to be final.

"2. If the award is accepted by the parties, the judge shall confirm it, and it shall be final and without appeal.

Additional proof.

"3. If, within the eight days following the production and opening of the award of the appraisers or of the sole appraiser, it appears to the judge, or to one of the parties, that it is in the interest of justice, or of one of the parties, that additional proof be furnished by either party, the judge, at the request of either party in writing, may order such proof to be made before him, as in a case of original jurisdiction, and, after examination and hearing, may adjudge finally the compensation to be allowed.

Service of judgment.

"4. Copy of such judgment establishing the compensation shall be served upon each of the parties within the next following fifteen days."

Sections 204 and 205 repealed.

9. Sections 204 and 205 of the said Act are repealed.

10. Section 209 of the said Act is repealed and the following is substituted therefor:— New s. 209.

"**209.** Whenever the compensation established by the judgment of the court exceeds six hundred dollars, after examination and hearing before a judge, any party to the appraisement may, within one month after receiving notice of the said judgment, appeal therefrom upon any question of law or fact to a superior court sitting in review and presided over by three judges. Appeal from judgment.

"2. Upon such appeal the practice and proceedings shall be the same as in an appeal from the decision of a superior court and in accord with the powers granted to provincial courts of justice in civil matters." Practice on appeal.

11. Wherever the words "arbitrator," "arbitrators," and "arbitration" occur in the said Act they are hereby struck out, and the words "appraiser," "appraisers," and "appraisement" are substituted therefor respectively. "Appraiser," etc., for "arbitrator," etc.

No 30.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, December 12, 1907.

MR. ETHIER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 31.] **BILL.** [1907-8

An Act to amend the Fisheries Act.

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

1. Subsection 2 of section 6 of *The Fisheries Act* is repealed. R.S., c. 45, s. 6 amended.

2. Subsection 2 of section 11 of the said Act is amended by striking out the words "fishery officer or" in the last line. Section 11 amended.

3. Section 55 of the said Act is amended by striking out the words "fishery officer or other" in the first line. Section 55 amended.

4. Section 56 of the said Act is repealed and the following is substituted therefor:— New section 56.

"**56.** Any fishery officer or justice of the peace may search, and any justice of the peace may grant a warrant to search, any vessel or place where there is reason to believe that any fish taken in violation of this Act, or anything used in violation thereof, is concealed."

5. Section 57 of the said Act is amended by striking out the words "or before the fishery officer for either fishery district" in the fifth and sixth lines. Section 57 amended.

6. Section 61 of the said Act is amended by striking out the words "fishery officer" in the first line. Section 61 amended.

7. Section 62 of the said Act is amended by striking out the words "fishery officer" in the first line. Section 62 amended.

8. Section 74 of the said Act is amended by striking out the words "fishery officer or" in the eighth line. Section 74 amended.

9. Section 92 of the said Act is amended by striking out the words "and confiscated" in the tenth line. Section 92 amended.

10. Section 94 of the said Act is amended by striking out the words "fishery officer or" in the fifth line. Section 94 amended.

11. Section 96 of the said Act is amended by striking out the words "fishery officer" in the third line of subsection 1, and by striking out the words "fishery officer or" in the sixth line of subsection 2. Section 96 amended.

12. Section 98 of the said Act is amended by striking out the words "fishery officer or other" in the third line. Section 98 amended.

No. 31.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Fisheries Act.

First reading, December 12, 1907.

MR. SINCLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 32.] **BILL.** [1907-8

An Act to incorporate the Bank of Vancouver.

Preamble.

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

Incorporation.

1. James Edgeworth Durand and John Alexander Cameron, both of the city of Victoria, in the province of British Columbia, and Arthur Orton McColl, Canniff Niles Van Horn and John Walter Morrow, all of the city of Vancouver, in the said province, together with such others as become shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of "The Bank of Vancouver," hereinafter called "the Bank."

Corporate name.

Capital stock.

2. The capital stock of the Bank shall be two million dollars.

Chief office.

3. The chief office of the Bank shall be in the city of Vancouver, in the province of British Columbia.

Provisional directors.

4. The persons named in section 1 of this Act shall be the provisional directors of the Bank.

Duration of charter.

R.S.; c. 29.

5. This Act shall, subject to the provisions of section 16 of *The Bank Act*, continue in force until the first day of July, in the year one thousand nine hundred and eleven.

No. 32.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

Act to incorporate the Bank or Vancouver.

First reading, December 13, 1907.

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 33.] **BILL.** [1907-8

An Act respecting the Calgary and Fernie Railway Company.

Preamble.

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

1906, c. 71.

Time for construction extended.

1. The Calgary and Fernie Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not made, or if the said railway is not finished and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 33.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Calgary and Fernie Railway Company.

First reading, December 13, 1907.

(PRIVATE BILL.)

MR. GALLIHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 34.] **BILL.** [1907-8

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

Preamble. 1890, c. 55; 1892, c. 42; 1894, c. 78; 1896, c. 24; 1899, c. 73; 1901, c. 72; 1903, c. 144.

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

Time for construction extended. 1901, c. 72.

1. The Lindsay, Bobcaygeon and Pontypool Railway Company may complete the construction of its railway as authorized by section 1 of chapter 72 of the statutes of 1901 within five years after the passing of this Act; and if the said railway is not completed and put in operation within the said period the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 34.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

First reading, December 13, 1907.

(PRIVATE BILL.)

MR. HUGHES,
(Victoria.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 35.] **BILL.** [1907-8

An Act to incorporate the Travellers Life Assurance Company of Canada.

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

1. James William Pyke, Charles Edward Archibald, Samuel Sheldon Stephens, John M. M. Duff and Richard T. Heneker, of the city of Montreal, together with such persons as become shareholders in the company, are incorporated under the name of "The Travellers Life Assurance Company of Canada," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

2. The directors may establish local advisory boards, branches or agencies either within Canada or elsewhere. Branch offices.

5. The Company may effect contracts of life insurance, and may grant, sell or purchase annuities and endowments dependent upon the contingency of human life, and, generally, may carry on the business of life insurance in all its branches and forms. Business of Company.

6. The shares of the capital stock subscribed for shall be paid in such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty- Calls on stock.

five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given: Provided that the Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of the capital stock have been paid in cash into the funds of the Company, and deposited in some chartered bank in Canada, to be appropriated only for the purposes of the Company under this Act; provided further that the amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

When business may be commenced.

First general meeting.

7. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Montreal, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than nine directors, hereinafter called "shareholders' directors."

Election of shareholders directors.

Qualification.

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

Election of policy-holders directors.

8. In addition to the shareholders' directors, at the third annual meeting of the Company, and thereafter at each annual meeting, there shall be elected by the participating policy-holders from among their number six directors who are not shareholders and who are hereinafter called "policy-holders directors."

Holders of participating policies.

2. Every person whose life is insured under a policy or policies of the Company for one thousand dollars or upwards, and who has paid all premiums then due thereon, whether such person is a shareholder of the Company or not, and who is by the terms of his policy entitled to participate in profits, is referred to in this Act as a holder of a participating policy, and shall be a member of the Company and be entitled to attend and vote, in person or by proxy, at all general meetings of the Company; and every holder of a participating policy of the Company for a sum not less than one thousand dollars, exclusive of bonus additions or profits, shall be entitled to one vote; but such policy-holders shall not be entitled, as such, to vote for the election of shareholders' directors. Every proxy representing a participating policy-holder must be himself a participating policy-holder and entitled to vote; and any such participating policy-holder who is not a shareholder shall be eligible for election as a policy-holders' director.

Privileges and restrictions.

Joint meeting of directors.

9. The policy-holders' directors shall meet with the shareholders' directors and shall have a vote upon all business matters.

Quorum.

10. At all meetings of the directors a majority shall be a quorum for the transaction of business.

President and vice-presidents.

2. The directors shall elect from among themselves a president of the Company and one or more vice-presidents.

11. The annual general meeting of the Company shall be held at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted. Annual meeting.

2. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior to the meeting, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situated, and such notice, after section 8 hereof becomes operative, shall state that policy-holders may, in accordance with the provisions of this Act, vote for and elect six policy-holders' directors. Notice of annual meeting.

12. At all general meetings of the Company, each shareholder present or represented by proxy, who has paid all calls due upon his shares in the capital stock of the Company, shall have one vote for each share held by him. Every proxy representing a shareholder must be himself a shareholder and entitled to vote. Voting. Proxies.

13. The directors may, from time to time, set apart such portions of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of the participating policies shall be entitled to share in that portion of the profits so set apart which as 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. Distribution of profits.

14. Whenever any holder of a policy, other than a term or natural premium policy, has paid three or more annual premiums thereon and fails to pay any further premium, or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as occur, or the extended insurance for a term proportionate to such cash surrender value. Paid up polices to be issued in certain cases.

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

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, Liens.

such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to.

Cash surrender value applied to policy.

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

R.S., c. 79.

15. Part II of *The Companies Act*, except sections 125, 141, 165 and 168 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any provisions of this Act or of *The Insurance Act:* Provided, however, that the Company may make loans to its policy-holders, not being directors, on the securities mentioned in *The Insurance Act*.

R.S., c. 34.

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

No. 35.

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act to incorporate the Trav
Assurance Company of Ca

First reading, December 13

(PRIVATE BILL.)

MR. GE

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent
1907-8

No. 36.[**BILL.** [1907-8

An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.

Preamble.

WHEREAS the Boundary, Kamloops and Cariboo 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1904, c. 49; 1906, c. 62.

1906, c. 62 amended.

1. Section 2 of chapter 62 of the statutes of 1906 is repealed.

Time for construction of railway extended.

2. The Boundary, Kamloops and Cariboo Central Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not made, or if the said railway is not finished and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 36.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.

First reading, December 13, 1907.

(PRIVATE BILL.)

MR. ROSS,
(Yale-Cariboo.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 37.] **BILL.** [1907-8

An Act to incorporate the Canada Weather Insurance 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. A. Beverley Welford, of the city of Woodstock; James B. McLaren and Angus McKay, both of the town of Ingersoll; Frederick Millman and George W. Hunt, both of the city of Woodstock, in the county of Oxford, and province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Canada Weather Insurance Company," hereinafter called "the Company."

Provisional directors.

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

Capital stock.

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

Head office.

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

Branches.

2. The directors may, from time to time, establish branches, sub-boards or agencies, either in Canada or elsewhere, in such manner as the directors from time to time appoint.

First general meeting.

Election of directors.

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

or represented by proxy, who have paid not less than twenty per cent on the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty-five directors, a majority of whom shall be a quorum.

Qualification of directors.

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

Annual meeting.

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

Business of Company.

7. The Company may carry on the business of effecting contracts of insurance for injury caused by cyclones, tornadoes, wind-storms or hail, and may cause itself to be insured against any risk it may have undertaken, and may reinsure any other person against any risks that such person may have undertaken.

Power to hold real estate.

8. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars.

R.S., c. 34.

9. 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*.

R.S., c. 79.

10. Notwithstanding anything therein, Part II of *The Companies Act*, except sections 125, 141 and 165 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

1907-8

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act to incorporate the Canada Insurance Company.

First reading, December 17, 1

(PRIVATE BILL.)

Mr. SCHELL, (Oxford S

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Ma
1907-8

No. 37.] **BILL.** [1907-8

An Act to incorporate the Canada Weather Insurance Company.

(Reprinted as amended and reported by the Committee on Banking and Commerce.

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

1. A. Beverley Welford, Frederick Millman, and George W. Hunt, all of the city of Woodstock, in the county of Oxford and province of Ontario, James B. McLaren and Angus McKay, both of the town of Ingersoll, in the said county of Oxford, together with such persons as become shareholders in the company, are incorporated under the name of "The Canada Weather Insurance Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

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

Branches.

2. The directors may, from time to time, establish local advisory boards or agencies, either in Canada or elsewhere, in such manner as the directors from time to time appoint.

First general meeting.

5. So soon as fifty thousand dollars of the capital stock of the Company have been subscribed, and twenty per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Toronto, at which meeting the shareholders present or represented by proxy, who have paid not less than forty per cent on the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty-five directors, a majority of whom shall be a quorum.

Election of directors.

Qualification of directors.

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

Annual meeting.

6. A general meeting of the Company shall be called once in each year, after the organization of the Company and the 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.

Special meetings.

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

Payment on capital before commencement of business.

7. The Company shall not commence business until at least one hundred thousand dollars of the capital stock has been subscribed and at least forty thousand dollars has been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act: Provided that the sum paid by any shareholder which is less than ten per cent of the amount subscribed by such shareholder shall not be reckoned as part of the said forty thousand dollars.

Business of Company.

8. The Company may carry on the business of effecting contracts of insurance for injury to property caused by cyclones, tornadoes, wind-storms, frost or hail, and may cause itself to be insured against any risk it may have undertaken, and may reinsure any other person against any risks that such person may have undertaken.

Marine insurance not allowed.

2. Nothing in this section shall authorize the Company to make any contract of insurance with respect to property in transit on water.

Power to hold real estate.

9. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company, but the annual value of such property held in any province of Canada shall not exceed two thousand

dollars, except in the province of Ontario, where it shall not exceed five thousand dollars.

Application of Insurance Acts.

10. This Act and the Company hereby incorporated,, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

Conflicting provisions.

R.S., c. 79.

11. Notwithstanding anything therein, Part II of *The Companies Act*, except sections 125, 134, 141, 158 and 165 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

No. 37.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Canada Weather Insurance Company.

(Reprinted as amended and reported by the Committee on Banking and Commerce.)

(PRIVATE BILL.)

MR. SCHELL,
(Oxford South.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 38.] **BILL.** [1907-8

An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.

Preamble.

1907, c. 85.

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

Powers of Company.

Vessels.

1. The Edmonton, Dunvegan and British Columbia Railway Company, hereinafter called "the Company," may construct and operate such steam and other ferries, boats and vessels as the directors deem requisite for the carriage of passengers, freight and other traffic in connection with its railway, and may enter into agreements with the owners of such vessels for any of such purposes.

Telegraph and telephone lines.

2. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers; and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates to be approved.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

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

Lands, water powers, electricity, etc.

3. The Company may, in addition to the lands which it may under *The Railway Act* expropriate for railway purposes, for the purposes of its undertaking, acquire, by purchase or otherwise, and utilize and develop lands, water powers, easements and privileges in the vicinity of its railway, and may construct, maintain and operate dams, reservoirs, buildings and works, including transmission lines, for the generation, transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway, vessels and other properties and works, and for the purpose of supplying water for the use of its railway, vessels and other properties and works; and may supply, sell or otherwise dispose of any surplus water, electric

or other power or electricity so developed or generated, and not required for the purpose of the Company.

Lumbering and mining.

4. The Company may lease or otherwise acquire timber berths, timber licenses, mineral lands and mining rights, and carry on the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and all other business incident thereto or connected therewith; and work, develop, operate and turn to account all mineral lands and mining rights held by the Company.

Time for construction of railway extended.

5. The Company may commence the construction of its railway and expend fifteen per cent of the amount of its capital stock within three years after the passing of this Act, and may finish the said railway and put it in operation within seven years after the passing of this Act, and if the said railway is not so commenced and such expenditure is not made, or if the said railway is not finished and put in operation, within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 38.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Edmonton, vegan and British Columbia Ra Company.

First reading, December 17, 1907

(PRIVATE BILL.)

Mr. Ross, (Yale-Carib

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majest
1907-8

No. 39.] **BILL.** [1907-8

An Act respecting the Kamloops and Yellowhead Pass Railway Company.

Preamble.

1906, c. 115.

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

Time for construction of railway extended.

1. The Kamloops and Yellow Head Pass Railway Company may commence the construction of its railway, and expend fifteen per cent of its capital stock thereon, within two years after the passing of this Act, and may finish the railway and put it in operation within five years after the passing of this Act; and if the railway is not so commenced, and such expenditure is not so made, or if the railway is not finished and put in operation, within the said respective periods, the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 39.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Kamloops and Yellowhead Pass Railway Company.

First reading, December 17, 1907.

(PRIVATE BILL.)

MR. ROSS,
(Yale-Cariboo.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 40.] **BILL.** [1907-8

An Act respecting the Pacific Coast Fire Insurance Company.

Preamble.

WHEREAS the Pacific Coast Fire Insurance Company has by its petition represented that it was incorporated by chapter 54 of the statutes of 1890 of the province of British Columbia, and that the said Act was amended by chapter 61 of the statutes of 1906 of the said province, and that the said company has, since the date of its incorporation, carried on the business of fire insurance in the said province; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, of Canada enacts as follows:—

1890, c. 54.

1906, c. 61.

Incorporation.

1. The shareholders of the company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act, are incorporated under the name of "The Pacific Coast Fire Insurance Company," hereinafter called "the new Company."

Corporate name.

Capital stock.

2. The capital stock of the new Company shall be one million dollars, divided into shares of one hundred dollars each.

Shares in old and new Companies.

3. The shareholders of the old Company are hereby declared to be holders respectively of as many one hundred dollar shares in the new Company as they are holders respectively of one hundred dollar shares in the old Company, but only the sums which have been, or may hereafter be, paid by such shareholders respectively on the issued one hundred dollar shares of the old Company shall be credited as paid on the one hundred dollar shares of the new Company.

Liability of shareholders in new Company.

2. The liability of the shareholders of the new Company upon the said one hundred dollar shares in the new Company so held by them respectively shall amount per share only to the difference between the sum so credited as paid upon each share and one hundred dollars.

Liability of shareholders of old Company to pay calls.

3. Nothing in this Act shall affect the liability of the shareholders of the old Company, who have not paid the calls already made upon the one hundred dollar shares of the old Company, to pay the said calls.

Liability of shareholders of old

4. Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present

Company to creditors and policyholders.

creditors or to the present policyholders of the old Company: Provided, however, that any payment made upon the shares of the new Company shall reduce the said liability of the shareholders of the old Company by the amount of such payment.

Liability of new Company.

5. The new Company shall be liable for and subject to and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company, and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers in respect thereto, and to the collection and enforcement thereof, from and against the new Company as such person has against the old Company: Provided, however, that the shareholders of the new Company shall not be individually liable under section 150 of *The Companies Act* in respect of their shares in the new Company to such person unless such person abandons his rights in respect to the shares in the old Company.

Proviso.

Assets, etc., of old Company vested in new Company.

6. All the assets, rights, effects and properties, real, personal and mixed, of whatsoever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become, entitled, shall be vested in the new Company upon due execution of the indenture in the schedule to this Act, but shall remain subject to existing mortgages or liens, if any.

Calls on shares.

7. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the one hundred dollar shares in the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent and that not less than thirty days' notice of any call shall be given.

Continuance of officers and by-laws.

8. The president, vice-president and directors of the old Company shall continue to be such in the new Company until their successors are appointed, and all by-laws, rules and regulations of the old Company, not contrary to law or inconsistent with this Act, shall be the by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of *The Companies Act*.

Directors.

9. The affairs of the new Company shall be managed by a board of such number of directors, not less than seven, as the by-laws prescribe.

Qualification.

2. 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 new Company, and has paid all calls due thereon, and all liabilities incurred by him to the new Company.

3. No person shall be disqualified to be a director by reason of his receiving any salary or remuneration for attending to the business or affairs of the Company as managing director, officer, agent, servant or otherwise.

10. The head office of the new Company shall be in the city of Vancouver, in the province of British Columbia, but branch offices, sub-boards or agencies may be established and maintained either within Canada or elsewhere, in such manner as the directors from time to time direct. Head office. Agencies.

11. A general meeting of the new Company shall be called once in each year at its head office, and at such meeting a statement of the affairs of the new Company shall be submitted by the directors. Special general meetings may be called in such manner as the by-laws prescribe. Annual meeting.

12. The new Company may make contracts of insurance, throughout Canada and elsewhere, against loss or damage by fire or lightning in or to any house, dwelling, store, factory, mill or other building, and to any goods, chattels, bridges, railway plant or personal estate, for such time and for such premiums or considerations and upon such modifications and restrictions, and upon such conditions, as are agreed upon between the Company and the insured, and generally carry on the business of fire insurance and inland transportation insurance in all their branches and forms. Business.

2. The new Company may also cause itself to be insured against any risk it may have taken in the course of its business. Re-insurance.

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

13. The new Company may invest or deposit such proportion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investment in foreign securities.

14. The new Company may acquire, hold, convey, mortgage, lease or otherwise dispose of any real property in part or wholly for the purposes, use or occupation of the new Company, but the annual value of such property held in any province of Canada shall not exceed ten thousand dollars, except in the province of British Columbia, where it shall not exceed twenty-five thousand dollars. Real property.

15. The directors may, by resolution, order that the holders of policies or other instruments shall be paid such portion of the actual realized profits in such proportion, at such times, and in such manner as the directors direct. Payment of certain profits to shareholders.

16. If the paid-up capital stock of the new Company should at any time be impaired—and the capital stock shall for this purpose be deemed to be impaired when, according to the method of calculation adopted by the Superintendent of Insurance, the assets of the new Company, exclusive of its paid-up capital, are insufficient to meet its liabilities—the directors may, from time to time, upon being duly authorized by resolution approved of by two-thirds of the votes of the shareholders present or represented by proxy at a special general meeting of the new Company called to consider such by-law, pass a by-law for reducing or writing off the paid-up capital stock of the new Company any amount which they have been authorized by the shareholders, Reduction of capital stock.

as aforesaid, to write off such paid-up capital stock, and the issued stock of the new Company shall be reduced by the amount of the reduction in the paid-up portion thereof.

How reduction is effected.

2. Such reduction in the paid-up capital stock may be effected either by reducing the par value of the shares or by reducing the number of shares and issuing to the shareholders a lesser number of shares, proportionate, as nearly as possible in amount to their respective holdings as reduced, according to a scheme to be determined by the directors and embodied in the said by-law, and such scheme and such by-law shall provide for the disposition of fractional parts of shares where necessary, and the directors may call in and cancel the shares so reduced and issue new shares and certificates therefor as is deemed expedient, and the registry of the new Company shall be amended in accordance with every change in the shares thereof.

Existing liabilities not affected.

17. Nothing in the preceding section, or done under the provisions thereof, shall affect the liability of the new Company or its shareholders to the creditors thereof, nor the liability of the holders of shares unpaid, or not fully paid up, to pay in full the amount of such shares at the par value at which such shares were sold, subscribed for, issued or allotted.

R.S., c. 34.

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

R.S., c. 79.

19. Part II of *The Companies Act*, except sections 125, 126, 141, 154, 163, 165 and 166 thereof, shall apply to the new 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 of *The Insurance Act* or of this Act.

Commencement of Act.

20. This Act shall not take effect unless and until accepted and approved of by a vote of not less than three-fourths in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company, duly called for the purpose of considering this Act.

SCHEDULE.

This indenture, made the day of , 190 , between the Pacific Coast Fire Insurance Company, incorporated by chapter 54 of the statutes of 1890 of British Columbia, as amended by chapter 61 of the statutes of 1906 of British Columbia, of the first part, hereinafter called "the old Company," and the Pacific Coast Fire Insurance Company, incorporated by chapter of the statutes of 1908 of Canada, of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old Company have accepted and approved of the new Company's said Act of incorporation, intituled "An Act respecting the Pacific Coast Fire Insurance Company," and, by the resolutions of the shareholders duly passed in that behalf, the day of ,

190 , was fixed as the date from which the said Act should take effect;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company;

And whereas the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth: That in consideration of the said Act and of the shares in the capital stock of the new Company, which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company hereby grants, assigns, transfers and sets over unto the new Company, its successors and assigns, forever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is or may become entitled: To have and to hold unto the new Company, its successors and assigns, to and for its sole and only use forever; and the old Company covenants with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal, equitable and beneficial title and property, and each and every part thereof.

And in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform, and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

No. 40.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Pacific Coast Fire Insurance Company.

First reading, December 17, 1907.

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 40.] **BILL.** [1907-8

An Act respecting the Pacific Coast Fire Insurance Company.

(Reprinted as amended and reported by the Banking and Commerce Committee.)

Preamble.

WHEREAS the Pacific Coast Fire Insurance Company has by its petition represented that it was incorporated by chapter 54 of the statutes of 1890 of the province of British Columbia, and that the said Act was amended by chapter 61 of the statutes of 1906 of the said province, and that the said company has, since the date of its incorporation, carried on the business of fire insurance in the said province; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, of Canada enacts as follows:—

1890, c. 54.

1906, c. 61.

Incorporation.

1. The shareholders of the company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act, are incorporated under the name of "The Pacific Coast Fire Insurance Company," hereinafter called "the new Company."

Corporate name.

Capital stock.

2. The capital stock of the new Company shall be one million dollars, divided into shares of one hundred dollars each.

Shares in old and new Companies.

3. The shareholders of the old Company are hereby declared to be holders respectively of as many shares in the new Company as they are holders respectively of shares in the old Company, but only the sums which have been, or may hereafter be, paid by such shareholders respectively on the issued shares of the old Company shall be credited as paid on the shares of the new Company.

Liability of shareholders in new Company.

2. The liability of the shareholders of the new Company upon the said one hundred dollar shares in the new Company so held by them respectively shall amount per share only to the difference between the sum so credited as paid upon each share and one hundred dollars.

Liability of shareholders of old Company to pay calls.

3. Nothing in this Act shall affect the liability of the shareholders of the old Company, who have not paid the calls already made upon the one hundred dollar shares of the old Company, to pay the said calls.

Liability of shareholders of old Company to creditors and policyholders.

4. Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policyholders of the old Company: Provided, however, that any payment made upon the shares of the new Company shall reduce the said liability of the shareholders of the old Company by the amount of such payment.

Liability of new Company.

5. The new Company shall be liable for and subject to and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company, and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers in respect thereto, and to the collection and enforcement thereof, from and against the new Company as such person has against the old Company: Provided, however, that the shareholders of the new Company shall not be individually liable under section 150 of *The Companies Act* in respect of their shares in the new Company to such person unless such person abandons his rights in respect to the shares in the old Company.

Proviso.

Assets, etc., of old Company vested in new Company.

6. All the assets, rights, effects and properties, real, personal and mixed, of whatsoever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become, entitled, shall be vested in the new Company upon due execution of the indenture in the schedule to this Act, but shall remain subject to existing mortgages or liens, if any.

Calls on shares.

7. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the one hundred dollar shares in the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent and that not less than thirty days' notice of any call shall be given.

Continuance of officers and by-laws.

8. The president, vice-president and directors of the old Company shall continue to be such in the new Company until their successors are appointed, and all by-laws, rules and regulations of the old Company, not contrary to law or inconsistent with this Act, shall be the by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of this Act.

Directors.

9. The affairs of the new Company shall be managed by a board of not less than seven nor more than twenty-five directors, as the by-laws prescribe, a majority of whom shall be a quorum.

Qualification.

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

10. The head office of the new Company shall be in the city of Vancouver, in the province of British Columbia, but local advisory boards or agencies may be established and maintained either within Canada or elsewhere, in such manner as the directors from time to time direct. Head office. Agencies.

11. A general meeting of the new Company shall be called once in each year at its head office, and at such meeting a statement of the affairs of the new Company shall be submitted by the directors. Special general meetings may be called by any five of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting; and notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company. Annual meeting. Special meetings.

12. The new Company may make contracts of insurance, throughout Canada and elsewhere with any person, against loss or damage by fire or lightning in or to any house, dwelling, store, factory, mill or other building, and to any goods, chattels, bridges, railway plant or personal estate, for such time and for such premiums or considerations and upon such modifications and restrictions, and upon such conditions, as are agreed upon between the new Company and the insured, and generally carry on the business of fire insurance and the business of inland transportation insurance as defined in *The Insurance Act*, in all their branches and forms. Business.

2. The new Company may also cause itself to be insured against any risk it may have taken in the course of its business. Re-insurance.

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

13. The new Company may invest or deposit such proportion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investment in foreign securities.

14. The new Company may acquire, hold, convey, mortgage, lease or otherwise dispose of any real property in part or wholly for the purposes, use or occupation of the new Company, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of British Columbia, where it shall not exceed ten thousand dollars. Real property.

15. Before obtaining the license required by *The Insurance Act*, the subscribed capital of the new Company shall be increased from one hundred and fifty thousand dollars (the present capital of the old Company) to at least two hundred and fifty thousand dollars. Increase of capital before license.

16. This Act, and the new Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any Application of Insurance Acts.

Conflicting provisions.

respect in which any provision of this Act is inconsistent with those Acts, the provision made by those Acts shall prevail.

R.S., c. 79.

17. Part II of *The Companies Act*, except sections 125, 126, 134, 141, 158, 163 and 165 thereof, shall apply to the new 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 of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

Commencement of Act.

18. This Act shall not take effect unless and until accepted and approved of by a vote of not less than three-fourths in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company, duly called for the purpose of considering this Act; and if so accepted and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said vote.

Publication of notice.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the Company in *The Canada Gazette*.

SCHEDULE.

This indenture, made the day of , 190 , between the Pacific Coast Fire Insurance Company, incorporated by chapter 54 of the statutes of 1890 of British Columbia, which Act was amended by chapter 61 of the statutes of 1906 of British Columbia, of the first part, hereinafter called "the old Company," and the Pacific Coast Fire Insurance Company, incorporated by chapter of the statutes of 1908 of Canada, of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old Company have accepted and approved of the new Company's said Act of incorporation, intituled "An Act respecting the Pacific Coast Fire Insurance Company," and, by the resolutions of the shareholders duly passed in that behalf, the day of , 190 , was fixed as the date from which the said Act should take effect;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company;

And whereas the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth: That in consideration of the said Act and of the shares in the capital stock of the new Company, which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company hereby grants, assigns, transfers and sets over unto the new Company, its successors and assigns, forever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is or may become entitled: To have and to hold unto the new Company, its successors and assigns, to and for its sole and only use forever; and the old Company covenants

with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform, and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

No. 40.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Pacific Coast Fire Insurance Company.

(Reprinted as amended and reported by the Banking and Commerce Committee.)

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 41.] **BILL.** [1907-8

An Act to incorporate the Standard Plate Glass Insurance Company of Canada.

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

1. Francis Joseph Lightbourn, Francis McPhillips, Henry Ferguson Darrell, Edmund Tucker Lightbourn, Rupert G. Muntz, Harry Guy Ord and Frank J. J. Stark, of the city of Toronto, in the county of York, together with such persons as become shareholders in the company, are incorporated under the name of "The Standard Plate Glass Insurance Company of Canada," hereinafter called "the Company." Incorporation. Corporate name.

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

3. 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 a majority of the directors determine. Head office.

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

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

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding two hundred thousand dollars, but the stock Increase of capital.

shall not be increased until a resolution of the board of directors, authorizing such increase, has been first submitted to, and confirmed by, two-thirds in value of the shareholders present or represented by proxy, at a special general meeting of the shareholders duly called for that purpose.

First general meeting.

5. So soon as fifty thousand dollars of the capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Toronto, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than seven or more than twenty directors, who shall thereafter manage the affairs of the Company, and a majority of whom shall be a quorum.

Election of directors.

Number and quorum.

Qualification.

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

Annual general meeting.

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

Notice of meeting.

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

Calls on stock.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten ten per cent, and not less than thirty days' notice shall be given of any call: Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Business.

8. The Company may make contracts of insurance against loss or damage, by breakage or otherwise, to plate or other glass, whether placed in windows, doors or other parts of buildings and whether stored or in transit on shore or afloat, and may cause itself to be insured against any loss or risk it incurs in the course of its business.

When business may commence.

2. The Company shall not commence the business of plate glass insurance, as provided for by this Act, until fifty thousand dollars of the capital stock have been subscribed and ten thousand dollars have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

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

10. Notwithstanding anything therein, Part II of *The Companies Act*, except sections 141 and 165 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act* or of this Act. R.S., c. 79. R.S., c. 34.

No. 41.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Standard Plate Glass Insurance Company of Canada.

First reading, December 17, 1907.

(PRIVATE BILL.)

MR. MACDONELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

[NEW MATTER IS IN ITALICS.]

No. 42.] **BILL.** [1907-8

An Act respecting Insurance.

SHORT TITLE.

1. This Act may be cited as the Insurance Act. Short title.

INTERPRETATION.

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

(a) 'Minister' means the Minister of Finance; 'Minister.'

(b) 'Superintendent' means the Superintendent of Insurance; 'Superintendent.'

(c) 'company' means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance; 'Company.'

(d) 'Canadian company' means a company incorporated or legally formed in Canada, for the purpose of carrying on the business of insurance in Canada, and which has its head office therein; 'Canadian company.'

(e) 'agent' means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated; 'Agent.'

(f) 'agency' or 'chief agency' means the principal office or place of business of the company in Canada; 'Chief agency.'

(g) 'inland marine insurance' means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbour of Montreal; 'Inland marine insurance.'

(h) 'Canadian policy' or 'policy in Canada,' as regards life insurance, means a policy *or an annuity contract* issued by any company licensed under this Act to transact the business of life insurance in Canada, in favour of any person or persons resident in Canada at the time when such policy was issued; 'Canadian policy.'

(i) 'Canadian policy' or 'policy in Canada,' as regards fire and inland marine insurance, means a policy of insurance on any property within Canada issued by any company licensed under this Act to transact the business of fire or inland marine insurance; 'Canadian policy.' 'Policy in Canada.'

(j) 'license' includes certificate of registration; 'License.'

(k) 'policy' includes a certificate of membership relating in any way to life insurance and any other written contract of insurance whether contained in one or more documents; 'Policy.'

(l) 'president,' as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof; 'President.'

'Secretary.' *(m)* 'secretary' means and includes the officer by whom the usual duties of a secretary are performed;

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

'Accident insurance.' *(o)* 'accident insurance' means insurance against bodily injury and death by accident, including the liability of employers for injuries to persons in their employment; *and the insurance of personal property other than plate or other glass against accidental damage or loss by reason of any cause except by fire or perils of navigation;*

'Plate glass insurance.' *(p)* 'plate-glass insurance' means insurance against the breakage of plate or other glass either local or in transit;

'Steam boiler insurance.' *(q) 'steam boiler insurance' means insurance upon steam boilers and pipes, engines and machinery connected therewith or operated thereby, against explosion, rupture and accident and against loss or damage to life or property resulting therefrom;*

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

'Sickness insurance.' *(s)* 'sickness insurance' means insurance against loss through illness not ending in death, or disability not arising from accident or old age;

'Burglary insurance.' *(t) 'burglary insurance' means insurance against loss or damage by burglary, theft, or house-breaking;*

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

'Bond insurance.' *(v) 'bond insurance' means guaranteeing the validity and legality of bonds issued by any province of the Dominion or by any city, county, town, village, school district, municipality or other civil division of any such province or by any private or public corporation;*

'Annual statement.' *(w)* 'annual statement,' in the case of companies incorporated or legally formed elsewhere than in Canada and licensed under this Act, includes both the statement of the Canada business and of the general business of the company required by this Act to be made;

'Policyholder in Canada.' *(x)* 'policyholder in Canada' means as respects life insurance any person in favour of whom any company licensed under this Act to transact the business of life insurance in Canada has, while such person was resident in Canada, issued a policy;

'Policyholder.' *(y)* 'policyholder,' as respects life insurance when used in reference to the person to whom a tender is made by the Minister as hereinafter provided, upon a company which ceases to do business applying for a release of deposits, means the person to whom the policy is issued and with whom the contract for insurance is made, and includes the assignee of such person.

APPLICATION OF ACT.

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

(a) to any company transacting, in Canada, ocean marine insurance exclusively; or, Ocean marine.

(b) to any policy of life insurance in Canada, issued previously to the twenty-second day of May, in the year one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or, Policies prior to 22nd May, 1868.

(c) to any company incorporated by an Act of the legislature of the late province of Canada, or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such province; or, Companies under provincial Acts.

(d) to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively; or, Societies.

(e) to any association for the purpose of life insurance formed in connection with any society or association and exclusively from its members, and which insures on the assessment system only the lives of such members exclusively; or, Associations in connection.

(f) to any society or organization exempted under this section by the Treasury Board from the provisions of this Act. Exemptions.

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

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

Societies or associations may avail themselves of the Act.

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

PART I.

GENERAL.

License.

Business not to be carried on without license.

4. No company or person, except as hereinafter provided, shall accept any risk or issue any policy of fire or inland marine insurance, or policy of life insurance, or grant any annuity on a life or lives, or receive any premium, or carry on any business of life or fire or inland marine insurance, in Canada, and no company shall prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in insolvency relating to such business, without obtaining a license from the Minister to carry on such business in Canada.

Deposit for license.

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

Name of company.

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

Form of license.

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

Duration.

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

License not granted for life and

8. Subject to the right of renewal of licenses granted previously to the eleventh day of August, in the year of Our Lord

one thousand eight hundred and ninety-nine, a license shall not be granted to a company to carry on the business of life insurance in combination with any other branch of insurance. other insurance to same company.

2. 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. Four classes to one company.

3. A license may, on the report and recommendation of the Superintendent approved by the Treasury Board, be granted to a company,— Three classes.

(a) to carry on accident insurance and sickness insurance and also one other class of insurance; or,

(b) to carry on steam boiler insurance, sprinkler leakage insurance and one other class of insurance; or,

(c) to carry on bond insurance, guarantee insurance and one other class of insurance; or,

(d) to carry on two classes of insurance not hereinbefore in this section mentioned, in combination with one of the classes of insurance hereinbefore mentioned in this subsection; or,

(e) to carry on any class or classes of insurance, not exceeding three in number, not mentioned in this section.

4. Except as in this section provided, a license shall not be granted to a company to carry on more than three classes of insurance.

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

Provided that any company incorporated elsewhere than in Canada, regardless of its corporate powers, having a paid-up wholly unimpaired capital of at least three hundred thousand dollars if authorized among other classes of business to transact the business of fire insurance, and of at least one hundred thousand dollars if not so authorized; and, Exception.

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

(b) which has carried on successfully for a period of at least five years the business for which the license is sought; and,

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

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

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

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

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

Amount of excess.

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

License to provincial company.

11. *By leave of the Governor in Council a license may, on such terms and conditions and subject to such limitations as shall be determined by the Treasury Board on the report of the Superintendent, be granted to any such company as is mentioned in clause (c) of the first subsection of section 3 of this Act regardless of the corporate powers of such company, such license to authorize the transaction of only one class of business or if more than one, then such as may be combined under the provisons of section 8 of this Act.*

Individual underwriters.

12. *No license shall be granted to any individual underwriter or underwriters to carry on any kind of insurance business.*

Separate policies.

13. *Contracts of insurance for each of the classes which a company is licensed to transact shall be in separate and distinct policies.*

Deposits.

Deposit of securities with Minister.

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

In case of foreign company.

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

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

Securities permissible.

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

(a) in securities of *or guaranteed by* the Dominion of Canada, or in securities of *or guaranteed by* any of the

provinces of Canada; *or in securities of or guaranteed by the United Kingdom;*

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

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

16. If any other than the aforesaid securities are offered as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board directs. Accepting other securities.

2. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the Minister may notify the company to make such further deposit as will ensure the *accepted* value of all the securities deposited by the company being equal to the amount which it is required by this Act to deposit. Further deposit if value declines.

3. On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its license. Failure to make.

17. Any company licensed under this Act may, at any time, deposit in the hands of the Minister any further securities beyond the sum herein required to be deposited. Further deposit at option of company.

2. Any such further securities so deposited in the hands of the Minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the sum required to be deposited by such company, and as if the same had been part of the sum so required to be deposited. How dealt with.

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

19. If it appears from the annual statements or from an examination of the affairs and condition of any company carrying on the business of fire or inland marine insurance, that the reinsurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and on its failure so to do within sixty days after being notified, he shall withdraw its license. Deficiency of assets—fire and inland marine insurance. Failure to make good.

20. Subject to the power and duties hereinafter vested in and imposed upon the Treasury Board in relation to the withdrawal of a company's license or for limiting a time for making good a deficiency of assets, if it appears from the Deficiency of assets—life insurance.

annual statements, or from an examination, as provided for by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policy-holders in Canada, including matured claims, and the full reserve or reinsurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit in the hands of the Minister, the company shall be called upon by the Minister to make good the deficiency; and on its failure *to make the same good (up to the date of making good)* within sixty days after being so called upon, he shall withdraw its license.

Failure to make good.

Assets to case of foreign company.

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

Trust deeds and dealing with assets.

3. The trust deed shall first be approved by the Minister, *who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the accepted value of the assets held by them shall not fall below the value required by this section: Provided that such accepted value shall not be greater than ninety per cent of the market value, and in no case greater than the par value thereof.*

Trust companies as trustees.

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

Companies excepted from this section.

5. In case any such life insurance company gave written notice to the Minister before the thirty-first day of March, in the year one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section seven of *The Consolidated Insurance Act*, 1877, the foregoing requirements of this section shall not apply to policies issued by such company previously to that date.

Decreasing deposit.

6. In any such case the deposit of such company which was in the hands of the Minister on the twenty-eighth day of April in the year one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with the fourth and fifth sections of the Act passed by the Parliament of Canada in the thirty-fourth year of Her late Majesty's reign, and intituled, *An Act to amend the Act respecting Insurance Companies*; and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advisable, shall be released and handed over to the company, and so on, from time to time, until the total deposit

with the Minister is reduced to the amount of fifty thousand dollars required by this Act.

Handing over interest on securities

21. So long as the conditions of this Act are satisfied by any company, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding-up of the company of the distribution of its assets, is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due.

Documents to be filed.

Filing.

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

Copy of charter.

(a) a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof: *Provided that any such document which would be admitted as evidence in a court of law shall be deemed to be sufficiently verified within the meaning of this clause;*

Power of attorney.

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

Statement of condition and affairs.

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

Contents of power of attorney.

23. Such power of attorney shall,—

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

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

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

Change of chief agent.

24. Whenever any such company changes its agent or agency in Canada, such company shall file a power of attorney

as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned.

Declaration in annual statement.

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

Duplicates to be filed in office of a superior court.

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

Service of Process.

On the company at chief agency.

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

Constructive service.

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

Notice.

Notice of having obtained a license.

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

Notice of ceasing of business.

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

Release of deposits.

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

Publication of list of licensed companies.

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

New companies.

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

Annual Returns.

Annual statement of company's business.

30. The president, vice-president or managing director, and the secretary, actuary or manager of every Canadian company licensed under this Act, shall prepare annually, under their oaths, a statement of the condition and affairs of such company at the thirty-first day of December in each year, which shall exhibit the assets and liabilities of the company, and its income and expenditure during such year, and such other information as is deemed necssary by the Minister *or the Superintendent* from time to time.

Life companies.

31. In the case of companies carrying on the business of life insurance, such *annual* statements shall be in the form A in the schedule to this Act, with suitable changes made therein in the case of companies carrying on business on the assessment plan, *or carrying on business as Fraternal Beneficiary Associations under Part V hereof;* and the same shall be deposited in the office of the Superintendent within two months after the first day of January in each year.

Quarterly statement of securities.

2. *There shall also be prepared quarterly, as of the last days of December, March, June and September in each year, by the same officers, under their oaths, and deposited in the office of the Superintendent within fifteen days after the said last days of December, March, June and September in each year respectively, a statement in the form A1, in the schedule to this Act, showing in detail all bonds, stocks, debentures and other securities bought during the quarter terminating on the date as of which the same is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon and the price paid therefor, and showing also in detail all such securities sold or disposed of during the said quarter, specifying similarly the amounts, dates of issue and maturity and par value thereof, the value in account thereof, the rate of interest payable thereon and the price or consideration received therefor.*

Foreign companies.

3. *In the case of companies incorporated or legally formed elsewhere than within Canada, a statement shall similarly be prepared in the form A1, quarterly upon oath, by the trustees in whom assets are vested in trust for the company for the purposes of this Act, and similarly deposited quarterly in the office of the Superintendent, showing similarly all dealings during the preceding quarter with the trust assets.*

Form of quarterly statement.

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

Fire and inland marine companies.

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

Other companies.

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

Statements to be sworn.

7. Such *annual* statements shall be sworn to before some person duly authorized to administer oaths in any legal proceeding,

in the form C in the schedule to this Act *and such quarterly statements shall in like manner be sworn to in form C1. in said schedule.*

Minister or Superintendent may change forms.

8. The Minister *or the Superintendent* may, from time to time, make such changes in the form of such statements *whether such changes are of general application or are, in the opinion of the Minister or Superintendent, necessary to meet the circumstances of any particular case, as the Minister or Superintendent may deem best adapted to elicit any information deemed necessary or expedient: Provided, however, that any such change made by the Superintendent shall be subject to alteration or cancellation by the Minister.*

Statements by foreign and other companies.

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

Form in case of foreign company.

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

Idem.

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

To be deposited with Superintendent.

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

Forms supplied.

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

Time for depositing.

33. The statement of general business provided for in the last preceding section shall be deposited in the office of the Superintendent within thirty days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June, nor shall it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown.

General statement.

Variation.

To be verified on oath.

34. Such statements shall, as to the Canada business, be verified by the oath of the company's agent in Canada; and,

as to the general business, be verified by the oath of the president, vice-president or managing director, and the secretary, *manager* or actuary of the company.

Records and documents to be kept by chief agent.

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

Fewer required in some cases.

Examination of books at head office in United States.

Time up to which annual statements are made.

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

Expenses of new business to be shown separately.

36. *In preparing such annual statements, life insurance companies shall return separately and in detail all expenditure incurred during the year in the obtaining of new business, and all expenditure incurred during the year in respect of renewal business, and when any item of general expenditure is not referable solely to the cost of one or the other, shall distribute such item in such detail as may be sufficient to show whether the distribution has been equitable.*

SUPERINTENDENT AND HIS DUTIES.

Rank and powers of Superintendent.

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

To act under Minister.

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

Duties of Superintendent.

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

Securities.

(a) enter in a book, under the heading of such company, the securities deposited on its account with the Minister, naming in detail the several securities, their par value, and value at which they are received as deposit;

Report as to licenses.

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

Record of.

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

Visit head office.

(d) visit the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision;

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

Inspection visits to companies.

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

Officers of companies to open books for inspection.

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

Examination under oath.

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

Report of visits.

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

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

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

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

3. Such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business. Effect of suspension

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

2. Such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits 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 first day of January, one thousand nine hundred and fifteen, be based on the said mortality table, and a rate of interest of three and one-half per cent per annum. Basis of valuation.

3. *It shall be allowable for any Canadian company, in preparing its statement of liabilities, to deduct from the value of its policies, as ascertained in accordance with subsection 2 of this section, an amount ascertainable in the manner following, namely: in the case of any policy issued on or after the first day of January, one thousand nine hundred and nine, the net annual premium upon which is not less than the corresponding net annual premium for a whole life insurance with uniform premiums throughout life, the difference between the said first* Deduction from value of policies.

mentioned premium and the corresponding net premium for a one-year term insurance shall constitute the amount to be deducted as aforesaid in respect of such policy at the date of its issue; such difference, however, to be diminished each year by an equal proportion so that upon the payment of the fifth annual premium, the value of the policy shall be the value as ascertained in accordance with subsection 2 of this section.

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

Valuation of annuity contracts.

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

Maximum rate.

5. *No company shall at any time hereafter increase its policy valuation so that the reserves in respect of all business the premium rates for which have been calculated on the basis of a rate of interest of not less than three and one-half per cent shall be higher than the reserves produced by the use of the said Institute of Actuaries table and a rate of three per cent: Provided that in the case of any company which voluntarily values its policies on a basis producing higher reserves than are produced by the use of the Institute of Actuaries table aforesaid and the respective rates provided by the second subsection hereof, the valuation of the Superintendent shall be upon the higher basis upon which the company so voluntarily values its policies.*

Report to Treasury Board.

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

Withdrawal of license. Continuation on terms.

(a) forthwith withdraw the company's license; or,

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

Failure to comply with terms.

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

Valuators may be appointed.

44. For the purpose of carrying out the provisions of the last preceding section, the Treasury Board may, upon the

recommendation of the Minister, appoint such actuaries, valuators or other persons as the board deems proper, to value and appraise the company's liabilities and assets, and report upon its condition and its ability, or otherwise, to meet its engagements.

Inquiries from company and reply.

45. For the purpose of carrying out the provisions of this Act, the Superintendent is hereby authorized and empowered to address any inquiries to any insurance company licensed under this Act, or to the president, manager, actuary or secretary thereof, in relation to its assets, investments, liabilities, doings, or conditions, or any other matter connected with its business or transactions, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries.

Suspension of license for violation of Act.

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

Examination at head office of foreign company.

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

Company refusing examination.

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

Office Expenses.

Licensed companies shall contribute.

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

Officers and Clerks.

Appointment of officers and clerks.

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

Superintendent or officers not to be interested in any company.

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

Annual Report.

To be laid before Parliament.

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

Change of Head Office.

Company changing head office.

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

By by-law.

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

(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;

To any place in Canada.

change the head office of such company from any place in Canada to any other place in Canada.

Amalgamation and Transfer.

Amalgamation, transfer of business and reinsurance.

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

By life companies.

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

Sanction of Treasury Board.

3. *When an agreement for any such amalgamation, transfer or reinsurance has been entered into, the directors of the companies which are parties to such agreement may apply by pe-*

tition to the Treasury Board to sanction and confirm the same, and the Treasury Board, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, or giving them an opportunity to be so heard, may confirm the same if it is satisfied that no sufficient objection to the arrangement has been established.

Notice of application to Board.

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

(a) a statement of the nature and terms of the amalgamation, transfer or reinsurance as the case may be; and,

(b) an abstract containing the material facts embodied in the agreement under which such amalgamation, transfer or reinsurance is proposed to be effected; and,

(c) copies of the actuarial or other reports upon which such agreement is founded,

shall be served on every policyholder of the transferred or reinsured company in case of transfer or reinsurance.

Such notice and documents shall be served by being transmitted through the post office directed to the registered or other known address of the policyholder, and within such period that the same may be delivered in the due course of delivery thirty days at least before the day appointed for the hearing of the application.

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

Publication of notice.

5. A copy of such notice shall also be published in the Canada Gazette at least thirty days before the application is made.

Opposition by policyholders.

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

Impaired capital.

7. No company which has an impaired capital, the policy and annuity liabilities of such company being calculated on the basis prescribed in subsections 2 and 4, respectively, of section 42 of this Act, shall be permitted to amalgamate its business with, transfer its business to, or re-insure its business in any other company whose capital is also impaired; or if the capital of the combined companies after such amalgamation, or of the continuing company after such transfer or reinsurance, shall be impaired

Deposit of documents after completion of amalgamation, etc.

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

(a) Certified copies of the statements of the assets and liabilities of the companies concerned in such amalgamation, transfer or reinsurance; and,

(b) A statement of the nature and terms of the amalgamation, transfer or reinsurance; and,

(c) A certified copy of the agreement under which such amalgamation, transfer or reinsurance is effected; and,

(d) Certified copies of the actuarial or other reports upon which such agreement is founded; and,

(e) A declaration under the hands of the president and manager of each company that to the best of their knowledge and belief every payment made or to be made to any person whatsoever on account of the said amalgamation, transfer or reinsurance is therein fully set forth and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any of the parties to the amalgamation, transfer or reinsurance.

Sanction of Treasury Board essential.

9. No company shall amalgamate with another company, transfer its business to or reinsure its business in another company unless such amalgamation, transfer or reinsurance is sanctioned by the Treasury Board in accordance with this section.

Expenses of New Business.

Loadings on first year's premiums.

53. *From and after the first day of January, one thousand nine hundred and nine, no such life insurance company shall in any calendar year after the year one thousand nine hundred and eight expend or become liable for or permit any person, firm or corporation to expend on its behalf, or under any agreement with it,—*

(a) for commissions on first years' premiums; or

(b) for compensation not paid by commission for services in obtaining new insurance, exclusive of salaries paid in good faith for agency supervision either at the head office or at branch offices; or

(c) for medical examinations and inspections of proposed risks; or

(d) for advances to agents;

or for any two or more of the above named objects, an amount exceeding in the aggregate the total loadings upon the premiums for the first year of insurance received in said calendar year, such loading being the excess of the office premiums over net premiums calculated on the basis of the Institute of Actuaries table of mortality with interest at the rate of three and one-half per centum, and the amount of deduction from the valuation of the company's policies which may be made in pursuance of subsection 3 of section 42 of this Act.

Additional commissions forbidden.

54. *No such life insurance company, nor any person, firm or corporation on its behalf, shall pay or allow to any agent, broker or other person, firm or corporation for procuring an application for life insurance, for collecting any premium thereon or for any other service performed in connection therewith, any compensation other than that which has been determined in advance. All bonuses, prizes and rewards, and all increased or additional commissions or compensation of any*

sort based upon the volume of any new or renewal business, or upon the aggregate of policies written or paid for, are prohibited.

Advances to agents forbidden.

55. *No such life insurance company, and no person, firm or corporation on its behalf, shall make any loan or advance without adequate security, to any person, firm or corporation soliciting or undertaking to solicit applications for insurance; nor shall any such loan or advance be made upon the security of commissions or other compensation to be earned by the borrower, except advances against compensation for the first year of insurance. This section shall not apply to expenses incurred in the business of industrial insurance.*

Salaries of officers and agents.

56. *No salary, compensation or emolument shall be paid to any officer, trustee or director of any such life insurance company, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any person, firm or corporation, unless such payment be first authorized by a vote of the board of directors.*

Salary agreement, for not more than 5 years.

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

Commissions to agents only.

58. *No such life insurance company shall make any contract with any director, trustee, officer, employee or servant of the company, save such agents as are employed to solicit insurance, to pay any compensation or reward whatever by way of commissions in respect of the business of the company or any portion thereof.*

Pension fund may be created.

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

Investments.

Uniform powers of investment.

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

Repeal of wider powers.

Any provision contained in any Special Act or elsewhere conferring upon any company within the legislative power of Parliament any other or wider powers of loaning and investment is hereby repealed.

Disposal of unauthorized securities within 5 years.

2. *Any Canadian company having on hand or vested in trustees in trust for the company at the date of the coming into force of this Act, any loans or investments or securities representing the same, which but for this section would have been valid and competent, but which by reason thereof are not valid and competent, shall absolutely dispose of and realize the same within five years after this Act comes into force.*

By foreign companies.

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

Extension of time.

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

Investment of company's funds

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

In government securities.

(a) The debentures, bonds, stocks or other securities of or guaranteed by the government of the Dominion of Canada; or of or guaranteed by the government of any province of Canada; or of or guaranteed by the government of the United Kingdom, or of any colony or dependency thereof; or of or guaranteed by the government of any foreign country, or state forming a portion of such foreign country, wherein the company carries on or is about to carry on business, provided the Treasury Board has signified its approval of such securities; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business;

Mortgage bonds.

(b) (i) *The bonds of any company incorporated in Canada or elsewhere where the company is carrying on business, which bonds have been issued and outstanding for a period of at least five years prior to the time of purchase and which are secured by a mortgage to trustees or otherwise upon the real estate and other assets of such company and which real estate and other assets are of a market value of at least twenty-five per cent in excess of the amount of the bonds so secured thereon, provided default shall not have been made in any regular interest payment upon such bonds within said period of five years; or*

(ii) *The debentures or other evidences of indebtedness, not secured by mortgage, of any such company, which debentures or other evidences of indebtedness have been issued and outstanding for a period of at least seven years prior to the time of purchase, provided default shall not have been made in any regular interest payment upon such debentures or other evidences of indebtedness, within said period of seven years prior to the time of purchase; or* Unsecured stocks.

(iii) *The preferred stocks of any such company upon which regular dividends of at least four per cent have been paid for the seven years next preceding the purchase of such stocks; or* Preferred stocks.

(iv) *The common stocks of any such company upon which regular dividends of at least five per cent have been paid for the ten years next preceding the purchase of such stocks—* Common stocks.

Provided that not more than twenty per cent of the total issue of such bonds, debentures, or stocks, respectively, of any such company shall be purchased by any such life insurance company; or, Limitation of amount.

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

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

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

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

(b) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the company is carrying on business: Provided, however, that no such loan shall exceed sixty per cent of the value of the real estate or interest therein which forms the security for such loan.

3. *The total amount invested in or loaned upon securities other than Canadian securities by any such company shall not exceed by more than twenty per cent the reserve or reinsurance value of its policies other than Canadian policies, calculated upon the basis of valuation adopted by such company.* Limitation of investment in, or loans upon, foreign securities.

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

2. *All the funds and securities of every such company other than such as are referred to in the first clause of this section shall be held at the Head Office of the company or elsewhere in Canada.* Securities at head office.

Interest of officers in other companies.

62. *No such life insurance company shall, nor shall its directors or officers or any of them, under colour of an investment of the company's funds, in bonds, debentures or other securities, directly or indirectly be employed, concerned or interested in the promotion of any other company, or in the construction or operation of its works.*

Underwriting restricted.

63. *No such life insurance company shall subscribe to or participate in or employ the funds of the company in any underwriting of the purchase or sale of securities or property of any kind, nor shall any director or officer enter into any transaction for such purchase or sale on account of said corporation, jointly with any other person, firm or corporation.*

Investment by companies other than life companies.

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

Deposits outside of Canada.

2. *Any such company may deposit outside of Canada such portion of its funds and securities as is necessary to the maintenance of any foreign branch or branches: Provided that all other funds and securities of such company shall be held at the Head Office of the company or elsewhere in Canada.*

Securities at head office.

Additional security to secure repayment of liabilities.

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

Securities how taken.

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

Terms, manner and amount of loans.

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

Company may hold real estate.

68. Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may hold such real estate as is

required for its actual use and occupation or such as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that no parcel of land or interest therein, at any time acquired by such company and not required 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, at or before the expiration of such period, be absolutely sold and disposed of, so that such company shall no longer retain any interest therein, except by way of security.

Limitation as to time.

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

Forfeiture of lands.

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

Notice of intention.

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

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

Statement as to lands.

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

Appraise-audit of ment of real estate by direction of Superintendent.

2. If upon any examination of a company's affairs it appears to the Superintendent for any reason desirable that a complete and thorough audit of the books of a company should be made or if a company makes a written request for such audit, the

Special audit of books by direction of Superintendent.

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

PENALTIES AND FORFEITURES.

Default in depositing with Superintendent annual statement.

70. Every company which makes default in depositing in the office of the Superintendent the annual *and other* statements herein provided for, shall incur a penalty of ten dollars for each day during which such default, neglect or refusal continues.

Penalty.

Recovery of same.

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

Suspension of license in default of payment.

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

71. *Every person who,—*

Delivering policy.

(a) delivers any policy of insurance or interim receipt of; or,

Collecting premium.

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

Carrying on insurance business.

(c) carries on any business of insurance on behalf of any individual underwriter or underwriters, or on behalf of— any life, fire or inland marine insurance company, without the license provided for by this Act in that behalf; and

Doing business after suspension.

2. Every person, who after publication of notice in the Canada Gazette *of the suspension or cancellation under this Part of any company's license, delivers any policy of insurance, collects any premium or transacts any business of insurance on behalf of such company; and*

Officers of assessment insurance companies.

3. (a) Every director, manager, agent, or other officer of any assessment life insurance company subject to the provisions of Part II. of this Act which carries on business without being licensed or registered; and,

Agents.

(b) every person who transacts any business of insurance on behalf of any such company which so carries on business without being registered or licensed; and,

Persons using application or policy.

(c) every director, manager, agent, or other officer of such company, and every other person transacting business on behalf of any such company, who circulates or uses any application, policy, certificate, circular or advertisement on which the words Assessment System *are not printed as by Part II. of this Act required; and,*

4. Every person who,—

Offences under Part IV.

(a) delivers any policy of insurance or interim receipt of; or,

(b) collects any premium in respect of any policy of; or,

(c) carries on any business of insurance on behalf of any individual underwriter or underwriters, or on behalf of any company to which Part IV. of this Act applies, without the license provided for in said Part IV. having been issued to such company, or after such license has been revoked; and

5. Every person who,—

Offences under Part V.

(a) delivers any policy of insurance, or interim receipt of; or,

(b) collects any premium in respect of any policy of; or,

(c) carries on any business of insurance on behalf of any society or association to which Part V. of this Act applies, without the license provided for in said Part V. having been issued to such society or association, or after such license has been revoked, and every director, manager or other officer of such company and every other person who transacts business on behalf of such company who circulates or uses any application, policy certificate, circular or advertisement on which the words required by section 155 of Part V. are not printed,—

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

Penalty.

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

Limitation of actions.

73. Every assessment life insurance company which neglects to print the words *Assessment System* on any policy, application, circular or advertisement, as required by Part II. of this Act, and

Assessment Company to print certain words.

2. Every company which,—

(a) carries on, without receiving the license required by Part IV. of this Act, any business of insurance for the carrying on of which a license is by Part IV. of this Act required; or,

Carrying on business without license under Part IV.

(b) carries on any such business after any such license received has been revoked,—

After revocation.

shall on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for every offence be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs.

Penalty.

74. *One-half of any pecuniary penalty specified in the preceding sections of this Act when recovered shall belong to His Majesty and the other half thereof to the informer.*

Application of penalty.

Mutual company falling to make attested returns.

75. Every assessment life insurance company, obtaining the exemption provided for by Part II. of this Act, which fails to make attested returns of its condition and affairs when called for by the Superintendent, as required by Part II. of this Act, and every officer of any such company whose duty it is to make such attested returns, shall, for each day during which such failure continues, be liable to a penalty of ten dollars.

Penalty..

Contracts prior to 20th July, 1885.

76. Notwithstanding anything hereinbefore mentioned, in case of any contract entered into or any certificate of membership or policy of insurance issued before the twentieth day of July, one thousand eight hundred and eighty-five, by any assessment life insurance company, assessments may be made and collected, and claims paid, and all business connected therewith transacted without any penalty being incurred.

No penalty.

VOTING BY PROXY.

Voting by proxy : companies other than life.

77. *The following provisions shall extend and apply to every company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, and also to every mutual insurance company other than a life insurance company within the legislative power of the Parliament of Canada.*

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

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

4. A proxy shall not be valid unless executed within two months prior to the meeting at which the same is to be used or at any adjournment of such meeting, and may be revoked by the giver thereof at any time prior to its being used.

STANDARD PROVISIONS FOR ACTS OF INCORPORATION.

Standard provisions.

78. *The following provisions shall apply to every company incorporated after this Act goes into effect by an Act of the Parliament of Canada, and every such Act shall be read and construed having due regard to the said provisions:—*

Provisional directors.

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

Local boards and agencies.

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

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

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

(5) As soon as the amount for that purpose mentioned in the special Act has been subscribed and ten per cent of said amount has been paid into some chartered bank in Canada the provisional directors shall call a general meeting of the shareholders at some place to be named in the city or town where the head office of the company is situated; at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect the shareholders' directors for which the special Act provides. First meeting of shareholders.

(6) At all meetings of directors a majority of the total number of directors shall be a quorum. Quorum.

(7) The directors shall elect from among themselves a president of the company and one vice-president or more. Election of president, etc.

(8) The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint: the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice of any call shall be given. Calls on shares.

(9) The company shall not commence business until at least the amount of stock mentioned for that purpose in the special Act has been subscribed for nor until at least the sum named for that purpose in the said special Act has been paid in cash into the funds of the company to be appropriated only for the purposes of the company under the said special Act: Provided that any sum paid by any shareholder which is less than ten per cent of the amount subscribed by such shareholder shall not be reckoned in ascertaining the said minimum sum. Commencement of business.

(10) At all general meetings of the company each shareholder present in person or by proxy who has paid all calls due upon his shares in the capital stock of the company shall have one vote for each share held by him. Voting by shareholders.

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

Re-insurance.

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

R. S., c. 79.

(13) Notwithstanding anything contained therein Part II. of the Companies' Act, except sections 125, 141, 158 and 165 thereof, shall apply to the company in so far as it is not inconsistent with this Act or with said special Act.

Permissible investments only to be allowed as assets.

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

Superintendent's correction of annual statements.

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

Appeal to Exchequer Court.

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

The same.

4. For the purposes of such appeal the Superintendent shall at the request of the company interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless and until reversed or modified by said Court.

Charter expires unless license obtained.

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

Time limit.

REDUCTION OF CAPITAL.

Reduction of capital by by-law.

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

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

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

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

When capital is deemed impaired.

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

Declaration in by-law.

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

Liability of shareholders ton afferted.

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

5. The directors may,—

Increase of capital .

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

Issue of new stock.

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

Repeal.

82. *Chapter 34 of the Revised Statutes, 1906, entitled, 'An Act respecting Insurance' and all other Acts and parts of Acts passed by the Parliament of Canada relating to companies within the legislative power of said Parliament inconsistent with the provisions of this Act are hereby repealed.*

PART II.

LIFE INSURANCE.

Application of Part.

Life insurance

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

Policies.

Policy deemed whole contract.

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

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

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

Estimates and misrepresentation forbidden.

86. *No such life insurance company, and no officer, director or agent thereof shall issue or circulate, or cause or permit to be issued or circulated, any estimate, illustration or statement of the dividends or share of surplus expected to be received in respect of any policy issued by it.*

Rebates, discrimination, etc., forbidden.

87. *No such life insurance company shall make or permit any distinction or discrimination in favour of individuals between the insured of the same class and equal expectation of life in the amount of premiums charged, or in any return of premiums, or in the dividends or other benefits payable on the policy, nor shall any agent of any such company assume to make any contract of insurance, or agreement as to such contract, whether in respect of the premium to be paid or otherwise, other than as plainly expressed in the policy issued; nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insure, any rebate of premium payable on the policy, or any special favour or advantage in the dividends or other benefits to accrue thereon, or any advantage by way of local or advisory directorship where actual service is not* bona fide *performed, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the contract of insurance; nor shall any person knowingly receive as such inducement any such rebate of premium or other such special favour, advantage, benefit, consideration or inducement; nor shall any such company or*

any officer, agent, solicitor or representative thereof give, sell or purchase as such inducement, or in connection with such insurance, any stocks, bonds, or other securities of any insurance company or other corporation, association or partnership.

Penalty for rebating, etc.

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

Penalty for permitting rebates, etc.

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

rebates, etc. and disposal of penalty.

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

Offenders not to be indemnified out of funds of company.

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

Triennial distribution of surplus.

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

Annual ascertainment of surplus.

90. *Upon the thirty-first day of December of each year, or so soon thereafter as may be practicable, every such company shall ascertain the surplus earned by such company during said year.*

Payments out of surplus.

91. *After setting aside out of such surplus such sums as may be required for the payment of authorized dividends upon the capital stock, if any, and such sums as may properly be held for the account of policies in force at the said first day of January, one thousand nine hundred and nine, which provide for distribution at less frequent intervals than annually, and for all deferred dividend policies in force at the said date, and for a contingency reserve not in excess of the amount prescribed by this Act, every such company shall apportion the remaining surplus equitably to all other policies entitled to share therein.*

Option of policy-holder.

92. *Except in the case of a term or an industrial policy, the share of surplus so apportioned in the case of a policy issued on*

or after the first day of January, one thousand nine hundred and nine, shall, at the option of the holder of the policy, be payable in cash, or be applicable to the payment of any premium or premiums upon said policy or to the purchase of a paid-up addition thereto; and, in the case of a term policy shall, at the holder's option, be payable in cash, or be applicable to the payment of premiums.

Notice to policy-holder.

93. *Such company shall in all cases require the holder of the policy to elect in which manner the said dividends shall be applied, by mailing a written notice to him at his last known residence, of the amount of the said dividends and the options available as aforesaid; and in case the holder shall fail to notify the company in writing of his election within three months after the date of the mailing of said notice, the surplus shall be applied by the company, in the case of a term or industrial policy in payment of any premium or premiums upon the policy, and in the case of other policies to the purchase of a paid-up addition to the sum insured.*

If he does not make election.

Annual apportionment of profits.

94. *From and after the first day of January, one thousand nine hundred and nine, every such company shall, in respect of all participating policies issued and on foot in Canada on the said first day of January, one thousand nine hundred and nine, which provide for the distribution of surplus or profits at less frequent intervals than annually, and in respect of all deferred dividend policies, on the thirty-first day of December in each year, or so soon thereafter as may be practicable, ascertain and apportion to each of such policies the share in such surplus or profits to which the same is equitably entitled, and the total sum of the shares so ascertained and apportioned shall, like the reserve or reinsurance fund, be and constitute a liability of the company, and shall be charged and carried in its accounts accordingly until the same shall have been actually distributed and paid to the policyholders entitled thereto:*

Deductions for shrinkage of securities.

Provided, however, that the company shall have power to charge the holders respectively of participating policies with losses arising from the shrinkage in the value of securities to the extent to which they have been credited with profits during the current dividend period if such losses require it, and the total of the sums so charged to such policyholders may be deducted from the sum so charged and carried as a liability and the company's accounts modified and amended accordingly.

Annual statement.

2. All such deductions and modifications must be shown and the reasons therefor set forth in the annual statement of the company filed with the Superintendent next after the making of such deductions and modifications

Contingency reserve.

95. *Every life insurance company may accumulate and maintain in addition to the amount of the valuation of its policies a contingency reserve not exceeding the following respective percentages of said valuation, to wit: When said valuation is less than one hundred thousand dollars, twenty per cent thereof or the sum of ten thousand dollars, whichever is the greater; when said valuation is greater than one hundred thousand dollars, the percentage thereof measuring the contingency*

reserve shall decrease one-half of one per cent for each one hundre dthousand dollars of said valuation up to one million dollars; one-half of one per cent for each additional one million dollars up to ten million dollars, one-half of one per cent for each additional two million five hundred thousand dollars up to twenty million dollars; one-half of one per cent for each additional five million dollars up to fifty million dollars; one-half of one per cent for each additional twenty-five million dollars up to one hundred million dollars; and if said valuation equal or exceed the last mentioned amount, the contingency reserve shall not exceed four per cent thereof; provided that as the said valuation increases and the maximum percentage measuring the contingency reserve decreases such company may maintain the contingency reserve already accumulated pursuant to this section, although for the time being it may exceed the maximum percentage herein prescribed, but may not add thereto so as to make its amount greater than such maximum percentage.

Suits by policy-holders against company.

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

Form of policy to be filed and approved.

97. *On and after the first day of January, one thousand nine hundred and nine, no policy of life insurance shall be issued or delivered by any company licensed under this Act until a copy of the form thereof has been filed at least thirty days with the Superintendent; nor if the Superintendent notifies the Company within said thirty days that in his opinion the form of such policy does not comply with the requirements of this Act, or that it is on other grounds objectionable, specifying his reasons for his opinion; nor shall any policy of life insurance, except policies of industrial insurance under which the premiums are payable monthly or oftener, be so issued or delivered by any such company unless it contain in substance the following provisions:—*

Standard forms.

Days of grace for payment of premiums.

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

Incontestability after 2 years.

(b) That the policy shall be incontestable after two years from its date of issue except for non-payment of premiums and for engaging in military or naval service in time of war without the consent in writing of a responsible officer of the company;

Policy and endorsement to be entire contract.

(c) That the policy and the endorsement thereon shall constitute the entire contract between the parties and that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties and that no such statement shall be used in defence to a claim under the policy unless it is contained in a written application and a copy of such application shall be endorsed upon or attached to the policy when issued;

Age understated.

(d) That if the age of the insured has been under-stated the amount payable under the policy shall be such as the premium would have purchased at the correct age;

Participation in profits.

(e) That the policy shall participate in the surplus of the company at intervals of not greater than three years, reckoning from the date of the policy; and that in the event of death an equitable share of surplus shall be assigned to such policy for the period elapsed since the issue of the policy, if such period is not less than three years, or since the then last preceding participation in profits, as the case may be;

Surrender values.

(f) A complete copy of the by-laws of the company relating to surrender values;

Lapsed policies.

(g) The options as to surrender values, paid up insurance or extended insurance to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid;

Loan on policy.

(h) That not later than the third anniversary of the policy the holder of the policy shall, upon a proper assignment thereof to the company, be entitled to borrow of the company on the sole security of the policy a sum not more than ninety-five per cent of the cash surrender value thereof, less any indebtedness to the company, at a rate of interest not exceeding six per cent;

Table of surrender and loan values.

(i) A table showing in figures the surrender and loan values, and the options available under the policy each year upon default in premium payments, during at least twenty years of the policy, beginning with the year in which such values and options first become available;

Table of instalments.

(j) In case the proceeds of a policy are payable in instalments or as an annuity, a table showing the amounts of the instalment and annuity payments;

Renewal of policy.

(k) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within three years from date of default, unless the cash value has been duly paid, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per cent per annum.

Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term or annuity policies shall to that extent not be incorporated therein.

2. This section shall not apply to societies or associations licensed under Part V. of this Act; nor, except as relates to the filing with the Superintendent in advance of copies of forms of policies, shall it apply to assessment companies.

Exemptions.

98. *All such life insurance companies, notwithstanding anything to the contrary in any special Act or elsewhere, shall, after the first day of January, one thousand nine hundred and nine, keep participating and non-participating business in separate and distinct branches, keeping separate and distinct accounts in respect thereof.*

Separate accounts of participating and non-participating business.

99. *Every policy issued by any company incorporated or legally formed elsewhere than in Canada in favour of a resident of Canada shall have a clause embodied therein or endorsed thereon to the effect that an action to enforce the obligation of such policy may be validly taken in any Court of competent jurisdiction in the province where the policyholder resides or last resided before his decease and said policy shall not contain any provision inconsistent with such clause.*

Action of policyholders against foreign company.

100. *The following provisions shall extend and apply to every mutual life insurance company and to every other life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, within the legislative power of the Parliament of Canada, whose policyholders now are or shall hereafter become entitled to vote for directors, whether in common with stockholders or by a separate vote.*

Voting by proxy: life companies.

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

3. No requirement of any such by-law that notice must be given of the intention to move any resolution at any general meeting at which policyholders are entitled to vote, shall be of any force or validity.

4. No policyholder may vote for more than the number of directors to be elected.

5. Any policyholder may vote by proxy executed to any person who is himself a policyholder and entitled to vote.

6. A proxy shall not be valid unless executed within two months prior to the election, and shall be used only at such election, or any adjournment thereof, and may be revoked by the policyholder giving the same at any time prior to such election.

Forfeiture and Renewal of Licenses.

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

Withdrawal of license for non-payment of undisputed claim judgment.

Renewal of license.

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

Renewal of forfeited license.

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

Companies ceasing to do business and Release of Deposits.

Certain companies ceasing to do business.

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

Winding-up old business.

Deposit, how dealt with.

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

Transfer or surrender of policies by companies wishing to cease business.

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

Utilizing trust funds.

2. The trustees holding securities for such company may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender.

List to be placed with Minister.

3. Such company shall file with the Minister a list of all Canadian policyholders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered.

Notice in *Canada Gazette*.

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

Securities in case of transfer.

106. After the day so named, upon the application for release being made, if the Minister, with the concurrence of the Treasury Board, is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees, or securities held by the Minister, shall

be retained, sufficient in amount to cover the full equitable net surrender value of such policies, including bonus additions and accrued profits, as have not been transferred or surrendered, or in respect to which opposition has been filed; and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company.

Tender to policyholders.

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

Refusing tender.

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

Mode of tender.

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

List in *Gazette.*

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

List in newspapers.

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

Notice mailed.

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

Acceptance must be signified.

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

Neglect may be waived.

Surrender values, how determined.

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

Expenses of valuation.

Special arrangements.

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

Action on proof.

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

Reserve necessary to cover liability.

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

Calculation as to policies after January 1st, 1900.

(a) as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits 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 a half per cent per annum;

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

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

Calculation after January 1st, 1910.

Calculation after January 1st, 1915.

Minister may cause calculation to be verified.

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

Particulars to be furnished.

3. In such case the company shall furnish to the Superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the Superintendent an amount at the rate of three cents for each policy or bonus addition so computed, which amount he shall pay over to the Minister.

Superintendent required to compute.

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

STANDARD PROVISIONS FOR ACTS OF INCORPORATION.

Standard provisions for Acts of incorporation.

111. *The following provisions shall apply to every company incorporated after this Act goes into effect by or under the authority of an Act of the Parliament of Canada hereinafter referred to as the special Act and every such Act shall be read and construed, having due regard to the said provisions:—*

1. Every person whose life is insured under a policy or policies of the company for one thousand dollars or upwards, whether such person is a shareholder of the company or not, shall be a member of the company and shall be entitled to vote at all general meetings of the company, but policyholders as such shall not be entitled to vote for the election of shareholders' directors.

2. Any policyholder who is not a shareholder shall be eligible for election as a policyholders' director.

3. At the second annual meeting of the company there shall be elected by the policyholders from among their number policyholders' directors who are not shareholders to the number mentioned in the special Act.

4. Such policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.

Assessment Life Insurance Companies.

License or registration necessary.

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

Existing companies.

113. *After this Act goes into effect no company which carries on business of the nature described in the last preceding section hereinafter referred to as assessment companies, shall, except as in Part V. of this Act provided, be licensed or registered to carry on business thereunder, but licenses to such companies in force when this Act goes into effect may nevertheless be from time to time renewed.*

Exemption of existing companies.

114. *Any such company now licensed, so long as its license continues in force by renewal or otherwise, shall be exempted from the foregoing provisions of this Act relating to the maintenance of the reserve in respect of its policies outstanding at the date in the next following section mentioned.*

Reserve fund of existing companies.

115. *From and after the first day of January, one thousand nine hundred and nine, every such company so exempted shall be bound to accumulate and continuously maintain, in respect of all policies issued on and after that date, a reserve computed upon the basis of the National Fraternal Congress table of mortality and a rate of interest of four per cent, every such policy or certificate being regarded for the purpose of computation as a contract for the whole of life, with level premiums, and such reserve shall be held and charged as a liability of the company so exempted.*

Default in maintenance of reserve.

116. *All the provisions of this Act applicable, in the case of life insurance companies not so exempted, to any default in the maintenance of the reserve which such life insurance companies are required to accumulate and maintain, shall apply, in the case of each such exempted company, to any default in the maintenance of its said reserve.*

Books and accounts.

117. *Every company so exempted shall keep separate and distinct books and separate and distinct accounts of business, in respect of policies and certificates issued prior to and on or after the said first day of January, one thousand nine hundred and nine; and each set of books shall contain all the details of the business to which such set of books applies, and in respect of the moneys received and expended in respect thereof, and of the moneys, securities, assets and liabilities appertaining to the same, and the reserve by this Act required to be accumulated and maintained shall ,at all times, be maintained over and above, and in addition to any moneys, securities or assets which may be in the possession of such company, arising from or received in respect of policies or certificates issued prior to the said first day of January, one thousand nine hundred and nine.*

Renewal necessary.

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

Returns of their conditions and affairs.

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

Death claims first charge.

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

Use of assessment for such purpose.

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

Notice. Foreign companies.

120. Every application, policy and certificate, issued or used,—

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

Canada companies.

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

To be printed.

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

Words.

This association is required by law to maintain only the reserve which is required of assessment companies.

Promise to pay out of certain funds.

121. Every policy issued or used in Canada by any company referred to in the last preceding section shall contain a promise to pay the whole amount therein mentioned out of the

death fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association shall be bound, forthwith and from time to time, to make assessments to an amount adequate, with its other available funds, to pay all obligations created under any such certificate or policy without deduction or abatement.

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

122. Every policy issued by an assessment company incorporated or legally formed elsewhere than in Canada, in favour of a resident of Canada, shall have a clause embodied therein or endorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken in any court of competent jurisdiction in the province wherein the policyholder resides or last resided before his decease, and such policy shall not contain any provision inconsistent with such clause. Clause stating where action brought.

123. No such company shall assure to any of its members a certain annuity, either immediate or deferred, whether for life or a term of years, or any endowment whatever. Companies assuring annuities ineligible for license.

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

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

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

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

Deposit compulsory.

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

Separate and distinct register and books.

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

Contents.

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

Use of reserves or assets.

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

Application of Act to assessment companies.

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

PART III.

FIRE AND INLAND MARINE INSURANCE.

Application of Part.

Fire and inland marine.

129. This part applies only to fire and inland marine insurance companies, and to other insurance companies carrying on fire and other insurance, or inland marine and other insurance, in so far only as relates to the fire or inland marine insurance business of such companies.

Forfeiture and Renewal of Licenses.

Licenses forfeited for failure to make deposit or pay claims.

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

Renewal under certain conditions.

131. Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the Minister of the failure of the company to pay any undisputed claim or the amount of any final judgment, as provided

in the last preceding section, all undisputed claims or final judgments upon or against the company in Canada are paid and satisfied.

Companies ceasing to do Business and Release of Deposits.

Company ceasing business to reinsure.

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

Delivery of securities.

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

Application for securities.

133. Upon making application for its securities the company shall file with the Minister a list of all Canadian policyholders who have not been so reinsured, or who have not surrendered their policies; and it shall at the same time publish in the *Canada Gazette* a notice that it has applied to the Minister for the release of its securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named.

Steps to be taken.

Order for release of securities

2. After that day if the Minister, with the concurrence of the Treasury Board is satisfied that the company has ample assets to meet its liabilities to Canadian policyholders, he may order that all the securities be released to it, or that a sufficient amount of them be retained to cover the value of all risks outstanding or respecting which opposition has been filed, and that the remainder be released.

Further releases.

3. Thereafter from time to time as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid.

Payment of losses after cancellation of license.

134. When a company has ceased to transact business in Canada after the notice by this Part required has been given, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not reinsured or surrendered, as if such license had not been withdrawn.

Fire Policies.

Duration.

135. No fire policy shall be issued for or extend over a longer period than three years.

Reserve Liability.

Computation for annual statement.

136. *For the purposes of the annual statement required to be furnished to the Superintendent under this Act by any company transacting fire or inland marine insurance or both the liability of the company if a Canadian company in respect of* all *its outstanding unmatured policies, or if a company other than a Canadian company in respect of its oustanding unmatured policies* in Canada, *shall be eighty per cent of the un-*

earned premiums computed pro rata *as at the date of such statement: Provided, howeevr, that for the purposes of section 19 and the second subsection of section 20 of this Act the reinsurance value of the outstanding unmatured Canadian policies of a company other than a Canadian company shall be the full unearned premiums computed* pro rata *as aforesaid.*

2. In the case of any such company which transacts business on the premium note system or partly on the cash system and partly on the said premium note system, the liability of such company, for the purposes of such statement, in respect of its premium note business shall be eighty per cent of the unearned portion of the cash received upon and of the balance usually collectable in respect of all outstanding premium notes held by the company computed pro rata *as at the date of such statement, and the amount of such premium notes in excess of the amount so usually collectable thereon shall be regarded as a contingent asset only.*

Impairment of Capital and Payment of Dividends.

Assets, minimum amount of.

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

Dividend not to impair capital.

2. No dividend shall be paid by any such company while its capital is impaired or while its assets are less than the amount required by the next preceding subsection, nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital.

Penalty.

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

(a) Forthwith withdraw the company's license; or

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

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

138. *Any insurance company within the legislative power of the Parliament of Canada having power to carry on the business of fire insurance may, when duly licensed for that purpose, carry on the business of cyclone or tornado insurance.* Cyclone and tornado insurance.

139. *Any insurance company within the legislative power of the Parliament of Canada having power to carry on the business of inland marine insurance may, when duly licensed for that purpose, carry on the business of inland transportation insurance.* Inland transportation insurance.

PART IV.

INSURANCE OTHER THAN LIFE, FIRE OR INLAND MARINE.

Licenses.

140. *This Part applies to companies carrying on business of insurance other than life, fire or inland marine insurance.* Application of Part.

141. *No such company shall accept any risk or issue any policy of insurance or interim receipt or receive any premium in respect thereof or carry on any business of insurance in Canada without first obtaining a license from the Minister to carry on such business. The Treasury Board shall determine in each case what deposit shall be required to be made with the Minister.* License required.

142. *The provisions of this Act applicable to fire insurance companies and the business of fire insurance shall,* mutatis mutandis, *apply to every such company and its business as to all matters not otherwise provided for herein.* Provisions applicable.

143. The Treasury Board, upon the report of the Superintendent, may revoke any license issued under this Part if sufficient cause therefor is shown by such report. Revocation of license.

144. *Any company which is within the legislative power of the Parliament of Canada having power and being at the time this Act goes into effect licensed to guarantee the fidelity of persons in positions of trust may, upon making such further deposit and upon complying with such terms as may be fixed and prescribed by the Treasury Board on the report of the Superintendent and upon being duly licensed for that purpose, carry on the business of guarantee insurance as defined in section 2 of this Act.* Guarantee insurance.

145. *Any company whic his within the legislative power of the Parliament of Canada having power and being at the time this Act goes into effect licensed to insure against bodily injury and death by accident may upon making such further deposit and upon complying with such terms as may be fixed and prescribed by the Treasury Board upon the report of the Superintendent and upon being duly licensed for that purpose, carry on the business of accident insurance as defined in section 2 of this Act.* Accident insurance.

Title insurance.

146. *No company which is licensed to carry on the business of title insurance shall be required to maintain as such any re-insurance reserve in respect of its outstanding policies or contracts of insurance.*

PART V.

FRATERNAL BENEFICIARY INSURANCE.

License.

147. *Any society or association of persons for fraternal, benevolent or religious purposes, among which purposes is the insurance only of the lives of the members thereof exclusively, or any association for the purposes of life insurance formed in connection with any such society or association and exclusively from its members and which insures the lives of such members exclusively, may apply to the Minister for license as a Fraternal Beneficiary Association under this Part, and upon such license being granted, such society or association shall be deemed to be thereby authorized to transact business as a Fraternal Beneficiary Association under this Part, and shall cease to be exempt from the application of this Act except as set forth in this Part.*

Ineligible societies.

2. No such society or association shall be licensed under this Part:—

(a) If it insures against contingencies other than sickness, disability or death or for a sum or sums exceeding, in addition to the sickness and funeral benefits, if any, the sum of five thousand dollars on any one life; or

(b) If it undertakes endowment insurance; or if it undertakes annuities upon lives; or undertakes investment bond or tontine or semi-tontine contracts; or

(c) If it is in effect the property of its officers or collectors, or belongs to any private proprietory, or if it is conducted as a trading or mercantile venture, or for purposes of commercial gain; and,

(d) In the case of any society or association not licensed or registered under this Act before the first day of January, one thousand nine hundred and nine, unless provision is made in its insurance contracts for the regular payment and collection of premiums or assessments not less, in respect of sums payable at death, than the rates of premium derived from the National Fraternal Congress Table of Mortality and a rate of interest of four per centum per annum; and, in respect of sums payable during sickness, not less than the rates of premium therefor derived from such standard or other tables as are, in the opinion of the Superintendent, appropriate, and the aforesaid rate of interest; and, in respect of sums payable at or during disability, unless, in the opinion of the Superintendent, sufficient provision is also made therefor in such society's or association's premiums.

Societies already licensed.

148. *Every society or association which is a Fraternal Beneficiary society or association within the meaning and intent of the next preceding section and which before the first day of January, one thousand nine hundred and nine, is licensed or*

registered under the Insurance Act, shall, subject to compliance with the provisions of subsection (d) of the said next preceding section in respect of all policies or certificates to be issued by such society or association on or after the first day of January, one thousand nine hundred and nine, be eligible for license as a Fraternal Beneficiary Association under this Part and shall be subject to the provisions hereof.

Deposit before issue of license.

2. Every society or association not licensed or registered under the Insurance Act before the first day of January, one thousand nine hundred and nine, which applies on or after the said first day of January, one thousand nine hundred and nine, for license under this Part, shall before the issue of such license deposit with the Minister in securities approved of by the Treasury Board the sum of fifty thousand dollars.

Further deposit.

3. The Minister upon the report of the Superintendent approved of by the Treasury Board, may from time to time require from any such society or association as is referred to in the next preceding subsection, if such society or association is other than a Canadian society or association, such other and further deposit as he may deem necessary or desirable.

Contents of license.

149. *The license under this Part shall specify that the society or association is licensed to transact life, sickness and disability insurance, or as the case may be, with its members as a Fraternal Beneficiary Society or Association under this Part.*

Reserve.

150. *Every society or association licensed under this Part shall in respect of all policies or certificates issued by such society or association on or after the first day of January, one thousand nine hundred and nine, or on or after the date of the license, if such license be granted after the first day of January, one thousand nine hundred and nine, maintain, as to sums payable at death, the reserves, ascertained by the net premium method, required by the National Fraternal Congress Table of Mortality and a rate of interest of four per centum per annum, and as to sums payable at or during sickness or disability, shall maintain such additional reserves as are required by such standard or other tables as may in the opinion of the Superintendent be appropriate, and the rate of interest aforesaid; and the amount of the reserve so ascertained as aforesaid shall for all purposes whatsoever be deemed to be a liability of such society or association.*

Books and accounts.

2. Every society or association licensed or registered under the Insurance Act before the first day of January, one thousand nine hundred and nine, and relicensed under this Part, and every society or association licensed under this Part after the said first day of Janaury, one thousand nine hundred and nine, shall keep separate and distinct books and separate and distinct accounts of business in respect of policies or certificates issued prior to and on or after the date of such license or relicense, as the case may be, and each set of books shall contain full particulars of the business to which such set of books applies, and in respect of the moneys received and expended in respect thereof, and of the moneys, securities, assets and liabilities appertaining to the same; and no moneys or

other assets received on account of policies or certificates of the one class shall be transferred or credited to, or in any manner whatsoever diverted to the use of, policies or certificates of the other class.

By-laws to be filed.

151. *On or before the issue of the license mentioned in section 149 of this Act the society or association shall file in the office of the Superintendent a certified copy of its by-laws or rules, and in the event of the society or association at any time thereafter amending the said by-laws or rules it shall forthwith file in the office of the Superintendent a certified copy of the by-laws or rules as amended.*

Form of policy to be filed.

2. On or after the first day of January, one thousand nine hundred and nine, no policy or certificate shall be issued or delivered by any society or association licensed or relicensed under this Part until a copy of the form thereof has been filed at least thirty days with the Superintendent; nor if the Superintendent notifies the society or association within said thirty days that in his opinion the form of such policy or certificate does not comply with the requirements of this Act, or that it is on other grounds objectionable, specifying his reasons for his opinion.

Insurance and benefit funds.

3. The by-laws or rules of every such society or association shall make clear and explicit provision for the distribution of its income between its insurance or benefit funds and its expense fund, and no part of any moneys appropriated by the said by-laws or rules for the insurance or benefit funds of the society or association, and no moneys or other assets forming part of the reserve required by this Part to be maintained, shall be available or be used for any expense whatsoever.

Reference in policy to by-laws.

152. *In lieu of setting out in full on the face or back of the policy or certificate all the conditions, stipulations or provisos modifying or impairing the effect of the policy or certificate as is provided in section 86 of this Act such society or association may indicate in the policy or certificate itself, or by endorsement thereon, by number, those articles or provisions of its by-laws or rules which contain all the material terms of the contract not in the policy or certificate itself set out: Provided that any member of such society or association shall be entitled from time to time on demand and on paying the fee, not exceeding the sum of twenty-five cents, prescribed therefor by such by-laws or rules, to receive from such society or association a copy of its by-laws or rules.*

Notice on policy.

153. *On and after the first day of January, one thousand nine hundred and nine, every policy or certificate form and every application therefor issued or used in Canada by any such society or association shall contain in large type a notice in the following words or to the like effect:—'This association is licensed under Part V. of the Insurance Act as a Fraternal Beneficiary Association and makes the provision for its policies or certificates issued after the first day of January, one thousand nine hundred and nine,'* (giving the date of the license), *'required by section 150, which section is in the following words'*— (section to be quoted in full).

2. If the by-laws or rules of such society or association reserve the right to collect from the holders of its policies or certificates issued after the said date further or extra premiums to provide for any deficiency arising under said policies or certificates the notice required by the foregoing subsection shall also contain the words following or to the like effect: 'and the by-laws of the association provide for extra assessment for any deficiency arising under its contracts.'

Notice as to extra assessments.

FORM A.

This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 190 .

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 190 .

Of the condition and affairs of .....

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

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

LIST OF SHAREHOLDERS.

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

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

LIST OF DIRECTORS.

As at.....190 . *(Date of filing of Statement.)*

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

	New Premiums.	Renewals.
18. Gross premiums due and uncollected on policies in force.....	$	$
Gross deferred premiums on same.....		
Totals.....		
Deduct loading at.....per cent on 'new' and .....per cent on 'renewals'.....		

Net amount of outstanding and deferred premiums.....		
Total Assets.....		

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

	$	cts.
III.—LIABILITIES.		
1. Amount computed or estimated upon the statutory basis, without regard to expense provision, to cover the present value of all policies, reversionary additions, premium reductions, and annuities in force.....		
Additional reserves voluntarily maintained to bring the total reserves up to the net values by the.....table and.....per cent., *(being the Company's voluntary basis of valuation)*.....		
Total.....		
Deduct value of policies reinsured.....		
Net reserve *(particulars as in Detail* I. A.*)*.....		
Deduct amount credited to new assurance expense fund *(the full statutory allowance being*...$..... *as shown in Detail* I. B.*)*.....		
Net reserve, less allowance for new business.....$.....		
2. Present value of amounts not yet due on matured instalment policies.....		
3. Amount calculated, or otherwise ascertained, and reserved for apportionment to deferred dividend policies.....$.....		
Amount calculated, or otherwise ascertained, and reserved for apportionment to policies other than annual dividend and deferred dividend policies.....$.....		
Total *(particulars as called for by Detail* 2.*)*.....		
4. Claims for death losses :		
(1) Due and unpaid.....$.....		
(2) Adjusted but not due.....		
(3) Unadjusted but not resisted.....		
(4) Resisted—in suit.....		
do not in suit.....		
5. Claims for matured endowment :		
(1) Due and unpaid.....$.....		
(2) Adjusted but not due.....		
(3) Unadjusted but not resisted.....		
(4) Resisted—in suit.....		
do not in suit.....		
(If any of the items in 4 and 5 accrued in previous years state the amounts.)		
6. (1) Due and unpaid annuity claims.....$.....		
(2) Resisted—in suit.....		
(2) do not in suit.....		
7. Surrender values claimable on policies cancelled whose reserves are not included in item 1.....		
8. Amount of dividends or bonuses to policy holders due and unpaid.		
9. Amount of dividends to stockholders due and unpaid.....		
10. Due on account of office and other expenses.....		
10. (*a*) Premiums paid in advance.....		
11. Due on account of loans.....		
12. Amount of all other liability of the company *(with details)*.....		
13. Total liability.....		
14. Surplus on policyholders' account.....		
15. Capital stock paid up.....		
16. Surplus above all liabilities and capital.....		

SYNOPSIS OF LEDGER ACCOUNTS.

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

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

* If a net loss has been sustained upon securities sold a deduction shouldhere be made.

V.—EXPENDITURE DURING THE YEAR.	$	cts.
1. Cash paid for death losses (including bonus additions) ... $		
Payments on matured instalment policies		
Total ..... $		
Deduct amount received from other companies for reinsured death claims		
Net amount paid for death claims		
2. Cash paid for matured endowments (including bonuses) ... $		
Deduct amount received from other companies for reinsured endowment claims		
Net amount paid for endowment claims		
3. Total amount paid for death claims and matured endowments ..... *(If any of the items in 1 and 2 accrued in previous years state the amounts. Also state the amounts of any reversionary bonuses.)*		
4. Cash paid to annuitants		
5. Cash (and premium obligations, &c.), paid for surrendered policies ..... $		
6. Cash dividends paid to policy-holders		
Cash dividends applied in payment of prem		
Total carried out		
7. Total amount paid to policy-holders, ...		
8. Expenditures for new business		
Commissions on—		
Annual prem. policies, $ ... . ; less reinsurance, $		
Single prem. policies, $ ..... ; less reinsurance, $		
Annuities proper, $ ..... ; less reinsurance, $		
Commissions advanced in respect of new business		
Medical fees		
*Inspection of risks		
*Salaries of Agents, Inspectors, Agency Managers, Superintendents, Supervisors, Clerks and other agency employees		
*Travelling expenses of Agents, Inspectors, Agency Managers, Superintendents, Supervisors, Clerks and other agency employees		
*Salaries of Home Office Officials and employees		
*Travelling expenses of Home Office Officials and employees		
*Rent of Home Office, $ ..... ; of agencies (including light, heat, caretaking, &c.), $		
*Miscellaneous : Advertising, $ ..... ; printing, $ ..... ; stationery, books, &c., $ ..... ; postage, $ ..... ; express, $ ..... ; freight, $		
Other First Year Expenditure, *(in detail):*		
....		
....		
Total expenditure for new business		
9. Renewal Expenditures :		
Commissions on—		
Annual prem. policies, $ ..... ; less reinsurance, $		
Single prem. policies, $ ..... ; less reinsurance, $		
Annuities proper ..... $ ..... ; less reinsurance, $		
Renewal commissions commuted		
*Inspection of risks		
*Salaries of Agents, Inspectors, Agency Managers, Superintendents, Supervisors, Clerks and other agency employees		
Travelling expenses of Agents, Inspectors, Agency Managers, Superintendents, Supervisors, Clerks and other agency employees		
*Salaries of Home Office officials and employees		
*Travelling expenses of Home Office officials and employees		
*Rent of Home Office, $ ..... ; of agencies, (including light, heat, caretaking, etc.), $		
*Miscellaneous : Advertising, $ ..... ; printing, $ ..... stationery, books, etc., $ ..... ; postage, $ ..... ; express, $ ..... freight, $		
Other Renewal Expenditure, *(in detail):*		
....		
....		
Total renewal expenditure		

* *(The total expenditure under these heads should be equitably apportioned between New and Renewal business).*

V.—EXPENDITURE DURING THE YEAR—*Continued.*	$	cts.
10. Cash paid to stockholders for interest or dividends		
11. Cash paid for taxes, licenses ; fees or fines		
12. All other expenditures *(in detail)*		
Total expenditure		

NOTE—*A seperate statement is required showing the remuneration of each of the directors, trustees, officers, agents or other employees of the Company, in all cases where such remuneration is equal to or in excess of $4,000 giving the name of each such officer. For purposes of such statement, the term 'remuneration' includes salary proper, fees, commission or other payment or allowance, and there should also be shown seperately the amount paid to each such person by way of travelling expenses.*

VI.—PREMIUM NOTE ACCOUNT.	$	cts.
1. Premium obligations on hand at commencement of year		
2 Premium obligations received during the year		
Total		
3. D ductions during the year, viz. :—		
Amount of obligations—		
(1) Used in payment of claims		
(2) Used in purchase of surrendered policies		
(3) Used in payment of dividends to policy-holders		
(4) Voided by lapse		
(5) Redeemed in cash		
Total deductions		
Balance, note assets at the end of the year		
In the following items instalment policies and policies with deferred payments should be entered at their commuted value.		
VII.—MISCELLANEOUS.		
1. Number of new policies taken during the year and paid for in cash		
2. Amount of said policies		
3. Amount of said policies reinsured in other licensed companies in Canada		
4. Number of policies become claims (including matured endowments) during the year		
5. Amount of said claims (including matured endowments)		
6. Amount of above claims reinsured in other licensed com panies in Canada		
Net amount carried out		
7. Number of policies in force at date		
8. Amount of said policies		
Bonus additions thereto		
Total		
9. Amount of said policies reinsured in other licensed companies in Canada,		
including bonus additions		
10. Net amount in force at (*date*)		
11. Number of Life Annuities in force at (*date*)		
12. Amount of annual payments thereunder		

VIII.—EXHIBIT OF POLICIES.

Classification.	1.—Whole Life Policies.		2.—Endowment Policies.		3.—All other Policies.		4.—Bonus Additions.	5.—Total Nos. and Amounts.	
	No.	Amount.	No.	Amount.	No.	Amount.	Amount.	No.	Amount.
		$		$		$	$		$
1. At the end of previous year.....									
2. New policies issued									
3. Old policies revived.....									
4. Old, changed and increased.....									
Totals.....									
Deduct ceased :									
5. By death									
6. By maturity.....									
7. By expiry									
8. By surrender									
9. By lapse.....									
10. By change and decrease.....									
11. By not taken.....									
12. Total terminated.....									
13. Outstanding, end of year									
14. Policies re-insured..									

Note.—Instalment policies should be entered and deducted in the above Exhibit of Policies for the commuted value of instalments only.

ITEM I.—

DETAIL 1.

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

1. Whole Life Assurances in force :—
   (a) With Profit Assurances :

	No. of Policies in Force.	Amount in Force.	Value.
Gross number and amounts	.....	.....	.....
Less re-insured.....	.....	.....	.....
Net number and amounts.....	.....	.....	.....

   (b) Without Profit Assurances : *(as above)*.
2. Endowment Assurances in Force : *(as above)*.
3. Temporary and other remaining Assurances in Force : *(as above)*.
4. *(a)* Bonus Additions :

	Amount of Bonus Additions.	Value.
	.....	.....

   (b) Premium Reductions :

	Amount per Annum.	Value.
	.....	.....

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

	No.	Yearly Amount Payable.	Value.
	.....	.....	.....

6. Life Annuities Proper :—

	No.	Yearly Amount Payable.	Value.
	.....	.....	.....

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

B.—STATEMENT SHOWING PARTICULARS OF POLICIES SUBJECT OF A NET PREMIUM EQUAL TO, OR GREATER THAN THE CORRESPONDING WHOLE LIFE PREMIUM. *(For purposes of this return, all policies of the same average duration, falling within the above mentioned category may be combined, irrespective of plan).*

POLICIES IN FORCE AT DATE OF RETURN, ISSUED DURING THE YEAR ENDED ....19... AVERAGE DURATION, ONE-HALF YEAR.

(1.) Age of Issue.	(2.) Amount of Policies.	(3.) Statutory reduction of Hm $3\frac{1}{2}$ p.c. net reserve (upon amts., in column (2).
....	.....	....
.....	....	....
....	....	.....
(Columns (2) and (3) to be summed.)		

(Similar tables showing particulars of policies of which the average duration at the date of return are $1\frac{1}{2}$, $2\frac{1}{2}$, $3\frac{1}{2}$ and $4\frac{1}{2}$ years, respectively, must be furnished.

DETAIL 2.

1. Give separately the amounts held to the credit of deferred dividend policies in accordance with the requirements below specified:

Class of Policy. (*As Whole Life, 20 Payment Life, &c., each class separately.*)	Year of Issue.	Deferred Dividend Period.	No. of Policies in Force.	Amount in Force.	Amount held awaiting Apportionment.

2—.Give separately the amounts held to the credit of policies other than annual dividend, or deferred dividend, in accordance with the requirements below specified.

Class of Policy. (*As Whole Life, &c.*)	Dividend Period.	No. of Policies in Force.	Amount in Force.	Amount held awaiting Apportionment.

DETAIL 3.

A.

NEW POLICIES ISSUED AND PAID FOR DURING THE YEAR ENDED DECEMBER 31, 19...

(1) Age of Issue.	(2) Amount of Policies.	(3) Office Premiums on amts. in Col. (2).	(4) Net Premiums on amts. in Col. (2).	(5) (3) less (4): being the loading.
		(Each Plan Separately).		

B.

POLICIES OTHER THAN NEW POLICIES, IN FORCE DECEMBER 31, 19....

(1) Date of Issue.	(2) Age of Issue.	(3) Amount of Policies.	(4) Office Premiums on amts. in Col. (3).	(5) Net Premiums on amts. in Col. (3).	(6) (4) less (5): being the loading.

DETAIL 4.

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

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

2. Give the present value of the Loading included in the future Office Premiums collectable on policies in force at the date of return: such present value to be given separately for each class of business referred to in the detail of Actuarial Liabilities, and the basis of calculation to be clearly stated

(For purposes of this section, the loading shall consist of the excess of the Office Premium over the Net Premium as ascertained upon the basis employed in the calculation of Actuarial Liabilities.)

3. Statement respecting profits paid:—

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

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

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

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

FORM A. 1.

SCHEDULE SHOWING MOVEMENT OF SECURITIES FOR THE THREE MONTHS BEGINNING 1ST DAY OF.....19 , AND ENDING...DAY OF.....190 .

(a) BONDS, STOCKS AND DEBENTURES PURCHASED.

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

(b) MONEYS INVESTED IN MORTGAGE.

Short Description of Mortgaged Property.	Mortgagor.	Rate of Interest.	Date of Mortgage.	Date of Maturity and how payable, *i.e.* by instalments or otherwise.	Amount of Mortgage.

(c) REAL ESTATE PURCHASED.

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

(d) BONDS, STOCKS AND DEBENTURES SOLD.

Description of Bond.	To whom sold.	When sold.	Commission paid, (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par value.	Value in account.	Price, or other consideration received.

(e) PRINCIPAL MONEYS RECEIVED UPON MORTGAGES, OR CONSIDERATION FOR MORTGAGES SOLD.

Short Description of Mortgaged Property.	Rates of Interest borne by Mortgage.	If sold to whom.	State whether Mortgage sold, paid off in full, or payment made on account.	Amount received on account or in full, or consideration in case of sale.

(f) REAL ESTATE SOLD.

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

Form B.

DETAILS OF ANNUAL STATEMENTS—FIRE AND INLAND MARINE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder; also a list of the directors, as at date of filing the statement.

The Property or Assets held by the Company, specifying,—

The value (as nearly as may be) of the real estate held by the company;

The amount of cash on hand and deposited in banks to the credit of the company—specifying in what banks the same is deposited with amounts separately ;

The amount of cash in the hands of agents;

The amount of loans secured by bonds and mortgages constituting, either a first or second lien on real estate, in separate schedules;

The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof;

The amounts due the company for which judgments have been obtained;

The amount of Canadian stocks held by the company, and of any other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stock owned by the company absolutely;

The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value;

The amount of assessments on stock and premium notes, paid and unpaid;

The amount of interest actually due and unpaid; also the amount of interest accrued and unpaid;

The amount of premium notes on hand on which policies are issued, with amount paid thereon; also, bills receivable held by the company and considered good, the amounts of each class separately, and the amounts on each class overdue;

The amount of all other property belonging to the company, with a detail thereof.

Liability of the Company, specifying,—

The amount of losses due and yet unpaid;

Amount of losses adjusted, but not due;

Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the company upon which no action has been taken—the amounts of each class separately, carrying out the totals in one sum;

Amount of claims for losses resisted by the company, distinguishing those in suit;

Amount of dividends declared and due, and remaining unpaid;

Amount of dividends declared, but not yet due ;

Amount of money borrowed, and security given for payment thereof—stating each loan separately, and the interest paid therefor;

The amount of unearned fire premiums;

Amount of unearned inland marine premiums;

Amount received for marine (ocean) premiums, not marked off;

Amount of all other claims against the company, with a detailed statement thereof;

Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock.

Income of the Company, specifying,—

Amount of cash premiums received, less reinsurance;

Amount of notes received for premiums, less reinsurance;

Amount of interest money received;

Amount of income received from all other sources.

Expenditure of the Company, specifying,—

Amount paid for losses which occurred prior to the first day of January last, deducting savings and salvage, which losses were estimated in the last statement at $;

Amount paid for losses which occurred during the year, deducting savings and salvage;

Total amount actually paid during the year for losses in each branch, in separate columns ;

Amount and rate of dividends paid during the year;

Amount of expenses paid during the year, including commissions and fees to agents and officers of the company;

Amount of all other payments and expenditure, with details thereof.

Miscellaneous.

Gross amount of risks taken during the year, original and renewal, in each branch of the company's business separately—deducting amount of reinsurance effected thereon in each branch separately;

And amount of risks in force at end of the year in each branch of the company's business, deducting reinsurance; and showing at foot, in separate columns, the net amount of risks then in force.

Form C.

FORM OF DECLARATION TO ACCOMPANY THE STATEMENT.

Province of }
County of }

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company on the said day of last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively.

Signatures.

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

Form C1.

VERIFYING QUARTERLY STATEMENT.

Province of }
County of }

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that according to the best of their knowledge, information and belief the foregoing statement correctly sets forth (*a*) the bonds, stocks and debentures purchased by the company, (*b*) the moneys invested by the company on mortgage, (*c*) the real estate purchased by the company, (*d*) the bonds, stocks and debentures sold by the company, (*e*) the principal moneys received upon mortgages and consideration for mortgages sold by the company, and (*f*)

the real estate sold by the company with full and accurate particulars in each case as called for by said statement during three months commencing the first day of , 19 , and ending the day of , 19 .

Signatures.

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

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

FORM D.

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

LIST of policyholders and amounts tendered.

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

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

(Signed)

Minister of Finance, Canada.

(Signed)

Superintendent of Insurance.

FORM E.

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

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

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

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

Yours, &c.,

(Signed)

Superintendent of Insurance.

Name.	Number and Amount of Policy.	Amount Tendered

No. 42.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting Insurance.

First reading, Dec. 18, 1907.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 43.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

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

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

"2. In case any person or corporation desires to erect, place or maintain across the railway any line or lines, wire or wires, for telegraphs, telephones or the conveyance of light, heat, power or electricity, or to carry water mains under the railway, such person or corporation shall give to an official of the railway company notice in writing of the intention so to do and that in ten days they will proceed with the work set out in such notice unless the railway company sooner serves an order from the Board restraining the said person or corporation from proceeding with such work. Notice to company.

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

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

"5. In no case shall any municipal corporation or telephone or telegraph company be required to pay to the railway company any fee for the supervision of the work that is so under- Expenses of supervision of work.

taken; but in every case where a water main is carried under the railway the person or corporation so carrying it shall pay to the railway company a sum not exceeding three dollars per day for the services of the railway company's engineer in supervising such work.

Authorization of Board.

"6. Save as in this section provided, no lines or wires for telegraphs or telephones, or the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway, nor shall any water mains be placed under the railway, without the leave of the Board."

No. 43.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, December 18, 1907.

MR. BARR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

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

No. 43.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

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

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

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

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

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

"5. In no case shall any municipal corporation or telephone or telegraph company be required to pay to the railway company any fee for the supervision of the work that is so under- Expenses of supervision of work.

taken; but in every case where a water main, conduit or sewer is carried under the railway the person or corporation so carrying it shall pay to the railway company a sum not exceeding three dollars per day for the services of the railway company's engineer in supervising such work.

Authorization of Board.

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

No. 43.

4th Session, 10th Parliament, 7-8 Edward VII

BILL.

An Act to amend the Railway

(*Reprinted as proposed to be amer*
Committee of the Whole.)

MR. F

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Maj
1907-8

No. 44.] **BILL.** [1907-8

An Act to incorporate the Alberta North Western Railway Company.

Preamble.

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

Incorporation.

1. Georg Wilhelm Büxenstein and Hermann Danziger, both of the city of Berlin, Germany; Onesiphore Ernest Talbot, of St. Michel, in the province of Quebec, and Martin Cohn and Harold Buchanan McGiverin, both of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Alberta North Western Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

5. The annual meeting of the shareholders shall be held on the second Monday in September.

Directors.

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

Lines of railway described.

7. The Company may lay out, construct and operate the following lines of railway:—

(*a*) From a point on the line of the Calgary and Edmonton Railway Company between Olds and Innisfail, thence northwesterly by the most feasible route along the valleys of the Red Deer, Raven and Clearwater rivers to a point at or near Rocky Mountain House on the North Saskatchewan river, thence westerly along the North Saskatchewan river to a point in Kootenay plains in the Rocky Mountains, in the province of Alberta;

(*b*) From a point on or near the North Saskatchewan river between Bighorn and Sheep rivers, thence in a northwesterly direction to Brazeau river, thence in a northerly direction to and along McLeod river to a point on the line of the Grand Trunk Pacific Railway Company.

Special powers. Vessels.

8. The Company may, for the purposes of its undertaking,—

(*a*) construct, acquire, charter and dispose of steam and other vessels and operate them on any navigable waters in Canada, and may enter into agreements with owners of vessels, boats and ferries for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected therewith;

Hotels, etc.

(*b*) build, acquire or lease buildings for hotels, restaurants or houses of entertainment along the line of its railway, and may carry on all such business in connection therewith as is necessary or expedient for the comfort or convenience of travellers, and may lease any part of such buildings for any of such purposes;

Mining and lumbering.

(*c*) acquire, develop, work and dispose of mines, minerals, mining rights, timber, timber lands and colonization lands, and crush, smelt, reduce, amalgamate or otherwise treat and dispose of the ores and products of any such mines, or engage in mining and lumbering operations, or in the manufacture and sale of the products thereof, or settle, cultivate or colonize such lands;

Tramways, docks and buildings.

(*d*) build, acquire, maintain, operate, make use and dispose of tramways, motor vehicles, basins, docks, jetties, wharfs, sheds, viaducts, aqueducts, mill-races and dams, ditches, watercourses, mills, grain elevators, warehouses or other buildings and works along its line or at its termini;

Warehousing.

(*e*) carry on the business of forwarding agents, wharfingers and warehousemen.

Issue of securities on railway.

9. The securities issued by the Company in respect of its railway shall not exceed forty thousand dollars per mile, and may be issued only in proportion to the length of railway constructed or under contract to be constructed

Issue of securities on other property.

10. The Company may, from time to time, issue bonds, debentures, debenture stock or other securities for the construction or acquisition of any vessels, properties or works, other than the railway which the Company is authorized to construct, acquire or operate; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of such vessels, properties and works.

Mortgages to secure.

2. For the purpose of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described therein.

R.S., c. 37.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such bonds, debentures, debenture stock or other securities or mortgages.

11. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies. Telegraph and telephone lines.

2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time. Rates to be approved.

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

12. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Grand Trunk Pacific Railway Company, the Calgary and Edmonton Railway Company and the Canadian Pacific Railway Company, or any of them. Agreements with other companies.

No. 44.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Alberta North Western Railway Company.

First reading, January 8, 1908.

(PRIVATE BILL.)

MR. TALBOT,

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 45.] **BILL.** [1907-8

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

Line of railway authorized.

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may construct or acquire and operate a line of railway from a point at or near Killam or some other point in township forty-four, ranges thirteen and fourteen, west of the fourth meridian, in a northwesterly direction, to a point at or near Strathcona, in the province of Alberta.

Time for construction limited.

2. The said railway shall be commenced within two years and completed within five years after the passing of this Act, and if the Company fails to commence and complete the said railway within the times limited, the powers granted for its construction shall cease and determine as to so much thereof as then remains uncompleted.

Issue of bonds.

R.S., c. 37.

3. Subject to the provisions of sections 136 (excepting subsection 1 thereof) to section 146, both inclusive, of *The Railway Act*, not inconsistent with the Company's Special Act as that expression is defined in *The Railway Act*, the Company may issue bonds in respect of the said railway to the extent of twenty-five thousand dollars per mile thereof in proportion to the length of railway constructed or under contract to be constructed, which bonds shall—subject, in the first instance, to the payment of any penalty imposed upon the Company for non-compliance with the requirements of *The Railway Act*, and next to the working expenditure of the said railway—be a first lien and charge and be secured exclusively upon the railway, the construction of which is authorized by this Act.

Issue of consolidated debenture stock in lieu of bonds.

4. In lieu of the bonds, the issue of which is authorized by this Act, the Company may issue consolidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank *pari passu* with holders of such consolidated debenture stock as the Company has prior to the passing of this Act been authorized to issue.

No. 45.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Canadian Pacific Railway Company.

First reading, January 8, 1908.

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 46.] **BILL.** [1907-8

An Act respecting the Cumberland Railway and Coal Company

WHEREAS the Cumberland 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 His 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 77 of the statutes of 1883 is repealed. 1883, c. 77, s. 3 repealed.

2. The Cumberland Railway and Coal Company, hereinafter called "the Company," may acquire the undertaking and property of the Spring Hill and Parrsboro' Coal and Railway Company, Limited, and may extend the railway of the said company to West Bay, in the county of Cumberland, and to Oxford station, in the said county, so as to connect with the railway under construction between Oxford and Pugwash, and may make running arrangements with the Great American and European Short Line Railway Company over the section of its railway between Oxford and Pugwash, and may buy or lease other coal mines, coal lands [or timber limits in the province of Nova Scotia, or in the province of New Brunswick], and may buy, lease or construct wharfs in connection with its mines or railway; may work its mines or railway [to generate electricity and supply light, heat or power produced thereby; may acquire and hold, subject to section 149 of *The Railway Act*, stock, shares or bonds in other companies]; and may sell any mines [or other real or personal property] it has acquired and may buy, hire, charter, operate and sell vessels, steamers, ships and other suitable craft, for the transportation of coal and other minerals to ports in Canada or elsewhere. Company may acquire Spring Hill and Parrsboro' Ry. Co. Extend railway to West Bay and Oxford. Running arrangements over other lines. Coal mines, lands and timber. Wharfs. Electricity, light or power. Shares of other companies. Mines. Vessels.

2. No purchase of coal lands, coal mines or timber limits in the provinces of Nova Scotia or New Brunswick, heretofore made by the Company, shall be declared invalid by reason of any want of power in the Company to acquire the same. As to coal lands, mines and timber limits already purchased.

3. Section 7 of the said Act is repealed. S. 7 repealed.

4. The directors may, after the sanction of the shareholders has been first obtained [in accordance with section 136 of *The Railway Act*], issue bonds signed by the president or vice-president of the Company and countersigned by the secretary, and under the seal of the Company, and such bonds shall bear any Issue of bonds.

rate of interest [not exceeding eight per cent per annum], payable in Montreal or elsewhere, and shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the property of the Company, real and personal; provided always that the whole amount of such bonds shall not exceed dollars.

S. 13 repealed.

5. Section 13 of the said Act is repealed.

Number of directors.

6. The number of directors shall be not less than nine nor more than fifteen.

Annual meeting.

7. The annual meeting of the shareholders shall be held on the second Wednesday in February.

R.S., c. 37, s. 142.

8. Subsection 2 of section 142 of *The Railway Act* shall not apply to the Company.

Issue of preference stock.

9. The directors may make by-laws for creating and issuing any part of the capital stock as preference stock, giving it such preference and priority, as respects dividends and in any other respect, over ordinary stock as is declared by such by-laws.

Rights of preference shareholders.

2. Such by-laws 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 further control over the affairs of the Company as is considered expedient.

Approval of by-law.

3. No such by-law shall take effect until it has been sanctioned by a vote of three-fourths of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering such by-law (and such three-fourths of the shareholders must represent two-thirds of the stock of the Company) or until such by-law is sanctioned in writing by all the shareholders of the Company.

Preference shareholders defined.

10. Holders of shares of such preference stock shall be shareholders within the meaning of the Act incorporating the Company and of *The Railway Act*, and shall in all respects possess the rights and be subject to the liabilities of shareholders: Provided that in respect of dividends and in any other respect declared by by-law authorized by either of the said Acts, they shall, as against the ordinary shareholders, be entitled to the preference and rights given by such by-law.

R.S., c. 37.

11. *The Railway Act* shall, so far as applicable, apply to the Company.

Mortgage in schedule confirmed.

12. The mortgage set out in the schedule to this Act, and the securities issued or to be issued thereunder, are hereby, subject to the provisions of *The Railway Act*, confirmed and declared to be valid and effectual according to the terms thereof.

SCHEDULE.

This indenture made in triplicate this thirteenth day of November, nineteen hundred and seven, between the Cumberland Railway and Coal Company, a company duly incorporated and having its head office at Montreal, in the province of Quebec, hereinafter called "the Company," of the first part, and the Royal Trust Company, a company duly incorporated, having its head office at the city of Montreal, in the province of Quebec, hereinafter called the "Trustee," of the second part.

Whereas the Company was duly incorporated by the Act 46 Victoria, Canada, chapter 77, under the name of the Cumberland Coal and Railway Company, and by the Act 47 Victoria, Canada, chapter 77, the name of the Company was changed to the Cumberland Railway and Coal Company; and whereas the paid up capital stock of the Company amounts to two million dollars; and whereas the Company has determined to issue bonds to the amount of one million five hundred thousand dollars as and in the manner and secured as hereinafter mentioned and provided; 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 said issue of bonds and the execution of these presents legal and valid in accordance with the statutes and laws in that behalf.

Now this indenture witnesseth that in consideration of the premises and of the sum of one dollar of lawful money of Canada to the Company in hand well and truly paid by the Trustee at or immediately before the ensealing and delivery of these presents (the receipt whereof is duly acknowledged), and in order to secure the payment of the principal and interest of the said bonds of the Company according to the tenor thereof, and in pursuance of the foregoing power and authority and every other power and authority it thereto enabling, the Company by these presents doth grant, bargain, sell, alien, release, convey, assign, transfer and set over unto the said The Royal Trust Company, its successors and assigns, all and singular the lands and lands covered with water, mining areas, buildings, grants of minerals, leases of minerals, leases of mining areas, licenses and rights of renewal of the coal mines, mining rights, easements, railways, tracks, roadbeds, wharves, tramways, bridges, piers, roads, telephone lines, revenues, tolls, which the Company may have or be entitled to, together, with all coal, ores, minerals, mineral substances, plant, machinery, patents, patent rights, locomotives and engines, rolling stock, ships, barges, stock of other corporations, contracts, obligations, powers, rights, privileges and all other personal property, whether situate in the province of Nova Scotia or elsewhere now owned or enjoyed by the Company or which at any time hereafter during the continuance of this security may be acquired, owned, held or enjoyed by it, except real, personal and mixed property specifically described in schedule "B" hereto. And for greater certainty but without limiting the generality of the foregoing description of the property hereby intended to be conveyed, the Company conveys to the Trustee the real personal and mixed property in the annexed schedule "A" described or intended so to be;

all said properties and premises hereby conveyed or agreed so to be being hereinafter designated as "The Mortgaged Premises."

To have and to hold the Mortgaged Premises, and every part thereof, unto and to the use of the Trustee, its successors and assigns, forever, upon and for the trusts and for the purposes following, namely:—

Article First.

BONDS.

I. Amount, form, etc.

A. The bonds to be secured by these presents are to be of date the first day of October, nineteen hundred and seven, and are to be for principal sums which shall not in the aggregate at any one time exceed the sum of one million five hundred thousand dollars, such principal sums being payable on the first day of October, one thousand nine hundred and thirty-seven or earlier, as therein and herein provided, with interest in the meantime at the rate of six per centum per annum, payable half-yearly. The bonds are to be numbered consecutively from one to fifteen hundred, and are to be substantially in the form set out in the schedule hereto attached, marked "C."

B. The signature of the secretary holding office at the date of this mortgage may be engraved or lithograved upon said coupons, and such engraved or lithograved signature shall be binding upon the Company, notwithstanding that such person may not be secretary when the bonds are delivered. The said bonds or any of them may be signed by the president or vice-president and secretary holding office at the time of signing; and notwithstanding any change in any of the persons holding said offices between the time of actual signing and the certifying and delivery of the bonds, and notwithstanding that the president or vice-president or secretary signing may not have held office at the date of certifying and delivery of said bonds, the bonds so signed shall be valid and binding upon the Company.

C. The Company shall forthwith make, execute and deliver to the Trustee all of the said bonds and the Trustee shall thereupon certify the same and deliver the same so certified to the Company or to its order. Provided however that the Trustee shall retain bonds of equal face value to the outstanding bonds of the issue of the first September, 1886, hereinafter referred to, and shall deliver the said bonds so retained to the Company from time to time only in exchange for a like amount of bonds of the said outstanding issue. The bonds so surrendered shall be held and retained by the Trustee as additional security for the holders of the bonds hereby secured until all of said bonds shall have been so surrendered, and thereupon the Trustee shall cause the said bonds so surrendered to be cancelled.

D. No bonds shall be valid or obligatory unless certified by the Trustee in the terms of the certificate proposed to be endorsed thereon.

II. Interim Certificate.

The Company may at its option in the first instance cause the Trustee to execute and the Trustee is hereby authorized

upon a resolution of the Board of Directors of the Company to sign and execute in its own name as Trustee hereunder and to deliver to the Company Interim Certificates in amounts of one thousand dollars or any multiple thereof for principal sums in the aggregate of one million five hundred thousand dollars, less such sum as may represent at their face value outstanding bonds of the issue of the 1st September, 1886, as aforesaid which Interim Certificates shall entitle the holders thereof to bonds when ready for delivery. Such Interim Certificates shall be secured by the mortgage hereby created, and shall be exchanged for a like amount in engraved or lithograved bonds of the Company to be issued so soon as possible after such bonds are engraved or lithograved and executed as hereinbefore provided.

III. No priority in bonds.

These presents shall secure the payment of each and all of the said bonds and interest without preference or priority of any one over any other bond by reason of priority in the issue or registration thereof, and each bond so soon as issued, reissued or negotiated, shall, subject to the terms hereof, be equally and proportionately secured hereby as if all had been issued, reissued or negotiated simultaneously.

IV. Registration of bonds.

A. The Company shall at all times keep at its head office in the City of Montreal, a book in which the holder of a bond may register the same. Such registration shall be noted on the bond after which no transfer will be valid unless made by the registered owner or his attorney on the transfer book where such bond is registered and noted on the bond itself, but the bond may be discharged from registry by being transferred to bearer after which it shall be transferable by delivery, but may be again and from time to time registered and discharged from registry. The Company before making any transfer will be entitled to demand reasonable evidence of identity or title that the person making transfer is entitled to do so, and no transfer shall be registered during the seven days immediately preceding the day by the bond fixed for payment of interest. Registration of a bond shall not restrain the negotiability of the coupons by delivery merely. The Company shall be entitled to a fee of twenty-five cents per bond for such registration to be paid by the bondholder.

B. The registered holder for the time being of any of the bonds when registered, and the bearer thereof for the time being when not registered, and the bearer of each of the interest coupons annexed to any of the bonds shall be entitled to the principal moneys and interest secured by such instruments respectively, free from any equities or rights of set-off or counter claim between the Company and the original or any intermediate holder thereof, and all persons may act accordingly; and the receipt of any such registered holder or bearer, as the case may be, for any such principal moneys and interest shall be a good discharge to the Company or the Trustee respectively for the same, and neither the Company nor the Trustee shall be bound to inquire into the title of any such registered holder or bearer. No notice of any trust will be entered on the register of bonds or otherwise recognized.

C. As regards unregistered bonds, the Company and the Trustee may treat a certificate signed by any bank approved by the Trustee, stating that the bearer of the certificate is entitled to any specified bond or bonds hereby secured and that such bond or bonds have been deposited with such bank and will remain so deposited until the surrender of the certificate, as sufficient evidence of the facts certified so far as concerns any request, direction or consent to be made or given by the holder of the bond or bonds; and as regards registered bonds so far as concerns any request or direction or consent as aforesaid the Company and the Trustee may treat the registered owner of any bond or bonds as the owner of the same, without actual production of such bond or bonds. The bearer of bonds not registered, and the bearer of interest coupons may be treated by the Company and the Trustee as the absolute owner of such bonds or coupons for all purposes.

V. Lost and Mutilated Bonds.

If any bond or coupon shall be lost, mutilated or destroyed, the Company may with the approval of the Trustee and upon such terms as to indemnity or otherwise as may be imposed cause to be issued and certified a new bond or coupon of like tenor and date and bearing the same serial number as the bond or coupon so mutilated, lost or destroyed, and which bond or coupon shall be secured hereby.

Article Second.

REISSUE OF BONDS.

It is hereby declared that all or any of the bonds of this series may be issued absolutely or may be issued pledged, charged or hypothecated from time to time by the Company as security for advances or loans to or for indebtedness or other obligations of the Company, and when redelivered to the Company or its nominees, on or without payment, satisfaction, release or discharge, in whole or in part of any of such advances, loans, indebtedness or obligations, shall whilst the Company remains entitled thereto be treated as unissued bonds of this series, and accordingly may be issued or reissued, pledged, charged, hypothecated, sold or otherwise disposed of, as and when the Company may think fit, or at its option may be cancelled and fresh bonds to the like amount and in like form may be issued in lieu thereof; and all such bonds so issued, reissued or substituted shall from time to time rank as bonds of this series and shall be secured hereby and shall be subject to, and entitled to the benefit of, all the terms, conditions, rights, priorities and privileges hereby attached to or conferred on bonds of this series. But this clause shall be subject to the special provisions of Article Thirteenth as regards bonds redeemed under that article.

Article Third.

COVENANTS BY COMPANY.

The Company for itself, its successors and assigns hereby covenants and agrees to and with the Trustee and its successors in the trust.

A. Warranty of Title

That its title to the Mortgaged Premises (other than the said leasehold lands and after acquired property) hereby conveyed is good and valid, and that the Company is now the absolute owner free from all encumbrances whatsoever of The Mortgaged Premises (other than the said leasehold lands and mining areas and after acquired property) and has a good and valid leasehold title to said leasehold lands and premises and mining areas for the respective terms thereof as mentioned in the leases for the same, free from all encumbrances except the rents and covenants reserved by the leases thereof, save and except however a certain mortgage deed of trust dated the first day of September, 1886, in favour of Messrs. Gilbert Scott and Edward S. Clouston as trustees to secure an issue of bonds amounting to one million two hundred and fifty thousand dollars, of which eight hundred and five thousand dollars are now outstanding and for the retirement of the whole or greater part whereof by an exchange for bonds of the present issue arrangements have been made.

B. To pay principal and interest.

That it will duly and punctually pay or cause to be paid to every holder of any of the bonds the principal and interest accrued thereon at the dates and place and in the manner mentioned in these presents and in such bond, and in the coupons thereto belonging, all without any deduction from either principal or interest, for any tax or taxes, imposed or hereafter to be imposed by the Dominion of Canada, or by any province or municipality thereof, and which the Company may be entitled or required to pay or retain out of the said principal moneys or interest under or by reason of any present or future law of the Parliament of Canada or of the Legislature of any province thereof. The coupons when paid shall be forthwith cancelled and delivered to the Company and no purchase of any coupon nor any advance or loan thereon nor any redemption thereof by or on behalf of the Company shall keep such coupon alive or preserve its lien upon any part of the Mortgaged Premises.

C. To carry on business.

That it will carry on and conduct its business in a proper and efficient manner and will keep proper books of account and make therein true and faithful entries of all its dealings and transactions in relation to its said business and at all reasonable times furnish the Trustee or the person appointed by it such information relating to its business as the Trustee may reasonably require, and such books of account shall be at all reasonable times open for the inspection of the Trustee or such other person or persons as the Trustee shall from time to time by instrument in writing for that purpose appoint.

D. To pay taxes.

That it will pay or cause to be paid as and when the same may become due all taxes, rates, levies or assessments, ordinary or extraordinary, Government fees, Royalties, rentals, or dues, levied, assessed or imposed upon the Company or due in respect to the Mortgaged Premises or any part thereof, and it will exhibit to the Trustee when required the receipts and vouchers establishing such payment.

E. To keep premises free of encumbrances.

It will keep the Mortgaged Premises at all times free from any liens or encumbrances entitled to priority over this mortgage.

F. To insure.

That it will insure and keep constantly insured that portion of the Mortgaged Premises which is of an insurable nature against loss or damage by fire, for as much as the same can be insured for up to the full insurable value thereof, in such insurance companies as the directors may select, and are not objected to by the Trustee, including manufacturers' factory or mutual companies in Canada or elsewhere, and duly and seasonably pay the premiums and other sums of money payable for that purpose, and assign said policies and make the insurance money or indemnity thereunder payable to the Trustee as its interest may appear, in such manner that the insurance moneys may be collected by the Trustee and be applied as herein specified, and that it will execute all transfers necessary for that purpose, and four days before any payment of premium becomes due will exhibit or deliver to the Trustee the receipt for such premium or otherwise establish to the satisfaction of the Trustee that such premiums or other sums of money have been paid.

G. To effect registration of deeds.

That it will at its own cost and expense register and file these presents and all other instruments presented to it for that purpose by the Trustee, without delay, at the office where the registration or record thereof may in the judgment of the Trustee be of advantage or necessary to the security hereby created, and that it will deliver or exhibit to the Trustee on demand, certificates establishing such registration and filing, and the same from time to time renew.

H. To maintain security.

That it will fully and effectually maintain and keep maintained the security hereby created as a valid and effective security at all times during the continuance of the said bonds or of any of them.

I. Not to remove plant, &c.

That it will not without the previous consent in writing of the Trustee remove or destroy any building, machinery or any structure whatever comprised in the Mortgaged Premises or the plant, machinery or fixtures attached or appertaining thereto unless the same be worn out or injured, and the Trustee may if it think proper previous to giving its consent to such removal or destruction, accept as satisfactory proof as to the advisability thereof a resolution of the directors that such removal or destruction is, in their opinion, to the advantage of the Mortgaged Premises or such other proof as may in its opinion be sufficient; and that it will at all times repair and keep in repair and in good working order and condition, and maintain all buildings and erections and all machinery and plant comprised in the Mortgaged Premises used in or in connection with the said business up to a modern standard of usage, and whenever necessary renew and replace all and any of the same which may become worn, dilapidated, unserviceable, inconvenient or destroyed even by a fortuitous event, fire or other cause,

and at all reasonable times allow the Trustee or its representative access to the Mortgaged Premises in order to view the state or condition the same are in.

J. To repay disbursements.

That it will repay to the Trustee from time to time on demand all moneys which may have been paid by the Trustee for premiums of insurance, repairs, taxes, legal expenses or charges or other expenditure whatsoever which the Trustee may reasonably incur in and about the execution of the trust hereby created, with interest thereon at legal rate from the date of expenditure and the same, together with the Trustee's remuneration, shall be a first charge upon the Mortgaged Premises in preference to any of the said bonds and coupons.

K. General covenant.

That it will do, observe and perform all matters and things necessary or expedient to be done, observed or performed in virtue of any law of the Dominion of Canada, or any province thereof, for the purpose of creating, performing or maintaining the present security, and will do, observe and perform all the obligations hereby imposed upon it.

L. Further assurance.

That it will do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all and every such further acts, deeds, transfers and assurances in law as the Trustee shall reasonably require for the better accomplishing and effectuating the intentions and provisions of this deed, and whenever and as often as the Company shall hereafter acquire any additional property, real or personal, rights, powers or things whatsoever the Company shall possess and hold the same and every part and parcel thereof, upon and subject to the trusts of this deed, until conveyance, assignment, transfer or assurance thereof shall be duly made and delivered to the Trustee for the benefit of the trusts by these presents created, and that the Company shall execute all deeds and instruments which the Trustee shall present to it for that purpose, and the Company hereby irrevocably appoints the Trustee, or its successors in the trust to be the attorneys of the Company and in the name and on behalf of the Company to execute and do any deeds, assurances or things which the Company ought to execute and do according to the terms of these presents, and generally to use the name of the Company in exercise of all or any of the powers hereby conferred on the Trustee.

Article Fourth.

COMPANY TO RETAIN POSSESSION UNTIL DEFAULT.

The Trustee shall permit the Company to hold and enjoy full and undisturbed possession of the Mortgaged Premises, and each and every part thereof, and to carry on its business therein and therewith, and to receive and enjoy the tolls, rents, revenues, earnings and profits thereof until the present security shall become enforceable as herein provided, and it is hereby declared that the security hereby constituted shall, as regards the personal property of the Company other than chattels real

and fixtures operate as a floating charge and security thereon and accordingly shall not hinder or prevent the Company in the ordinary course of its business and for the purpose of carrying on the same from selling, conveying, disposing of or otherwise dealing with the same.

Article Fifth.

SECURITY WHEN ENFORCEABLE.

The present security shall become enforceable by the mere happening of each or any of the events following, subject always to the waiver by the Trustee or bondholders hereinafter provided for.

A. Default in payment of interest.

If the Company makes default in payment of any interest due on the bonds or on any of them and the said default shall have continued for a period of sixty days.

B. Default in payment of principal.

If the Company fails to pay the bonds or any principal money when due or exigible or within thirty days thereafter.

C. Default in payment of royalties.

If the Company fails to pay royalties or rentals in accordance with the terms of the leases held from the Crown represented in that behalf by the Commissioner of Mines and Public Works for the Province of Nova Scotia.

D. Insolvency of Company.

If the Company shall become insolvent or bankrupt or go into liquidation either voluntary or under an order of the Court of competent jurisdiction or make a general assignment for the benefit of creditors or otherwise acknowledge its insolvency.

E. Appointment of liquidator.

If a liquidator, receiver or sequestrator be appointed to the Company.

F. Execution issued.

If any distress or process of execution be levied or enforced upon or against any of the chattels or property of the Company and remains unatisfied for a period of two weeks as to personal and four weeks as to real property

G Company in default by breach of covenant

If the Company shall fail or neglect to carry out or observe any covenant, agreement or condition contained in the present deed and undertaken by it other than the covenant to pay the principal and interest on said bonds and such default shall continue for two weeks after a notice in writing to the Company by the Trustee of such default.

H. Company stops payment.

If the Company shall stop payment or shall without the consent in writing of the Trustee cease to carry on its business or threaten so to do.

Article Sixth.

TRUSTEE'S POWERS BEFORE SECURITY BECOMES ENFORCEABLE.

At any time before the security hereby constituted becomes enforceable, the Trustee, if it in its discretion sees fit so to do,

may upon the application and at the expense of the Company, but only if and so far as in its opinion the interests of the bondholders shall not be prejudiced thereby, do or concur in doing all or any of the things following in respect of the Mortgaged Premises as herein defined, that is to say:—

1. To sell.

May sell, call in, collect and convert all or any of the Mortgaged Premises on such terms as to the Trustee may seem expedient, with full power to make any such sale for a lump sum or for a sum payable by instalments or for a sum on account and a mortgage or security for the balance. And may also lease any part or all of the Mortgaged Premises on such terms, rentals and other conditions as to the Trustee may seem expedient

2 To renew leases.

May acquire a new lease of any leasehold hereditaments for the time being, forming part of the Mortgaged Premises for such terms not being less than the then residue of the then existing term therein, and at such rent and subject to such covenants and conditions as to the Trustee may seem expedient, and for that purpose, if thought fit surrender the then existing lease of such hereditaments and the then existing term therein, and may consent to the surrender of leases to the Crown of mining areas and accept in lieu thereof new leases of the same areas or of the areas intended to be granted by the leases so surrendered

3. To exchange.

May exchange any part or parts of the Mortgaged Premises for any other property suitable for the purposes of the Company, and upon such terms as to the Trustee may seem expedient, and either without or with payment or reception of money for equality of exchange or otherwise.

4. To assent to modification of contracts.

May consent to the modification of any contracts or arrangements which may be now or hereafter subsisting in respect of any of the Mortgaged Premises and in particular the terms of any leases or covenants.

5. To purchase.

May with money forming part of the Mortgaged Premises purchase or otherwise acquire any immovable property which may seem suitable for the purposes of the Company, and also any new or improved or substituted machinery, plant or fixtures which may seem so suitable.

6. To compromise.

May settle, adjust, refer to arbitration, compromise, and arrange (with or without suit) all accounts, reckonings, controversies, claims and demands whatsoever open, unsettled or pending with any person or persons in relation to any of the Mortgaged Premises.

7. To improve premises.

May apply any net capital moneys arising from any sale, lease or other dealing with the Mortgaged Premises under this clause in developing, improving, protecting, preserving and maintaining in good working order and condition any of the Mortgaged Premises, or in erecting or constructing any building or works in procuring any new or substituted or improved

machinery or other plant or fixtures, or in preventing or endeavoring to prevent loss or apprehended loss thereof or detriment to any of the Mortgaged Premises.

8. To release.

May release any part of the Mortgaged Premises which in the opinion of the Trustee is unprofitable or a danger to the Company.

9. Limitation of authority.

The powers of sale, lease and exchange contained in subsections 1 and 3 of this article, except in respect of small transactions, not exceeding twenty-five thousand dollars for any single transaction, shall not be exercised without the authority of a resolution of the bondholders passed as herein provided.

10. Application of moneys.

All net capital moneys arising under this article and all assets acquired pursuant thereto shall become part of the Mortgaged Premises, and shall be vested in the Trustee accordingly, unless the same arise from dealings with personal property of the Company (which is not intended to include its mining areas), in which case such net capital moneys shall be paid over to the Company.

11. Powers of Company not curtailed.

Nothing in this article contained shall derogate from or curtail the powers of the Company to sell or otherwise deal with its personal property (which is not intended to include its mining areas) as contemplated in Article Fourth hereof, or render it necessary as regards such dealings to proceed under this article.

12. Investment.

Subject as aforesaid, the Trustee shall invest the net capital moneys which may come into its hands upon some or one of the investments herein authorized, with power from time to time, at its discretion to vary such investments, and with power to resort to any such last mentioned investments, for any of the purposes for which such proceeds are under this clause authorized to be expended, and subject as aforesaid, the Trustee shall stand possessed of the said investments upon trust, until the security hereby constituted shall have become enforceable, to pay the income thereof and any net moneys in the nature of income arising under this article, to the Company or its assigns; and after the security hereby constituted shall have become enforceable, shall hold the said investments and the income thereof respectively and the net moneys in the nature of income, upon and for the trusts and purposes hereinbefore expressed concerning the moneys to arise from any sale, calling in, collection and conversion under article tenth hereof. Provided always that if the security hereby constituted shall not become enforceable, then after payment and satisfaction of all moneys intended to be secured by these presents the said investments and the income thereof and not moneys last aforesaid shall be held in trust for the Company or its assigns.

Article Seventh.

GENERAL POWERS AND DUTIES OF TRUSTEE.

1. Not bound to give security.

The Trustee shall not be required to give security for its conduct or administration and shall not be responsible for the acts of any agents whom it may reasonably employ in connection with its performance of its duties hereunder.

2. Not bound to act except on requisition and indemnity.

The Trustee shall not be bound to do or take any act or action in virtue of the powers conferred or obligations imposed on it hereunder, unless and until it has been required to do so by writing signed by holders of bonds, forming at least one-fourth in nominal value of the then outstanding bonds, defining the action which it is required to take, and the Trustee may, before taking such action, require the bondholders at whose instance it is required to deposit with the Trustee the bonds so held by them, for which bonds the Trustee shall issue receipts.

The obligation of the Trustee to commence or continue any act, action or proceeding for the purpose of realizing upon the Mortgaged Premises, shall be conditional upon the bondholders furnishing sufficient funds when so required in writing by the Trustee to commence or continue such act, action or proceeding, and a sufficient bond of indemnity to protect and hold harmless the Trustee against loss and damage by reason thereof.

3. To appoint agents.

The Trustee may for the execution of the duties and in execution of the powers conferred upon it, appoint or employ as its adviser, agents, representatives or otherwise, any counsel, solicitors, advocates, notaries, accountants, clerks or inspectors or other agents.

4. Trustee may insure.

In the event of the Company failing to insure the Mortgaged Premises against loss or damage by fire or to transfer the insurance, or to assign or make the insurance moneys payable to the Trustee, or to deliver and exhibit receipts or otherwise satisfy the Trustee of the payment of premiums as hereinbefore provided, the Trustee may either effect such insurance to its satisfaction or may notify the bondholders of the failure of the Company to so insure, provided always that any bondholder may on such default insure his interest at the cost of the Company.

5. Trustee may repair.

Should the Company fail or neglect to repair and keep the Mortgaged Premises or any part thereof in a good state of repair and in perfect working order or to renew or replace any part thereof which may require a renewal or replacement as hereinabove provided after having been notified in writing by the Trustee to repair, replace, or renew the same and after either having refused or having failed to do so within a reasonable time in the opinion of the Trustee, then the Trustee may in its discretion repair, replace, or renew the same.

6. Partial release of security.

The Trustee may upon the written request of the Company established by resolution of its Board of Directors, and at its expense, from time to time, but subject to the conditions and limitations hereinafter provided, and not otherwise and upon such terms and verifications as the Trustee may require, release from the lien and operation of these presents and the mortgage hereby created, any part of the Mortgaged Premises, provided that it shall appear to the Trustee that the release is desirable in the conduct of the business of the Company, and provided also that the Company shall acquire so as to pass under the lien and operation of these presents further real estate or other property or improve the premises or property hereby mortgaged or pay money to the Trustee to an amount equal in value to the property released. The Trustee may in its discretion accept and act upon as satisfactory evidence of the value of any property to be released or to be received as aforesaid or of any fact necessary or proper for the Trustee to investigate preparatory to taking any action with reference to any such release, the certificate of a majority of the Board of Directors of the Company including the President or Vice-President.

7. Application of proceeds of insurance and releases.

All moneys received by the Trustee from insurance or upon releases of property shall be held and invested by it as security for the bonds secured hereby subject to the right of the Company upon its written requisition authorised by a resolution of the Board of Directors to receive from the Trustee and to apply any such moneys, or the income thereof, held by the Trustee, to repairing, building, or constructing, rebuilding, reconstructing or purchasing and placing upon the property mortgaged hereunder any buildings, machinery, fixtures or other improvements or to have the same employed in the payment of any bonds which may be then redeemable, but no such application of such moneys shall be made by the Company at any time when the Company is in default hereunder or when the Trustee is in possession of mortgaged premises or any part thereof under the right of entry hereinafter provided without the written concurrence of the holders of a majority in value of the bonds outstanding. In no case shall the receipt of any moneys for insurance or release of the Mortgaged Premises be deemed to be a payment on account of the bonds secured hereunder nor shall the mortgage be lessened, novated, or in any other way interfered with by reason of any such receipt, any law, usage or custom to the contrary notwithstanding.

Article Eighth.

TRUSTEE MAY CONTRACT WITH COMPANY.

The Trustee shall not by reason of its fiduciary position be in any wise precluded from making any contract or entering into any transactions with the Company in the ordinary course of the Trustee's business, and without prejudice to the generality of these provisions it is expressly declared that such contracts and transactions include any work or transaction in

realtion to the placing of the stock shares, debentures stock or other security of the Company or in which the Company is interested.

Article Ninth.

WAIVER OF DEFAULT.

The Trustee may from time to time and at any time by instrument in writing only, waive upon such terms and conditions as it may seem expedient any breach by the Company of any of the covenants in the present deed contained, other than the covenant to pay principal or interest; and a majority in interest of the holders of all the bonds aforesaid which shall be then outstanding and upon which default in the payment of interest shall have been made and shall be continuing, shall have power by an instrument in writing under their hands and seals or by the affirmative vote of such majority at a meeting duly convened and held as herein provided to instruct the Trustee to waive and the Trustee shall thereupon waive such default or such rights of enforcement of the security hereunder or a default in payment of any instalment of interest on any of the said bonds on such terms and conditions as such majority in interest shall prescribe, provided always that no act or omission either of the Trustee 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.

Article Tenth.

REMEDIES IN CASE OF DEFAULT.

1. Acceleration of maturity in default.

At any time after the security hereby constituted has become enforceable, the Trustee may, and shall at the written request of the holder or holders of a majority in value of said bonds then outstanding, by notice in writing to the Company, declare that said bonds are payable, notwithstanding the time limited in the said bonds for the payment of the principal moneys thereof may not have elapsed, and the said principal moneys thereby secured shall thereupon become and be immediately due and payable accordingly. Provided, however, that the holders of a majority in value of said bonds shall have the power by an instrument in writing to cancel any declaration already made to that effect, or to waive the right so to declare on such terms and conditions as they may prescribe; provided always that no act or omission either of the Trustee 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.

2. Entry on default.

In case default shall be made in the payment of the principal or interest on any bonds secured hereby or if and whenever the security hereby constituted shall in any other way be enforceable as herein provided, the Trustee may in its discretion (after

having given notice in writing to the Company as herein provided and upon failure by the Company to comply with the requirements of such notice) and shall, upon the request in writing of the holders of one-half of the total amount of the then outstanding bonds, and after giving the aforesaid notice in writing to the Company by its officers, agents or attorneys, enter into and upon and take possession of all or any part of the Mortgaged Premises, and thenceforth have, hold, possess and use the said Mortgaged Premises and each and every part thereof, with full power to carry on, manage and conduct the business operations of the Company and to receive the rents, incomes, issues and profits of said property and business and to pay therefrom all the expenses, charges and advances of the Trustee in carrying on the said business or otherwise, and all taxes, assessments and other charges against the property ranking in priority to the bonds and coupons and to apply the remainder of the money so received, first, in payment of the coupons due and unpaid in the order of their maturity with interest, and the balance if any shall be held and applied in the same manner as if received from insurances or from releases of property, but the Trustee may, if it so elect, restore the said property and business to the Company, and pay to it any balance of income so received after such payment of all coupons and interest then due upon the bonds, and in case of any such return on the property to the Company; the principal of the said bonds shall no longer be deemed to have become exigible by reason of the default in payment of interest or by any other occurrence hereunder whereby the right of entry becomes vested in said Trustee, and it shall be lawful for the Trustee either after such entry or taking possession as aforesaid, or after other entry or taking possession, by its officers or agents or without any entry or taking possession, and whether in or out of possession, to sell and dispose of and upon like request the said Trustee shall sell and dispose of the Mortgaged Premises or any of them or any portion thereof either as a whole or in part at public auction or by private sale at such price as it may deem best and at such time and on such terms and conditions as the Trustee shall appoint, having first given such notice of the time and place of such sale as it may think proper, and it shall be lawful for the Trustee to make such sale upon such reasonable conditions as to upset and reserve bid or price and as to terms of payment as it may deem proper; to receive the price or consideration of such sale in its discretion, in whole or in part, in bonds secured hereunder in such proportion at such rate and for such amounts as it may deem proper; also to rescind or vary any contract of sale that may have been entered into and resell with or under any of the powers conferred herein, and to adjourn such sale from time to time and make and deliver to the purchaser or purchasers of the said property or any part thereof, good and sufficient deed or deeds for the same, the Trustee being hereby constituted the irrevocable attorney of the Company for the purpose of making such sale and executing such deeds, which sale made as aforesaid shall be a perpetual bar against the Company and its assigns and all other persons claiming the said property or any part or parcel thereof

by, from, through or under the Company or its assigns, and the proceeds of the said sale shall be distributed in the manner hereinafter provided.

And it is hereby declared and agreed that the receipt of the Trustee for any moneys paid to it shall effectually discharge the purchaser or purchasers or other person paying the same therefrom or from being bound to see the proper application thereof, or from being in any manner answerable for the loss or misapplication thereof, or from being bound to inquire into the authority for or necessity of making any such sale, and any such sale as regards any purchaser in good faith shall be valid whether or not the security has become enforceable, and whether or not the proper notice has been given or the other provisions hereof complied with.

3. Notice before entry of sale.

In the event of the present security becoming enforceable, the Trustee shall before making any entry or any sale or conversion under the powers hereinafter granted, unless an order or resolution for the winding-up of the Company has been made or passed or excepting also that the Trustee shall certify that in its opinion further delay would imperil the interests of the bondholders, give fifteen days written notice of its intention to the Company, and if the Company shall, within the said delay of fifteen days, fully make good and repair the default or breach of obligation by reason of which the security has become enforceable, and give satisfactory evidence to the Trustee that it has done so, the Trustee shall not make such entry, sale or conversion.

4. Company agrees to surrender.

The Company in case the security hereby constituted becomes enforceable, binds and obliges itself forthwith on demand of the Trustee to yield up possession of the Mortgaged Premises and the conduct of the business to the said Trustee and agrees to put no obstacle in the way of, but to facilitate by all legal means the actions of the Trustee and not to interfere with the carrying out of the powers hereby granted to it and the Company shall consent and hereby consents to the appointment in such case of a receiver, manager, liquidator or sequestrator, with all such powers as the Trustee is hereby vested with if so required by the Trustee. The Company hereby binds itself in the said event to consent to any petition or application presented to the court by the Trustee in order to effectuate the intent of this deed and the Company shall not after receiving notice from the said Trustee that it has taken possession of the said business in virtue of these presents continue in the said business unless with the express written consent and authority of the Trustee and shall forthwith by and through its officers and directors execute such documents and transfers as may be necessary to place said Trustee in legal possession of the said property and business and after receipt of such notice, all the powers and functions, rights and privileges of each and every of the directors and officers of the Company shall cease and determine with respect to the Mortgaged Premises unless specially continued in writing by the said Trustee

or unless the property shall have been restored to the Company as provided in clause two of this article.

5. Confirmatory deed.

In case of any sale hereunder, whether by the Trustee or under judicial proceedings the Company agrees that it will execute to the purchaser or purchasers on demand, any necessary or reasonable instrument or confirm to the purchaser or purchasers the title of the property so sold, and in case of any such sale under judicial proceedings, the Trustee is hereby irrevocably authorized to execute on behalf of the Company and in its name any such confirmatory instrument.

6. Trustee may appoint receiver.

The Trustee, at any time after the security hereby constituted has become enforceable, may by writing appoint a receiver or receivers of the Mortgaged Premises, or any part thereof, and remove any receiver so appointed and appoint another in his stead, and the following provisions shall have effect:—

A. Such appointment may be made either before or after the Trustee shall have entered into or taken possession of the Mortgaged Premises, or any part thereof.

B. The Trustee may delegate to any such receiver or receivers all or any of the powers and discretions of the Trustee hereunder as the Trustee may deem expedient.

C. Such receiver or receivers shall, in the exercise of his or their powers, authorities and discretions, conform to the regulations and directions from time to time made and given by the Trustee.

D. The Trustee may from time to time fix the remuneration of such receiver or receivers, and direct payment thereof out of the Mortgaged Premises.

E. The Trustee, from time to time, and at any time, require any such receiver or receivers to give security for the due performance of his or their duties as such receiver or receivers, and may fix the nature and the amount of the security so to be given, but the Trustee shall not be bound in any case to require any such security.

F. Save and so far as otherwise directed in writing by the Trustee, all moneys from time to time received by every such receiver or receivers shall be paid over to the Trustee, to be held by it on the trusts declared by clause seven of this article of and concerning the moneys to arise thereunder.

G. The Trustee may pay over to such receiver or receivers any moneys constituting part of the Mortgaged Premises to the intent that the same may be applied for the purposes hereof by such receiver or receivers, and the Trustee may from time to time determine what funds the receiver or receivers shall be at liberty to keep in hand, with a view to the performance of his or their duties as such receiver or receivers.

H. As regards responsibility, any receiver appointed as aforesaid shall be deemed to be the agent of the Company.

7. Distribution of proceeds on realization.

The Trustee shall hold the moneys to arise from any sale or realization of the whole or any part of the Mortgaged Premises or any other security to which it may be entitled upon trust, that it shall thereout, in the first place, pay or retain the costs,

charges and expenses incurred in or about the execution of the trust or otherwise in relation to these presents, and shall apply the residue of the said moneys:—

(*a*) In or towards the payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively, and without any preference or priority whatsoever, of all arrears of interest remaining unpaid on such bonds.

(*b*) In or towards payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively, and without any preference or priority either on account of priority of issue or of any bond having been drawn for redemption, or otherwise howsoever, of all principal and other moneys then due on such bonds, and the bondholders shall be bound to accept such payments whether such principal and other moneys shall or shall not then be payable according to the tenor of said bonds, or of these presents; and

(*c*) The Trustee shall pay the surplus, if any, of such moneys to the Company or its assigns.

8. Notice of payment to be given.

Notice shall be given by the Trustee of any payment to be made under this Article to the bondholders in the manner set forth in Article Fifteenth. Such notice shall state the time and place when and where such payment is to be made, and also the liability under the present security upon which it is to be imputed.

After the day so fixed the bondholders will only be entitled to the interest on the balance (if any) of the moneys due them on the bonds after deduction of the respective amounts payable in respect thereof on the day so fixed.

9. Trustee not bound to apply in certain cases.

The Trustee shall not be bound to apply or to make any payment whatsoever to the bondholders out of any moneys coming into its hands and apportionable amongst bondholders, if in its discretion the amount so received by it is insufficient or it should consider such application or payment inadvisable, but it may retain the moneys so received by it and deposit the same in some chartered bank to its credit, or invest the same as herein provided, until such time as such moneys or the investments representing the same, with the income derived therefrom, together with any other moneys for the time being under its control, are deemed by it to be sufficient or until such time as it considers it advisable to apply the same in the manner above set forth. Provided however that if the amount of the moneys at any time in its hands and apportionable among the bondholders shall exceed ten per cent on the nominal value of the bonds outstanding the Trustee shall distribute and apply the same under clause Seven of this Article if required so to do by bondholders representing ten per cent of the nominal value of the outstanding bonds..

10. Proof of right to payment.

The Trustee shall have the right at the time it makes any payment other than interest to any bondholder to demand of the person claiming such payment the production of the actual bond under which he claims such payment, and on the bond being so produced, and on the Trustee being satisfied that the person so presenting it is a holder in good faith, the Trustee

may make such payment and shall cause to be endorsed on the bond a memorandum of the amount so paid and the date of payment, but the Trustee may, in its discretion, dispense with the production and endorsement upon a bond as aforesaid, in any special case upon such indemnity being given as it shall deem sufficient.

11. Investment of trust funds.

Any moneys which under the trusts herein contained ought to be invested, may be invested in the name or under the legal control of the Trustee in any of the public stocks or funds or government securities of the Dominion of Canada or any Province thereof, or in any other stocks, funds and securities authorised by the law of any of the Provinces of Canada for the investment of trust moneys, or may be placed on deposit in the name of the Trustee in such chartered bank or banks of Canada as it may think fit. The Trustee may at all times sell, alter, and vary such investments.

12. Remedies cumulative.

No remedy herein conferred upon or reserved to the Trustee or upon or to the holders of bonds hereby secured is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now existing or hereafter to exist by law or by statute, and the same shall not be deemed except as herein provided in any manner whatsoever to deprive the Trustee or any bondholder of any right to legal or equitable remedies; and notwithstanding any demand of bondholders for the exercise of any of the remedies hereby given, the Trustee at its option may apply to the proper Court for an order that the trusts hereof be carried into execution under the direction of the Court or for the appointment of a receiver or "a receiver and manager" of the Mortgaged Premises, or for any other order in relation to the administration of the trusts hereof which it may deem expedient.

Article Eleventh.

NO SUIT BY BONDHOLDERS.

No holder of any bond or coupon hereby secured shall have any right to institute any suit, action or proceeding for the purpose of bringing the Mortgaged Premises to sale or for the execution of any trust hereof, or for the appointment of a receiver, liquidator or sequestrator or to have the Company wound up or for any other remedy hereunder unless such holder shall previously have given to the Trustee written notice of default on the part of the Company and of the continuance thereof for one month nor unless the holders of thirty-three per cent in amount of the bonds hereby secured and then outstanding shall have made written request to the Trustee and shall have afforded to it reasonable opportunity either itself to proceed to exercise the powers herein granted or to institute such action, suit or proceeding in its own name, nor unless also such bondholder or bondholders shall have afforded to the Trustee adequate security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby

(nor unless also the Trustee shall have failed to act within a reasonable time after such notification, request and offer of indemnity) and such notification, request and offer of indemnity are hereby declared in every case at the option of the Trustee to be conditions precedent to the execution of the powers and trusts of this deed, and to any action or cause of action, for the appointment of a liquidator or receiver, or for any other remedy hereunder, it being understood and intended that no one or more holders of bonds or coupons shall have any right in any manner whatever to affect, disturb or prejudice the present security by his or their action or to enforce any right hereunder except in the manner herein provided, and that all powers and trusts hereunder and all proceedings at law shall be instituted, had and maintained in the manner herein provided, and for the equal benefit of all holders of such outstanding bonds and coupons.

Article Twelfth.

COMPANY TO PAY TRUSTEE AFTER DEFAULT.

In case the security hereby constituted shall become enforceable as hereinbefore provided, the Company shall and will pay forthwith to the Trustee on demand for the benefit of the holders of the bonds secured hereby the principal and interest due upon all of the bonds then outstanding and such payment when made shall be deemed to have been made on such bonds and coupons, and any moneys so received by the Trustee shall be applied in the same manner as if they were proceeds of the sale of the Mortgaged Premises.

Article Thirteenth.

REDEMPTION OF BONDS.

The Company shall have the right at any time and from time to time to redeem all or any of the bonds outstanding before the date fixed for the payment of the same at one hundred and five dollars for each hundred dollars principal so redeemed and accrued interest.

In the event of the Company desiring to redeem all the bonds outstanding it shall be bound to give the bondholders in the manner provided in article fifteenth thirty days previous notice in writing of its intention, and shall mention in said notice on the day on which it intends to make payment. Should the Company desire to redeem only a part of the bonds outstanding the bonds so to be redeemed shall be determined by means of a drawing in a manner approved of by the Trustee. After such drawing the Company shall give notice in the manner hereinbefore provided, specifying which bonds have been drawn for redemption; such notice shall mention the number of the bonds and the day upon which payment will be made. The numbers of the bonds so drawn shall be recorded in a book kept for that purpose by the Trustee, which record in the case of each drawing shall be signed by the Trustee.

The bonds so to be redeemed shall be paid off on the day fixed for their redemption in the notice sent to the bondholders, which day must be at least thirty days after the date upon which said notice is first published or mailed and interest must be paid on every bond so redeemed to that day, together with the premium of five dollars for every hundred dollars of the nominal value of every bond so redeemed, but the Company may pay said bonds before the day so fixed by payment of the principal sum and interest thereon up to the day so fixed, together with the said premium. Upon deposit with the Trustee of the amount necessary to redeem such bonds the Company shall cease to be liable thereon and interest shall be no longer payable by it.

All bonds redeemed by the Company shall be forthwith cancelled, and the Company shall not issue any bonds as of this series in substitution for said bonds so redeemed and cancelled.

Article Fourteenth.

PAYMENT ON VOLUNTARY LIQUIDATION.

If the bonds should at any time become payable owing to the voluntary winding-up of the Company, the holders shall be entitled to and shall be paid a premium of five dollars on each one hundred dollars principal.

Article Fifteenth.

NOTICE TO BONDHOLDERS.

The Company shall keep at the office of the Trustee a register in which shall be entered the name, occupation and post office address of every holder of any of the bonds who may so require. Every bondholder may communicate his post office address to the Trustee, and all notices to be given hereunder in respect of the said bonds shall be deemed to be validly given if sent by registered mail addressed to said bondholder at such post office address as aforesaid. Bondholders who have not registered their post office address as herein provided shall be notified by advertisement inserted for ten consecutive days in one daily newspaper published at the city of Montreal; the form of notice to be determined by the Trustee until otherwise provided in accordance with the provision of this deed, and such advertisement shall be deemed to be valid notice for all purposes connected with the present security.

Any such notice shall be deemed to be given on the day on which it is mailed or first published in a newspaper as the case may be.

Article Sixteenth.

MEETINGS OF BONDHOLDERS.

Meetings of the bondholders shall be convened, held and conducted in the manner following:—

1. Convening of meetings.

The Trustee or the Company may respectively at any time convene a meeting of the bondholders, and the Trustee shall convene such a meeting on being served with a request in writing for the same, signed by bondholders representing at least ten per cent in nominal value of the bonds outstanding. In the event of the Trustee failing to convene a meeting after being thereunto required by the bondholders as above set forth, the requisite number of bondholders may themselves convene and hold such meeting. Whenever the Company is about to convene any such meeting it shall forthwith give such notice in writing to the Trustee of the place, day and hour thereof, and of the nature of the business to be transacted thereat.

2. Notice.

Thirty days previous notice shall be given to the bondholders of such meeting, which notice shall state the time when and the place where such meeting is to be held, and shall specify the nature of the business to be transacted, and no business shall be transacted at said meeting other than that specified in said notice.

3. Quorum.

At any such meeting of the bondholders a quorum shall consist of bondholders representing such proportion of the nominal value of the outstanding bonds, not less than one-third, as may be determined on by resolution of the bondholders at any meeting until a quorum is so defined it shall consist of bondholders representing a majority of the nominal value of the outstanding bonds.

4. Chairman, &c.

Some person, who shall be a bondholder, shall be nominated by the Trustee to be chairman of the meeting, and if no person is so nominated or if the person so nominated is not present within fifteen minutes from the time fixed for the holding of the meeting, the bondholders present shall choose one of their number to be chairman.

5. Representative of Trustee and Company.

The Trustee and its legal advisers and the directors and the secretary and the legal advisers of the Company may attend any such meeting.

6. Adjournment if no quorum.

If half an hour elapse from the time fixed for holding said meeting and there are not present a quorum of the bondholders the meeting shall stand adjourned to the same day in the following week at the same hour and place, and if at such adjourned meeting a quorum is not present, the meeting shall stand dissolved.

7. Voting.

Every question submitted to a meeting shall be decided in the first place by a show of hands, and in case of an equality of votes the chairman shall both on the show of hands and at the poll have a vote in addition to such vote to which he may be entitled as a bondholder.

8. Poll.

On any question submitted to a meeting, bondholders representing at least twenty-five thousand dollars of the nominal value of the bonds shall be entitled to demand a poll, and such

poll shall be taken at once or after adjournment and in such manner as the chairman directs, and the result of such poll shall be deemed to be a resolution of the meeting at which said poll was demanded.

9. Adjournment.

With the consent of the majority in value of the bondholders present the meeting may be adjourned from time to time.

10. Proof of authority to vote.

At any meeting of the bondholders the respective bearers of the bonds, and no other person or persons shall be recognized as the legal holders thereof, and this whether the bonds are to bearer or are registered, and such bearers shall be exclusively entitled to take part in the meeting or vote in respect of such bonds thereat.

The Trustee may require said bearers to deposit with it their bonds during the continuance of the meeting.

11. Votes, how counted.

At any meeting of the bondholders, if a poll be taken, each bond shall confer one vote, but on a show of hands each person voting shall have one vote only.

12. Extraordinary resolutions.

A meeting of the bondholders shall, in addition to the powers hereinbefore given, have the following powers exercisable by extraordinary resolution alone.

A. To sanction surrender of Mortgaged Premises.

Power to sanction the surrender or release of the whole or any part of the Mortgaged Premises.

B. To sanction modification of bondholders' rights.

Power to sanction any modification or compromise of the rights of the bondholders or Trustee, or both, against the Company or against its property, whether such rights shall arise under the provisions of this deed or under the bonds or otherwise.

C. To require Trustee to surrender.

Power to require the Trustee, on having entered into or taken possession of the Mortgaged Premises or any part thereof, to restore the same to the Company upon such conditions as the bondholders may direct.

D. To sanction agreement to postpone payment.

Power to sanction any agreement entered into between the Trustee and the Company, or between other parties under the provisions of this deed for the purpose of postponing the time for the payment of the principal money and the interest secured upon the bonds or any of them.

E. To sanction modification of deed.

Power to consent to any modification or alteration in the provisions contained in this deed.

F. To require Trustee to exercise powers.

Power to require the Trustee to exercise or refrain from exercising any of the powers conferred upon it by virtue of this deed upon such terms as may be decided upon.

G. To remove Trustee.

Power to remove the Trustee from office and appoint another or others in its place.

H. To accept other security.

Power to agree to accept any other property or securities instead of the bonds and in particular any bonds or debenture stock of the Company.

13. Resolutions binding on all bondholders.

Any extraordinary resolution passed at a meeting of the bondholders held in accordance with this Article shall be binding upon all the bondholders whether present or absent, and each and every bondholder shall be bound to give effect thereto accordingly.

14. Definition of extraordinary resolution.

The expression "extraordinary resolution" when used in this deed means a resolution passed at a meeting of the bondholders duly convened and held in accordance with this Article at which are present or represented bondholders representing a majority of the bonds outstanding by a majority consisting of not less than three-fourths of the persons voting thereat, the votes to be counted in accordance with section eleven of this Article.

15. Declaration by Chairman proof.

At any meeting of the bondholders, unless a poll be demanded, a declaration made by the Chairman that a resolution has been carried or carried by any particular majority shall be conclusive evidence.

16. Minutes.

Minutes of all resolutions and proceedings at every such meeting as aforesaid shall be made and duly entered in books to be from time to time provided for that purpose by the Trustee at the expense of the Company, and any such minutes as aforesaid if signed by the Chairman of the meeting at which such resolutions were passed or proceedings had or by the Chairman of the next succeeding meeting shall be *prima facie* conclusive evidence of the matters therein stated, and until the contrary is proved every such meeting in respect of the proceedings of which minutes have been made shall be deemed to have been duly held and convened, and all resolutions passed or proceedings had to have been duly passed and had.

Article Seventeenth.

INSTRUCTIONS IN WRITING BY BONDHOLDERS.

Bondholders may by a declaration in writing signed by the holders of all the bonds outstanding and addressed to and served upon the Trustee direct and exercise all the powers which a meeting of the bondholders could by resolution or extraordinary resolution exercise or direct.

Article Eighteenth.

DISCHARGE OF SECURITY.

1. Partial discharge.

It shall be the duty of the Trustee from time to time upon such evidence as it may require to sign and execute such re-

ceipts, discharges, acquittances and other documents as may be necessary to effect the cancellation of the liability and mortgage hereby created to the amount of such bonds as the Company may have redeemed, paid or cancelled.

2. Final discharge.

When all the bonds and interest hereby secured shall have been paid in full and cancelled or shall have been provided for by deposit of moneys therefor with the Trustee as hereinafter provided, and all other sums payable hereunder by the Company shall have been paid, and all things herein required to be performed by the Company according to the true intent and meaning of this deed shall have been duly performed, then, and in that case, the Mortgaged Premises shall revert to the Company, and the Trustee in such case, upon proof being given to its reasonable satisfaction, shall, on the demand of the Company, and at its cost and expense, enter satisfaction of this mortgage upon the records, and cause to be executed a discharge and acquittance of the same, and execute such other reconveyances and releases of the Mortgaged Premises as may be reasonably required by the Company.

3. Cancellation of bonds.

No bond shall be cancelled or deemed to have been cancelled for the purpose of the present deed unless it appears by the certificate of a notary public that such bond has been produced in his presence and in the presence of the Trustee or of its duly qualified representative, and of a representative of the Company specially nominated for that purpose and then and there in the presence of the notary the Company declare by its said representative that such bond and all interest due thereon and all other sums due thereunder or appurtenant thereto in virtue of the provisions of the present deed have been paid or otherwise satisfied, and that said bond be then and there destroyed.

The notary public officiating at such cancellation shall procure a certificate *en minute* setting forth the above facts, which certificate shall be signed by the above named parties and declared to by them under the provisions of the Canada Evidence Act.

4. Non-production of bonds.

In the event of a holder not being able to produce any bond upon the maturity thereof, or upon the same being drawn for redemption, a certificate of the Trustee of the deposit with it of the amount necessary to pay or redeem such bond with interest in accordance with the provisions thereof shall avail as a cancellation of such bond for the purposes hereof, and as a sufficient authorization to the Company to cancel the entries relating to such bond, and to the Trustee to discharge the security hereby created *pro tanto*.

Article Nineteenth.

VACANCY IN TRUST.

In the event of the office of Trustee becoming vacant by resignation or otherwise, such vacancy shall be filled by a resolution passed by a majority in nominal value of the holders of the bonds outstanding who may be present and vote at a

meeting called for that purpose. If the bondholders fail to make such appointment within two months from the date on which the vacancy occurs, the Company shall apply, provided the security hereby constituted be not enforceable, and if the security be enforceable or the Company fail to so apply, then and in such case, any bondholder or bondholders, or in default of any of said parties, the retiring trustee may apply to a judge of the Superior Court of the province of Quebec in the district of Montreal, who, after having given such notice to the bondholders as he may deem requisite and having heard the interested parties, may appoint a new trustee. A corporation or company may be appointed as trustee, and in such case there shall be one trustee. If individuals be appointed, there shall be three, in which case the majority shall have the power to act and shall be entitled and competent to exercise all the trusts, powers and discretions hereby vested in the Trustee. No director, officer or employee of the Company shall in any case be appointed a trustee. When and so often as a new trustee is appointed, the rights, properties and powers vested in the former trustee in virtue of the security hereby constituted shall, by reason of such appointment *ipso facto*, be and become vested in like manner in the new trustee or trustees without any further conveyance being required; but if for any reason it becomes necessary or be expedient to execute any further conveyance or assurance, the same shall be executed at the expense of the Company and may and shall be legally executed by the former trustee or trustees.

Article Twentieth.

RESPONSIBILITY OF TRUSTEE.

Nothing in the present deed shall be construed as obliging the Trustee to effect or maintain insurance against fire, nor shall it be responsible for any loss by reason of want or insufficiency of insurance.

The Trustee shall not be responsible or liable otherwise than as a trustee for any debts incurred by it, or for any damage to persons or property, or for salaries or non-fulfilment of contracts during any period wherein the Trustee shall manage the trust property or premises upon entry or voluntary surrender, as herein provided.

And the Trustee shall not be bound to see to the doing, observance or performance by the Company of any of the obligations hereby imposed on the Company, or in any way to supervise or interfere with the conduct of the Company's business unless and until the security hereby created has become enforceable, and the Trustee has determined or been required by the bondholders as herein provided, to enforce the same and is kept supplied with the moneys reasonably necessary to enable the Trustee to take the required action, and with sufficient bonds of indemnity to protect and save harmless the Trustee against loss or damage by reason thereof.

It is distinctly understood and agreed that the Trustee is not to be held liable for or by reason of any failure or defect of title to or for any encumbrance upon the Mortgaged Pre-

mises, or for or by reason of the statements of facts or recitals in this deed or in the bonds contained, or to be required to verify the same, but all such statements and recitals are and shall be deemed to have been made by the Company only; and it is hereby declared and agreed by and between the parties hereto, as a condition upon which the Trustee has entered into these presents and accepted the trusts hereby created, that nothing herein contained shall in any wise cast any obligation upon the Trustee to see to the registering or filing of or to make, register, file or renew this or any deed or writing by way of mortgage or otherwise from the Company, upon or of said Mortgaged Premises or upon any portion thereof, or upon any other property of the Company in order to add to the security hereby intended to be given; nor shall it be the duty of the Trustee to register or record this deed as a mortgage or otherwise, or to procure any further, other or additional instrument of further assurance or to do any other act or thing for the continuance of the lien hereof or for giving notice of the existence of such lien or for extending or supplementing the same.

Article Twenty-first.

INDEMNITY TO TRUSTEE.

Without prejudice to the right of indemnity given by law to trustees, the Trustee and every receiver, attorney, manager, agent, accountant, inspector, clerk, servant, workman, or other person appointed by the Trustee hereunder, shall be entitled to be indemnified out of the Mortgaged Premises in respect of all liabilities and expenses incurred by it, them or him in the execution, or purported execution of the trusts hereof, or of any powers, authorities or discretions vested in it, them or him pursuant to these presents, and against all actions, proceedings, costs, claims and demands in respect of any matter or thing done or omitted in anywise relating to the premises, and the Trustee may retain and pay out of any money in its hands arising from the trusts of these presents the amount of any such moneys, and also the remuneration of the Trustee, as herein provided.

Article Twenty-second.

TITLES OF ARTICLES.

The titles given to the articles and the sections and subdivisions thereof are for convenience of reference only, and shall not affect the construction thereof.

Article Twenty-third.

ACCEPTANCE OF TRUST.

The Trustee hereby accepts the trusts in this deed declared and provided and agrees to perform the same upon the terms and conditions hereinbefore set out.

ARTICLE TWENTY-FOURTH.

INTERPRETATION.

Whenever in these presents the Company is referred to or mentioned, such reference or mention if the context will allow shall extend to and include its successors and assigns respectively, and wherever in these presents the Trustee is referred to or mentioned, such reference or mention, if the context will allow, shall extend to and include the Trustee or Trustees for the time being of the trusts of these presents.

In witness whereof the said Cumberland Railway and Coal Company has caused its corporate seal to be hereunto affixed and these presents to be signed by the Hon. Sir George A. Drummond, K.C.M.G., its president, and by Huntly R. Drummond, its secretary, and the Royal Trust Company has caused its corporate seal to be affixed hereto and these presents to be signed by Henry Vincent Meredith, a member of the executive committee, and by Hugh Robertson, its manager.

[L.S.]
C.R. & C. CO.

Geo. A. Drummond,
President.
H. R. Drummond,
Secretary.

[L.S.]
R.T. CO.

The Royal Trust Company,
H. V. Meredith,
Member Executive Committee.
H. Robertson,
Manager.

Witness:
A. Falconer.

Province of Quebec, City of Montreal. } On this thirteenth day of November A.D., 1907, personally came and appeared before me, Alexander Falconer, advocate, of the city of Montreal, and made oath that the Cumberland Railway and Coal Company and the Royal Trust Company executed the foregoing trust deed in his presence, the said Cumberland Railway and Coal Company having caused the same to be executed in his presence by the Hon. George A. Drummond, K.C.M.G., its president, and Huntly R. Drummond, its secretary, and the Royal Trust Company by Henry Vincent Meredith, a member of the executive committee, and by Hugh Robertson, its manager.

[L.S.]

W. De M. Marler,
Notary Public.

SCHEDULE "A."

1. The railway from Spring Hill Junction to Parrsboro with all lands, rights of way, terminals, round houses, wharves, engines, cars, equipment stores, and the whole undertaking.

2. All the following lots, pieces or parcels of land now owned by the Company and situate at or near Springhill in the county of Cumberland, said lands being described in the following deeds, namely:—

(*a*) The lands described in a deed from John R. Cowans (Robert John Cowans) to the Cumberland Coal and Railway Company, dated the 18th day of July, 1883, and recorded in the registry of deeds at Amherst in Book 8, page 630 *et seq.* The lands conveyed in and by said deed being described by metes and bounds or by reference to deeds containing a description of said lands by metes and bounds conveyed by previous deeds recorded in said registry of deeds in the books and at the pages set out in said deeds from John R. Cowans to the Cumberland Railway and Coal Company.

(*b*) The lands described in a deed from the said John R. Cowans to the said Cumberland Railway and Coal Company, dated the 30th day of January A.D., 1884, and recorded in the registry of deeds at Amherst in book 9, page 122, the lands conveyed in and by said deed being described by a reference to deeds containing a description by metes and bounds of lands conveyed by previous conveyances recorded in the said registry of deeds in books and at the pages set out in said deeds.

3. The following coal mining areas including leases, rights to leases not yet issued and licences to search.

No. of Lease.	Date.	Registered.		Location.
16–6	Aug. 25-1906	Book 2	23	1 sq. m. at Springhill.
17–7			24	
18–8			25	
19–44			26	
20–52			27	4 " " G.M.A.
21–55			28	3 " "
61*a*	Sept. 11-1889		89	1
62	Mar. 24-1890		91	1
71	June 28-1890		122	1 Salt Springs.
72			123	1 "
73	Nov. 28-		125	1 "
75			128	1
76	Jan. 28-1891		130	1
77	Nov. 5-1890		131	1
80	Sept. 12-1891		151	1
82	Nov. 26-1891		152	1
83	Dec. 29-1891		158	1
84	Jan. 13-1892		160	1
90	Dec. 2-1892		201	1
68	19-1889		218	1 Oxford.
66	Nov. 16-1890		219	1 "
67	Dec. 19-1889		220	1 "
69			221	1 "
89	Nov. 4-1892		199	1 Springhill.
58	July 15-1889		81	1
59			82	1
60			83	1
94	Sept. 7-1893		215	1
108	July 20-1895	Book 3	47	1
110			49	1
111			50	1
112			51	1
114			53	1
115			54	1
117			56	1
121			60	1
122			61	1
123			62	1
124			63	1
125*a*			68	1 Oxford.
126			69	1
128			71	1
129			72	1
135	Apr. 25-1900		173	1 Maccan Mt.
137	July 5-1901		286	1 Oxford.
138	Feb. 7-1902		296	1 "
142	July 2-1903	Book 4	24	1 Springhill.
143			25	1

No. of Lease.	Date.	Registered.	Location.
144		26	1
145		27	1
146		28	1
147		29	1
149		31	1
150		32	1
151		33	1
152		34	1
153		35	1
154		36	1
155		37	1
169		66	1
170		67	1
171		68	1 between Maccan and River Hebert.
177	July 2, 1904	196	1 " at Springhill.
178		197	1
179		201	1
180		202	1
181		203	1
182		204	1
183		205	1
184		206	1
185		207	1
186		208	1
187		209	1
188		210	1
189		211	1
190		212	1
191		213	1
192		214	1
193		215	1
194		216	1
196		225	1

LEASES APPLIED FOR NOT YET ISSUED.

Date of Application.	Where Situated.	No. of Receipt for payment.
June 7, 1906..	At Springhill	647
2, 1905..	"	636
28,	"	790
Oct. 7,	"	22
Oct. 13,	"	36
20,	"	56
20,	"	56
Nov. 2,	"	97
2,	"	97
2,	"	97
2,	"	97
3,	"	99
3,	"	99
3,	"	99
Jan. 23, 1906..	"	325
23,	"	325
Sept. 27,	"	1,690
Dec. 4,	"	180
28,	"	224
Oct. 13, 1905..	"	36
May 1, 1906..	"	552
Aug. 26, 1907..	1 sq. m. at Athol out of license 206	1,495
Apr. 13,	1 sq. m. at Maccan River out of license 205	440
May 2,	1 sq. m. at Maccan River out of license 204	499
Apr. 20,	1 sq. m. at Southampton out of license 203	459
May 2,	1 sq. m. at Brown's Brook out of license 201	499
Apr. 8,	1 sq. m. at East Southampton out of license 200	416
May 2,	1 sq. m. at East Southampton out of license 100	499
2,	1 sq. m. at South Brook out of license 202	499
Apr. 20,	1 sq. m. at South Brook out of license 91	459
May 4,	1 sq. m. at Stanley out of license B	506
4,	1 sq. m. at Stanley out of license C	506
4,	1 sq. m. at Stanley out of license D	506
Aug. 11,	1 sq. m. at Rodney out of license A C	1,454
11,	1 sq. m. at Rodney out of license A B	1,454
July 22, 1907..	1 sq. m. at Springhill out of license 9	1,018
22,	1 sq. m. at Springhill out of license 11	1,018

LICENSES TO SEARCH.

Date of License.	Location.	No. on Plan.
May 18, 1907..	Nappan	212
Oct. 28, 1906..	Salem	211
28, ..	Little Forks	210
June 8, 1906..	"	209
Dec. 4, 1906..	Athol	208
Oct. 27, 1907..	"	206
Dec. 4, 1906..	" 2nd right after Smith, *et al.*	207
Apr. 14, 1907..	"	205
May 3,	Maccan River	204
Apr. 22,	Southampton	203
Dec. 29, 1906..	"	100A
May 3, 1907..	"	201
Apr. 8, 1907..	East Southampton	200
May 3,	Mapleton	100
Dec. 4, 1906..	"	90
Apr. 22, 1907..	South Brook	91
May 3,	"	202
5,	Stanley	B
5,	"	C
5,	South of Stanley	D
Sept. 28, 1906..	Near Stanley	XF
May 2, 1906..	Black River	15
July 23, 1907..	Clearmont	11
23,	"	9
Aug. 12,	Near Rodney	AC
12,	"	AB
Feb. 15,	River Phillip	X
July 21, 1906..	Windham Hill	3X
21,	River Phillip Centre	XX
29, 1907..	River Ph'llip	2
16,	"	7
Sept. 14, 1906..	Oxford Junction	1
July 29, 1907..	"	4
Dec. 8, 1906..	Birchwood	A
Feb. 1,	"	3

4. The tug *Springhill* and the barges numbers one to seven.

5. All the engines, boilers, fans, telephone systems, bank heads, cars, stores, mining equipment and the undertaking of the Company at Springhill as a going mining concern, and all the property of like nature that the Company may hereafter acquire in its business as coal owners and miners.

This is the schedule marked "A" referred to in the annexed deed of trust from the Cumberland Railway and Coal Company to the Royal Trust Company dated the thirteenth day of November, 1907.

A. Falconer.

Geo. A. Drummond.
H. R. Drummond.
H. V. Meredith.
H. Robertson.

SCHEDULE "B."

The property, real, personal and mixed, intended to be excepted by the Company in this conveyance to the Trustee is

(*a*) the leases, rights to leases now applied for, and licenses to search of coal mining areas in the County of Cape Breton.

(*b*) Lands at Spring Hill on which are erected "Company houses," and lands for building such houses in the future.

(*c*) Timber lands held in fee in the counties of Cumberland, Colchester and Cape Breton, and leases of timber lands from the Crown, and timber lands in fee or held under lease that may hereafter be acquired by the Company, save such as may be acquired by the sale or exchange, or from the proceeds of any of the Mortgaged Premises.

(*d*) All leases, licenses to search for coal, and mining areas that may hereafter be acquired in the County of Cape Breton, either by selecting leases out of existing licenses to search, or by purchase, or any lands, such leases, licenses or areas in the County of Cape Breton that may be hereafter be acquired by the Company, save such as may be acquired by the sale or exchange or from the proceeds of any of the Mortgaged Premises, such excepted property being described as follows:—

LEASES IN CAPE BRETON COUNTY.

141	Dec. 22, 1891..	Book 2 159	1	sq. m. at Cow Bay.
177	July 3, 1893..	265	1	
118	15, 1889..	248	1	
112		249	1	
113		250	1	
114		251	1	
115		252	1	
213	July 20, 1895..	3 64	1	
283	Dec. 9, 1901..	281	1	" " Band Lake.
244	April 15, 1891..	119	1	Pt. Morien.

LEASES APPLIED FOR NOT YET ISSUED IN CAPE BRETON COUNTY.

June 28, 1906	1	sq. m. at Schooner Pond.....	766
Feb. 14	1	" False Bay.....	379
June 10, 1907	1	Mira River, out of license 10.....	602
July 19, 1906	1	" 8.....	1,085
11	1	" 9.....	984
Feb. 3	1	" 12.....	358
3	1	" 11.....	358
Aug. 6, 1907	1	" 12.....	1,435
6	1	" 11.....	1,435

LICENSES TO SEARCH IN CAPE BRETON COUNTY.

Date of License.	Location.	No. on Plan.
July 20, 1906..	Mira.....	8
12	"	8
June 11, 1907..	"	10

2. The following lots, pieces or parcels of land, situate at or near Spring Hill, on which the "Company houses" are erected or reserved for such houses.

All land owned by the Cumberland Railway and Coal Company bounded as follows: Beginning at the intersection of the west line of land owned by C. Mills with the north line of Main street, thence westerly along Main street to Lisgar street, thence northerly along Lisgar street to a point one hundred feet north of King street, thence easterly parallel with King street to a point three hundred feet west of the Junction road,

thence northerly parallel with the Junction road to the Springhill town bounds, thence easterly to the intersection of the prolongation of the west line of land owned by Hon. C. H. Tupper with the north boundary of the town of Springhill, thence southerly by the said Tupper line and its prolongation to the southwest corner of the said land owned by C. H. Tupper, thence easterly by the south line of the Tupper land to the west line of C. Mills land, thence southerly by the west line of C. Mills land to the place of beginning.

Also all the land owned by the C. Ry. & C. Co. bounded as follows: Beginning at the intersection of the west line of McFarlane street with the south line of Main street, thence southerly along McFarlane street and its prolongation to the south boundary of the town of Springhill, thence westerly and northerly by the said boundary to the west boundary of said town, thence southerly and easterly by the Athol road and Main street to the place of beginning, to include a strip six hundred feet wide on the north side of the Athol road and Main street, and to extend easterly from the west boundary of the town to the west end of the stone dump, and also to include a strip on the southwest of the old Syndicate road (so called) three hundred feet wide, and to extend westerly and northerly from the Herritt road to the west boundary of the town of Springhill.

3. The lands held in fee by the Company and which may be described by the following list giving the names of grantors, the number of acres, the book and page of the registration, and the situation of the lands or the numbers and location of the grants from the Crown or from lessees from the Crown, as the case may be.

From	To	No. of acres.	Registered.		Situated.
			Book.	Page.	
J. W. Cove	C. R. & C. Co	50	46	536	River Philip.
"	"	100	46	538	"
Dan. Rogers	"	112	49	82	"
Newton Pugsley	"	113	98	662	Lynn.
"	"	1,183	98	663	" All one deed.
"	"	500	98	664	"
"	"	489	98		"
Jos. Demings	"	100	44	175	River Philip.
C. O. Black and J. W. Chisholm	"	130	61	366	"
Thompson, *et al.*	"	75	41	354	Black River.
Wood, *et al.*	"				
Jno. and Mary Hyatt	"	50	24	621	Black River.
T. R. Thompson and heirs	"	100	61	307	Black River.
T. R. Thompson, heirs	"	100	61		Westchester.
Wilbert Thompson	"	55	45	632	Salt Springs.
"	"	84	45	632	"
Thompson, *et al.*	"	300	107	68	Mapleton.
R. M. Crowe	"	225	96	208	"
Jos. Lodge	"	100	96	420	"
Jno. McCarthy	"	100	34	208	Maccan Mountain.
C. Carter	"	132	53	69	River Philip.
Chisholm, Lowther and Ripley	"	357	40	136	Athol.
" "	"	900	40	136	"
" "	"	100	40	136	"
Thos. H. Smith	"	110	46	246	"

From	To	No. of acres.	Registered.		Situated.
			Book.	Page.	
M. A. Logan (Sheriff)...	C. R. & C. Co	500	53	652	Leamington.
G. R. Harrison.....	"	75	62	171	Southampton.
D. M. Hannah, *et al*....	"	125	66	72	"
Thos. Brown.....	"	500	34	398	"
" *et al*.....	"	100	35	156	"
" "	"	55	35	156	"
Wm. T. Hayden.....	"	50	35	549	"
Dd. Rector.....	"	75	39	1	Mapleton.
Ella Rector.....	"	50	39	2	"
"	"	81	39	2	"
D. L. Hannah.....	"	100	41	42	Southampton.
Jos. E. D. Brown	"	100	35	154	"
"	"	100	35	154	"
Robt. Rector.....	"	100	55	152	"
M. L. Tucker, *et al*.....	"	100	60	72	Athol.
Black, *et ux*.....	"	100	42	80	"
J. R. Lamy.....	"	100	60	9	Southampton.
J. Lodge, *et ux*.....	"	100	45	268	"
Amos Eaton.....	"	100	44	309	Black River.
	"	100	44	309	
	"	100	44	309	
	"	195	44	309	
	"	100	44	309	
	"	100	44	309	
	"	480	44	309	
	"	100	44	309	
C. Hanson.....	"	60	68	141	Springhill Jct.
A. Mills.....	"	100	47	617	"
E. J. Longard.....	"	630	47	190	"
Wm. A. Hendry	"	640	47	149	"
"	"	612	47	149	"
Chas. E. Starr.....	"	1,040	44	514	"
Assignee estate W. Myers Gray.....	"	640	YY	331	"
Hy. Hunter.....	"	220	65	437	Wallace River.
"	"	100	65	437	"
A. E. Moore.....	"	100	64	614	Westchester.
"	"	100	64	614	"
Jno. H. Brown.....	"	100	65	435	Wallace River.
Robt. Cummings.....	"	110	65	451	Westchester.
C. & W. Bragg.....	"	840	49	188	"
Hy. Hunter.....	"	200	60	617	"
J. H. Brown.....	"	260	50	241	"
Lucy Purdy.....	"	490	57	466	"
Alex. Wilson.....	"	500	44	220	"
C. B. Hewson.....	"	450	47	110	"
Stewart A. Purdy.....	"	480	79	158	"
C. Weatherby.....	"	285	80	52	"
"	"	184	80	52	"
W. Hendry.....	"	500	34	432	Black River.
Jno. O. Moose.....	"	87	76	115	"
M. A. Logan (Sheriff)...	"	350	75	456	"
Annie McDiarmid.....	"	100	67	458	West Branch Wallace R.
Jno. H. Brown.....	"	1,600	62	188	Greenville.
Mrs. Brundage.....	"	100	66	409	Springhill.
W. A. D. Morse.....	"	150	46	356	Springhill Jct.
"	"	250	46	356	"
Jas. Canfield.....	"	462	44	313	Birch Hill.
C. R. Smith.....	"	231	44	274	"
R. Pickford.....	"	640	43	610	Springhill Jct.
H. Sweet.....	"	300	43	309	Westchester.
"	"	238	43	345	"
J. W. Chisholm.....	"	396	40	488	"
E. H. Brown.....	"	75	73	358	Mapleton.
Sarah A. Lawrence, *et al*	"	200	72	26	Westworth.
J. B. McLean.....	"	200	71	230	"
H. H. Fuller (heirs) ...	"	100	83	242	Greenville.
Sarah J. Robertson.....	"	250	78	341	Wallace.
H. A. Purdy.....	"	63	80	430	Wentworth.
T. S. Rogers.....	"	45	80	431	"
"	"	200	80	431	"
D. F. Archibald.....	"	166	45	87	Athol.

GRANTS FROM THE CROWN.

No. of grant.	Registered. Book.	Registered. Page.	Granted to.	Date.	No. of acres.	Situated.
17274	E	96	C. R. & C. Co.	May 5,'92....	865	Athol.
17273	E	97	"	" 5, 02....	130	Southampton.
17272	E	98	"	" 5, 02....	100	"
17271	E	95	"	" 5, 92....	100	"
17270	E	94	"	" 5, 92....	265	"
17643	E	118	"	June 1, 93....	668	Athol.
17966	E	140	"	Sept. 10, 94....	292	"
17644	E	119	"	June 1, 93....	695	"
17747	E	130	"	Dec. 20, 93....	1,308	"
17642	E	120	"	June 1, 93....	83	Springhill Jct.
17641	E	117	"	" 1, 93....	267	"
20513	E	40	"	Dec. 3, 04....	220	"
17555	E	109	"	" 31, 92....	160	Claremont.
18238	E	155	"	May 23, 95....	306	River Philip.
18239	E	156	"	" 23, 95....	77	"
18237	E	153	"	" 23, 95....	566	"
18241	E	158	"	" 23, 95....	308	"
18236	C	222	"	" 23, 95....	275	" Col. Co.
18240	E	157	"	" 23, 95..	40	"
18575	D	170	"	Sept. 16, 96....	100	"
17964	E	139	"	" 10, 94....	435	"
17965	E	141	"	" 10, 94....	675	"
18977	E	198	"	Mch. 10, 98....	78	"
18319	E	160	"	Sept. 4, 95....	93	Farmington.
18320	E	161	"	" 4, 95....	220	"
18318	E	159	"	" 4, 95....	1,056	"
18317	C	223	"	" 4, 95....	66	" Col. Co.
18326	E	162	"	" 4, 95....	222	Westchester.
18612	E	176	"	" 16, 96....	203	Oxford.
18613	E	175	"	" 16, 96....	172	"
18574	D	169	"	" 16, 96....	84	"
18611	E	174	"	" 16, 96....	118	"
17682	E	127	"	" 1, 93....	200	Oxford.
18321	2	339	"	" 4, 95....	78	Sand River.
18322	2	241	"	" 4, 95....	470	"
18323	2	243	"	" 4, 95....	880	"
18324	2	245	"	" 4, 95....	68	"
18325	2	247	"	" 4, 95....	355	"
20266	E	26	"	Aug. 26, 03....	117	"

NOTE.—Grants Nos. 18321, 18322, 18323, 18324, and 18325 are recorded in the Registry of deeds at Parrsboro, and grants 18236 and 18317 are recorded in the Registry of deeds at Truro, Cape Breton County.

17990	E	159	"	Sept. 10, 1894..	525	Cape Breton.
17991	E	160	"	" 10, 1894..	475	"

LEASES FROM THE CROWN.

No. of lease.	Book.	Page.	Lease to.	Date.	Situated.	No. of acres.
462	1	7	I. H. Mathers..	Sept. 10,'04....	Wentworth.....	130
463	1	8	" ..	" 10, 04....	Henderson Settlement.....	679
464	1	9	" ..	" 10, 04....	Wentworth. ...	590
465	1	10	" ..	" 10, 04....	" ..	295
466	1	11	" ..	" 10, 04....	Henderson Settlement.	298
467	1	12	" ..	" 10, 04....	" ..	108
468	1	13	" ..	" 10, 04....	" ..	34
469	1	14	" ..	" 10, 04....	Wentworth. ...	100
470	1	15	" ..	" 10, 04....	Swallow Road.	810
328	1	1	C. Ry. & C. Co.	Nov. 17, 02....	Black River....	310
325	1	2	" ..	" 17, 02....	" ..	358
327	1	5	" ..	" 17, 02....	" ..	875
330	1	3	" ..	" 20, 02....	Thompson.....	1,067
326	1	4	" ..	" 17, 02....	Greenville.....	246
329	1	6	" ..	" 17, 02....	Thompson.....	1,225

This is the schedule marked "B," referred to in the annexed deed of trust from the Cumberland Railway and Coal Company to the Royal Trust Company, dated the thirteenth day of November, 1907.

A. Falconer.

Geo. A. Drummond.
H. R. Drummond.
H. V. Meredith.
H. Robertson.

SCHEDULE "C."

THE CUMBERLAND RAILWAY AND COAL COMPANY.

Dominion of Canada.
Province of Quebec.

$1,000. No. .

The Cumberland Railway and Coal Company (incorporated by the Act 46 Victoria, Canada, chapter 77, as amended by the Act 47 Victoria, Canada, chapter 77), hereinafter called "the Company," for value received, will, on the first day of October, nineteen hundred and thirty-seven, unless this bond be sooner redeemed as herein provided, pay to the bearer, or, if registered, to the registered holder hereof, on presentation and surrender hereof, one thousand dollars in gold of or equal to the present standard of weight and fineness, and until actual payment will pay interest thereon at the rate of six per centum per annum in like gold coin, half-yearly, on the first days of April and October in each year, on surrender of the proper coupon annexed hereto.

This bond is one of a series of fifteen hundred bonds, numbered from 01 to 1,500 inclusive, the total amount at any one time not to exceed in the aggregate the sum of one million five hundred thousand dollars, all of like tenor and date, issued with the sanction of the shareholders of the Company, given at a special general meeting duly called and held for the purpose on the 26th day of September, 1907, all of which bonds are equally entitled to the benefit of and subject to the provisions contained in a trust mortgage, dated the day of A.D., 1907, by which the Company conveys to the Royal Trust Company, as Trustee, all the real and personal property, rights and privileges now owned or hereafter to be acquired by the Company subject to the exceptions and restrictions in the said trust mortgage contained.

This bond shall pass by delivery unless registered, and if registered by transfer upon the books of the Company by the registered holder in person or by attorney.

Payment of principal and interest will be made at the office of the Royal Trust Company in the city of Montreal.

This bond may be redeemed by the Company at any time at a premium of five per centum on its nominal value, the redemption to be made in accordance with the provisions of the trust deed hereinbefore referred to, and in the event of its becoming payable before maturity by reason of the Company's going into voluntary liquidation, the same premium will be payable.

This bond shall not be valid or obligatory unless and until certified by the said Trustee.

In witness whereof the Company has caused its corporate seal to be hereto affixed, and these presents to be signed by its vice-president and countersigned by its secretary, this day of , nineteen hundred and seven, and the annexed interest coupons to be signed with the engraved signature of its secretary.

"The Cumberland Railway and Coal Company."

[L.S.] By

.....

Vice-president.

.....

Secretary.

Form of Coupon.

$. Coupon No. .

On the day of , nineteen hundred and , the Cumberland Railway and Coal Company will pay to the bearer on presentation hereof, at the office of the Royal Trust Company, Montreal, the sum of thirty dollars in gold, being half-yearly interest due on bond No. .

.....

Secretary.

Trustee's Certificate.

The Royal Trust Company hereby certifies that this bond is one of the series of bonds referred to in the trust mortgage within mentioned.

The Royal Trust Company, Trustee.

.....

For the Manager.

This is the schedule marked "C," referred to in the annexed deed of trust from the Cumberland Railway and Coal Company to the Royal Trust Company, dated the thirteenth day of November, 1907.

A. Falconer.

Geo. A. Drummond.
H. R. Drummond.
H. V. Meredith.
H. Robertson.

No. 46.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Cumberland Railway and Coal Company.

First reading, Jannary 8, 1907.

(PRIVATE BILL.)

MR. MONK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 47.] **BILL.** [1907-8

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

Preamble.

1894, c. 103; 1896 (2nd Sess.), c. 11; 1900, c. 106; 1902, c. 79; 1904, c. 98; 1906, c. 128.

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

1906, c. 128, s. 4 repealed.

1. Section 4 of chapter 128 of the statutes of 1906 is repealed.

Time extended for construction of canal.

2. The Montreal, Ottawa and Georgian Bay Canal Company may commence the construction of its canals, or some of them, and expend fifty thousand dollars thereon, on or before the first day of May, one thousand nine hundred and ten, and may finish the said canals and put them in operation by the first day of May, one thousand nine hundred and sixteen, and, subject to the provisions of this Act, may, in connection with such construction and operation, exercise all the powers granted to the said company by its Act of incorporation, chapter 103 of the statutes of 1894, and amendments thereof; and if such construction is not so commenced and such expenditure is not so made, or if the said canals are not finished and put in operation, on or before the said respective dates, the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the canals and works of the said Company as then remains uncompleted.

No. 47.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

First reading, January 8, 1908.

(PRIVATE BILL.)

MR. STEWART.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 48.] **BILL.** [1907-8

An Act respecting the Niagara Grand Island Bridge Company.

Preamble.

WHEREAS the Niagara Grand Island 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction of undertaking extended.

1. The times limited by the Acts respecting the Niagara Grand Island Bridge Company for the commencement and completion of its undertaking, are hereby extended as follows: The work shall be commenced within two years after an Act of the Congress of the United States has been passed consenting to or approving of the construction, maintenance and operation of the bridge contemplated by the Company's Act of incorporation, or within two years after the Executive of the United States, or other competent authority, has consented to or approved of such bridge, and shall be completed within five years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such consent is not obtained within five years after the passing of this Act, the powers granted for the construction of the said work shall cease and be null and void.

No. 48.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Niagara Grand Island Bridge Company.

First reading, January 8, 1908.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 49.] **BILL.** [1907-8

An Act to incorporate the Shuswap and Thompson Rivers Boom Company.

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

1. Otto Lachmund, of the city of Revelstoke, and Frank L. Buckley, of the town of Enderby, both in the province of British Columbia; Samuel H. Bowman, of the city of Minneapolis, in the state of Minnesota, and James P. McGoldrick, of the city of Spokane, in the state of Washington, in the United States; and Thomas Kilpatrick, of the city of Revelstoke, in the province of British Columbia, together with such persons as become shareholders in the company, are incorporated under the name of "Shuswap and Thompson Rivers Boom Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors; and a majority shall form a quorum. Directors.

4. The head office of the Company shall be at the city of Revelstoke, in the province of British Columbia, or at such other place in Canada as the directors determine by by-law, a true copy of which shall be published in *The Canada Gazette*. Head office.

5. The capital stock of the Company shall be one hundred thousand dollars, divided into shares of fifty dollars each, and may be called up by the directors from time to time as they deem necessary. The capital stock may be increased from time to time to any amount not exceeding one hundred and fifty thousand dollars; provided that each such increase shall be subscribed and fifty per cent paid up thereon before any further increase may be made; and provided further, that no increase of capital stock shall be made without the authority of the shareholders at an annual or at a special general meeting of the Company duly called for that purpose, at which meeting shareholders representing at least two-thirds of the subscribed capital stock are present or represented by proxy. Capital stock. Increase of capital.

Notice of intention to sell shares.

2. No shareholder shall sell or offer for sale his shares without first giving notice in writing to the board of directors of his intention so to do, and preference to purchase shall be given by the selling shareholder to any shareholder of the Company who pays to the directors, within thirty days after such notice of intention, the market value of such shares, and if there be no market value, then the par value thereof.

Preference to shareholders.

Provisional directors.

6. The persons named in section 1 of this Act are constituted the provisional directors of the Company, and they may forthwith open stock books and procure subscriptions for shares, and as soon as seventy-five per cent of the capital stock is subscribed and ten per cent thereof paid in, they shall call a meeting of the shareholders, at which meeting the shareholders present or represented by proxy, who have paid in not less than ten per cent of the amount of shares subscribed for by them, shall elect directors.

Powers.

First general meeting.

Annual meeting.

7. The annual meeting of the shareholders shall be held at the head office of the Company on the first Tuesday in June in each year. Other general meetings of the shareholders and directors' meetings may be held at such times and places as the by-laws of the Company determine.

Powers of directors.

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

Borrow money.

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

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

Issue bonds.

(*c*) issue bonds, debentures or other securities of the Company and pledge or sell them for such sums and at such prices as are deemed expedient, but no such bonds, debentures or other securities shall be for a less sum than one hundred dollars;

Hypothecate property.

(*d*) hypothecate, mortgage or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Company: Provided that the limitations and restrictions contained in paragraphs (*a*), (*b*), (*c*) and (*d*) of this section shall not apply to the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.

Proviso as to bills and notes.

Issue of paid-up stock.

9. The directors may, by by-law, allot, issue and transfer as paid-up stock, shares of the capital stock of the Company in payment for any business, franchise, letters patent, services, lands, works, undertakings or property of any kind whatsoever which the Company is empowered to acquire, hold or engage in, or may pay therefor partly in cash and partly in paid-up shares of the Company, or in its bonds, or debentures, and any such issue or allotment of shares shall be binding upon the Company, and shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon.

Business of Company.

10. The Company may engage in the business of transporting, rafting, driving, towing, collecting, carrying, booming,

storing, holding, protecting, sorting and delivering saw-logs, poles, pulp-wood, ties, timber, lumber and all sorts of timber and lumber products in, upon, along and about the following rivers, streams and bodies of water situate in the province of British Columbia, namely:—The Thompson River, the North Thompson River, the South Thompson River, Kamloops Lake, Shuswap Lake and its several arms, the Lower Spallumcheen River, and the navigable tributaries of each thereof, and the navigable bodies of water connecting therewith and their respective navigable tributaries, and in, upon, along and over any parts of the said streams or bodies of water, or any of them, and the shores thereof, and the islands therein; and for the purposes of carrying on all or any part of said undertakings or any undertakings incidental thereto or necessary or convenient therein, the Company may,—

(*a*) acquire, build, erect, attach, construct, maintain, use and operate all sorts of booms, chutes, weirs, pilings, dams, slides, piers, cribs, wharfs, aprons, canals, flumes, and all other such works, buildings, structures, machinery and appliances as are necessary and convenient for the said purposes;

(*b*) deepen, widen or improve the channels of any or all of the said rivers, streams and bodies of water by blasting, dredging, removing shoals, bars, snags or other impediments or hindrances to navigation.

Navigation not to be interfered with.

11. Nothing in this Act shall authorize the exercise of any power of the Company so as to interfere with the free navigation of the said rivers, streams or bodies of water, or any of their branches or tributaries.

Plans and specifications to be filed and approved by Governor in Council.

12. Plans and specifications of any works proposed under section 10 of this Act, and any alteration or enlargement thereof, showing the site, location and character thereof, shall be filed in the office of the Minister of Public Works at Ottawa, and in the office of the Dominion Lands Agent at the city of Kamloops; and thereafter the Company shall give public notice for one month, of such filing, in at least one newspaper published in each of the cities of Kamloops and Revelstoke, stating the date, hour and place at which an application will be made to the Governor in Council for his approval to be given to such plans; and the Governor in Council, after hearing such application and determining all matters in relation thereto then brought before him by any person interested, may approve of such plans, and until such approval, the Company shall have no authority to proceed with the construction, alteration or enlargement of such works or any of them. The Governor in Council may also, in his discretion, approve any such works which hereafter become the property of the Company and which have been established or commenced prior to the passing of this Act, and his approval of any such works or improvements shall be conclusive that they do not violate any of the terms hereof.

Regulations by Governor in Council.

2. The Governor in Council may make such orders and regulations as he deems expedient with respect to the maintenance or operation of such works, in order to maintain existing facilities in navigation or for securing better facilities therefor.

Uuse of works by public.

13. The said works shall be open to the use of the public at all reasonable times on equal terms.

Disputes to be decided by Minister of Public Works.

2. In carrying on the business of the Company, and in the event of any dispute arising as to the navigability of any river, stream or body of water, and the Company's obligation to render any of the services aforesaid in, upon, along or concerning such river, stream or body of water, the decision of the Minister of Public Works, that such river, stream or body of water, or the particular part thereof in dispute, is navigable or non-navigable, shall be binding and final upon the disputants.

Tolls, dues and charges.

14. So long as the works mentioned in section 10 of this Act are maintained in an efficient state (such efficient state to be, in the event of dispute, determined by the Minister of Public Works), the Company may levy and collect tolls, dues and charges upon all saw-logs, poles, pulp-wood, ties, timber, lumber and the products thereof, with respect to which the Company has performed or rendered any work, labour or service within the scope of its powers, as set forth in this Act, or in respect to which any of its works or improvements have been used by any other person, firm or corporation; such tolls, dues and charges to be fixed by the Company in accordance with a tariff, which shall be subject to the approval of the Governor in Council, and when so approved, the said tariff, together with any alterntions or amendments thereto, shall be published in *The Canada Gazette* and the *British Columbia Gazette*, and the Company shall have, hold and may enforce a lien for the amount of such tolls, dues and charges upon all such saw-logs, poles, pulp-wood, ties, timber, lumber or products thereof, or any other commodities; and the Company may hold possession thereof until such tolls, dues or charges have been paid, with legal interest and costs.

Tariff of tolls to be approved.

Expropriation of land.

15. Such lands as are actually required for the construction, maintenance or operation of any work or improvement mentioned in section 10 of this Act may be taken and acquired by the Company, subject, however, to the approval of the Governor in Council; and to this end, and after plans and specifications for such work or improvement, and the project for the taking of lands therefor under this section, have been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition of lands, so far as they are applicable thereto, shall apply with the same force and effect as if they were included in this Act, and all the provisions of *The Railway Act* which are applicable hereto shall in like manner apply to the ascertainment and payment of compensation for or damages to lands arising out of such taking or acquisition, or out of the construction or maintenance of such works or improvements of the Company, or out of the exercise of any of the powers of the Company under this Act: Provided that the powers granted by this section shall be exercised at such places only as are first approved of by the Governor in Council; and provided also that only so much land shall be acquired by the Company under the powers hereby granted as the Governor in Council deems necessary for the construction or efficient maintenance or operation of any work or improvement contemplated by this Act.

R.S., c. 37.

16. In connection with and in carrying on its undertakings, the Company may,— Special powers.

(*a*) acquire, hold, maintain and operate lands, buildings, water powers, easements, good wills, franchises, licenses, privileges, rights and businesses, and any other real or personal property, and the products thereof, and including stocks, bonds, debentures and securities of other corporations necessary or convenient to the Company's operations and business;

(*b*) acquire, construct, use, maintain and operate roads, tramways, docks, wharfs, piers and similar works, and, for its undertaking only, telegraph, telephone and electric lines;

(*c*) construct, acquire, maintain, charter and navigate boats, tugs and water crafts for use between places in Canada and elsewhere;

(*d*) sell, lease, improve, hold, manage, exchange or otherwise dispose of or deal with all or any part of its property, real or personal;

(*e*) engage as principal or agent in any business or transaction within the limits of the Company's objects, either by itself or in conjunction with any other person, firm or corporation.

17. If the construction of any of the said works and improvements is not commenced within two years after the passing of this Act, and if any such work or improvement is not finished and put in operation within ten years after the passing of this Act, the powers for the construction thereof granted by this Act shall cease and be null and void as respects so much of any improvement or work as then remains uncompleted: Provided, however, that the said period shall not be limited or abridged by the time required in the examination or approval or rejection of any plan, specification or project submitted by the Company for the purpose of examination and approval, as required under the provisions of this Act. Time for construction of works limited. Proviso.

18. Sections 62, 63, 65, 67, 75, 97, 98, 101, 102, 103 and 104 of *The Companies Act* shall apply to the Company; and, except as hereinbefore expressly enacted, sections 127 and 141 of *The Companies Act* shall not apply to the Company. R.S., c. 79.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Shuswap and Thompson Rivers Boom Company.

First reading, January 8, 1908.

(PRIVATE BILL.)

MR. ROSS,
(Yale-Cariboo.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 49.] **BILL.** [1907-8

An Act to incorporate the Shuswap and Thompson Rivers Boom Company.

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

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

1. Otto Lachmund, of the city of Revelstoke, and Frank L. Buckley, of the town of Enderby, both in the province of British Columbia; Samuel H. Bowman, of the city of Minneapolis, in the state of Minnesota, and James P. McGoldrick, of the city of Spokane, in the state of Washington, in the United States; and Thomas Kilpatrick, of the city of Revelstoke, in the province of British Columbia, together with such persons as become shareholders in the company, are incorporated under the name of "Shuswap and Thompson Rivers Boom Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors; and a majority shall form a quorum. Directors.

3. The head office of the Company shall be at the city of Revelstoke, in the province of British Columbia, or at such other place in Canada as the directors determine by by-law, a true copy of which shall be published in *The Canada Gazette*. Head office.

4. The capital stock of the Company shall be one hundred thousand dollars, divided into shares of fifty dollars each, and may be called up by the directors from time to time as they deem necessary. The capital stock may be increased from time to time to any amount not exceeding one hundred and fifty thousand dollars; provided that each such increase shall be subscribed and fifty per cent paid up thereon before any further increase may be made; and provided further, that no increase of capital stock shall be made without the authority of the shareholders at an annual or at a special general meeting of the Company duly called for that purpose, at which meeting shareholders representing at least two-thirds of the subscribed capital stock are present or represented by proxy. Capital stock. Increase of capital.

Provisional directors.

5. The persons named in section 1 of this Act are constituted the provisional directors of the Company, and they may forthwith open stock books and procure subscriptions for shares,

Powers.

and as soon as seventy-five per cent of the capital stock is subscribed and ten per cent thereof paid in, they shall call a meeting

First general meeting.

of the shareholders, at which meeting the shareholders present or represented by proxy, who have paid in not less than ten per cent of the amount of shares subscribed for by them, shall elect directors.

Annual meeting.

6. The annual meeting of the shareholders shall be held at the head office of the Company on the first Tuesday in June in each year. Other general meetings of the shareholders and directors' meetings may be held at such times and places as the by-laws of the Company determine.

Business of Company.

7. The Company may engage in the business of transporting, rafting, driving, towing, collecting, carrying, booming, storing, holding, protecting, sorting and delivering saw-logs, poles, pulp-wood, ties, timber, lumber and all sorts of timber and lumber products in, upon, along and about the navigable portions of the following rivers, streams and bodies of water situate in the province of British Columbia, namely:—The Thompson River for a distance of two miles west of the confluence of the North and South Thompson Rivers, the North Thompson River, the South Thompson River, Shuswap Lake and its several arms, the Lower Spallumcheen River, and the navigable tributaries of each thereof, and the navigable bodies of water connecting therewith and their respective navigable tributaries, and in, upon, along and over any parts of the said streams or bodies of water, or any of them, and the shores thereof, and the islands therein; and for the purposes of carrying on all or any part of said undertakings or any undertakings incidental thereto or necessary or convenient therein, the Company may,—

(*a*) acquire, build, erect, attach, construct, maintain, use and operate all sorts of booms, chutes, weirs, pilings, dams, slides, piers, cribs, wharfs, aprons, canals, flumes, and all other such works, buildings, structures, machinery and appliances as are necessary and convenient for the said purposes;

(*b*) deepen, widen or improve the channels of any or all of the said rivers, streams and bodies of water by blasting, dredging, removing shoals, bars, snags or other impediments or hindrances to navigation.

Navigation and fish not to be interfered with.

8. Nothing in this Act shall authorize the exercise of any power of the Company so as to interfere with the free navigation of the said rivers, streams or bodies of water, or any of their branches or tributaries, or so as to impede the free passage of fish to and from their spawning grounds in the said waters, or any of their branches or tributaries, or so as to destroy or in any way injure the spawning grounds, or so as to interfere with fish breeding operations.

Plans and specifications to be filed

9. Plans and specifications of any works proposed under section 7 of this Act, and any alteration or enlargement thereof,

showing the site, location and character thereof, shall be filed in the office of the Minister of Public Works at Ottawa, and in the office of the Dominion Lands Agent at the city of Kamloops; and thereafter the Company shall give public notice for two months, of such filing, in at least one newspaper published in each of the cities of Kamloops and Revelstoke, stating the date, hour and place at which an application will be made to the Governor in Council for his approval to be given to such plans; and the Governor in Council, after hearing such application and determining all matters in relation thereto then brought before him by any person interested, may approve of such plans, and until such approval, the Company shall have no authority to proceed with the construction, alteration or enlargement of such works or any of them. The Governor in Council may also, in his discretion, approve any such works which hereafter become the property of the Company and which have been established or commenced prior to the passing of this Act, and his approval of any such works or improvements shall be conclusive that they do not violate any of the terms hereof.

and approved by Governor in Council.

2, The Governor in Council may, if he deems it expedient, exempt any person from the payment of tolls, and may make such orders and regulations as he deems expedient with respect to the maintenance or operation of such works, in order to maintain existing facilities in navigation or for securing better facilities therefor.

Regulations by Governor in Council.

3. The Governor in Council may make such orders and regulations for the expeditious rafting, driving, towing, collecting, carrying, booming, storing, holding, protecting, sorting and delivering of sawlogs, poles, pulp-wood, ties, timber, lumber, and all sorts of timber and lumber products in, upon and along the rivers, streams and bodies of water mentioned in section 7 of this Act.

10. The said works shall be open to the use of the public at all reasonable times on equal terms.

Use of works by public.

2. In carrying on the business of the Company, and in the event of any dispute arising as to the navigability of any river, stream or body of water, and the Company's obligation to render any of the services aforesaid in, upon, along or concerning such river, stream or body of water, the decision of the Minister of Public Works, that such river, stream or body of water, or the particular part thereof in dispute, is navigable or non-navigable, shall be binding and final upon the disputants.

Disputes to be decided by Minister of Public Works.

11. So long as the works mentioned in section 7 of this Act are maintained in an efficient state (such efficient state to be, in the event of dispute, determined by the Minister of Public Works), the Company may levy and collect tolls, dues and charges upon all saw-logs, poles, pulp-wood, ties, timber, lumber and the products thereof, with respect to which the Company has performed or rendered any work, labour or service within the scope of its powers, as set forth in this Act, or in respect to which any of its works or improvements have been used by any other person, firm or corporation; such tolls, dues and charges to be fixed by the Company in accordance with a tariff, which shall be subject to the approval of the Governor in Council, and when

Tolls, dues and charges.

Tariff of tolls to be approved.

so approved, the said tariff, together with any alterations or amendments thereto, shall be published in *The Canada Gazette* and the *British Columbia Gazette*, and the Company shall have, hold and may enforce a lien for the amount of such tolls, dues and charges upon all such saw-logs, poles, pulp-wood, ties, timber, lumber or products thereof, or any other commodities; and the Company may hold possession thereof until such tolls, dues or charges have been paid, with legal interest and costs.

Expropriation of land.

12. Such lands as are actually required for the construction, maintenance or operation of any work or improvement mentioned in section 7 of this Act may be taken and acquired by the Company, subject, however, to the approval of the Governor in Council; and to this end, and after plans and specifications for such work or improvement, and the project for the taking of lands therefor under this section, have been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition of lands, so far as they are applicable thereto, shall apply with the same force and effect as if they were included in this Act, and all the provisions of *The Railway Act* which are applicable hereto shall in like manner apply to the ascertainment and payment of compensation for or damages to lands arising out of such taking or acquisition, or out of the construction or maintenance of such works or improvements of the Company, or out of the exercise of any of the powers of the Company under this Act: Provided that the powers granted by this section shall be exercised at such places only as are first approved of by the Governor in Council; and provided also that the land so acquired by the Company at any one point shall not extend a greater distance than five hundred feet along the margin of the river, nor extend back from the river a greater distance than fifty feet from high water mark: and provided further that nothing in this section shall authorize the Company to acquire or take possession of, or in any way injure or interfere with, any mill site upon which there exists any mill or machinery or hydraulic works other than those intended to facilitate the passage of timber.

R.S., c. 37.

Special powers.

13. In connection with and in carrying on its undertakings, the Company may,—

(*a*) acquire, hold, maintain and operate lands, buildings, water powers, easements, good wills, franchises, licenses, privileges, rights and businesses, and any other real or personal property, and the products thereof, and including stocks, bonds, debentures and securities of other corporations necessary or convenient to the Company's operations and business;

(*b*) acquire, construct, use, maintain and operate roads, tramways, docks, wharfs, piers and similar works, and, for its undertaking only, telegraph, telephone and electric lines;

(*c*) construct, acquire, maintain, charter and navigate boats, tugs and water crafts for use between places in Canada and elsewhere;

(*d*) sell, lease, improve, hold, manage, exchange or otherwise dispose of or deal with all or any part of its property, real or personal;

(*e*) engage as principal or agent in any business or transaction within the limits of the Company's objects, either by itself or in conjunction with any other person, firm or corporation.

Confiscation of works for non-compliance with Act or regulations.

14. In the event of the Company not complying with the orders and regulations which may be made with respect to it by the Governor in Council, or in the event of the Company not conforming in all respects to the provisions of this Act, the Governor in Council may, if he deems it in the public interest to do so, after notice to the Company and giving it a reasonable opportunity of being heard, declare the works with respect to which orders and regulations have not been complied with, to be vested in the Crown, and thereupon all the rights, powers and privileges conferred upon the Company by this Act in so far as such portions of the Company's works are concerned shall cease and be void.

Time for construction of works limited.

15. If the construction of any of the said works and improvements is not commenced within two years after the passing of this Act, and if any such work or improvement is not completed and put in operation within ten years after the passing of this Act, the powers for the construction thereof granted by this Act shall cease and be null and void as respects so much of any improvement or work as then remains uncompleted.

R.S., c. 79.

16. Sections 62, 63, 65, 67, 69, 75, 97, 98, 101, 102, 103 and 104 of *The Companies Act* shall apply to the Company; and, except as hereinbefore expressly enacted, section 141 of *The Companies Act* shall not apply to the Company.

No 49.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Shuswap and Thompson Rivers Boom Company.

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

(PRIVATE BILL.)

Mr. Ross,
(Yale-Cariboo.)

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

No. 50.] **BILL.** [1907-8

An Act respecting the Dominion Atlantic Railway Company.

Preamble.

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

Line of railway authorized.

1. The Dominion Atlantic Railway Company, hereinafter called "the Company," may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, commencing at a point on the Company's railway, in the province of Nova Scotia, formerly known as the Cornwallis Valley Railway, between Kentville and Canning, thence running westerly and terminating at a point on the Company's railway between Berwick and Middleton, or at some point between the main line of the Company's railway and the North Mountain, in the said province.

Time for construction limited.

2. Unless the Company commences within two years, and completes and puts in operation within five years, after the passing of this Act the railway which the Company is hereby authorized to construct, the powers hereby granted for construction shall cease with respect to so much of the said railway as then remains uncompleted.

"North Mountain Division."

3. The railway described in section 1 of this Act shall be designated and known as the North Mountain Division of the Dominion Atlantic Railway.

Issue of securities limited.

4. The Company may issue securities upon the said North Mountain Division for an amount not exceeding five thousand pounds sterling per mile of the said division, constructed or under contract to be constructed.

1900, c. 59, s. 15 repealed.

5. Section 15 of chapter 59 of the statutes of 1900, giving certain powers to the Company to become a party to promissory notes and bills of exchange, shall no longer apply to the Company, but the Company shall hereafter have the same powers as to becoming a party to or making or issuing promissory notes and bills of exchange and other commercial securities, as are conferred by *The Railway Act*, and the said section 15 is hereby repealed.

Power to make notes and bills.

R.S., c. 37.

1900, c. 59, s. 10 repealed.

6. Section 10 of chapter 59 of the statutes of 1900 is repealed.

Number of directors.

2. The number of directors shall be three, unless and until such number is increased by by-law of the Company as hereinafter provided.

May be increased or diminished.

3. The Company may, from time to time, by by-law, increase the number of directors to any number not exceeding five, and may also, from time to time, by by-law, diminish the number of directors, but so that they shall not be less than three.

Term of office.

4. The said directors, one or more of whom may be paid directors, shall hold office for three years, one or more of such directors retiring from the board in each year by rotation in manner to be prescribed by by-law of the Company.

Annual meeting.

7. The first annual meeting of the shareholders, after the thirty-first day of March, one thousand nine hundred and seven, shall be held on the second Friday in October, one thousand nine hundred and nine, and thereafter the annual meeting of the shareholders shall be held on the second Friday in October.

Contributions to employees' sick and benefit fund.

8. For the purpose of providing for contributions to the sick and benefit fund of its employees, the Company may, from time to time, contribute to the said fund out of the gross earnings of the Company, such amounts as the directors determine.

Chargeable to working expenditure.

2. Any sums contributed to the said fund by the Company shall be considered as forming part of the working expenditure of the Company.

By-laws for management of fund.

3. The directors may make and adopt all such rules, by-laws and regulations, not inconsistent with law, as they deem proper and necessary for the due and efficient management, administration and disposition of the said fund.

Existing powers not restricted.

9. Nothing in the preceding sections shall be construed as in any way limiting any powers now vested in the Company, but the powers by this Act conferred, shall be held to be in addition thereto.

No. 50.

4th Session, 10th Parliament, 7-8 Edward VI

BILL.

An Act respecting the Dominion A
Railway Company.

First reading, January 13, 19

(PRIVATE BILL.)

MR. (

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Maj
1907-8

No. 51.] **BILL.** [1907-8

An Act respecting the Erie, London and Tillsonburg Railway Company.

Preamble.

1906, c. 90.

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

Time for construction extended.

1. The Erie, London and Tillsonburg Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act, and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not finished and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 51.

4th Session 10th Parliament. 7 8 Edward VII., 1907-8

BILL.

An Act respecting the Erie, London and Tillsonburg Railway Company.

First reading, January 13, 1908.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 52.[**BILL.** [1907-8

An Act respecting a patent of Eugene François Giraud.

Preamble.

WHEREAS Eugene François Giraud, of Doulaincourt, France, has by his petition represented that he is the holder and owner of patent number seventy-three thousand one hundred and one, dated the seventeenth day of September, one thousand nine hundred and one, issued under the seal of the Patent Office, for improvements in chain-making machines; and whereas the said Eugene François Giraud has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend duration of patent.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the holder of the said patent an application for a certificate of payment and the usual fees upon the said patent for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said holder the certificate of payment of fees provided by *The Patent Act*, and an extension of the period of duration of the said patent to the full term of eighteen years in as full and ample a manner as if the application therefor had been duly made within six years from the date of the said patent.

R.S., c. 69.

Certain rights saved.

2. If any person has, in the period between the expiry of six years from the date of the said patent and the second day of November, one thousand nine hundred and seven, commenced to manufacture, use or sell, in Canada, the invention covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed.

No. 52.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting a patent of Eugene François Giraud.

First reading, January 13, 1908.

(PRIVATE BILL.)

MR. GORDON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 53.] **BILL.** [1907-8

An Act respecting the New Brunswick Southern Railway Company.

Preamble.

WHEREAS the New Brunswick Southern Railway Company has by its petition represented that it was incorporated by chapter 74 of the statutes of 1901 of New Brunswick, and that certain other powers were conferred upon it by chapter 102 of the statutes of 1903 of New Brunswick, but inasmuch as the railway and works now owned and operated by the said company were constructed by a company incorporated by the Legislature of New Brunswick, and by a statute passed by the Parliament of Canada declared to be for the general advantage of Canada, it has hitherto been a matter of doubt whether the railway of the said company is a Dominion or a provincial railway, and it is deemed advisable that such doubt be removed; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

N.B., 1901, c. 74; 1903, c. 102; 1889, c. 26.

Can., 1895, c. 63.

Interpretation.

1. In this Act, the expression "the Company," means the body corporate and politic heretofore created by chapter 74 of the statutes of 1901 of New Brunswick, under the name of "The New Brunswick Southern Railway Company."

Declaratory.

2. The railway and works which the Company, by the Acts mentioned in the preamble, has been empowered to construct, undertake and operate, are declared to be for the general advantage of Canada.

Powers confirmed.

3. Nothing in this Act, or in *The Railway Act*, shall invalidate any action heretofore taken by the Company pursuant to powers contained in the Acts mentioned in the preamble, and the powers and privileges granted by the said Acts are hereby confirmed.

Power to construct bridge over St. Croix river.

4. At such point as the Governor in Council approves, the Company may, for the purpose of connecting with the Washington County Railroad, in the state of Maine, one of the United States, construct, maintain and use a bridge over the St. Croix river, at or near St. Stephen or Milltown, with all the necessary approaches, both for railway purposes and for the passage of pedestrians, vehicles, cars or carriages, propelled or drawn by electrical, horse or other motive power, and may lay tracks

on the said bridge for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles and pedestrians over the said bridge, but no toll or charge shall be demanded or taken until it has been approved of by the Governor in Council, who may also revise such tolls and charges from time to time.

Appointment of commission to regulate use of bridge.

5. If the state of Maine, or the United States, shall, at any time after the final completion of the bridge, provide for the appointment of a commission for regulating the working of the said bridge, the use thereof, and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission, and in the event of any such appointment, the said commissioners shall have the power hereby conferred on the Governor in Council, and the decision of the said commissioners shall be final and conclusive to the extent to which they are final and conclusive by virtue of the provisions which may be made by the state of Maine or the United States.

Agreements with the Crown and with certain companies.

6. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with His Majesty the King, as represented by the Honourable the Minister of Railways and Canals, or with the Maine Central Railway Company, the Grand Trunk Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company and the Canadian Northern Railway Company, or any of them.

4th Session, 10th Parliament, 7-8 Edward VII

BILL.

An Act respecting the New Bru
Southern Railway Company.

First reading, January 13, 190

(PRIVATE BILL.)

MR. CARV

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majes
1907-8

No. 53.] **BILL.** [1907-8

An Act respecting the New Brunswick Southern Railway Company.

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

Preamble.

WHEREAS the New Brunswick Southern Railway Company has by its petition represented that it was incorporated by chapter 74 of the statutes of 1901 of New Brunswick, and that certain other powers were conferred upon it by chapter 102 of the statutes of 1903 of New Brunswick, but inasmuch as the railway and works now owned and operated by the said company were constructed by a company incorporated by the Legislature of New Brunswick, and by a statute passed by the Parliament of Canada declared to be for the general advantage of Canada, it has hitherto been a matter of doubt whether the railway of the said company is a Dominion or a provincial railway, and it is deemed advisable that such doubt be removed; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

N.B., 1901, c. 74; 1903, c. 102; 1889, c. 26.

Can., 1895, c. 63.

Interpretation.

1. In this Act, the expression "the Company," means the body corporate and politic heretofore created by chapter 74 of the statutes of 1901 of New Brunswick, under the name of "The New Brunswick Southern Railway Company."

Declaratory.

2. The railway which the Company, by the Acts mentioned in the preamble, has been empowered to construct, undertake and operate, is declared to be a work for the general advantage of Canada.

Powers confirmed.

3. Nothing in this Act, or in *The Railway Act*, shall invalidate any action heretofore taken by the Company pursuant to powers contained in the Acts mentioned in the preamble, and the powers and privileges granted by the said Acts are hereby confirmed, subject to the conditions and obligations imposed by the said Acts: Provided that hereafter *The Railway Act* shall apply to the Company and the said railway, to the exclusion of any of the provisions of the said Acts mentioned in the preamble which are inconsistent herewith and in lieu of any general Railway Act of the province of New Brunswick.

R. S., c. 37.

Power to construct bridge over

4. At a point west of the public landing at the foot of King street, in the town of St. Stephen, to be approved by the Gov-

St. Croix river.

ernor in Council, the Company may, for the purpose of connecting with the Washington County Railroad, in the state of Maine, one of the United States, construct, maintain and use a bridge over the St. Croix river, with all the necessary approaches, both for railway purposes and for the passage of pedestrians, vehicles, cars or carriages, propelled or drawn by electrical, horse or other motive power, and may lay tracks on the said bridge for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles and pedestrians over the said bridge, but no toll or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

Rights of railway companies to use of bridge.

5. Every railway company whose line has a terminus at any point at or near either end of the said bridge, or whose trains run to or from such point, or which runs its trains in connection with any railway having such terminus or running trains to or from such point, whether such company is incorporated by the Parliament of Canada, or by the legislature of any province of Canada, or by authority in the state of Maine, or by the Congress of the United States, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, and in the use of the machinery and fixtures thereof, and of all of the approaches thereto, without discrimination or preference, upon such terms and conditions as are fixed by the Board of Railway Commissioners for Canada; and the said Board may make and enforce such orders for the purposes of carrying out the provisions of this section as it thinks necessary.

Appointment of commission to regulate use of bridge.

6. If the state of Maine, or the United States, shall, at any time after the final completion of the bridge, provide for the appointment of a commission for regulating the working of the said bridge, the use thereof, and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission, and in the event of any such appointment, the said commissioners shall have the power hereby conferred on the Governor in Council.

Agreements with the Crown and with certain companies.

7. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Government of Canada as respects the Intercolonial Railway of Canada, or with the Maine Central Railway Company, the Grand Trunk Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company and the Canadian Northern Railway Company, or any of them.

When bridge to be commenced.

8. The said bridge shall be commenced within two years after the Governor in Council and the Executive of the United States, or other competent authority therein, has approved such

bridging, and shall be completed within five years thereafter, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted; provided, however, that if such approval is not obtained within five years after the passing of this Act, the powers granted for the construction of the said bridge shall cease and be null and void.

Proviso.

No. 53.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the New Brunswick Southern Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

(PRIVATE BILL.)

MR. CARVELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 54.] **BILL.** [1907-8

An Act to incorporate the Northwestern Pacific Railway Company.

Preamble.

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

Incorporation.

1. Frederic Belanger, of the city of New York, in the state of New York; John Braden, of the city of Victoria, in the province of British Columbia; Charles Alexander MaGrath, of the town of Lethbridge, in the province of Alberta; Leandre Coyteux Prevost and Charles Murphy, both of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Northwestern Pacific Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

Calls.

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

Head office.

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

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Tuesday in September.

Directors.

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

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from Fort Churchill, on Hudson's Bay, south-westerly to the Beaver River; thence to Peace River Pass, by way of Lake la Biche and Lesser Slave Lake; thence by way of Hazelton, to some harbour on the Pacific Coast, in the neighbourhood of the Skeena River, with branches as follows:—

(*a*) from the main line at Lake la Biche to Edmonton;

(*b*) from the main line at lake La Biche to Fort McMurray;

(*c*) from a point on the main line near Green Lake to Prince Albert.

Vessels.

8. The Company may, for the purposes of its undertaking, construct, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels, boats and ferries for the conveyance of cars, passengers, merchandise and cargoes on all lakes, rivers and other navigable waters in connection with its undertaking; and may enter into agreements with the owners of vessels, boats and ferries for any of such purposes; and may generally carry on the business of ship owners and carriers by water in connection with its undertaking; and may, subject to the provisions of *The Railway Act*, make and collect charges for all services connected therewith.

Charges.

Warehousemen wharfingers and forwarders.

9. The Company may carry on the business of warehousemen, wharfingers and forwarders, and, for the purposes of such business, may purchase, lease, construct or otherwise acquire, hold, enjoy and manage such lands, water lots, wharfs, docks, dock-yards, slips, warehouses, elevators, equipment for the handling and storage of ore and coal, offices and other buildings, as it finds necessary and convenient for its undertaking, and may charge wharfage and other dues for the use of any such property.

Wharfage dues.

Powers.

10. The Company may, for the purposes of its undertaking,—

Development of lands, water powers, etc.

(*a*) acquire, utilize and develop such lands, water-powers, rights, easements and privileges in the vicinity of its railway, and construct, maintain and operate such dams, reservoirs, buildings and works, as are deemed advisable for the generation, transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway, vessels and other properties and works, and for the purpose of supplying water for the use of its railway, vessels and other properties and works; and may, subject to the approval of the Board of Railway Commissioners for Canada, supply, sell or otherwise dispose of any surplus water, electricity, electric or other power so developed or generated and not required for the purposes of the Company; and may take, hold and dispose of shares in, and enter into agreements with, any Company incorporated for any of the purposes aforesaid;

Construction of dams and buildings for electricity.

Shares in other companies.

Mines and minerals.

(*b*) purchase, lease, acquire, sell and mortgage timber and oil lands, coal and other mineral lands and mines, and may mine coal and other minerals, and may manufacture and sell the products of such mines and lands;

Fisheries.

(*c*) acquire fishing licenses and privileges, establish fisheries and canning factories and carry on a general fishing business; and may acquire, purchase, manage, hold, sell, lease, rent, maintain and operate all needful or convenient appliances for catching fish by any means whatever, and for holding, freezing, packing, salting, canning and otherwise preservnig, selling and delivering fish; and may purchase and acquire fishing boats and sailing vessels for use in connection with the said fishing business;

Hotels and restaurants.

(*d*) build, purchase, lease or otherwise acquire, manage or control, at such points or places along its line of railway as it deems advisable, buildings for hotels and restaurants; and may purchase, lease and hold the land necessary for such purposes; and may carry on business in connection therewith, and afford such facilities as tend to the comfort and convenience of the

travelling public; and may let any such building for such purposes; and may acquire, hold and dispose of shares in any incorporated company having for one of its objects the exercise of any of the powers by this section conferred upon the Company, and may enter into agreements with any such company respecting any of such buildings, lands, facilities or business;

Parks.

(*e*) purchase, lease and hold lands required for, and lay out, establish and manage parks and pleasure grounds, and give a lease thereof to, or contract with, any person for the use thereof upon such terms as the Company deems expedient.

Issue of securities on railway.

11. The securities issued by the Company in respect of its railway shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Borrowing powers.

12. The directors, under the authority of a resolution of the shareholders, passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds and debentures in respect thereof, and may secure the repayment of the said money 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 rights, assets and property of the Company other than the railway.

Issue of securities for other purposes.

13. The Company may, from time to time, issue bonds, debentures, perpetual or terminal debenture stock or other securities for the construction or acquisition of any vessels, properties or works, other than the railway, which the Company is authorized to construct, acquire or operate; but such bonds, debentures, perpetual or terminal debenture stock or other securities shall not exceed in amount the value of such vessels, properties and works.

Execution of mortgages.

2. For the purpose of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company present or future, other than the railway, as is described therein.

R.S., c. 37 to apply.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act*, shall, so far as they are applicable, apply to such bonds, debentures, debenture stock or other securities or mortgages.

Telegraph and telephone lines.

14. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon and along its railway, and may establish offices for, and undertake 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, subject to the said Act, enter into contracts with any companies having power to construct or operate telegraph or telephone lines, for

the exchange or transmission of messages or for the working, in whole or in part, of the lines of the Company.

Rates to be approved.

2. No tolls 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 tolls or charges have been approved of by the Board of Railway Commissioners for Canada, and such tolls and charges shall be subject to revision from time to time by the said Board.

R.S., c. 126.

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

Agreements with other companies.

15. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Grand Trunk Pacific Railway Company, the Temiskaming and Northern Ontario Railway Company, the Canadian Pacific Railway Company and the Grand Trunk Railway Company of Canada.

No. 54.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Northwestern Pacific Railway Company.

First reading, January 13, 1908.

(PRIVATE BILL.)

MR. GALLIHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

N° 55.] **BILL.** [1907-8

Loi constituant en corporation la Western Rivers Improvement Company.

CONSIDÉRANT qu'il a été présenté une pétition demandant que soient établies les dispositions législatives ci-dessous énoncées, et qu'il est à propos d'accéder à cette demande: A ces causes Sa Majesté, de l'avis et du consentement du Sénat et de la Chambre des communes du Canada, décrète: Préambule.

1. James C. Shields, de la cité de Régina, province de la Saskatchewan; George L. Ormsby et Alfred Bauman, tous deux de la cité de Kamloops; Hubert B. Warne, de la ville d'Annis, et Denis Murphy, de la ville d'Ashcroft, tous endroits dans la province de la Colombie-Britannique, ainsi que les personnes qui deviendront actionnaires de la compagnie, sont constitués en une corporation portant nom Western Rivers Improvement Company, et en la présente loi désignée par l'expression "la Compagnie". Constitution. Nom corporatif.

2. L'entreprise de la Compagnie est déclarée être "pour l'avantage du Canada en général". Article déclaratif.

3. Les personnes dénommées à l'article premier de la présente loi sont constituées directeurs provisoires de la Compagnie, et une majorité d'entre eux forme quorum; les directeurs provisoires peuvent sans retard ouvrir des livres de souscriptions d'actions, faire souscrire des actions pour l'entreprise de la Compagnie, recevoir des versements sur les actions souscrites et, en termes généraux, administrer les affaires de la Compagnie. Directeurs provisoires. Pouvoirs.

4. Le capital social de la Compagnie est de cinquante mille dollars et divisé en actions de cent dollars chacune. Capital social.

5. Le siège social de la Compagnie est établi en la cité de Kamloops, dans la province de la Colombie-Britannique. Siège social.

6. L'assemblée générale annuelle de la Compagnie a lieu le deuxième lundi de janvier. Assemblée annuelle.

7. Rien en la présente loi n'autorise la Compagnie à acquérir ou prendre en possession non plus qu'endommager ou soumettre à des préjudices aucun emplacement propre à des moulins où il existe des moulins ou des machines ou des ouvrages hydrauliques autres que ceux destinés à faciliter le passage du bois. Ne pas nuire aux ouvrages existants.

Commerce de la Compagnie.

8. La Compagnie peut, après avoir au préalable obtenu du Gouverneur en conseil l'agrément de l'emplacement et des plans des ouvrages à construire ou de quelque modification ou agrandissement des ouvrages, acquérir, attacher, construire et entretenir des piers, des glissoirs et des barrages fixes ou des barrages flottants et autres ouvrages similaires sur les rives et dans les eaux des rivières North-Thompson, South-Thompson, Thompson, Lower-Spallumcheen et sur tout bras ou tributaire navigable de ces rivières et sur les bords ou dans les eaux des lacs Shuswap et Kamloops, dans le district de Kamloops, province de la Colombie-Britannique, pour faciliter le flottage, la mise en radeaux, le rassemblement et le triage du bois et des billes de sciage, et elle peut enlever les obstacles ou obstructions nuisant au flottage, à la mise en radeaux, au rassemblement ou à la protection du bois.

Les ouvrages sont ouverts au public.

9. Le public, en tout temps raisonnable et à conditions égales, est admis à se servir des dits ouvrages.

Règlement du Gouverneur en conseil au sujet de la navigation.

10. Le Gouverneur en conseil peut à toute époque rendre les ordonnances et règlements qu'il juge à propos pour le service des ouvrages de la Compagnie et pour l'entretien des facilités existantes de la navigation ou pour le développement de ces possibilités, relativement à tout ouvrage autorisé par la présente loi ou dont le plan et l'emplacement ont été ou seront à l'avenir agréés par le Gouverneur en conseil, lequel peut aussi agréer des plans régulièrement soumis et annoncés à la date de la présente loi, ou des plans de tous ouvrages de l'espèce commencés ou en cours de construction.

Perception de taxes, droits, etc.

11. Tant que les ouvrages seront maintenus en bon état (la question de ce bon état, en cas de contestation, devant être décidée par le ministre des Travaux publics), la Compagnie pourra exiger et percevoir des taxes, droits et redevances sur les billes de sciage et le bois d'œuvre et de construction qui viendront en sa possession par le fait de l'existence des ouvrages de la Compagnie ou de l'exercice des pouvoirs conférés par la présente loi; mais ces taxes, droits et redevances devront préalablement avoir été approuvés par le Gouverneur en conseil, et le tarif en avoir été publié dans la *Gazette du Canada*, et le Gouverneur en conseil pourra, à discrétion, changer et modifier ce tarif de droits, taxes et redevances, et la Compagnie possèdera pour ces droits, taxes et redevances, un privilège sur les dites billes de sciage et le dit bois sur lesquels elle peut exiger ces taxes, droits et redevances.

Approbation du Gouverneur en conseil.

Tarif des redevances.

12. Subordonnément à l'approbation du Gouverneur en conseil, les redevances à percevoir sur les différentes espèces de bois sont établies dans les proportions suivantes, savoir:

	c.
Pin rouge et pin blanc, cèdre, épinette rouge, épinette blanche, pin et pruche, carrés, le morceau	1
Chêne, orme et autres bois durs, carrés ou taillés sur deux faces, le morceau	1½
Espars, chacun	3

Mâts, le morceau	5
Billes de sciage, 17 pieds et moins, chacune	$\frac{1}{4}$
Pin rouge et pin blanc, cédre, épinette rouge, épinette blanche et pruche, ronds ou taillés sur deux faces, de 17 à 25 pieds de longueur, le morceau.	$\frac{1}{3}$
Pin rouge et pin blanc, épinette rouge, épinette blanche et pruche, ronds ou taillés sur deux faces, de 25 à 35 pieds de longueur, le morceau	$\frac{5}{12}$
Pin rouge et pin blanc, cèdre, épinette rouge, épinette blanche et pruche, ronds ou taillés sur deux faces, de plus de 35 pieds de longueur, le morceau	$\frac{2}{3}$
Bois scié, par 1,000 pieds, mesure de planche	3
Douves, le mille	15
Bois de chauffage, bardeaux ou autre bois, la corde	2

Expropriation.

13. Les terrains réellement nécessaires pour la construction, l'entretien et le fonctionnement des ouvrages autorisés par la présente loi peuvent être pris et acquis par la Compagnie par voie d'expropriation ou par achat, et à cette fin, lorsqu'un plan de ces terrains a été approuvé par le Gouverneur en conseil, toutes les dispositions de la *Loi des chemins de fer* s'appliquant à pareilles expropriation et acquisition, s'appliquent dans la mesure qu'il est possible de les appliquer, tout comme si elles étaient contenues en la présente loi; et toutes les dispositions de la *Loi des chemins de fer* qui sont applicables, s'appliquent également à la constatation et au paiement de l'indemnité due pour les terrains ou les dommages causés aux terrains acquis ou pris par voie d'expropriation, ou résultant de l'exécution ou de l'entretien des ouvrages de la Compagnie, ou de l'exercice de quelqu'un de ses pouvoirs découlant du présent article. Toutefois, les pouvoirs conférés par le présent article ne seront exercés qu'aux endroits que le Gouverneur en conseil à toute époque aura agréés; toutefois aussi, le terrain ainsi acquis par la Compagnie à un endroit quelconque ne s'étendra pas à plus de cinq cents pieds le long du bord de la rivière ni en profondeur à plus de cinquante pieds de distance de la ligne des hautes eaux.

S.R., c. 37.

Restriction.

Délai pour la construction.

14. La Compagnie doit commencer l'exécution des dits ouvrages dans les deux ans à compter de la présente loi et les achever dans les dix ans à compter de la même date.

N° 55.

4e Session, 10me Parlement, 7-8 Edouard VII, 1907-8.

BILL.

Acte constituant en corporation la Western Rivers Improvement Company.

Première lecture, 13 janvier 1908.

(BILL PRIVÉ.)

M. SLOAN.

OTTAWA
Imprimé par S. E. DAWSON
Imprimeur de Sa Très Excellente Majesté le Roi
1907-8

No. 56.] **BILL.** [1907-8

An Act to incorporate the Bank of Hamilton Pension Fund.

Preamble.

WHEREAS the Honourable William Gibson, of Beamsville, the Honourable John Strathearn Hendrie, James Turnbull and Cameron Bartlett, of Hamilton, and Henry Harcourt O'Reilly, of Winnipeg, have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The Honourable William Gibson, the Honourable John Strathearn Hendrie, James Turnbull, Cameron Bartlett and Henry Harcourt O'Reilly, and all the employees of the Bank of Hamilton (hereinafter called "the Bank") from time to time, except such as are ineligible or excluded by virtue of the by-laws thereof, are incorporated under the name of "The Bank of Hamilton Pension Fund," hereinafter called "the Corporation."

Corporate name.

Head office.

2. The Corporation shall have its principal office at Hamilton.

Pension fund.

R.S., c. 29, s. 18.

3. The Bank may pay and the Corporation may receive such sums as the Bank contributes under subsection 2 of section 18 of *The Bank Act* towards any pension fund.

Power to receive payments and gifts to pension fund.

4. The Corporation may receive such sums of money as are paid in by any employee of the Bank under any regulation or by-law hereafter made by the Corporation, and may also receive gifts or contributions from any person.

Property to be held in trust to provide pensions.

5. The property of the Corporation shall be held in trust by it for the purpose of providing pensions for employees or ex-employees of the Bank, or their widows and children, in such amounts, and under such terms and conditions as are determined from time to time by the directors.

Investment of funds.

6. The funds of the Corporation may be invested by the directors, from time to time, in real estate, or in mortgages or hypothecs secured upon real estate, or in bonds or debentures of any incorporated company secured by a deed of trust on the assets of the company by which they are issued, or in debentures of any municipal corporation in Canada, or in the public

Deposits in chartered bank.

securities of Canada, or any province thereof, or of the United States, or any state thereof, and the said funds may be deposited in any chartered bank in Canada.

Disposal of investments.

2. Any investment of the Corporation may be disposed of from time to time by the directors as they see fit.

First directors.

7. The said Honourable William Gibson, Honourable John Strathearn Hendrie, James Turnbull, Cameron Bartlett and Henry Harcourt O'Reilly, shall be the first directors of the Corporation, and shall hold office until their successors are appointed under the by-laws of the Corporation.

Two directors appointed by Bank.

2. Two directors, whether employees of the Bank or not, shall, from time to time, be chosen from and appointed by the board of directors of the Bank.

Number of directors.

3. In addition to the two directors appointed by the Bank, there shall be appointed, from time to time, as may be provided by by-law, not less than five nor more than other directors.

Special general meeting.

8. The general manager of the Bank for the time being shall, at a suitable time after the passing of this Act, cause a notice to be sent, in such manner as he deems fit, of a special general meeting of the Corporation to be held at such time and place so soon thereafter as is convenient.

Return of property, receipts and expenditure, as required.

9. The Corporation shall, whenever required by the Governor in Council, or by either House of Parliament, make a full and complete return of its property, receipts and expenditures, for such periods and with such details and other information as are required.

By-laws.

10. The directors may make such by-laws as are necessary for the government of the Corporation, the election and number of directors, the appointing of its officers, the continuing of its business, the investment of its funds, the distribution thereof among the employees, or the ex-employees, or their widows and children, and for the determining of their respective rights in and to the funds of the Corporation, or any part thereof, and the forfeiture of their rights thereto, the rights of any employee to vote at any meeting, and generally for such purposes incidental to the carrying on of the corporate existence and purpose as they deem expedient.

R. S., c. 79.

12. The following sections only of *The Companies Act* shall apply to the Corporation, namely, sections 123, 124 and 174, which shall be read as if the word "company" meant the Corporation.

No. 56.

4th Session, 10th Parliament, 7-8 Edward VII., 1

BILL.

An Act to incorporate the Bank Hamilton Pension Fund.

First reading, January 14, 1908.

(PRIVATE BILL.)

MR. BARKE

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 57.] **BILL.** [1907-8

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

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

Short title.

1. This Act may be cited as *The French Convention Act, 1908.*

Convention approved.

2. The convention of the nineteenth day of September, one thousand nine hundred and seven, entered into at Paris by plenipotentiaries appointed by His Majesty and by the President of the French Republic, copy of which is set forth in the schedule of this Act, is hereby approved.

Duties on French products.

3. There shall be levied, collected and paid after the said convention is brought into force, and so long as it remains in force, upon all natural and manufactured products enumerated in schedule B to the said convention, originating in France, Algeria, the French colonies and possessions, and the territories of the Protectorate of Indo-China, imported into Canada in the manner provided in the said convention, the several rates of duties of customs set forth in column 2, "Intermediate Tariff," of *The Customs Tariff, 1907*, and in any amendment thereof; and there shall be levied, collected and paid, during the time aforesaid, upon all natural and manufactured products enumerated in schedule C to the said convention, originating and imported as aforesaid, the several rates of duties of customs set opposite to each item respectively in the said schedule C.

Extension of advantages to Tunis.

4. Whenever, in the manner provided in the said convention, the terms thereof are extended to Tunis, the provisions of the next preceding section of this Act shall apply to Tunis and the products thereof, to the same extent and as completely as the said provisions apply to France, Algeria, the French colonies and possessions and the territories of the Protectorate of Indo-China and the products thereof.

Extension of advantages to certain foreign powers.

5. The advantages granted to France, Algeria, the French colonies and possessions, and the territories of the Protectorate of Indo-China by the said convention, with respect to the commerce of the said countries with Canada, shall extend to any and every other foreign power which by reason of the operation of the said convention is, under the provisions of a treaty or convention with His Majesty, entitled, in whole or in part, to the same or to the like advantages with respect to its com-

merce with Canada, to the extent to which in the manner aforesaid such other foreign power is entitled thereto; and such advantages shall continue to so extend to such other foreign power so long as the said convention remains in force, or until the right of such other foreign power to such advantages under its treaty or convention with His Majesty is sooner determined.

Extension of advantages to United Kingdom and British Colonies.

6. The advantages so granted to France, Algeria, the French colonies and possessions, and the territories of the Protectorate of Indo-China by the said convention, shall extend to the United Kingdom and the several British colonies and possessions with respect to their commerce with Canada, so long as France, Algeria, the French colonies and possessions, and the said territories continue to be entitled to such advantages; provided, however, that nothing herein contained shall be held to diminish any advantage which the United Kingdom and British colonies and possessions now enjoy under the British Preferential Tariff.

Repeal of 1894, c. 2 and 1895, c. 3.

7. From the date of the coming into force of the said convention, as provided in Article XX. thereof, *The French Treaty Act*, 1894, and chapter 3 of the statutes of 1895, intituled *An Act respecting Commercial Treaties affecting Canada*, shall be repealed.

Orders in Council authorized.

8. The Governor in Council may make such orders and regulations as are deemed necessary to carry out the provisions and intent of this Act and of the said convention.

Suspension of inconsistent laws.

9. The operation of all laws inconsistent with the giving to the provisions of the said convention and of this Act their full effect shall from time to time be suspended to the extent of such inconsistency.

SCHEDULE.

CONVENTION RESPECTING THE COMMERCIAL RELATIONS BETWEEN CANADA AND FRANCE.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, being desirous of improving and extending the commercial relations between Canada and France, have resolved to conclude a Convention with that object and have named as their respective Plenipotentiaries, that is to say:—

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

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

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

The Honourable Louis-Philippe Brodeur, a Member of His Majesty's Honourable Privy Council for Canada, a Member of the Parliament of Canada, Minister of Marine and Fisheries of Canada;

And the President of the French Republic,

Mr. Stephen Pichon, Senator, Minister of Foreign Affairs;

Mr. Joseph Caillaux, Deputy, Minister of Finance;

Mr. Gaston Doumergue, Deputy, Minister of Commerce and Industry;

Mr. Joseph Ruau, Deputy, Minister of Agriculture;

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

ARTICLE I.

The natural and manufactured products of Canadian origin enumerated in Schedule A to this Convention shall enjoy, on their importation into France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, the benefit of the Minimum Tariff and of the lowest rates of Customs duty applicable to like products of other foreign origin.

ARTICLE II.

Every reduction of customs duty granted by France to any foreign country whatever on any of the products enumerated in Schedule A shall apply to the fullest extent to similar Canadian products.

ARTICLE III.

The natural and manufactured products enumerated in Schedule B to this Convention originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China shall enjoy, on their importation into Canada, the benefit of the Intermediate Tariff and of the lowest rates of Customs duty applicable to like products of other foreign origin.

ARTICLE IV.

Every reduction of Customs duty granted by Canada to any foreign country whatever on any of the products enumerated in Schedule B shall apply to the fullest extent to similar products originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China.

ARTICLE V.

The natural and manufactured products enumerated in Schedule C to this Convention originating in France, Algeria,

the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, shall enjoy, on their importation into Canada, the benefit of the Customs duties set forth in the said Schedule C.

ARTICLE VI.

Every reduction of the Customs duties set forth in Schedule C granted by Canada to any foreign country whatever on any of the products enumerated in the said Schedule shall apply to the fullest extent to similar products originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China.

ARTICLE VII.

If any product now exempt from Customs duty under the French minimum tariff in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China shall hereafter become liable to Customs duty, such product on its importation from Canada shall enjoy the benefit of the lowest rate of duty applicable to a like product when imported from any other foreign country. Reciprocally, if any product now admitted free of duty under the Canadian intermediate tariff in Canada shall hereafter become liable to Customs duty, such product when imported from France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China shall enjoy the benefit of the lowest rate of duty applicable to a like product when imported from any other foreign country.

ARTICLE VIII.

To enjoy the benefits of the aforementioned tariff advantages, products originating in France, Algeria, the French Colonies and Possessions and the territories of the Protectorate of Indo-China, shall be conveyed without transhipment from a port of those territories or from a port of a territory enjoying the preferential tariff or intermediate tariff into a sea or river port of Canada.

To enjoy the benefits of the aforementioned tariff advantages, Canadian products shall be conveyed without transhipment from a Canadian port or from a port of a country enjoying the French minimum tariff to a port in France, Algeria, the French Colonies and Possessions and the territories of the Protectorate of Indo-China.

Provided however that nothing in this Article shall exempt the products of either country from any *surtaxe d'entrepôt* that is now, or hereafter may be, imposed on products imported indirectly.

ARTICLE IX.

For the purposes of the foregoing articles Canada and France may require that the products be accompanied by certificates of origin or declarations made in conformity with the laws of the respective countries.

If the Canadian Government or the French Government deem it necessary to have such certificates or declarations *visés*, they may appoint or designate for such purpose officers who shall give such *visés* free of charge.

ARTICLE X.

Canada and France undertake not to establish one against the other any prohibition or restriction of importation, exportation or transit which shall not at the same time be applicable to other countries.

Provided however that Canada and France reserve to themselves the right to establish in regard to products originating in or destined for the one or other country any temporary prohibition or restriction of importation, exportation or transit which either of them adjudges necessary to protect the public health, to prevent the spread of animal disease or the destruction of crops, or in view of the events of war.

ARTICLE XI.

Except as regards tariff provisions, Canada and France accord to each other reciprocally the most favoured nation treatment in everything relating to importation, exportation, re-exportation, transit, warehousing, storage, transhipment, consumption, fulfilment of Customs formalities, and in general to everything relating to the pursuit of trade and industry.

These provisions shall not apply:

1. To privileges which have been or may be granted to bordering states for facilitating frontier traffic within a limit not exceeding fifteen kilometers on each side of the boundary;
2. To special privileges arising out of the Customs union of France with Monaco.

ARTICLE XII.

Products of Canadian origin of any kind imported into France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, shall not be subject to any other or higher duties of excise, internal consumption or octroi than those which are or may be charged upon like products of French origin.

In like manner, products of any kind originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, when imported into Canada shall not be subject to any other or higher duties of excise, internal consumption or octroi than those which are or may be charged upon like products of Canadian origin.

The natural and manufactured products of either country when imported into the territory of the other and intended for warehousing or transit shall not be subject to any internal duty.

ARTICLE XIII.

Drawbacks on the exportation of French or Canadian products shall not exceed the amount of Customs duties, excise

duties, duties of internal consumption, or duties of octroi, collected on the said products or the materials used in the manufacture thereof.

ARTICLE XIV.

Products liable to duty serving as patterns or samples, imported into Canada or into France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, by commercial travellers or agents shall be admitted on payment of duty, which shall be refunded after re-exportation of such products.

This provision shall be subject to the conditions of the law of the respective countries. The time within which the re-exportation of such patterns or samples may take place shall not exceed twelve months.

ARTICLE XV.

For the application of *ad valorem* duties, exporters of products originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, and reciprocally exporters of Canadian products, may produce certificates of value issued by any Chamber of Commerce or by any other similar commercial organization. Such certificates shall be taken into consideration by the respective Customs officials, in levying the duties to which the imported products may be liable, without however restricting their rights of appraisement.

ARTICLE XVI.

If importers of French wines furnish certificates of analysis thereof issued by the scientific establishments under the control of the Minister of Agriculture of France and designated by him, such certificates shall be taken into consideration for determining the alcoholic strength of such wines by the Canadian Customs authorities, without however restricting their rights of appraisement.

ARTICLE XVII.

Canada and France grant to each other reciprocally the most favoured nation treatment for the protection of trade marks, patents, commercial names and industrial designs and patterns.

ARTICLE XVIII.

This Convention may be extended to Tunis on a declaration to that effect exchanged between the High Contracting Parties.

ARTICLE XIX.

From the date of the coming into force of this Convention, the Agreement of the sixth day of February, 1893, respecting the commercial relations between Canada and France shall be terminated.

ARTICLE XX.

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

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

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

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

Done, in duplicate, at Paris, the 19th day of September, in the year 1907.

(L.S.) Signed: FRANCIS BERTIE
(L.S.) Signed: W. S. FIELDING.
(L.S.) Signed: L. P. BRODEUR.
(L.S.) Signed: S. PICHON.
(L.S.) Signed: J. CAILLAUX.
(L.S.) Signed: GASTON DOUMERGUE.
(L.S.) Signed: J. RUAU.

SCHEDULE A.

CANADIAN PRODUCTS ENJOYING THE BENEFIT OF THE MINIMUM TARIFF.

Number of the French Tariff.	Products.
1.	Horses.
4.	Oxen.
5.	Cows.
6.	Bulls.
7.	Steers, bullocks and heifers.
Ex 14 *bis.*	*Poultry.*
16.	Fresh meat:—Mutton; pork; beef and other.
17.	Meat salted:—Pork (ham, bacon, &c.); beef and other.
17 *bis.*	Pork-butchers' produce.
Ex 18.	*Poultry, dead.*
19.	Meat, preserved in tins.
20.	Extracts of meat, in cakes or otherwise.
30.	Animal fat, other than fish oils:—Tallow; lard; other.
Ex 34.	Eggs of poultry or game.
35 *bis.*	Milk, condensed pure.
35 *ter.*	(*a*) Milk condensed with addition of sugar.
	(*b*) Milky farina, with an addition of sugar.
36.	Cheese.
Ex 37.	Butter, salted.

Number of the French Tariff.	Products.
38.	Honey.
41.	Bone black (animal black).
45.	Fish; fresh; fresh water:—Of the salmonoid family; other. Fresh sea fish.
46.	Fish, dried, salted or smoked:—Cod (including klippfish); stockfish; herrings; other.
47.	Fish preserved "au naturel," pickled or otherwise prepared
49.	Lobsters:—Fresh; preserved "au naturel" or prepared.
51.	Fish oils.
52.	Spermaceti.
53.	Roe of cod and of mackerel.
68.	*Wheat, spelt, and meslin:—Grain; flour.*
69.	*Oats:—Grain; meal.*
70.	*Barley:—Grain; meal.*
71.	*Rye:—Grain; meal.*
72.	*Maize:—Grain; meal.*
73.	*Buckwheat:—Grain; meal.*
74.	*Malt.*
76.	*Groats:—Grits (coarse flour), pearled or cleaned grain.*
76 *bis.*	*Millet, hulled or cleaned.*
80.	*Pulse:—Beans, decorticated or broken, whole, in clusters or pods; bean meal; chick peas (pois pointus).* *Other:—In the grain; decorticated; in flour.*
83.	Potatoes.
Ex 84.	Table fruits, fresh:—Apples and pears: for table use; for cider and perry. Peaches.
Ex 85.	Table fruits, dried or drained:—Apples and pears: for table use; for cider and perry. Peaches.
86.	Table fruits, candied or preserved.
89.	*Seed grain (including the Jarosse, a kind of pea).*
89 *ter*	Luzern, and clover seed.
93.	Syrups, bonbons, and candied fruits.
95.	Preserves:—Manufactured with sugar or honey; without sugar or honey.
115 *bis.*	Tar.
128.	Woods, common:—Logs, round, rough, not squared, with or without the bark, of any length, and of a circumference at the thickest end of more than 60 centimetres; wood, sawn, or squared, 80 millimetres in thickness and above; wood, squared or sawn, less than 80 millimetres, and exceeding 35 millimetres; wood, sawn, 35 millimetres in thickness or less.
129.	Paving blocks, sawn.
130.	Stave wood.
131.	Splints.
132.	Hoopwood and prepared poles.
133.	Perches, poles, and staffs, rough, exceeding 1 metre 10 centimetres in length, and of a maximum circumference of 60 centimetres at the thickest end.
135 *bis.*	Resinous woods in logs, with or without the bark, of any diameter, of a maximum length of 1 meter 10 centimetres.
136.	Charcoal and charred boon.
136 *bis.*	Straw, or wool of wood (paille ou laine de bois).

Number of the French Tariff.	Products.
158.	Vegetables:—Fresh; salted or pickled; preserved or dried.
164.	Fodder (*).
165.	*Bran from any kind of cereal.*
168.	Cellulose pulp (wood pulp), mechanical or chemical
174.	Spirits.
174 *quater*	Mineral waters (receptacles included).
178 *ter.*	Emery on paper or tissues, grindstones and whetstones of emery, or emery in any other form.
185.	Cement:—Slow; quick.
190.	*Coal:—Coal or coke, cinders of.*
205.	Cast iron:—Foundry iron, and forge-pig, containing less than 25% of manganese. Ferro-manganese, containing more than 25% of manganese; ferro-silicon, containing more than 5% of silicon; rich silico-spiegal iron containing at least 30% of silicon and manganese; chromic iron containing 10% or more of chromium; ferro-aluminum, containing 10% or less of aluminum. Ferro-aluminum, containing more than 10% and less than 20% of aluminum.
206.	Wrought iron crude, in blooms, prisms or bars.
207.	Iron, drawn in bars, angle and T iron, axles and tyres, in the rough.
210.	Sheet and plate iron:—Rolled or hammered flat, more than 1 millimetre in thickness; thin, and black iron plates, flat, more than 6-10 of a millimetre and up to 1 millimetre in thickness; thin and black iron plates, flat, of 6-10 of a millimetre or less in thickness.
212.	Iron or steel wire, whether tinned, coppered, zincked, galvanized or not.
212 *ter.*	Rails of iron or steel.
213.	Steel in bars.
214.	Axles and tyres rough, in steel.
216.	Steel:—In sheets or bands, brown, hot rolled; in sheets or bands, white, cold rolled.
221.	Copper:—Ore. Pure, or alloyed, with zinc or tin: of first fusion, in lumps, bars pigs or slabs; rolled or hammered in bars or plates; in wire of all sizes, polished or not, other than gilt or silvered. Aluminum bronze, crude, not containing more than 20% of aluminum. Gilt, or silvered, in lumps or ingots hammered, drawn, rolled or spun on thread or on silk. Filings and fragments of old manufactures.
222.	Lead:—Ores, mattes and slag of all kinds. In crude lumps, pigs, bars or slabs: argentiferous; not argentiferous; alloyed with antimony in lumps; hammered or rolled; filings and fragments of old manufactures.
225.	Nickel:—Ore. Produce of first fusion (cast, matte, speiss). Refined, in ingots or crude lumps. Pure, hammered, rolled or drawn. Alloyed with copper, with or without zinc, in ingots, or crude lumps. Alloyed with copper, with or without zinc, hammered, rolled or drawn.
227.	Antimony.

* Hay is included in this item.

Number of the French Tariff.	Products.
238 *bis*.	Extract of chestnut-wood, and other tannic vegetable saps, liquid or solid.
282.	*Chemical products not mentioned* (*).
315.	Compound medicines; distilled waters.
316.	Compound medicines not specified.
318.	Starch.
324.	Isinglass, glue manufactured from tendons of whales, and other similar glues.
361.	Incandescent electric lamps.
Ex. 363.	Yarns of hemp not glazed, pure and raw in skeins up to 5,000 metres of single thread to the kilogramme, for the manufacture of fishing lines and nets, and of cordage.
Ex. 363 *bis*.	Yarns of hemp not glazed, twisted, unbleached in skeins up to 5,000 metres single thread to the kilogramme for the manufacture of fishing lines and nets, and of cordage.
Ex. 366 *bis*.	Yarns of phormium tenax, abaca and other vegetable fibres not mentioned, not glazed, pure or mixed; the phormium, abaca, &c, predominating in weight, for self-binding harvesters.
461.	Paper or card.
462.	Cardboard, rough in sheets, weighing at least 350 grammes per square metre.
462 *bis*.	Moulded cardboard, called papier maché.
463.	Cardboard cut, or shaped for boxes.
464.	Cardboard boxes covered or not with white or coloured paper.
464 *bis*.	Cylindrical and conical tubes called "busettes" for spinning and weaving.
464 *ter*.	Cardboard goods ornamented with paintings, reliefs, stuffs, wood, plaited straw, and common metals.
Ex. 476.	Skins and hides prepared, simply tanned, tawed, or smoothed, not including goat, kid, sheep and lamb skins.
478.	Soles, cut out, of beaten and smoothed leather, and heels.
479.	Uppers of top boots, boots, shoes, vamps, galoches (cambered or not) and upper heels of calf, cow, horse, goat, or kid leather and skins.
480.	Top boots.
481.	Boots for men and women.
482.	Shoes.
484.	Gloves.
488.	Transmission belts, &c., of leather, hose of leather, and other articles of leather or skins for machinery.
490.	Trunks of wood or pasteboard, covered with leather.
493.	Peltries:—Prepared, or in sewn pieces. Sea lions, and sea otters; seals and bluebacks; grey squirrels and pouches of grey squirrels; hamsters and white rabbits; astrakhan clouded and curled, in skins and "touloupes;" white hares and pouches of white hares;

(*) Calcium carbide is included under this number.

Number of the French Tariff.	Products.
	goats, in skins and covers; sheep and mouflons of the Caucasus, in skins and covers. Not specially mentioned.
494.	Peltries made up into articles.
512.	Locomotives and traction engines.
513.	Tenders for locomotives.
522.	Agricultural machinery (motors not included).
523.	Sewing machines.
524.	Dynamos.
Ex. 525.	Typesetting machines known as linotypes.
Ex. 525 *bis*.	General machinery, transmission gearing, balances, scales, presses, lifting apparatus, apparatus not mentioned driven by mechanical power.
Ex. 526 *quater*.	Gas buoys in iron or steel plate of over one millimetre in thickness, not galvanized or tinned.
534.	Springs of wrought steel, for carriages, railway carriages, and locomotives, not polished.
536.	Dynamo conductors.
536 *bis*.	Arc lamps known as regulators.
537.	Tools, with or without handles.
541.	Wire gauze, of iron or steel.
542.	Wire gauze, of copper or brass:—Ordinary. For paper machines.
552.	Railway chairs, plates or other castings from the open mould.
554.	Iron castings for machinery or for ornament.
557.	Rough articles of malleable cast iron, of wrought iron and of cast steel.
558 *ter*.	Iron work for carriages, and especially such as enters into the construction of railway rolling stock.
565.	Wire nails of iron or steel, machine made, whether tinned, coppered, zincked or coal-tarred or not.
567.	Tubes of iron or steel, not welded:—Tubes of iron or steel, welded. Jointings of all kinds. Tubes of iron or steel, stamped or without welding.
576.	Lead pipes, and all other manufactures of lead.
576 *bis*.	Electric accumulators.
579.	Articles of nickel, alloyed with copper or zinc (German silver) or of nickeled metals.
590.	Furniture of bent wood, fitted or not.
591.	Furniture, other than of bent wood. Chairs: neither carved, inlaid, ornamented with copper, gilt nor lacquered; of common wood; of cabinet-makers' wood; carved, inlaid, ornamented with copper, gilt of lacquered, of any kind of wood.
592.	Furniture, other than of bent wood, other than chairs, veneered with any kind of wood.
592 *bis*.	Furniture, other than of bent wood, other than chairs, massive:—Of common wood; of cabinet-makers' wood.
593.	Furniture, upholstered in any manner.
597.	Builders and cartwrights wood, shaped:—Hardwood; softwood.

Number of the French Tariff.	Products.
600.	Wood, planed, grooved and (or) tongued, planks, strips or veneers for parquetry, planed, grooved, and (or) tongued:—Of oak or other hard wood; of fir or other soft wood.
601.	Doors, windows, wainscoting and other carpenters' work, fitted together or not:—Of hardwood; of softwood.
602.	Small wooden wares:—Boxes of whitewood, wood shaped for brushes, and small handles for tools, less than 10 centimetres in length. Bobbins for spinning and weaving, tubes, skewers, biots, spindles, busettes: not exceeding 10 centimetres in length; exceeding 10 centimetres in length. Small reels of common wood for sewing thread, neither varnished nor stained. Other articles: not varnished; varnished.
602 *bis*.	Wood turners' wares.
602 *ter*.	Wood turners' wares varnished.
603.	Wood squared for shuttles less than 500 grammes in weight.
603 *bis*.	Shuttles for any kind of weaving, finished or not.
603 *quater*.	Other articles of wood.
Ex 604.	Pianos. Organs, harmoniums, instruments with free metallic reeds, with one or several stops. Church organs, complete, and detached parts thereof.
Ex 605.	Accessories, and detached parts of musical instruments above mentioned (Ex 604).
Ex 614.	Carriages (not for rail uses):—Carriages properly so called; carts for trade, agricultural purposes, and trnasport; tramway cars; bodies, or parts of bod es for tramway cars.
Ex 615.	Sea-going ships of wood.
Ex 616.	Hulls of sea-going ships of wood.
Ex 617.	River boats of any size, of wood.
620.	Manufactures of India-rubber and gutta-percha.
620 *bis*.	Articles of asbestos, spun, felted, woven, or moulded, with or without admixture of textile, or mineral substances.
620 *ter*.	Mica in sheets or flakes, articles in mica, "micanite" and agglomerates of mica, mica paper and tissues.
Ex 646.	Typewriters, without nickeled parts.

NOTE 1.—Articles in italics are those appearing only in the general tariff, or on which the duties are identically the same in both tariffs.

NOTE 2.—The numbers of the tariff items have reference to the present French tariff.

NOTE 3.—The term "ex" in the case of the number of an item means a part of the item to which the number refers.

Signed: FRANCIS BERTIE.
Sigtted: W. S. FIELDING.
Signed: L. P. BRODEUR.
Signed: S. PICHON.
Signed: J. CAILLAUX.
Signed: GASTON DOUMERGUE.
Signed: J. RUAU.

SCHEDULE B.

FRENCH PRODUCTS ENJOYING THE BENEFIT OF THE INTERMEDIATE TARIFF.

Number of the Canadian Tariff	Products.
8.	Canned meats, canned poultry and game; extracts of meats and fluid beef not medicated, and soups of all kinds.
17.	*Cheese.*
23.	Preparations of cocoa or chocolate, n.o.p.
67.	Macaroni and vermicelli.
72.	*Garden, field and other seeds for agricultural and other purposes, n.o.p., sunflower, canary, hemp and millet seed, when in packages, weighing over one pound each.*
78.	Florist stock, viz.:—Palms, ferns, rubber plants (Ficus), gladiolus, cannas, dahlias and pæonies.
81.	Trees, viz.:—Apple, cherry, peach, pear, plum and quince, of all kinds, and small peach trees known as June buds.
82.	Grape vines; gooseberry, raspberry, currant and rose bushes; fruit plants, n.o.p.; trees, plants and shrubs, commonly known as nursery stock, n.o.p.
Ex 86.	Tomatoes and cooked corn in cans, or other air-tight packages, n.o.p., the weight of the packages or cans to be included.
88.	Pickles, sauces and catsups.
94.	Dates and figs, dried.
99.	Prunes and dried plums, unpitted; raisins and dried currants.
105.	Fruits in air-tight cans or other air-tight packages, n.o.p., the weight of the cans or other packages to be included in the weight for duty.
109.	Almonds, walnuts, Brazil nuts, pecans and shelled peanuts, n.o.p.
112.	Nuts of all kinds, n.o.p.
114.	Nuts, shelled, n.o.p.
Ex 120.	Anchovies, sardines, sprats, and other fish, packed in oil or otherwise, in tin boxes, the weight of the tin box to be included in the weight for duty:—(*a*) When weighing over twenty ounces and not over thirty-six ounces each; (*b*) When weighing over twelve ounces and not over twenty ounces each; (*d*) When weighing eight ounces each or less.
121.	Fish preserved in oil, n.o.p.
141.	Sugar candy and confectionery of all kinds, including sweetened gums, candied peel, candied pop-corn, candied fruits, candied nuts, flavouring powders, custard powders, jelly powders, sweet-meats, sweetened breads, cakes, pies, puddings and all other confections containing sugar.
152.	Lime juice and other fruit syrups and fruit juices, n.o.p.
156.	*Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; gin of all kinds, n.o.p.; rum, whiskey and all spirituous or*

Number of the Canadian Tariff.	Products.
	alcoholic liquors, n.o.p.; amyl alcohol or fusil oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphta, pyroxilic spirit or any substance known as wood spirits or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy, n.o.p.; cordials and liqueurs of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages; and wines, n.o.p., containing more than forty per cent of proof spirit.
159.	*Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being known or designated as anodynes, elixirs, essences, extracts, lotions, tinctures or medicines, or ethereal and spirituous fruit essences, n.o.p.*
160.	*Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, hair, tooth and skin washes, and other toilet preparations containing spirits of any kinds.*
162.	*Medicinal or medicated wines, including vermouth and ginger wine, containing not more than forty per cent of proof spirits.*
180.	Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, decalcomania transfers of all kinds, engravings or prints or proofs therefrom, and similar works of art, n.o.p.; blue prints, building plans, maps and charts, n.o.p.
213.	Acid, acetic and pyroligneous, n.o.p., and vinegar.
Ex 220.	*All medicinal, chemical and pharmaceutical preparations, compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences and oils, n.o.p.*:—(a) *When dry.* (ex b) *Others containing alcohol.* Provided that drugs, pill mass and preparations, not including pills or medicinal plasters, recognized by the British or the United States pharmacopœia, or the French Codex as officinal, shall not be held to be covered by this item.
228.	Soap powders, powdered soap, mineral soap, and soap, n.o.p.
230.	Castile soap.
232.	Glue, liquid, powdered or sheet, and mucilage, gelatine, casein, adhesive paste and isinglass.
233.	Pomades, French or flower odors, preserved in fat or oil for the purpose of conserving the odors of flowers which do not bear the heat of distillation, when imported in tins of not less than ten pounds each.
234.	Perfumery, including toilet preparations, non alcoholic, viz.:—hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin.

Number of the Canadian Tariff.	Products.
236.	Antiseptic surgical dressing, such as absorbent cotton, cotton wool, lint, lamb's wool, tow, jute, gauzes and oakum, prepared for use as surgical dressings, plain or medicated; surgical trusses. pessaries and suspensory bandages of all kinds.
237.	Celluloid, moulded into sizes for handles or knives and forks, not bored nor otherwise manufactured; moulded celluloid balls and cylinders, coated with tinfoil or not, but not finished or further manufactured; and celluloid lamp shade blanks and comb blanks.
256.	Printing ink.
257.	Writing ink.
264.	Essential oils, n.o.p.
287.	Tableware of china, porcelain, white granite or ironstone.
290.	Cement, Portland, and hydraulic or water lime, in barrels, bags, or casks, the weight of the package to be included in the weight for duty.
316.	Electric light carbons and points, of all kinds, n.o.p.
318.	Common and colourless window glass.
320.	*Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p.*
321.	Plate glass, not bevelled, in sheets or panes exceeding seven square feet each, and not exceeding twenty-five square feet each, n.o.p.
323.	Silver glass, bevelled or not and framed or not.
326a.	Articles of glass, not plate or sheet, designed to be cut or mounted; and manufactures of glass, n.o.p.
339.	Manufactures of lead, n.o.p.
352.	Brass and copper nails, tacks, rivets and burrs or washers; bells and gongs, n. o. p.; and manufactures of brass or copper, n. o. p.
354.	Manufactures of aluminum, n. o. p.
361.	Gold, silver and aluminum leaf; Dutch or schlag metal leaf; brocade and bronze powders.
362.	Articles consisting wholly or in part of sterling or other silverware, nickelplated ware, gilt or electroplated ware, n.o.p; manufactures of gold and silver, n.o.p.
366.	Watch actions and movements, and parts thereof, finished or unfinished, including winding bars and sleeves.
368.	Clocks, watches, time recorders, clock and watch keys, clock cases, and clock movements.
418.	Wire cloth, or woven wire of brass or copper.
419.	Needles of any material or kind, and pins manufactured from wire of any metal, n.o.p.
420.	Buckles and clasps of iron, steel, brass or copper, of all kinds, n.o.p. (not being jewellery).
426.	Knives and forks and all other cutlery, of steel, plated or not, n.o.p.
438.	Locomotives and motor cars for railways and tramways; and automobiles and motor vehicles of all kinds.
Ex. 453.	Telephone and telegraph instruments, electric and galvanic batteries, electric motors, dynamos, gene-

Number of the Canadian Tariff.	Products.
	rators, sockets, insulators of all kinds; electric apparatus, n.o.p.; and iron and steel castings, and iron or steel integral parts of all machinery above specified.
454.	Manufactures, articles or wares of iron or steel or of which iron and steel (or either) are the component materials of chief value, n.o.p.
506.	Manufactures of wood, n.o.p.
512.	Picture frames and photograph frames of any material.
519.	House, office, cabinet or store furniture of wood, iron or other material, in parts or finished; wire screens, wire doors and wire windows; cash registers; window cornices and cornice poles of all kinds; hair, spring and other mattresses; curtain stretchers, furniture springs and carpet sweepers.
526.	White and cream coloured lace and embroideries, of cotton or linen.
536.	Cotton or linen thread, n.o.p.; crochet and knitting cotton.
563.	Women's and children's dress goods, coat linings, Italian cloths, alpaca, Orleans, cashmeres, henriettas, serges, buntings, nun's cloth, bengalines, whip cords, twills, plains or jacquards of similar fabrics, composed wholly or in part of wool, worsted, the hair of the camel, alpaca, goat or like animal, not exceeding in weight six ounces to the square yard, when imported in the gray or unfinished state for the purpose of being dyed or finished in Canada, under regulations prescribed by the Minister of Customs.
567.	*Fabrics, manufactures, wearing apparel and ready made clothing, composed wholly or in part of wool, worsted, the hair of the goat, or other like animal, n.o.p.; cloths, doeskins, cassimeres, tweeds, coatings, overcoatings and felt cloth, n.o.p.*
570.	Mats, door or carriage, other than metal, n.o.p.
571.	Carpeting, rugs, mats and matting of cocoa, straw, hemp or jute; carpet linings and stair pads.
573a.	Church vestments of any material.
574.	White cotton bobinet, plain, in the web.
Ex. 575.	Braids, n.o.p.; fringes, n.o.p.; cords; elastic; tassels; handkerchiefs of all kinds; shams and curtains, when made up, trimmed or untrimmed; corsets of all kinds; linen or cotton clothing, n.o.p.
580.	Black mourning crapes.
Ex. 581.	Velvets other than of pure silk, velveteens, and plush fabrics.
597.	Pianofortes, organs and musical instruments of all kinds, n.o.p.; phonographs, graphaphones, gramaphones and finished parts thereof, including cylinders and records therefor; and mechanical piano and organ players.
598.	Brass band instruments; parts of pianofortes and parts of organs; and bagpipes.
603.	*Fur skins, wholly or partially dressed, n.o.p.*

Number of the Canadian Tariff.	Products.
604.	Dongola, Cordovan, calf, sheep, lamb, kid or goat, kangaroo, alligator, and all leather, dressed, waxed, glazed or further finished than tanned, n.o.p.; harness leather, and chamois skin.
611a.	Boots, shoes, slippers and insoles of any material, n.o.p.
618.	Rubber cement and all manufactures of India-rubber and gutta-percha, n.o.p.
622.	Trunks, valises, hat boxes, carpet bags, tool bags, and baskets of all kinds, n.o.p.
623.	Musical instrument cases and fancy cases or boxes of all kinds, portfolios and fancy writing desks, satchels, reticules, card cases, purses, pocket books, flybooks and parts thereof.
624.	Bead ornaments, and ornaments of alabaster, spar, amber, terra cotta or composition; fans, dolls and toys of all kinds; statues and statuettes of any material.
627.	Gloves and mitts, of all kinds.
628.	Braces or suspenders, and finished parts thereof.
630.	Boot, shoe, shirt and stay laces of any material.
633.	Feathers, in their natural state.
634.	Feathers and manufacturers of feathers, n.o.p.; artificial feathers, fruits, grains, leaves and flowers suitable for ornamenting hats.
637.	Corset clasps, busks, blanks and steels, and covered corset wires, cut to lengths, tipped or untipped; reed, rattan and horn, covered.
647.	Jewellery of any material, for the adornment of the person, n.o.p.
648.	*Precious stones, and imitations thereof, not mounted or set; and pearls and imitations thereof, pierced, split, strung or not, but not set or mounted.*
651.	Buttons of all kinds covered or not n.o.p., including recognition buttons, and cuff or collar buttons.
652.	Combs for dress and toilet, including mane combs, of all kinds.
653.	Brushes of all kinds.
655.	Lead pencils, pens, penholders and rulers of all kinds.
656.	Tobacco pipes of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders, and cases for the same, smokers' sets and cases therefor, and tobacco pouches.
657.	Magic lanterns and slides therefor, philosophical, photographic, mathematical and optical instruments, n.o.p., cyclometers and pedometers, and tape lines of any material.
710.	*Coverings, inside and outside, used in covering or holding goods imported therewith.*
711.	All goods not enumerated in this schedule (1) as subject to any other rate of duty, and not otherwise declared free of duty, and not being goods the importation whereof is by law prohibited (2).

(1) The words "this schedule" refer to the Canadian customs tariff now in force.

(2) Are included under this number more especially, mineral waters in bottles, drugs, and preparations recognized as official by the French Codex.

NOTE 1.—Articles *in italics* are those on which duties are identical in the general and intermediate tariff.

NOTE 2.—Abbreviation: n.o.p. means "not otherwise provided for" elsewhere in the Canadian tariff.

NOTE 3.—The numbers of the tariff items have reference to the present Canadian tariff.

NOTE 4.—The term "Ex" in the case of the number of an item means a part of the item to which the number refers.

Signed: FRANCIS BERTIE.
Signed: W. S. FIELDING.
Signed: L. P. BRODEUR.
Signed: S. PICHON.
Signed: J. CAILLAUX.
Signed: GASTON DOUMERGUE.
Signed: J. RUAU.

SCHEDULE C.

FRENCH PRODUCTS ENJOYING THE BENEFIT OF A SPECIAL TARIFF.

Number of the Canadian Tariff.	Products.	Per	Duties.
Ex. 86.	Vegetables, tomatoes excepted, including baked beans, in cans, or other air-tight packages, n. o. p., the weight of the cans or other packages, to be included in the weight for duty	Pound.	1 cent.
Ex. 120.	Anchovies, sardines, sprats, and other fish, packed in oil or otherwise, in tin boxes, the weight of the tin box to be included in the weight for duty		
	(*c*) When weighing over eight ozs., and not over twelve ozs. each	Box.	2 cents.
Ex. 163.	Wines of the fresh grape of all kinds sparkling, imported in barrels or in bottles:		
	(*a*) containing 20% or less proof spirit (1)	Gallon.	15 cents.
	(*b*) containing more than 20% (1) and not more than 23% proof spirit (2)	*Idem.*	20 cents.
	(*c*) containing more than 23% and not more than 23% of proof spirit.	*Idem.*	25 cents.
	For each degree in excess of 26% of proof spirit until the strength reaches 40% of proof spirit		3 cents.

Number of the Canadian Tariff.	Products.		
	Provided that six quarts (3) bottles, or twelve pint (4) bottles, shall be held to contain a gallon for duty purposes under this item.		
Ex. 165.	Champagne and all other sparkling wines in bottles containing:		
	(*a*) not more than a quart, but more than a pint (old wine measure)..	Dozen Bottles.	$3.30
	(*b*) not more than a pint, but more than one-half pint (old wine measure).....	*Idem.*	$1.65
	(*c*) one-half pint, or less.....	*Idem.*	82 cents.
	(*d*) over one quart (old wine measure).....	Gallon.	$1.50
Ex. 169.	Books, viz.: Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, in the French language, but not to include Christmas Annuals, or publications commonly known as juvenile and toy books		15%
Ex. 171.	Books, printed, periodicals and pamphlets, or parts thereof, in the French language, n.o.p.; not to include blank account books, copy books, or books to be written or drawn upon.....		5%
Ex. 220.	All medicinal, chemical and pharmaceutical preparations, compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, and oils, n.o.p.		
	Ex. (*b*) All other than dry, and not containing alcohol.....		25%
	Provided that drugs, pill mass and preparations, not including pills or medicinal plasters, recognized by the British or United States Pharmacopœia, or the French Codex as official, shall not be held to be covered by this item.		
262.	Olive oil, n.o.p.....		15%
Ex. 575.	Embroideries, n.o.p.; lace, n.o.p.; collars or collarettes in lace and all		

(1) Or 11° 6 by centesimal alcoholometer.
(2) Or 13° 3 by centesimal alcoholometer.
(3) Equal to ·946 of a litre.
(4) Equal to ·473 of a litre.

Number of the Canadian Tariff.	Products.	Per	Duties.
	manufactures of lace; nettings of cotton, linen, silk, or other material, n.o.p.		27½%
Ex. 581.	Velvets of pure silk and silk fabrics		20%
582.	Ribbons of all kinds, and materials.	25%	.....
583.	Manufactures of silk or of which silk is the component part of chief value, n.o.p.		32½%

NOTE 1. The term "Ex." in the case of the number of an item means a part of the item to which the number refers.

NOTE 2.—The numbers of the tariff items have reference to the present Canadian tariff.

Signed: FRANCIS BERTIE.
Signed: W. S. FIELDING.
Signed: L. P. BRODEUR.
Signed: S. PICHON.
Signed: J. CAILLAUX.
Signed: GASTON DOUMERGUE.
Signed: J. RUAU.

No. 57.

4th Session, 10th Parliament, 7-8 Edward VII,

BILL.

An Act respecting a certain Conve
between His Majesty and the Pres
of the French Republic.

First reading, January 16, 1908.

MR. FIELDI

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majest
1907-8

[REPRINT.]

No. 57.] **BILL.** [1907-8

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

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

1. This Act may be cited as *The French Convention Act, 1908*. Short title.

2. The convention of the nineteenth day of September, one thousand nine hundred and seven, entered into at Paris by plenipotentiaries appointed by His Majesty and by the President of the French Republic, copy of which is set forth in the schedule of this Act, is hereby approved. Convention approved.

3. There shall be levied, collected and paid after the said convention is brought into force, and so long as it remains in force, upon all natural and manufactured products enumerated in schedule B to the said convention, originating in France, Algeria, the French colonies and possessions, and the territories of the Protectorate of Indo-China, imported into Canada in the manner provided in the said convention, the several rates of duties of customs set forth in column 2, "Intermediate Tariff," of *The Customs Tariff, 1907*, and in any amendment thereof; and there shall be levied, collected and paid, during the time aforesaid, upon all natural and manufactured products enumerated in schedule C to the said convention, originating and imported as aforesaid, the several rates of duties of customs set opposite to each item respectively in the said schedule C. Duties on French products.

4. Whenever, in the manner provided in the said convention, the terms thereof are extended to Tunis, the provisions of the next preceding section of this Act shall apply to Tunis and the products thereof, to the same extent and as completely as the said provisions apply to France, Algeria, the French colonies and possessions and the territories of the Protectorate of Indo-China and the products thereof. Extension of advantages to Tunis.

5. The advantages granted to France, Algeria, the French colonies and possessions, and the territories of the Protectorate of Indo-China by the said convention, with respect to the commerce of the said countries with Canada, shall extend to any and every other foreign power which by reason of the operation of the said convention is, under the provisions of a treaty or convention with His Majesty, entitled, in whole or in part, to the same or to the like advantages with respect to its com- Extensiog of advantages to certain foreign powers.

merce with Canada, to the extent to which in the manner aforesaid such other foreign power is entitled thereto; and such advantages shall continue to so extend to such other foreign power so long as the said convention remains in force, or until the right of such other foreign power to such advantages under its treaty or convention with His Majesty is sooner determined.

Extension of advantages to United Kingdom and British Colonies.

6. The advantages so granted to France, Algeria, the French colonies and possessions, and the territories of the Protectorate of Indo-China by the said convention, shall extend to the United Kingdom and the several British colonies and possessions with respect to their commerce with Canada, so long as France, Algeria, the French colonies and possessions, and the said territories continue to be entitled to such advantages; provided, however, that nothing herein contained shall be held to diminish any advantage which the United Kingdom and British colonies and possessions now enjoy under the British Preferential Tariff.

Repeal of 1894, c. 2, and 1895, c. 3.

7. From the date of the coming into force of the said convention, as provided in Article XX. thereof, *The French Treaty Act*, 1894, and chapter 3 of the statutes of 1895, intituled *An Act respecting Commercial Treaties affecting Canada*, shall be repealed.

Orders in Council authorized.

8. The Governor in Council may make such orders and regulations as are deemed necessary to carry out the provisions and intent of this Act and of the said convention.

Suspension of inconsistent laws.

9. The operation of all laws inconsistent with the giving to the provisions of the said convention and of this Act their full effect shall from time to time be suspended to the extent of such inconsistency.

SCHEDULE.

CONVENTION RESPECTING THE COMMERCIAL RELATIONS BETWEEN CANADA AND FRANCE.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, being desirous of improving and extending the commercial relations between Canada and France, have resolved to conclude a Convention with that object and have named as their respective Plenipotentiaries, that is to say:—

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

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

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

The Honourable Louis-Philippe Brodeur, a Member of His Majesty's Honourable Privy Council for Canada, a Member of the Parliament of Canada, Minister of Marine and Fisheries of Canada;

And the President of the French Republic,

Mr. Stephen Pichon, Senator, Minister of Foreign Affairs;

Mr. Joseph Caillaux, Deputy, Minister of Finance;

Mr. Gaston Doumergue, Deputy, Minister of Commerce and Industry;

Mr. Joseph Ruau, Deputy, Minister of Agriculture;

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

ARTICLE I.

The natural and manufactured products of Canadian origin enumerated in Schedule A to this Convention shall enjoy, on their importation into France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, the benefit of the Minimum Tariff and of the lowest rates of Customs duty applicable to like products of other foreign origin.

ARTICLE II.

Every reduction of customs duty granted by France to any foreign country whatever on any of the products enumerated in Schedule A shall apply to the fullest extent to similar Canadian products.

ARTICLE III.

The natural and manufactured products enumerated in Schedule B to this Convention originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China shall enjoy, on their importation into Canada, the benefit of the Intermediate Tariff and of the lowest rates of Customs duty applicable to like products of other foreign origin.

ARTICLE IV.

Every reduction of Customs duty granted by Canada to any foreign country whatever on any of the products enumerated in Schedule B shall apply to the fullest extent to similar products originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China.

ARTICLE V.

The natural and manufactured products enumerated in Schedule C to this Convention originating in France, Algeria,

the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, shall enjoy, on their importation into Canada, the benefit of the Customs duties set forth in the said Schedule C.

ARTICLE VI.

Every reduction of the Customs duties set forth in Schedule C granted by Canada to any foreign country whatever on any of the products enumerated in the said Schedule shall apply to the fullest extent to similar products originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China.

ARTICLE VII.

If any product now exempt from Customs duty under the French minimum tariff in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China shall hereafter become liable to Customs duty, such product on its importation from Canada shall enjoy the benefit of the lowest rate of duty applicable to a like product when imported from any other foreign country. Reciprocally, if any product now admitted free of duty under the Canadian intermediate tariff in Canada shall hereafter become liable to Customs duty, such product when imported from France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China shall enjoy the benefit of the lowest rate of duty applicable to a like product when imported from any other foreign country.

ARTICLE VIII.

To enjoy the benefits of the aforementioned tariff advantages, products originating in France, Algeria, the French Colonies and Possessions and the territories of the Protectorate of Indo-China, shall be conveyed without transhipment from a port of those territories or from a port of a territory enjoying the preferential tariff or intermediate tariff into a sea or river port of Canada.

To enjoy the benefits of the aforementioned tariff advantages, Canadian products shall be conveyed without transhipment from a Canadian port or from a port of a country enjoying the French minimum tariff to a port in France, Algeria, the French Colonies and Possessions and the territories of the Protectorate of Indo-China.

Provided however that nothing in this Article shall exempt the products of either country from any *surtaxe d'entrepôt* that is now, or hereafter may be, imposed on products imported indirectly.

ARTICLE IX.

For the purposes of the foregoing articles Canada and France may require that the products be accompanied by certificates of origin or declarations made in conformity with the laws of the respective countries.

If the Canadian Government or the French Government deem it necessary to have such certificates or declarations *visés*, they may appoint or designate for such purpose officers who shall give such *visés* free of charge.

ARTICLE X.

Canada and France undertake not to establish one against the other any prohibition or restriction of importation, exportation or transit which shall not at the same time be applicable to other countries.

Provided however that Canada and France reserve to themselves the right to establish in regard to products originating in or destined for the one or other country any temporary prohibition or restriction of importation, exportation or transit which either of them adjudges necessary to protect the public health, to prevent the spread of animal disease or the destruction of crops, or in view of the events of war.

ARTICLE XI.

Except as regards tariff provisions, Canada and France accord to each other reciprocally the most favoured nation treatment in everything relating to importation, exportation, re-exportation, transit, warehousing, storage, transhipment, consumption, fulfilment of Customs formalities, and in general to everything relating to the pursuit of trade and industry.

These provisions shall not apply:

1. To privileges which have been or may be granted to bordering states for facilitating frontier traffic within a limit not exceeding fifteen kilometers on each side of the boundary;

2. To special privileges arising out of the Customs union of France with Monaco.

ARTICLE XII.

Products of Canadian origin of any kind imported into France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, shall not be subject to any other or higher duties of excise, internal consumption or octroi than those which are or may be charged upon like products of French origin.

In like manner, products of any kind originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, when imported into Canada shall not be subject to any other or higher duties of excise, internal consumption or octroi than those which are or may be charged upon like products of Canadian origin.

The natural and manufactured products of either country when imported into the territory of the other and intended for warehousing or transit shall not be subject to any internal duty.

ARTICLE XIII.

Drawbacks on the exportation of French or Canadian products shall not exceed the amount of Customs duties, excise

duties, duties of internal consumption, or duties of octroi, collected on the said products or the materials used in the manufacture thereof.

ARTICLE XIV.

Products liable to duty serving as patterns or samples, imported into Canada or into France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, by commercial travellers or agents shall be admitted on payment of duty, which shall be refunded after re-exportation of such products.

This provision shall be subject to the conditions of the law of the respective countries. The time within which the re-exportation of such patterns or samples may take place shall not exceed twelve months.

ARTICLE XV.

For the application of *ad valorem* duties, exporters of products originating in France, Algeria, the French Colonies and Possessions, and the territories of the Protectorate of Indo-China, and reciprocally exporters of Canadian products, may produce certificates of value issued by any Chamber of Commerce or by any other similar commercial organization. Such certificates shall be taken into consideration by the respective Customs officials, in levying the duties to which the imported products may be liable, without however restricting their rights of appraisement.

ARTICLE XVI.

If importers of French wines furnish certificates of analysis thereof issued by the scientific establishments under the control of the Minister of Agriculture of France and designated by him, such certificates shall be taken into consideration for determining the alcoholic strength of such wines by the Canadian Customs authorities, without however restricting their rights of appraisement.

ARTICLE XVII.

Canada and France grant to each other reciprocally the most favoured nation treatment for the protection of trade marks, patents, commercial names and industrial designs and patterns.

ARTICLE XVIII.

This Convention may be extended to Tunis on a declaration to that effect exchanged between the High Contracting Parties.

ARTICLE XIX.

From the date of the coming into force of this Convention, the Agreement of the sixth day of February, 1893, respecting the commercial relations between Canada and France shall be terminated .

ARTICLE XX.

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

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

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

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

Done, in duplicate, at Paris, the 19th day of September, in the year 1907.

(L.S.) Signed: FRANCIS BERTIE
(L.S.) Signed: W. S. FIELDING.
(L.S.) Signed: L. P. BRODEUR.
(L.S.) Signed: S. PICHON.
(L.S.) Signed: J. CAILLAUX.
(L.S.) Signed: GASTON DOUMERGUE.
(L.S.) Signed: J. RUAU.

SCHEDULE A.

CANADIAN PRODUCTS ENJOYING THE BENEFIT OF THE MINIMUM TARIFF.

Number of the French Tariff.	Products
1	Horses.
4	Oxen.
5	Cows.
6	Bulls.
7	Steers, bullocks and heifers.
Ex 14 *bis*	*Poultry.*
16	Fresh meat: mutton; pork; beef and other.
17	Meat salted: pork (ham, bacon, &c.); beef and other.
17 bis	Pork-butchers' produce.
Ex 18	*Poultry, dead.*
19	Meat, preserved in tins.
20	Extracts of meat, in cakes or otherwise.
30	Animal fat, other than fish oils: tallow;

Number of the French Tariff.	Products.
	lard;
	other.
Ex 34	Eggs of poultry or game.
35 *bis*	Milk, condensed pure.
35 *ter*	*a*) Milk condensed with addition of sugar.
	b) Milky farina, with an addition of sugar.
36	Cheese.
Ex 37	Butter, salted.
38	Honey.
41	Bone black (animal black).
45	Fish; fresh; fresh water:
	of the salmonoid family;
	other.
	Fresh sea fish.
46	Fish, dried, salted or smoked:
	cod (including klippfish);
	stockfish;
	herrings;
	other.
47	Fish preserved "au naturel," pickled or otherwise prepared.
49	Lobsters:
	fresh;
	preserved "au naturel" or prepared.
51	Fish oils.
52	Spermaceti.
53	Roe of cod and of mackerel.
68	*Wheat, spelt, and meslin:*
	grain;
	flour.
69	*Oats:*
	grain;
	meal.
70	*Barley:*
	grain;
	meal.
71	*Rye:*
	grain;
	meal.
72	*Maize:*
	grain.;
	meal.
73	*Buckwheat:*
	grain;
	meal.
74	*Malt.*
76	*Groats: grits (coarse flour), pearled or cleaned grain.*
76 *bis*	*Millet, hulled or cleaned.*
80	*Pulse:*
	beans, decorticated or broken, whole, in clusters or pods;
	bean meal;
	chick peas (pois pointus).

Number of the French Tariff.	Products.
	Other:
	in the grain;
	decorticated;
	in flour.
83	Potatoes.
Ex 84	Table fruits: fresh:
	apples and pears:
	for table use;
	for cider and perry;
	peaches.
Ex 85	Table fruits: dried or drained:
	apples and pears:
	for table use;
	for cider and perry;
	peaches.
86	Table fruits candied or preserved.
89	*Seed grain (including the Jarosse, a kind of pea).*
89 *ter*	Luzern, and clover seed.
93	Syrups, bonbons, and candied fruits.
95	Preserves:
	manufactured with sugar or honey;
	without sugar or honey.
115 *bis*	Tar
128	Woods common:
	logs round, rough, not squared, with or without the bark, of any length, and of a circumference at the thickest end of more than 60 centimetres;
	wood, sawn, or squared, 80 millimetres in thickness and above;
	wood squared or sawn, less than 80 millimetres, and exceeding 35 millimetres;
	wood sawn, 35 millimetres in thickness or less.
129	Paving blocks sawn.
130	Stave wood.
131	Splints.
132	Hoopwood and prepared poles.
133	Perches, poles, and staffs, rough, exceeding 1 metre 10 centimetres in length, and of a maximum circumference of 60 centimetres at the thickest end.
135 *bis*	Resinous woods in logs, with or without the bark, of any diameter, of a maximum length of 1 meter 10 centimetres.
136	Charcoal and charred boon.
136 *bis*	Straw, or wool of wood (paille ou laine de bois).
158	Vegetables:
	fresh;
	salted or pickled:
	preserved or dried.
164	Fodder (*)
165	*Bran from any kind of cereal*

* Hay is included in this item.

Number of the French Tariff.	Products.
168	Cellulose pulp (wood pulp), mechanical or chemical.
174	Spirits
174 *quater*	Mineral waters (receptacles included).
178 ter	Emery on paper or tissues, grindstones and whetstones of emery, or emery in any other form.
185	Cement:
	slow;
	quick.
190	*Coal:*
	coal or coke,
	cinders of.
205	Cast iron:
	foundry iron, and forge-pig, containing less than 25% of manganese;
	ferro-manganese, containing more than 25% of manganese; ferro-silicon, containing more than 5% of silicon; rich silico-spiegal iron containing less than 30% of silicon and manganese; chromic iron containing 10% or more of chromium; ferro-aluminum, containing 10% or less of aluminum;
	ferro-aluminum, containing more than 10% and less than 20% of aluminum.
206	Wrought iron crude, in blooms, prisms or bars.
207	Iron, drawn in bars, angle and T iron, axles and tyres, in the rough.
210	Sheet and plate iron:
	rolled or hammered flat, more than one millimetre in thickness;
	thin, and black iron plates, flat, more than 6-10 of a millimetre and up to one millimetre in thickness;
	thin and black iron plates, flat, of 6-10 of a millimetre or less in thickness.
212	Iron or steel wire, whether tinned, coppered, zincked, galvanized or not
212 *ter*	Rails of iron or steel.
213	Steel in bars.
214	Axles and tyres rough, in steel.
216	Steel:
	in sheets or bands, brown, hot rolled;
	in sheets or bands, white, cold rolled.
212	Copper;
	ore;
	pure, or alloyed, with zinc or tin:
	of first fusion, in lumps, bars, pigs or slabs;
	rolled or hammered in bars or plates;
	in wire of all sizes, polished or not, other than gilt or silvered.
	aluminum bronze, crude not containing more than 20% of aluminum;
	gilt, or silvered, in lumps or ingots hammered, drawn, rolled, or spun on thread or on silk;
	filings and fragments of old manufactures.

Number of the French Tariff.	Products.
222	Lead: ores, mattes, and slag of all kinds; in crude lumps, pigs, bars, or slabs: argentiferous; not argentiferous; alloyed with antimony in lumps; hammered or rolled; filings and fragments of old manufactures.
225	Nickel: ore; produce of first fusion (cast, matte, speiss); refined, in ingots or crude lumps; pure, hammered, rolled, or drawn; alloyed with copper, with or without zinc, in ingots, or crude lumps; alloyed with copper, with or without zinc, hammered, rolled or drawn.
227	Antimony.
238 *bis*	Extract of chestnut-wood, and other tannic vegetable saps, liquid or solid.
282	*Chemical products not mentioned* (*).
315	Compound medicines: distilled waters.
316	Compound medicines not specified.
318	Starch.
324	Isinglass, glue manufactured from tendons of whales, and other similar glues.
361	Incandescent electric lamps.
Ex 363	Yarns of hemp not glazed, pure and raw in skeins up to 5,000 metres of single thread to the kilogramme, for the manufacture of fishing lines and nets, and of cordage.
Ex 363 *bis*	Yarns of hemp not glazed, twisted, unbleached in skeins up to 5,000 metres single thread to the kilogramme for the manufacture of fishing lines and nets, and of cordage.
Ex 366 *bis*	Yarns of phormium tenax, abaca, and other vegetable fibres not mentioned, not glazed, pure or mixed; the phormium, abaca, etc., predominating in weight, for self-binding harvesters.
461	Paper or card.
462	Cardboard, rough in sheets, weighing at least 350 grammes per square metre.
462 *bis*	Moulded cardboard, called papier maché.
463	Cardboard cut, or shaped for boxes.
464	Cardboard boxes covered or not with white or coloured paper.
464 *bis*	Cylindrical and conical tubes called "busettes" for spinning and weaving.
464 *ter*	Cardboard goods ornamented with paintings, relief, stuffs, wood, plaited straw, and common metals.

(*) Calcium carbide is included under this number.

Number of the French Tariff.	Products.
Ex 476	Skins and hides prepared, simply tanned, tawed, or smoothed, not including goat, kid, sheep and lamb skins.
478	Soles, cut out, of beaten and smoothed leather, and heels.
479	Uppers of top boots, boots, shoes, vamps, galoches (cambered or not) and upper heals of calf, cow, horse, goat, or kid leather and skins.
480	Top boots.
481	Boots for men and women.
482	Shoes.
484	Gloves.
488	Transmission belts, etc., of leather, hose of leather, and other articles of leather or skins for machinery.
490	Trunks of wood or pasteboard, covered with leather.
493	Peltries: prepared, or in sewn pieces; sea lions, and sea otters; seals and bluebacks; grey squirrels and pouches of grey squirrels; hamsters and white rabbits; astrakhan clouded and curled, in skins and "touloupes;" white hares and pouches of white hares; goats, in skins and covers; sheep and mouflons of the Caucasus, in skins and covers. not specially mentioned.
494	Peltries made up into articles.
512	Locomotives and traction engines.
513	Tenders for locomotives.
522	Agricultural machinery (motors not included).
523	Sewing machines.
524	Dynamos.
Ex 525	Typesetting machines known as linotypes.
Ex 525 *bis*	General machinery, transmission gearing, balances, scales, presses, lifting apparatus, apparatus not mentioned driven by mechanical power.
Ex 526 *quater*	Gas buoys in iron or steel plate of over one millimetre in thickness, not galvanized or tinned.
534	Springs of wrought steel, for carriages, railway carriages, and locomotives, not polished.
536	Dynamo-conductors.
536 *bis*	Arc lamps known as regulators.
537	Tools: with or without handles.
541	Wire gauze, of iron or steel.
542	Wire gauze, of copper or brass: ordinary; ordinary; for paper machines.
552	Railway chairs, plates or other castings from the open mould.
554	Iron castings for machinery or for ornament.

Number of the French Tariff.	Products.
557	Rough articles of malleable cast iron, of wrought iron and of cast steel.
558 *ter*	Iron work for carriages, and especially such as enters into the construction of railway rolling stock.
565	Wire nails of iron, or steel, machine made, whether tinned, coppered, zincked or coaltarred or not.
567	Tubes of iron or steel, not welded; tubes of iron or steel, welded; jointings of all kinds; tubes of iron or steel, stamped or without welding.
576	Lead pipes, and all other manufactures of lead.
576 *bis*	Electric accumulators.
579	Articles of nickel, alloyed with copper or zinc (German Silver) or of nickeled metals.
590	Furniture of bent wood, fitted or not.
591	Furniture, other than of bent wood. chairs: neither carved, inlaid, ornamented with copper, gilt, nor lacquered; of common wood; of cabinet makers' wood; carved, inlaid, ornamented with copper, gilt or lacquered, of any kind of wood.
592	Furniture, other than of bent wood, other than chairs, veneered with any kind of wood.
592 *bis*	Furniture, other than of bent wood, other than chairs, massive: of common wood; of cabinet makers' wood
593	Furniture, upholstered in any manner.
597	Builders and cartwrights wood, shaped: hard wood; soft wood
600	Wood, planed, grooved and (or) tongued, planks, strips or veneers for parquetry, planed, grooved, and (or) tongued. of oak or other hard wood; of fir or other soft wood.
601	Doors, windows, wainscoting and other carpenters work, fitted together or not: of hard wood; of soft wood.
602	Small wooden wares: boxes of white wood, wood shaped for brushes, and small handles for tools, less than 10 centimetres in length; bobbins for spinning and weaving, tubes, skewers, biots, spindles, busettes: not exceeding 10 centimetres in length; exceeding 10 centimetres in length. small reels of common wood for sewing thread, neither varnished nor stained.

Number of the French Tariff.	Products.
	other articles:
	not varnished;
	varnished.
602 *bis*	Wood turners' wares.
602 *ter*	Wood turners' wares varnished.
603	Wood squared for shuttles less than 500 grammes in weight.
603 *bis*	Shuttles for any kind of weaving, finished or not.
603 *quater*	Other articles of wood.
Ex 604	Pianos.
	Organs, harmoniums, instruments with free metallic reeds, with one or several stops.
	Church organs, complete, and detached parts thereof
Ex 605	Accessories, and detached parts of musical instruments above mentioned (Ex 604).
Ex 614	Carriages (not for rail uses):
	carriages properly so called;
	carts for trade, agricultural purposes, and transport;
	tramway cars;
	bodies, or parts of bodies for tramway cars.
Ex 615	Seagoing ships of wood.
Ex 616	Hulls of seagoing ships of wood.
Ex 617	River boats of any size, of wood.
620	Manufactures of India-rubber and gutta-percha.
620 *bis*	Articles of asbestos, spun, felted, woven, or moulded with or without admixture of textile, or mineral substances.
620 *ter*	Mica in sheets or flakes, articles in mica, "micanite" and agglomerates of mica, mica paper and tissues.
Ex 646	Typewriters, without nickeled parts.

NOTE 1.—Articles in italics are those appearing only in the general tariff, or on which the duties are identically the same in both tariffs.

NOTE 2.—The numbers of the tariff items have reference to the present French tariff.

NOTE 3.—The term "ex" in the case of the number of an item means a part of the item to which the number refers

Signed: FRANCIS BERTIE.
Signed: W. S. FIELDING.
Signed: L. P. BRODEUR.
Signed: S. PICHON.
Signed: J. CAILLAUX.
Signed: GASTON DOUMERGUE.
Signed: J. RUAU.

SCHEDULE B.

FRENCH PRODUCTS ENJOYING THE BENEFIT OF THE INTERMEDIATE TARIFF.

Number of the Canadian Tariff	Products.
8.	Canned meats, canned poultry and game; extracts of meats and fluid beef not medicated, and soups of all kinds.
17.	*Cheese.*
23.	Preparations of cocoa or chocolate, n.o.p.
67.	Macaroni and vermicelli.
72.	*Garden, field and other seeds for agricultural and other purposes, n.o.p., sunflower, canary, hemp and millet seed, when in packages, weighing over one pound each.*
78.	Florist stock, viz.:—Palms, ferns, rubber plants (Ficus), gladiolus, cannas, dahlias and pæonies.
81.	Trees, viz.:—Apple, cherry, peach, pear, plum and quince, of all kinds, and small peach trees known as June buds.
82.	Grape vines; gooseberry, raspberry, currant and rose bushes; fruit plants, n.o.p.; trees, plants and shrubs, commonly known as nursery stock, n.o.p.
Ex 86.	Tomatoes and cooked corn in cans, or other air-tight packages, n.o.p., the weight of the packages or cans to be included.
88.	Pickles, sauces and catsups.
94.	Dates and figs, dried.
99.	Prunes and dried plums, unpitted; raisins and dried currants.
105.	Fruits in air-tight cans or other air-tight packages, n.o.p., the weight of the cans or other packages to be included in the weight for duty.
109.	Almonds, walnuts, Brazil nuts, pecans and shelled peanuts, n.o.p.
112.	Nuts of all kinds, n.o.p.
114.	Nuts, shelled, n.o.p.
Ex 120.	Anchovies, sardines, sprats, and other fish, packed in oil or otherwise, in tin boxes, the weight of the tin box to be included in the weight for duty:—(*a*) When weighing over twenty ounces and not over thirty-six ounces each; (*b*) When weighing over twelve ounces and not over twenty ounces each; (*d*) When weighing eight ounces each or less.
121.	Fish preserved in oil, n.o.p.
141.	Sugar candy and confectionery of all kinds, including sweetened gums, candied peel, candied pop-corn, candied fruits, candied nuts, flavouring powders, custard powders, jelly powders, sweet-meats, sweetened breads, cakes, pies, puddings and all other confections containing sugar.
152.	Lime juice and other fruit syrups and fruit juices, n.o.p.
156.	*Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; gin of all kinds, n.o.p.; rum, whiskey and all spirituous or*

Number of the Canadian Tariff. | Products.

alcoholic liquors, n.o.p.; amyl alcohol or fusil oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphta, pyroxilic spirit or any substance known as wood spirits or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy, n.o.p.; cordials and liqueurs of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages; and wines, n.o.p., containing more than forty per cent of proof spirit.

159. *Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being known or designated as anodynes, elixirs, essences, extracts, lotions, tinctures or medicines, or ethereal and spirituous fruit essences, n.o.p.*

160. *Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, hair, tooth and skin washes, and other toilet preparations containing spirits of any kinds.*

162. *Medicinal or medicated wines, including vermouth and ginger wine, containing not more than forty per cent of proof spirits.*

180. Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, decalcomania transfers of all kinds, engravings or prints or proofs therefrom, and similar works of art, n.o.p.; blue prints, building plans, maps and charts, n.o.p.

213. Acid, acetic and pyroligneous, n.o.p., and vinegar.

Ex 220. *All medicinal, chemical and pharmaceutical preparations, compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences and oils, n.o.p.*:—(a) *When dry.* (ex b) *Others containing alcohol.* Provided that drugs, pill mass and preparations, not including pills or medicinal plasters, recognized by the British or the United States pharmacopœia, or the French Codex as officinal, shall not be held to be covered by this item.

228. Soap powders, powdered soap, mineral soap, and soap, n.o.p.

230. Castile soap.

232. Glue, liquid, powdered or sheet, and mucilage, gelatine, casein, adhesive paste and isinglass.

233. Pomades, French or flower odors, preserved in fat or oil for the purpose of conserving the odors of flowers which do not bear the heat of distillation, when imported in tins of not less than ten pounds each.

234. Perfumery, including toilet preparations, non alcoholic, viz.:—hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin.

Number of the Canadian Tariff.	Products.
236.	Antiseptic surgical dressing, such as absorbent cotton, cotton wool, lint, lamb's wool, tow, jute, gauzes and oakum, prepared for use as surgical dressings, plain or medicated; surgical trusses. pessaries and suspensory bandages of all kinds.
237.	Celluloid, moulded into sizes for handles of knives and forks, not bored nor otherwise manufactured; moulded celluloid balls and cylinders, coated with tinfoil or not, but not finished or further manufactured; and celluloid lamp shade blanks and comb blanks.
256.	Printing ink.
257.	Writing ink.
264.	Essential oils, n.o.p.
287.	Tableware of china, porcelain, white granite or ironstone.
290.	Cement, Portland, and hydraulic or water lime, in barrels, bags, or casks, the weight of the package to be included in the weight for duty.
316.	Electric light carbons and points, of all kinds, n.o.p.
318.	Common and colourless window glass.
320.	*Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p.*
321.	Plate glass, not bevelled, in sheets or panes exceeding seven square feet each, and not exceeding twenty-five square feet each, n.o.p.
323.	Silver glass, bevelled or not and framed or not.
326a.	Articles of glass, not plate or sheet, designed to be cut or mounted; and manufactures of glass, n.o.p.
339.	Manufactures of lead, n.o.p.
352.	Brass and copper nails, tacks, rivets and burrs or washers; bells and gongs, n. o. p.; and manufactures of brass or copper, n. o. p.
354.	Manufactures of aluminum, n. o. p.
361.	Gold, silver and aluminum leaf; Dutch or schlag metal leaf; brocade and bronze powders.
362.	Articles consisting wholly or in part of sterling or other silverware, nickelplated ware, gilt or electroplated ware, n.o.p; manufactures of gold and silver, n.o.p.
366.	Watch actions and movements, and parts thereof, finished or unfinished, including winding bars and sleeves.
368.	Clocks, watches, time recorders, clock and watch keys, clock cases, and clock movements.
418.	Wire cloth, or woven wire of brass or copper.
419.	Needles of any material or kind, and pins manufactured from wire of any metal, n.o.p.
420.	Buckles and clasps of iron, steel, brass or copper, of all kinds, n.o.p. (not being jewellery).
426.	Knives and forks and all other cutlery, of steel, plated or not, n.o.p.
438.	Locomotives and motor cars for railways and tramways; and automobiles and motor vehicles of all kinds.
Ex. 453.	Telephone and telegraph instruments, electric and galvanic batteries, electric motors, dynamos, gene-

Number of the Canadian Tariff.	Products.
	rators, sockets, insulators of all kinds; electric apparatus, n.o.p.; and iron and steel castings, and iron or steel integral parts of all machinery above specified.
454.	Manufactures, articles or wares of iron or steel or of which iron and steel (or either) are the component materials of chief value, n.o.p.
506.	Manufactures of wood, n.o.p.
512.	Picture frames and photograph frames of any material.
519.	House, office, cabinet or store furniture of wood, iron or other material, in parts or finished; wire screens, wire doors and wire windows; cash registers; window cornices and cornice poles of all kinds; hair, spring and other mattresses; curtain stretchers, furniture springs and carpet sweepers.
526.	White and cream coloured lace and embroideries, of cotton or linen.
536.	Cotton or linen thread, n.o.p.; crochet and knitting cotton.
563.	Women's and children's dress goods, coat linings, Italian cloths, alpaca, Orleans, cashmeres, henriettas, serges, buntings, nun's cloth, bengalines, whip cords, twills, plains or jacquards of similar fabrics, composed wholly or in part of wool, worsted, the hair of the camel, alpaca, goat or like animal, not exceeding in weight six ounces to the square yard, when imported in the gray or unfinished state for the purpose of being dyed or finished in Canada, under regulations prescribed by the Minister of Customs.
567.	*Fabrics, manufactures, wearing apparel and ready made clothing, composed wholly or in part of wool, worsted, the hair of the goat, or other like animal, n.o.p.; cloths, doeskins, cassimeres, tweeds, coatings, overcoatings and felt cloth, n.o.p.*
570.	Mats, door or carriage, other than metal, n.o.p.
571.	Carpeting, rugs, mats and matting of cocoa, straw, hemp or jute; carpet linings and stair pads.
573a.	Church vestments of any material.
574.	White cotton bobinet, plain, in the web.
Ex. 575.	Braids, n.o.p.; fringes, n.o.p.; cords; elastic; tassels; handkerchiefs of all kinds; shams and curtains, when made up, trimmed or untrimmed; corsets of all kinds; linen or cotton clothing, n.o.p.
580.	Black mourning crapes.
Ex. 581.	Velvets other than of pure silk, velveteens, and plush fabrics.
597.	Pianofortes, organs and musical instruments of all kinds, n.o.p.; phonographs, graphaphones, gramaphones and finished parts thereof, including cylinders and records therefor; and mechanical piano and organ players.
598.	Brass band instruments; parts of pianofortes and parts of organs; and bagpipes.
603.	*Fur skins, wholly or partially dressed, n.o.p.*

Number of the Canadian Tariff.	Products.
604.	Dongola, Cordovan, calf, sheep, lamb, kid or goat, kangaroo, alligator, and all leather, dressed, waxed, glazed or further finished than tanned, n.o.p.; harness leather, and chamois skin.
611a.	Boots, shoes, slippers and insoles of any material, n.o.p.
618.	Rubber cement and all manufactures of India-rubber and gutta-percha, n.o.p.
622.	Trunks, valises, hat boxes, carpet bags, tool bags, and baskets of all kinds, n.o.p.
623.	Musical instrument cases and fancy cases or boxes of all kinds, portfolios and fancy writing desks, satchels, reticules, card cases, purses, pocket books, flybooks and parts thereof.
624.	Bead ornaments, and ornaments of alabaster, spar, amber, terra cotta or composition; fans, dolls and toys of all kinds; statues and statuettes of any material.
627.	Gloves and mitts, of all kinds.
628.	Braces or suspenders, and finished parts thereof.
630.	Boot, shoe, shirt and stay laces of any material.
633.	Feathers, in their natural state.
634.	Feathers and manufacturers of feathers, n.o.p.; artificial feathers, fruits, grains, leaves and flowers suitable for ornamenting hats.
637.	Corset clasps, busks, blanks and steels, and covered corset wires, cut to lengths, tipped or untipped; reed, rattan and horn, covered.
647.	Jewellery of any material, for the adornment of the person, n.o.p.
648.	*Precious stones, and imitations thereof, not mounted or set; and pearls and imitations thereof, pierced, split, strung or not, but not set or mounted.*
651.	Buttons of all kinds covered or not n.o.p., including recognition buttons, and cuff or collar buttons.
652.	Combs for dress and toilet, including mane combs, of all kinds.
653.	Brushes of all kinds.
655.	Lead pencils, pens, penholders and rulers of all kinds.
656.	Tobacco pipes of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders, and cases for the same, smokers' sets and cases therefor, and tobacco pouches.
657.	Magic lanterns and slides therefor, philosophical, photographic, mathematical and optical instruments, n.o.p., cyclometers and pedometers, and tape lines of any material.
710.	*Coverings, inside and outside, used in covering or holding goods imported therewith.*
711.	All goods not enumerated in this schedule (1) as subject to any other rate of duty, and not otherwise declared free of duty, and not being goods the importation whereof is by law prohibited (2).

(1) The words "this schedule" refer to the Canadian customs tariff now in force.

(2) Are included under this number more especially, mineral waters in bottles, drugs, and preparations recognized as official by the French Codex.

NOTE 1.—Articles *in italics* are those on which duties are identical in the general and intermediate tariff.

NOTE 2.—Abbreviation: n.o.p. means "not otherwise provided for" elsewhere in the Canadian tariff.

NOTE 3.—The numbers of the tariff items have reference to the present Canadian tariff.

NOTE 4.—The term "Ex" in the case of the number of an item means a part of the item to which the number refers.

Signed: FRANCIS BERTIE.
Signed: W. S. FIELDING.
Signed: L. P. BRODEUR.
Signed: S. PICHON.
Signed: J. CAILLAUX.
Signed: GASTON DOUMERGUE.
Signed: J. RUAU.

SCHEDULE C.

FRENCH PRODUCTS ENJOYING THE BENEFIT OF A SPECIAL TARIFF.

Number of the Canadian Tariff.	Products.	Per	Duties.
Ex. 86.	Vegetables, tomatoes excepted, including baked beans, in cans, or other air-tight packages, n. o. p., the weight of the cans or other packages, to be included in the weight for duty	Pound.	1 cent.
Ex. 120.	Anchovies, sardines, sprats, and other fish, packed in oil or otherwise, in tin boxes, the weight of the tin box to be included in the weight for duty		
	(*c*) When weighing over eight ozs., and not over twelve ozs. each	Box.	2 cents.
Ex. 163.	Wines of the fresh grape of all kinds sparkling, imported in barrels or in bottles:		
	(*a*) containing 20% or less proof spirit (1)	Gallon.	15 cents.
	(*b*) containing more than 20% (1) and not more than 23% proof spirit (2)	*Idem.*	20 cents.
	(*c*) containing more than 23% and not more than 23% of proof spirit.	*Idem.*	25 cents.
	For each degree in excess of 26% of proof spirit until the strength reaches 40% of proof spirit		3 cents.

Number of the Canadian Tariff.	Products.		
	Provided that six quarts (3) bottles, or twelve pint (4) bottles, shall be held to contain a gallon for duty purposes under this item.		
Ex. 165.	Champagne and all other sparkling wines in bottles containing:		
	(*a*) not more than a quart, but more than a pint (old wine measure)..	Dozen	
	(*b*) not more than a pint, but more than one-half pint (old wine measure).....	Bottles.	$3.30
	(*c*) one-half pint, or less.....	*Idem.*	$1.65
	(*d*) over one quart (old wine measure).....	*Idem.*	82 cents.
Ex. 169.	Books, viz.: Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, in the French language, but not to include Christmas Annuals, or publications commonly known as juvenile and toy books	Gallon.	$1.50
Ex. 171.	Books, printed, periodicals and pamphlets, or parts thereof, in the French language, n.o.p.; not to include blank account books, copy books, or books to be written or drawn upon.....		15%
Ex. 220.	All medicinal, chemical and pharmaceutical preparations, compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, and oils, n.o.p.		5%
	Ex. (*b*) All other than dry, and not containing alcohol.....		25%
	Provided that drugs, pill mass and preparations, not including pills or medicinal plasters, recognized by the British or United States Pharmacopœia, or the French Codex as official, shall not be held to be covered by this item.		
262.	Olive oil, n.o.p.....		15%
Ex. 575.	Embroideries, n.o.p.; lace, n.o.p.; collars or collarettes in lace and all		

(1) Or 11° 6 by centesimal alcoholometer.
(2) Or 13° 3 by centesimal alcoholometer.
(3) Equal to ·946 of a litre.
(4) Equal to ·473 of a litre.

Number of the Canadian Tariff.	Products.	Per	Duties.
	manufactures of lace; nettings of cotton, linen, silk, or other material, n.o.p.		27½%
Ex. 581.	Velvets of pure silk and silk fabrics		20%
582.	Ribbons of all kinds, and materials.	25%	.....
583.	Manufactures of silk or of which silk is the component part of chief value, n.o.p.		32½%

NOTE 1. The term "Ex." in the case of the number of an item means a part of the item to which the number refers.

NOTE 2.—The numbers of the tariff items have reference to the present Canadian tariff.

Signed: FRANCIS BERTIE.
Signed: W. S. FIELDING.
Signed: L. P. BRODEUR.
Signed: S. PICHON.
Signed: J. CAILLAUX.
Signed: GASTON DOUMERGUE.
Signed: J. RUAU.

No. 57.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

[REPRINT.]

BILL.

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

First reading, January 16, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 58.] **BILL.** [1907-8

An Act respecting the Ashcroft, Barkerville and Fort George Railway Company.

Preamble.

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

1906, c. 58.

Time for construction of railway extended.

1. The Ashcroft, Barkerville and Fort George Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete its said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 58.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting The Ashcroft, Barkerville and Fort George Railway Company.

First reading, January 15, 1908.

(PRIVATE BILL.)

MR. ROSS,
(Yale-Cariboo.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 59.] **BILL.** [1907-8

An Act to incorporate the Chartered Bank of British Columbia.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that an Act be passed for the purpose of establishing a bank in Canada, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. Corporate name.

1. The persons hereinafter named, together with such others as become shareholders in the corporation by this Act created are hereby constituted a corporation by the name of "The Chartered Bank of British Columbia," hereinafter called "the Bank."

Capital stock.

2. The capital stock of the Bank shall be two million dollars.

Chief office.

3. The chief office of the Bank shall be at the city of Vancouver, in the province of British Columbia.

Provisional directors.

4. Thomas Wilson Paterson, James Alexander Mitchell and Frederic William Jones, of Victoria; James A. Harvey, of Cranbrook; William Harold Malkin, Robert Purves McLennan and Henry Tracy Ceperley, of Vancouver, all in the province of British Columbia, shall be the provisional directors of the Bank.

Duration of charter. R.S., c. 29.

5. This Act shall, subject to the provisions of section 16 of *The Bank Act*, remain in force until the first day of July, in the year one thousand nine hundred and eleven.

No. 59.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Chartered Bank of British Columbia

First reading, January 15, 1908.

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 60.] **BILL.** [1907-8

An Act respecting patents of the Goodwin Car Company.

Preamble.

WHEREAS the Goodwin Car Company, a corporate body having its head office in the city of Chicago, in the state of Illinois, one of the United States, has by its petition represented that it is the proprietor of certain patents of invention on dumping cars used in railway construction, and is the holder and owner of certain letters patent of Canada, issued under the seal of the Patent Office, namely, patent number fifty-nine thousand nine hundred and sixty-two, dated the tenth day of May, one thousand eight hundred and ninety-eight, for dumping vehicle, and patent number seventy-one thousand eight hundred and nine, dated the eighteenth day of June, one thousand nine hundred and one, for dumping scow or vehicle; and whereas both of said patents are subject to the compulsory licensing conditions set out in paragraphs (*a*), (*b*), (*c*) and (*d*), of section 44 of *The Patent Act;* and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 69.

Importation authorized within certain limits.

1. Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the importation during a period not exceeding two years from the first day of April, one thousand nine hundred and eight, by the said Goodwin Car Company, or by its legal representative, of not more than two hundred dumping cars, described and claimed in the said patents, which have previously been used in railway construction in the United States, shall in no way cause forfeiture of any rights acquired under the said patents, and such importation beyond the authorized period, and during the period hereby limited, shall not be deemed, in any way, to have affected the validity of the said patents, but the said patents shall be considered in all respects as if an extension of the period of importation had been obtained up to the end of the period authorized by this Act.

No. 60.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting patents of the Goodwin Car Company.

First reading, January 15, 1908.

(PRIVATE BILL.)

MR. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 61.] **BILL.** [1907-8

An Act respecting patents of Montague Moore and Thomas James Heskett.

Preamble.

WHEREAS Montague Moore, of Melbourne, Australia, and Thomas James Heskett, of Brunswick, Australia, have by their petition represented that they are the owners of patent number ninety thousand one hundred and two, dated the fifteenth day of November, one thousand nine hundred and four, for improvements in apparatus for treating ferruginous ore for the manufacture of iron and steel therefrom, and patent number ninety-two thousand six hundred and three, dated the eleventh day of April, one thousand nine hundred and five, for processes of and apparatus for treating ferruginous ore for the manufacture of iron and steel therefrom, issued under the seal of the Patent Office; and whereas the said Montague Moore and Thomas James Heskett have prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for manufacture in Canada.

1. Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the failure to construct or manufacture in Canada the inventions patented under the said patents shall not be deemed to have affected the validity of the said patents, but the time for such construction or manufacture shall be deemed to have been duly extended up to the end of two years from the passing of this Act, and such extension shall have the same effect as if applied for and granted within the time prescribed by *The Patent Act*.

Commissioner of Patents may vary conditions of manufacture.

R.S., c. 69.

2. Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive petitions for the making of, and may make, orders that the said patents, instead of being subject to the conditions set forth in paragraph (*a*) of section 38 of *The Patent Act*, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*) and (*d*) of section 44 of *The Patent Act*.

Existing rights saved.

3. If any person, other than a licensee, has, in the period between the fifteenth day of November, one thousand nine hundred and six, and the twenty-sixth day of October, one thousand nine hundred and seven, commenced to manufacture, use and sell in Canada the invention covered by the said

patent number ninety thousand one hundred and two, or has in the period between the eleventh day of April, one thousand nine hundred and seven, and the twenty-sixth day of October, one thousand nine hundred and seven, commenced to manufacture, use and sell in Canada the invention covered by the said patent number ninety-two thousand six hundred and three, such person may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed.

No. 61.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting patents of Montague Moore and Thomas James Heskett.

First reading, January 15, 1908.

(PRIVATE BILL.)

MR. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 62.] **BILL.** [1907-8

An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

Preamble.

WHEREAS the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada (hereinafter called the Society) has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1898, c. 91; 1901, c. 101.

1898, c. 91, s. 1 amended.

1. Paragraph (*e*) of section 1 of chapter 91 of the statutes of 1898 is repealed, and the following is substituted therefor:—

Objects of Society.

"(*e*) to establish and maintain a fund, and with respect thereto to effect contracts of life insurance, to grant, sell or purchase life annuities, grant endowments depending on the contingency of human life, and generally to carry on the business of life insurance in all its branches and forms."

Life insurance.

Deposit of securities with Minister of Finance.

2. From the funds referred to in section 6 of chapter 91 of the statutes of 1898, the Society may make the deposit mentioned in section 12 of chapter 34 of the Revised Statutes, or any further deposits provided by the said chapter 34, on the terms and conditions therein contained.

Loans to contributors to fund.

3. From the fund created by paragraph (*e*) of section 1 of chapter 91 of the statutes of 1898, as enacted by section 1 of this Act, the Society may advance moneys by way of loan to any person contributing to such fund, and may take as security for the repayment thereof a lien on the moneys that may eventually be payable to such person or other persons beneficially entitled thereto.

Short name of Society.

4. The Society may be referred to in its constitution and laws and in its correspondence and in all of its printed and written matter, as "The Ancient Order of Foresters" or "The A.O.F."

No. 62.

4th Session. 10th Parliament. 7 8 Edward VII., 1907-8

BILL.

An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

First reading, January 15, 1908.

(PRIVATE BILL.)

MR. GUTHRIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 62.] **BILL.** [1907-8

An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

(Reprinted as amended and reported by the Committee on Banking and Commerce.)

Preamble.

WHEREAS the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada (hereinafter called the Society) has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1898, c. 91; 1901, c. 101.

1898, c. 91, s. 1 amended.

1. Paragraph (*e*) of section 1 of the Society's Act of incorporation, being chapter 91 of the statutes of 1898, is repealed, and the following is substituted therefor:—

Objects of Society.

"(*e*) to establish and maintain a fund, and with respect thereto to effect contracts of life insurance, to grant, sell or purchase life annuities, grant endowments depending on the contingency of human life, and generally to carry on the business of life insurance in all its branches and forms among the members of the Society."

Life insurance.

Deposit of securities.

2. The Society may make, from the fund accumulated pursuant to paragraph (*e*), substituted by the first section of this Act for paragraph (*e*) of section 1 of its Act of incorporation, the deposit usually required to be made by a company to entitle it to a license under *The Insurance Act* to transact the business of life insurance, which deposit was dispensed with by section 12 of the Society's Act of incorporation; but no deposit shall be required from the Society with respect to its business of sickness insurance provided for by paragraph (*d*) of section 1 of its Act of incorporation, and the license heretofore granted to the Society may be renewed from time to time so long as it complies with the provisions of the said Act of incorporation, as amended by this Act, and of *The Insurance Act*.

Loans to contributors to fund.

3. From the said fund the Society may lend to any policyholder who is a contributor thereto, upon the security of his policy, an amount not exceeding eighty per cent of the legal reserve or reinsurance value of such policy, calculated in accordance with the requirements of *The Insurance Act*.

Short name of Society.

4. The Society may be referred to in its constitution and laws and in its correspondence and in all of its printed and written matter, as "The Ancient Order of Foresters" or "The A.O.F."

1898, c. 91, s. 10 amended.

5. Subsection 1 of section 10 of the Society's Act of incorporation is amended by striking out the words "every such policy or certificate being regarded for the purpose of computation as a contract for the whole of life with level premiums," in the sixth, seventh and eighth lines thereof.

Lapsed policies.

6. Whenever any holder of a policy, other than a term or natural premium policy, has paid three or more annual premiums thereon, or their equivalent yearly or half-yearly premiums, and fails to pay any further premium, or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up and commuted policy or to be paid a cash surrender value, the amount of such paid-up and commuted policy and of such cash surrender value to be fixed and ascertained by by-law of the Society upon principles applicable generally to all such cases as may occur; Provided that if such paid-up and commuted policy or such cash payment is not demanded while the original policy is in force, or within twelve months after default has been made in payment of a premium thereon, the society shall, without any demand therefor, either issue such paid-up and commuted policy, or pay to, or place to the credit of, the policyholder such case surrender value.

Sec. 12 repealed.

7. Section 12 of the Society's Act of incorporation is repealed.

Application of Insurance Acts.

8. This Act and the Society and the exercise of the powers conferred by its Act of incorporation and this Act shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which the said Act of incorporation or of this Act is inconsistent with those Acts, the latter shall prevail.

Conflicting provisions.

R. S., c. 79.

9. Notwithstanding anything therein, Part II of *The Companies Act*, except sections 125, 134, 141, 158, 165 and 168 thereof, shall apply to the Society in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of the said Act of incorporation, or of this Act.

No. 62.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Subsidiary Court of the Ancient Order of Foresters in the Dominion of Canada.

(*Reprinted as amended and reported by the Committee on Banking and Commerce.*)

(PRIVATE BILL.)

MR. GUTHRIE

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 63.] **BILL.** [1907-8

An Act respecting patents of the Sutherland Rifle Sight Company, Limited.

Preamble.

WHEREAS the Sutherland Rifle Sight Company, Limited, of the town of Westville, has by its petition represented that it is the owner and holder of two patents issued under the seal of the Patent Office, namely: patent number one hundred and five thousand three hundred and eighty-eight, dated the twenty-first day of May, one thousand nine hundred and seven (being a re-issue of patent number eighty-six thousand and eighty-six, dated the twenty-second day of March, one thousand nine hundred and four, for improvements in rifle sights), and patent number one hundred and five thousand three hundred and eighty-seven, dated the twenty-first day of May, one thousand nine hundred and seven (being a re-issue of patent number ninety-two thousand seven hundred and twenty-eight, dated the eighteenth day of April, one thousand nine hundred and five, for improvements in rifle sights); and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for manufacture in Canada.

R.S.C., 1886, c. 61; 1903, c. 46; R.S., 1906, c. 69.

1. Notwithstanding anything in chapter 61 of the Revised Statutes, 1886, as amended by chapter 46 of the statutes of 1903, or in *The Patent Act*, or in the patents mentioned in the preamble, the said patents are declared not to have become null and void and not to have ceased and determined under section 4 of the said chapter 46, or under section 38 of *The Patent Act;* and the said patents shall not become null and void and shall not cease or determine if, within six months after the passing of this Act, the manufacture of the inventions patented under the said patents is continuously carried on in Canada in such a manner that any person desiring to use the said inventions may obtain them or cause them to be made for him at a reasonable price at some manufactory or establishment for making or constructing them in Canada.

Existing rights saved.

2. If any person, other than any licensee, has, in the period between the expiry of two years from the date of the said patents and the sixteenth day of November, one thousand nine hundred and seven, commenced to manufacture use and sell in Canada the inventions covered by the said patents, or either of them, such person may continue to manufacture in Canada

and use and sell such inventions or invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holders of the said patents, has commenced to construct, manufacture, sell, offer for sale, or use the said inventions before the expiry of two years from the date of the said patents.

Proviso.

No. 63.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting patents of the Sutherland Rifle Sight Company, Limited.

First reading, January 15, 1908.

(PRIVATE BILL.)

MR. MACDONALD.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 64.] **BILL.** [1907-8

An Act to amend the Inspection and Sale Act.

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

1. Section 305 of *The Inspection and Sale Act*, chapter 85 of the Revised Statutes, 1906, is amended by adding thereto the following subsection:— R. S., c. 85, s. 305 amended.

"3. This section shall not apply where the person charged with the offence proves that the commission of the alleged offence was without his knowledge or privity and contrary to his wish and intention and that he was not aware thereof." When offence committed without knowledge of accused.

No. 64.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Inspection and Sale Act.

First reading, January 15, 1908.

MR. PORTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 65.] **BILL.** [1907-8

An Act to amend the Immigration Act.

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

1. The Immigration Act, chapter 93, of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 31:— R. S., c. 93, section added.

"**31A.** It shall be the duty of some suitable person to be appointed by the medical officer for that purpose, in the course of the examination hereinbefore provided, to search the person, clothing and baggage of each immigrant for the purpose of ascertaining whether he is in possession of any of the following weapons, namely: a weapon commonly known as a dirk or bowie knife, or any weapon resembling it or which is not of a character or kind calculated to be solely used for an inoffensive purpose; or any weapon known as a pistol or revolver; and to take possession of any such weapon, and transmit it to the Minister, with a report of the name of the immigrant, his occupation, the name of the country from which he came, and his address there, together with the name of the ship and place of embarkation and port of entry; and if, upon investigation, the Minister is satisfied that the immigrant is not a person of good character he may order the deportation of such immigrant, and the provisions of section 33 of this Act shall apply to the case. Immigrants with weapons.

"2. It shall be the duty of every peace officer to search any person whom he has reason to believe to be possessed of any such weapon; and if any such weapon is found in his possession, the peace officer shall forthwith take him before the nearest justice of the peace or magistrate, who shall proceed to investigate the facts and make a report to the Minister in the matter together with the evidence; and, if the Minister is satisfied that such person was an immigrant to Canada within two years previously and had in his possession any such weapon, or if such immigrant is found within two years of his arrival in Canada in possession of any such weapon, the Minister may order the deportation of such immigrant, and section 33 of this Act shall apply to the case."

No 65.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Immigration Act.

First reading, January 15, 1908.

MR. LEWIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 66.] **BILL.** [1907-8

An Act to amend the House of Commons Act.

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

1. Chapter 11 of the Revised Statutes, 1906, is hereby amended by adding the following section immediately after section 10 thereof:— R.S., c. 11, amended.

"**10A.** If the seat of any member of the House of Commons is vacated for any cause and the writ for the election of a new member is not issued within.....days after the vacancy occurs, the Clerk of the Crown in Chancery shall issue the writ forthwith,—which writ shall be addressed to such person, and be dated and be returnable on such days, as he determines, in accordance with law; and all courts, officers and persons shall give full effect to the writ so issued." Issue of writ by Clerk of the Crown in Chancery.

2. Section 11 of the said chapter 11 is amended by inserting after the word "writ" in the second line thereof, the words "or the said Clerk may himself, pursuant to the provisions of the next preceding section, issue a new writ." Section 11 amended.

No. 66

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the House of Common Act.

First reading, January 16, 1908.

MR. BORDEN

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 67.] **BILL.** [1907-8

An Act respecting the Canadian Northern Ontario Railway Company.

Preamble.

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

1907, c. 72.

Short title.

1. This Act may be cited as *The Canadian Northern Ontario Railway Act, 1908.*

Line of railway authorized.

2. The Canadian Northern Ontario Railway Company may construct and operate a railway from a point on its authorized line between Udney and Rathburn to a point on the Georgian Bay.

Time for construction limited.

3. Unless the said company commences within two years and completes and puts in operation within five years after the passing of this Act the railway which it is hereby authorized to construct, the powers granted for construction shall cease with respect to so much of the said railway as then remains uncompleted.

No. 67.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Canadian Northern Ontario Railway Company.

First reading, January 16, 1908.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 68.] **BILL.** [1907-8

An Act respecting the Edmonton, Yukon and Pacific Railway Company.

Preamble. 1896 (1st Sess.), c. 17; 1898, c. 63; 1899, c. 64; 1901, c. 57; 1903, c. 116; 1905, c. 88.

WHEREAS the Edmonton, Yukon 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Edmonton, Yukon and Pacific Railway Act, 1908.*

Lines of railway authorized.

Time for construction limited.

2. The Edmonton, Yukon and Pacific Railway Company, hereinafter called "the Company," may construct and operate a branch line from a point on its authorized line, by the most feasible route to Vancouver, and may also construct and operate a branch line or lines from a point or points on its authorized line to the headwaters of the McLeod and Brazeau Rivers, and unless the Company commences within two years and puts in operation within five years after the passing of this Act the lines of railway which the Company is hereby authorized to construct, the powers granted for such construction shall cease and be null and void as respects so much of the said lines as then remains uncompleted.

Extension of time for construction of railway authorized by 1899, c. 64, s. 1.

3. Unless the Company completes and puts in operation within five years after the passing of this Act the railway which it is authorized by section 1 of chapter 64 of the statutes of 1899 to construct from a point on its authorized line 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, then the powers granted for such construction shall cease and be null and void as respects so much of the said line as then remains uncompleted.

Issue of bonds and securities increased.

4. In respect of so much of the Company's line as is constructed east of the foothills of the Rocky Mountains, the issue of bonds, debentures or other securities may be increased to the sum of twenty-five thousand dollars per mile and on other portions of the Company's line, to the sum of thirty-five thousand dollars per mile.

No. 68.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Edmonton, Yukon and Pacific Railway Company.

First reading, January 16, 1908.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 68.] **BILL.** [1907-8

An Act respecting the Edmonton, Yukon and Pacific Railway Company.

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

Preamble. 1896 (1st Sess.), c. 17; 1898, c. 63; 1899, c. 64; 1901, c. 57; 1903, c. 116; 1905, c. 88.

WHEREAS the Edmonton, Yukon 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Edmonton, Yukon and Pacific Railway Act, 1908.*

Lines of railway authorized.

Time for construction limited.

2. The Edmonton, Yukon and Pacific Railway Company, hereinafter called "the Company," may construct and operate a branch line from a point on its authorized line, by the most feasible route to Vancouver, and may also construct and operate a branch line or lines from a point or points on its authorized line to the headwaters of the McLeod and Brazeau Rivers, and unless the Company commences within two years and completes and puts in operation within five years after the passing of this Act the lines of railway which the Company is hereby authorized to construct, the powers granted for such construction shall cease and be null and void as respects so much of the said lines as then remains uncompleted.

Extension of time for construction of railway authorized by 1899, c. 64, s. 1.

3. Unless the Company completes and puts in operation within five years after the passing of this Act the railway which it is authorized by section 1 of chapter 64 of the statutes of 1899 to construct from a point on its authorized line 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 was authorized to construct, then the powers granted for such construction shall cease and be null and void as respects so much of the said line as then remains uncompleted.

Issue of bonds and securities increased.

4. In respect of so much of the Company's line as is constructed east of the foothills of the Rocky Mountains, the issue of bonds, debentures or other securities may be increased to the sum of twenty-five thousand dollars per mile and on other portions of the Company's line, to the sum of thirty-five thousand dollars per mile.

Location of easterly limit of foothills.

5. For the purposes of the next preceding section, the easterly limit of the foot hills of the Rocky mountains shall be established after the location of the line, and after actual surveys have determined the profile thereof upon such location, and shall be fixed and agreed upon by an engineer of the Company and the Chief Engineer of the Department of Railways and Canals as a result of such surveys, having regard to the physical features of the country and to the cost of construction, and endeavoring as fairly as possible to determine where the more easy and less expensive work characteristic of prairie construction comes to an end and the more difficult and expensive work characteristic of mountain construction begins; and in case the said engineers differ as to the location of the said easterly limit, the question shall be determined by the Minister of Railways and Canals, whose decision shall be final.

No. 68.

4th Session, 10th Parliament, 7-8 Edward VII

BILL.

An Act respecting the Edmonton, Y and Pacific Railway Company.

(Reprinted as amended and reporte the Railway Committee.)

(PRIVATE BILL.)

MR. TURRIFF

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 69.] **BILL.** [1907-8

An Act to incorporate the Ruthenian Catholic Mission of the Order of Saint Basil the Great in Canada.

WHEREAS the persons hereinafter named have by their petition represented that they are members of the Order of Saint Basil the Great, an order of religious in communion with the See of Rome; that they are the only members of the said order in Canada, and have for several years been engaged in pursuing the objects of their order in the establishing and carrying on of parishes or missions, the erection and conduct of churches, schools, colleges, orphanages and hospitals, in the provinces of Manitoba, Saskatchewan and Alberta; that in the course of their work some of them have acquired land which they desire to transfer to the corporation hereby incorporated; and whereas the said petitioners have prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Reverend Father S. Dydyk, Reverend Father A. Filipow, Reverend Father Vladimir Steck, Reverend Brother T. Kozoilezuk, all of Winnipeg, in the province of Manitoba; Reverend Father N. Kryzanvwskyj, of Shoal Lake, in the said province; Reverend Father M. Hura, of Edmonton, in the province of Alberta; Reverend Father J. Chrysostom Tymocxke and Reverend Brother J. Janiszeuski, of Mundare, in the said province of Alberta, together with all other members of the order of Saint Basil the Great, who are for the time being resident in any of the provinces of Canada, are hereby incorporated under the name of "The Ruthenian Catholic Mission of the Order of Saint Basil the Great in Canada," hereinafter called "the Corporation." Incorporation. Corporate name.

2. Reverend Father S. Dydyk, Reverend Father A. Filipow and Reverend Father M. Hura, named in section 1 of this Act, shall be the first directors of the Corporation. Directors.

2. The board of directors of the Corporation shall consist of three members, of whom a majority shall be a quorum. Number and quorum.

3. The Corporation may make by-laws, rules and regulations for the administration of the property, management and internal government of the Corporation, and the election, number and powers of its officers, and generally all necessary by-laws consistent with the laws of Canada. By-laws.

Head office.

3. The head office of the Corporation shall be at Winnipeg, in the province of Manitoba, or such other place in Canada as is from time to time determined by the by-laws of the Corporation.

Objects of Corporation.

4. The objects of the Corporation shall be the maintenance and carrying on of parishes or missions, the erection, maintenance and conduct of churches, cemeteries, schools, colleges, orphanages and hospitals in any of the provinces of Canada, and the advancement in other ways of education and religion, charity and benevolence.

Property may be acquired.

5. The Corporation may, from time to time, acquire and receive conveyances and leases of such lands, money, mortgages and securities or other property as are required for the objects of the Corporation, and may also receive the benefit of any gift or devise by will or otherwise in its corporate name for the uses and purposes of the Corporation, and may also borrow on mortgage or other charge or security any sums of money required for the objects of the Corporation.

Borrowing powers.

Property may be disposed of.

6. The Corporation may sell, exchange, alienate, mortgage, encumber, charge, lease or demise any lands, tenements and hereditaments held by it; and may, from time to time, invest any of its funds in any mortgage security of lands or other securities, and for the purposes of such investments may take and receive mortgages and other securities or assignments thereof; and may sell, grant, assign and transfer such mortgages and other securities to any person, company or body capable of receiving them; and may release and discharge such mortgages and other securities, either wholly or partly.

Investments.

Application of revenues.

7. The revenues, issues and profits of all property, real or personal, held by the Corporation, shall be appropriated and applied to the maintenance of the members of the Corporation and to the furtherance of the objects thereof as hereinbefore set forth.

No. 69.

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act to incorporate the R
Catholic Mission of the Order
Basil the Great in Canada.

First reading, January 16, 19

(PRIVATE BILL.)

Mr. McINTYRE
(Strath

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Maj
1907-8

No. 70.] **BILL.** [1907-8

An Act to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company.

Preamble.

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

Incorporation.

1. Alexander G. Hunter, William Gilchrist, Richard Credicott, William Bridges Livett, all of the city of Toronto, and John W. Astley, of the city of Winnipeg, together with such persons as become shareholders in the company, are incorporated under the name of "The Saskatoon, Saskatchewan, Peace River and Dawson Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Monday in January.

Directors.

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

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point in or near the city of Saskatoon, in the province of Saskatchewan, thence in a north-westerly direction by the most direct and feasible route to the Arthabasca river at or near Arthabasca Landing, in the province of Alberta; thence in a north-westerly direction by the most direct and feasible route to the Peace river at or near Peace River Landing in the province of Alberta; thence in a north-westerly direction by the most direct and feasible route to the Nelson river at or near Fort

Nelson in British Columbia; thence in a north-westerly direction by the most direct and feasible route to the navigable waters of Lewes river at or near the junction of the Big Salmon river and Lewes river in the Yukon Territory; thence in a north-westerly direction by the most direct and feasible route to Dawson, in the Yukon Territory, passing through or near the following among other principal points: Saskatoon, Langham, Arthabasca Landing, Lesser Slave Lake Settlement, Peace River Landing, Fort Nelson, Centreville and Dawson.

Powers.

9. In addition to the powers granted by this Act and by *The Railway Act*, the Company may, whether for the purposes of the railway or otherwise:—

Telegraph and telephone lines.

(*a*) acquire, construct and operate telegraph, telephone or electric lines and plant, and may establish offices for and undertake the transmission of messages for the public and collect tolls therefor, and for the purpose of operating such telegraph, telephone and electric lines and plant or exchanging and transmitting messages, the Company may enter into contracts with any companies having power to construct or operate telegraph, telephone or electric lines and plant.

Rates to be approved.

(ii) No toll or charge shall be demanded or taken for the transmission of any message or for using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

(iii) Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company;

Warehousemen, wharfingers and forwarders.

(*b*) carry on the business of warehousemen, wharfingers and forwarders, and for the purposes of such business may purchase, lease, construct or otherwise acquire, hold and manage such lands, water lots, wharves, docks, dockyards, slips, warehouses, elevators, equipment for the handling and storage of ore and coal, offices and other buildings as it finds necessary or convenient;

Vessels, etc.

(*c*) acquire, build, maintain, charter, control or operate lines of ferries or of vessels for the purposes of conveying or transporting cargo or passengers from any point to which the railway may be constructed, and may enter into agreements with the owners of vessels, boats or ferries for any of such purposes, and may generally carry on the business of shipowners and carriers by water;

Carriers.

Compressing air, generating electricity, and transmission thereof.

(*d*) acquire, generate or utilize water or steam power for the purpose of compressing air or generating electricity for power, lighting, heating or other purposes, and use or dispose thereof, and acquire, develop, construct, erect, install, maintain or operate all lands, water powers, rights, easements and privileges, plants, apparatus, dams, reservoirs, buildings and works or other structures necessary for the generation of such power and for the transmission, distribution or sale thereof, and may enter into agreements with any company incorporated for any of the purposes aforesaid;

Agreements with other companies.

Expropriation of lands.

(*e*) expropriate, in accordance with the provisions of *The Railway Act*, any lands, easements,or privileges which are required for any of the purposes of the Company authorized by this Act;

(*f*) acquire, lease, hold or operate timber limits, and acquire, lease, construct, maintain, equip or operate sawmills, pulp and other mills, and ship and sell timber, wood products, lumber, wood, pulp and other material; Timber limits.

(*g*) acquire, lease, hold or operate coal lands and mines, and ship and sell coal therefrom; Coal lands.

(*h*) for the purpose of developing the country through which the railway extends and to create transportation business for the Company, prospect, explore for, acquire, purchase, lease, hold, develop or operate mines and smelt, treat, refine, dispose of, ship and sell ore and minerals; and acquire, lease, construct, maintain and operate plants, machinery or buildings necessary or advisable for any of the said purposes; Mines and minerals.

(*i*) build, purchase, lease or otherwise acquire, manage or control hotels, restaurants and other buildings, at any place where the railway is authorized to be constructed, and acquire, purchase, lease and hold the land necessary for such purposes, and carry on business in connection therewith, and afford such facilities as tend to the comfort and convenience of the travelling public, and may let any such building for such purposes; Hotels and restaurants.

(*j*) acquire, purchase, lease and hold lands required for, and lay out, establish and manage parks and pleasure grounds, and give a lease thereof; Parks.

(*k*) in exercising any of the powers conferred upon the Company by this Act, enter into any agreements with any person, or with any company having for one of its objects the exercise of any of the powers conferred upon the Company by this Act, and may acquire, purchase, hold, sell or deal in the stock, shares, bonds or debentures of any such company; Agreements with other persons or companies. Stock in other companies.

(*l*) regulate, make and collect tolls and charges in connection with any or all of the services which the Company is hereby empowered to perform; Tolls and charges.

(*m*) sell or dispose of any of the undertakings hereinbefore mentioned. Sale of undertakings.

10. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway east of Fort Nelson, nor fifty thousand dollars per mile of the railway west of Fort Nelson, and may be issued only in proportion to the length of the railway constructed or under contract to be constructed. Issue of securities for railway.

11. The Company may from time to time issue bonds, debentures, perpetual or terminal debenture stock or other securities for the construction, acquisition, extension or development of any of the properties, assets or works other than the railway which the Company is authorized to construct, acquire or operate, but such bonds, debentures, perpetual or terminal debenture stock or other securities shall not exceed in amount the value of such properties, assets and works. Issue of securities for other purposes.

2. For the purpose of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described therein. Execution of mortgages.

R.S., c. 37 to apply.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such bonds, debentures, debenture stock, or other securities or mortgages.

Agreements with other companies.

12. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Canadian Pacific Railway Company, the Klondike Mines Railway Company, and any other railway company whose lines approach, connect with, or are crossed by the line of the Company.

No. 70.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company.

First reading, January 16, 1908.

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 70.] **BILL.** [1907-8

An Act to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

Preamble.

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

Incorporation.

1. Alexander G. Hunter, William Gilchrist, Richard Credicott, William Bridges Livett, all of the city of Toronto, and John W. Astley, of the city of Winnipeg, together with such persons as become shareholders in the company, are incorporated under the name of "The Saskatoon, Saskatchewan, Peace River and Dawson Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Monday in September.

Directors.

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

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point in or near the city of Saskatoon, in the province of Saskatchewan, thence in a north-westerly direction by the most direct and feasible route to the Athabasca river at or near Athabasca Landing, in the province of Alberta; thence in a north-westerly direction by the most direct and feasible route to the Peace river at or near Peace River Landing in the province of Alberta; thence in a north-westerly direction by the most

direct and feasible route to the Nelson river at or near Fort Nelson in British Columbia; thence in a north-westerly direction by the most direct and feasible route to the navigable waters of Lewes river at or near the junction of the Big Salmon river and Lewes river in the Yukon Territory; thence in a north-westerly direction by the most direct and feasible route to Dawson, in the Yukon Territory, passing through or near the following among other principal points: Saskatoon, Langham, Athabasca Landing, Lesser Slave Lake Settlement, Peace River Landing, Fort Nelson, Centreville and Dawson.

Telegraph and telephone lines.

9. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates to be approved.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

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

Warehousemen, wharfingers and forwarders.

10. The Company may carry on the business of warehousemen, wharfingers and forwarders, and for the purposes of such business may purchase, lease, construct or otherwise acquire, hold and manage such lands, water lots, wharves, docks, dockyards, slips, warehouses, elevators, equipment for the handling and storage of ore and coal, offices and other buildings as it finds necessary or convenient for its undertaking: and may charge wharfage and other dues for the use of any such property.

Vessels, etc.

11. The Company may, for the purposes of its undertaking, acquire, build, maintain, charter, control or operate lines of ferries or of vessels for the purpose of conveying or transporting cargo or passengers from any point to which the railway may be constructed, and may enter into agreements with the owners of vessels, boats or ferries for any of such purposes, and may generally carry on the business of ship owners and carriers by water in connection with its undertaking; and may, subject to the provisions of *The Railway Act*, make and collect charges for all services connected therewith.

Carriers.

Development of lands, water powers, etc.

12. The Company may, for the purposes of its undertaking, acquire, utilize and develop such lands, water-powers, rights, easements and privileges in the vicinity of its railway, and construct, maintain and operate such dams, reservoirs, buildings and works, as are deemed advisable for the generation, transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway,

vessels and other properties and works, and for the purpose of supplying water for the use of its railway, vessels and other properties and works; and may, subject to the approval of the Board of Railway Commissioners for Canada, supply, sell or otherwise dispose of any surplus water, electricity, electric or other power so developed or generated and not required for the purposes of the Company; and may take, hold and dispose of shares in, and enter into agreements with any company incorporated for any of the purposes aforesaid. Construction of dams and buildings for electricity. Shares in other companies.

2. Nothing in this section shall exempt the Company from complying with the provisions of any Act now or hereafter passed by the Legislature of the province of British Columbia or the Legislature of the province of Alberta, or the Legislature of the province of Saskatchewan, and applicable to the Company, with respect to the supply, sale or other disposition of any of the surplus water, electric or other power, or electricity developed or generated and not required for the purposes of the Company. Provincial laws.

13. Nothing in this Act shall authorize the Company to construct or operate any telegraph or telephone line or any line for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed with such municipality. Telegraphs and telephones in municipalities.

14. Subject to the provisions of *The Railway Act*, the Company may, for the purposes of its undertaking,— Special powers.

(*a*) acquire, lease, hold or operate timber limits, and acquire, lease, construct, maintain, equip or operate sawmills, pulp and other mills, and ship and sell timber, wood products, lumber, wood, pulp and other material; Timber limits.

(*b*) acquire, lease, hold or operate coal lands and mines, and ship and sell coal therefrom: Coal lands.

(*c*) for the purpose of developing the country through which the railway is authorized to be constructed and to create transportation business for the Company, prospect, explore for, acquire, purchase, lease, hold, develop or operate mines, and smelt, treat, refine, dispose of, ship and sell ore and minerals; and acquire, lease, construct, maintain and operate plants, machinery or buildings necessary or advisable for any of the said purposes; Mines and minerals.

(*d*) build, purchase, lease or otherwise acquire, manage or control hotels, restaurants and other buildings at any place where the railway is authorized to be constructed, and acquire, purchase, lease and hold the land necessary for such purposes, and carry on business in connection therewith, and afford such facilities as tend to the comfort and convenience of the travelling public, and may let any such building for such purposes; Hotels and restaurants.

(*e*) acquire, purchase, lease and hold lands required for, and lay out, establish and manage parks and pleasure grounds, and give a lease thereof; Parks.

Agreements with other persons or companies.

(*f*) in exercising any of the powers conferred upon the Company by this section, enter into any agreement with any person or with any company having for one of its objects the exercise of any of the powers conferred upon the Company by this section,

Stock in other companies.

and may acquire, purchase, hold, sell or deal in the stock, shares, bonds or debentures of any such company;

Tolls and charges.

(*g*) regulate, make and collect tolls and charges in connection with any or all of the services which the Company is hereby empowered to perform;

Sale of undertakings.

(*h*) after five hundred miles of its railway have been constructed and put in operation the Company may sell or dispose of any of the undertakings mentioned in this section.

Issue of securities for railway.

15. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway east of Fort Nelson, nor fifty thousand dollars per mile of the railway west of Fort Nelson, and may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

Issue of securities for other purposes.

16. The Company may from time to time issue bonds, debentures, perpetual or terminal debenture stock or other securities for the construction, acquisition, extension or development of any of the properties, assets or works other than the railway which the Company is authorized to construct, acquire or operate, but such bonds, debentures, perpetual or terminal debenture stock or other securities shall not exceed in amount the value of such properties, assets and works.

Execution of mortgages.

2. For the purpose of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described therein.

R.S., c. 37.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such bonds, debentures, debenture stock, or other securities or mortgages.

Agreements with other companies.

17. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Canadian Pacific Railway Company and the Klondike Mines Railway Company.

No. 70.

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act to incorporate the S
Saskatchewan, Peace River an
Railway Company.

(*Reprinted as amended and repor
Railway Committee.*)

(PRIVATE BILL.)

MR. MCINTYRE,
(Strat

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent M
1907-8

No. 71.] **BILL.** [1907-8

An Act respecting the Standard Mutual Fire Insurance Company, and to change its name to "The Standard Fire Insurance Company."

Preamble.

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

Declaratory.

1. The Standard Mutual Fire Insurance Company, hereinafter called "the Company," as now organized and constituted under the provisions of the Ontario Insurance Act, chapter 203 of the Revised Statutes of Ontario, 1897, is declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Insurance Act* shall, upon the Company obtaining a license under *The Insurance Act*, apply to the Company and its business instead of the Ontario Insurance Act: Provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred by the Company under its 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.

R.S.O., c. 203.

R.S., c. 34.

Existing rights and liabilities continued.

Name changed.

Existing rights saved.

2. The name of the Company is hereby changed to "The Standard Fire Insurance Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by or in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Existing officers continued.

3. The officers and directors of the Company elected or appointed under the authority of the Ontario Insurance Act shall continue to be the officers and directors of the Company until their successors are elected or appointed under this Act.

Contracts, etc., made under R.S.O., c. 203 confirmed.

4. All acts lawfully done, and all contracts, agreements and instruments in writing heretofore lawfully made, entered into or executed by or on behalf of the Company, or in relation thereto with respect to the undertaking of the Company, under

the authority of the Ontario Insurance Act are confirmed and declared to be valid and binding upon the Company and upon all other parties thereto.

Mutual insurance members.

5. Every policyholder other than those on the non-mutual or wholly cash premium plan, shall be a member of the Company (all such members being hereinafter referred to as "mutual insurance members") and shall be entitled, at all meetings of the Company, to the number of votes proportioned to the amount of his deposit or premium notes held by the Company, that is to say; one vote for the whole amount of such deposit or premium notes up to one hundred dollars, and one additional vote for any amount between one hundred dollars and two hundred dollars, and one additional vote for every additional one hundred dollars.

Voting powers.

Capital stock.

6. The Company may, by resolution passed at any annual or special general meeting duly called for the purpose, raise a capital stock of not less than one hundred and fifty thousand dollars and not more than one million dollars in shares of ten dollars each.

Prior rights of shareholders and members to subscribe for shares.

7. Before any shares of the capital stock are offered for subscription by the public the directors shall, by notice in writing, mailed postage prepaid, to each shareholder and mutual insurance member at the address which appears on the books of the Company, offer such shares to each shareholder and mutual insurance member who may at any time within three months after the mailing of such notice as aforesaid, subscribe for such shares subject to the qualifications mentioned in subsection 2 of this section: Provided that the directors may extend the said time for a further period of three months at any time, but so that the whole period of such extension shall not exceed nine months from the mailing of the said notice as aforesaid.

Right of policyholder to subscribe.

2. A policyholder under the mutual system may subscribe for the capital stock in proportion to the amount of his premium or deposit notes held by the Company on the day of , one thousand nine hundred and seven, and should the premium or deposit notes of any such member, according to the amount fixed by the directors, entitle him to a fractional part of a share, or to one or more shares and a fractional part of a share, then such fractional part shall entitle him to subscribe for an entire share.

Subscribers to be members.

8. Each subscriber, upon allotment to him of one or more shares of the capital stock authorized by this Act, shall be a member of the Company, and shall have all the incidental rights, privileges and liabilities; but no member of the Company shall at any time hold more than one thousand shares of the capital stock in any capacity.

Transfer of shares.

9. The said shares shall be transferable, but no transfer shall be valid unless made in the transfer books of the Company, and no transfer shall be valid while any call remains due and unpaid: Provided that the Company shall have a lien upon such

shares for all unpaid calls and for all debts due by the shareholder to the Company.

Sale of shares of holders in default.

10. When any call, debt or other liability is due and remains unpaid for such period as the directors determine, they may, upon one month's notice given to the shareholder in default, by registered letter sent to his address, or after six months notice given to his executors or administrators by registered letter sent to the address of such executor or administrator sell the shares or a sufficient part thereof to satisfy such call, debt or liability of the shareholder in default, and they may transfer the shares so sold to the purchaser thereof.

Forfeiture of shares on default.

11. The directors may also, when a call upon shares remains unpaid for one month, and after giving the notice prescribed in the last preceding section, declare such shares and all amounts previously paid by the shareholder, forfeited to the Company, and they may sell and reissue the shares so forfeited upon such terms and conditions as they deem advisable.

When Act to come into force.

12. So soon as the policyholders under the mutual system have given their consent by a resolution carried by the majority of those present or represented by proxy at a special meeting duly called for that purpose, and so soon as shares to the amount of one hundred and fifty thousand dollars at least of the said capital stock have been *bona fide* subscribed, and twenty-five per cent thereon have been paid by the shareholder, and so soon as the Company has obtained the necessary license under *The Insurance Act* this Act shall come into force, and the Company may insure against loss or damage by fire or lighting upon the mutual as well as upon the non-mutual or wholly cash system in the various provinces of Canada; but no insurance made under the non-mutual or wholly cash system shall render the assured liable to contribute in any way to the funds or expenses of the Company beyond the amount of the premium agreed upon.

Reinsurance.

13. The Company may cause itself to be insured against any risk undertaken in the course of its business.

Risks of other companies.

14. The Company may also accept from other companies insurances and reinsurances of the risks of such companies.

Application of profits.

15. The net annual profits and gains of the Company (not including the premium or deposit notes) shall be applied, first, to setting aside a dividend upon the paid-up capital, which dividend shall be placed to the credit of the said shares respectively, and such dividend shall not be paid to the holders of such shares so long as such amount does not reach twenty-five per cent of the par value, but such dividend shall be then paid to the holders of the said shares, that is to say: when the amount at their credit reaches one-half of the capital subscribed, including the twenty-five per cent paid by the shareholders themselves, after which the dividend may be paid to the shareholders by resolution of the directors, and the balance of the said profits, if any, shall be carried to a reserve fund or to profit and loss

account, or to both of them in order to provide for future contingencies.

Number of directors.

16. The board of directors shall consist of not less than six no more than eighteen members, a majority of whom shall be a quorum.

Qualification of certain directors.

17. During the year in which this Act comes into force at least two-thirds of the directors shall be holders of the shares of the capital stock to the amount of at least five hundred dollars each, upon which all calls have been paid.

Personnel of directorate.

18. The said two-thirds of the directors shall be elected by the votes of the shareholders, and the other one-third shall be composed of mutual insurance members and be elected by such members.

Certain directors must be insured in Company.

2. Every mutual insurance member while he holds the office of director shall hold insurance in the Company to at least the sum of one thousand dollars.

Members of Company.

19. When the capital stock authorized by this Act has been subscribed and twenty-five per cent has been paid thereon, the Company shall be composed of (*a*) holders of the capital stock, and (*b*) mutual insurance members.

Voting powers restricted.

20. Each shareholder at meetings of the Company shall have a vote for each share held by him; but no shareholder or person acting as the proxy of a shareholder shall have more than one thousand votes upon his own shares or upon those of the person whom he represents by proxy, or upon both together.

R.S., c. 79 to apply.

21. Notwithstanding anything therein, *The Companies Act*, excepting sections 8, 26 and 50 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

No. 71.

4th Session, 10th Parliament, 7-8 Edward VII.

BILL.

An Act respecting the Standard M
Fire Insurance Company, and to c
its name to "The Standard Fire
rance Company."

First reading, January 16, 1908.

(PRIVATE BILL.)

MR. MACLEAN
(York, Sou

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majes
1907-8

No. 71.] **BILL.** [1907-8

An Act respecting the Standard Mutual Fire Insurance Company, and to change its name to "The Standard Fire Insurance Company."

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

Preamble.

WHEREAS the Standard Mutual Fire Insurance Company has, by its petition, represented that it was incorporated under the provisions of "The Ontario Insurance Act," chapter 203 of the Revised Statutes of Ontario, 1897, and that the said company has, since the date of its incorporation, carried on the business of fire insurance in the said province; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.O., c. 203.

Incorporation.

1. The shareholders of the company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act, are incorporated under the name of "The Standard Fire Insurance Company," hereinafter called "the new Company."

Corporate name.

Capital stock.

2. The capital stock of the new Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

Shareholders in new Company.

3. The shareholders of the old Company are hereby declared to be holders respectively of as many shares in the new Company as they are holders respectively of shares in the old Company, but only the sums which have been, or may hereafter be, paid by the shareholders respectively on the issued shares of the old Company, shall be credited as paid on the shares of the new Company.

Liability on shares.

2. The liability of the shareholders of the new Company upon the said shares in the new Company, so held by them respectively, shall amount per share only to the difference between the sums so credited as paid upon each share and one hundred dollars.

Over due calls on shares.

3. Nothing in this Act shall affect the liability of shareholders of the old Company, who have not paid the calls already made upon shares of the old Company, to pay the said calls.

Liability of shareholders of old Company.

4. Nothing in this Act shall be so construed as to lessen the liability of shareholders of the old Company to the present creditors or to the present policyholders of the old Company: Provided, however, that any payment made upon the shares of the new Company shall reduce the said liability of the shareholders of the old Company by the amount of such payment.

Liability for obligations of old Company.

5. The new Company shall be liable for, and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company, and any persons having any claims, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers in respect thereto, and to the collection and enforcement thereof, from and against the new Company as such person has against the old Company: Provided, however, that any person who recovers under section 150 of *The Companies Act* in respect of any shares in the new Company, shall be held to have abandoned, pro tanto, his right to recover in respect of the corresponding shares in the old Company.

Vesting of assets.

6. All the assets, rights, effects and properties, real, personal and mixed, belonging to the old Company, or to which it is or may become entitled, shall be vested in the new Company upon due execution of the indenture in the schedule to this Act, but shall remain subject to existing mortgages or liens, if any.

Calls.

7. The directors may make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares in the new Company held by them respectively: Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent and that not less than thirty days' notice of any call shall be given.

Existing officers and by-laws continued.

8. The president, vice-president and directors of the old Company shall continue to be such in the new Company until their successors are appointed, and all by-laws, rules and regulations of the old Company, not contrary to law or inconsistent with this Act, shall be the by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of this Act.

Directors.

9. The affairs of the new Company shall be managed by a board of not less than seven nor more than twenty-five directors, as the by-laws prescribe, a majority of whom shall be a quorum.

Qualification.

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

Head office.

10. The head office of the new Company shall be in the city of Toronto, in the province of Ontario, but local advisory boards

or agencies may be established and maintained either within Canada, or elsewhere, in such manner as the directors determine.

Annual meeting.

11. A general meeting of the new Company shall be called once in each year at its head office, and at such meeting a statement of the affairs of the new Company shall be submitted by the directors. Special general meetings may be called by any five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting; and notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the new Company.

Special meeting

Business of Company.

12. The new Company may make contracts of insurance upon the cash, cash mutual, or premium note plan throughout Canada and elsewhere, with any person, against loss or damage by fire or lightning, in or to any house, dwelling, factory, mill or other building, and to any goods, chattels, railway plant or personal estate, for such time and for such premiums or considerations, and upon such modifications and restrictions, and upon such conditions, as are agreed upon between the new Company and the insured, and generally carry on the business of fire insurance and the business of inland transportation insurance in all their branches and forms.

Reinsurance.

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

3. The new Company may also undertake the re-insurance of the risks of other companies.

Foreign investmen

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

Real property.

14. The new Company may acquire or hold real estate for its own use and may sell, convey, mortgage, lease or dispose thereof, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario where it shall not exceed ten thousand dollars.

Capital to be increased before license obtained.

15. Before obtaining the license required by *The Insurance Act*, the subscribed capital of the new Company shall be increased from one hundred and eighteen thousand two hundred dollars, the present capital of the old Company, to at least two hundred and fifty thousand dollars, and there shall be paid thereon at least the sum of one hundred thousand dollars in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the sum paid by any shareholder which is less than ten per cent of the amount subscribed by such shareholder shall not be reckoned in the said sum of one hundred thousand dollars: Provided also that in each succeeding year for five years after

the commencement of business a further sum of at least fifteen thousand dollars shall be paid annually in cash upon the capital stock of the new Company.

R.S., c. 34.

16. This Act, and the new Company, and the exercise of the powers hereby conferred, shall be subject to *The Insurance Act* and to any general Act relating to insurance passed during the present session of Parliament; and in any respect in which any provision of this Act is inconsistent with those Acts, the provisions made by those Acts shall prevail.

c. 79.

17. Part II of *The Companies Act*, except sections 125, 126, 134, 141, 158, and 165 thereof, and except such provisions are inconsistent with *The Insurance Act*, shall apply to the new 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 of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

When Act to take effect.

18. This Act shall not take effect unless and until accepted and approved of by a vote of not less than three-fourths in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company, duly called for the purpose of considering this Act; and if so accepted and approved of, this Act shall take effect upon a subsequent day to be fixed for that purpose by the said vote.

Approval of shareholders.

Notice.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the new Company in *The Canada Gazette*.

SCHEDULE.

This indenture made the day of 190 , between "The Standard Mutual Fire Insurance Company" incorporated under the provisions of chapter 203 of the Revised Statutes of Ontario, 1897, known as "The Ontario Insurance Act" of the Province of Ontario, of the first part, hereinafter called "the old Company," and "The Standard Fire Insurance Company" incorporated by chapter of the statutes of 1908 of Canada, of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old Company have accepted and approved of the new Company's said Act of incorporation, intituled "An Act respecting the Standard Mutual Fire Insurance Company," and, by the resolutions of the shareholders duly passed in that behalf, the day of 190 , was fixed as the date from which the said Act should take effect.

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company;

And whereas the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth: That in consideration of the said Act and of the shares in the capital stock of the new Company, which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company hereby grants, assigns, transfers and sets over unto the new Company, its successors and assigns, forever, all the assets, rights, credits, effects and property, real, personal and mixed, belonging to the old Company, or to which it is or may become entitled: To have and to hold unto the new Company, its successors and assigns, to and for its sole and only use forever; and the old Company covenants with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform, and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

No. 71.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Standard Mutual Fire Insurance Company, and to change its name to "The Standard Fire Insurance Company."

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

(PRIVATE BILL.)

MR. MACLEAN,
(York, South.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 72.] **BILL.** [1907-8

An Act respecting patents of the Windsor Pump and Foundry Company, Limited.

Preamble.

WHEREAS the Windsor Pump and Foundry Company, Limited, of the city of Windsor, in the county of Essex, and province of Ontario, has by its petition represented that it is the holder and owner of patent number seventy-two thousand nine hundred and twenty-two, dated the third day of September, one thousand nine hundred and one, issued to one William S. McLeod, under the seal of the Patent Office, for improvements in pumps; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of duration of patent.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within six months after the passing of this Act, receive from the holder of the said patent applications for certificates of payment and the usual fees upon the said patent for one or two further terms, and may grant and issue to such holder the certificates of payment of further fees provided by *The Patent Act*, and extensions of the period of duration of the said patent in as full and ample a manner as if the application therefor had been duly made within six years from the date of the said patent.

R.S., c. 69.

Existing rights saved.

2. If any person, other than the holder, has, in the period between the expiry of six years from the date of the said patent and the sixteenth day of November, one thousand nine hundred and seven, commenced to manufacture, use and sell in Canada any of the inventions covered by the said patent, such person may continue to manufacture, use and sell any of such inventions in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holder of the said patent, has commenced the construction or manufacture of such invention before the expiry of the said patent.

Proviso.

No. 72.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting patents of the Windsor Pump and Foundry Company, Limited.

First reading, January 16, 1908.

(PRIVATE BILL.)

MR. CLARKE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 73.] **BILL.** [1907-8

An Act respecting the Quebec Railway, Light and Power Company.

WHEREAS the Quebec Railway, Light and 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1895, c. 59; 1897, c. 59; 1899, c. 85.

1. Section 4 of chapter 59 of the statutes of 1895 is repealed, and the following is substituted therefor:— 1895, c. 59, new s. 4.

"**4.** The annual general meeting of the shareholders of the Company shall be held on the second Tuesday in [October] in each year at the time specified in the notice calling such meeting, which notice shall be published in *The Canada Gazette*, and in one newspaper in the English language and in one newspaper in the French language, in the city of Quebec, for at least four weeks preceding the date of the meeting. Annual general meeting. Notice of meeting.

"2. Notice of special meetings shall be given in like manner." Special meetings.

2. Section 19 of the said Act is repealed. Section 19 repealed.

3. Section 1 of chapter 59 of the statutes of 1897 is repealed. 1897, c. 59, s. 1 repealed.

2. The capital stock of the Company shall be three million [five hundred thousand] dollars, of which twenty-five thousand shares shall be common stock and ten thousand shares shall be preferred stock. Capital stock.

[3. The holders of the preferred stock shall be entitled to a cumulative dividend, not exceeding seven per cent per annum, to be paid out of the net earnings of the Company after the interest on the first mortgage bonds is paid, in priority to dividends on the shares of common stock, and the holders of such preferred stock shall also be entitled to prior repayment of capital over the holders of shares of common stock on any distribution of the assets of the Company on dissolution or liquidation thereof. Priority of preferred stock.

4. The directors may, at any time after the expiration of five years, retire and pay off such preferred stock, in whole or in part, by paying the par value thereof with accrued interest to the date of payment, and a premium of twenty per cent upon each share of stock so retired and paid off; provided that six months' notice of the intention of the directors to pay and retire such preferred stock shall be given by public notice to be published during one month in *The Canada Gazette*, and in at least one newspaper published in the city of Quebec.] Preferred stock may be retired.

No. 73.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Quebec Railway, Light and Power Company.

First reading, January 21, 1908.

(PRIVATE BILL.)

MR. POWER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 74.] **BILL.** [1907-8

An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.

Preamble. 1900, c. 71; 1902, c. 88; 1904, c. 109; 1906, c. 137.

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

1906, c. 137, s. 2 repealed.

1. Section 2 of chapter 137 of the statutes of 1906 is repealed.

Time for construction extended.

2. The railway of the Ottawa, Brockville and St. Lawrence Railway Company may be commenced, and fifteen per cent of the capital stock expended thereon, within two years after the seventh day of July, one thousand nine hundred and eight, and the railway may be completed and put in operation within five years after the seventh day of July, one thousand nine hundred and eight; and if the railway is not commenced and such expenditure is not made, or if the railway is not completed and put in operation within the said respective periods, 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. 74.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.

First reading, January 21, 1908.

(PRIVATE BILL.)

MR. GRANT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 75.] **BILL.** [1907-8

An Act to incorporate the Woman's Auxiliary to the Missionary Society of the Church of England in Canada.

Preamble.

WHEREAS the voluntary association now existing under the name of "The Woman's Auxiliary to the Missionary Society of the Church of England in Canada," has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The Woman's Auxiliary to the Missionary Society of the Church of England in Canada mentioned in the preamble, and hereinafter called "the Auxiliary," is hereby constituted a body politic and corporate, with all the powers and privileges of like corporations.

Auxiliary governed by constitution

2. The Auxiliary shall be governed, controlled and administered under the constitution contained in the schedule to this Act. The said constitution shall continue in force until amended under clause 10 thereof.

By-laws.

3. The Auxiliary may make by-laws for its government and the carrying on of its work, which shall not be contrary to law or the terms of its constitution.

Operation of present by-laws.

4. The present by-laws of the Auxiliary shall continue in force until revoked or amended under the authority of this Act.

5. The Auxiliary may—

Power to hold property.

(*a*) receive, acquire, accept and hold property, whether real or personal and wheresoever situated, by gift, purchase, legacy or otherwise, and may sell and dispose thereof and apply the proceeds to the objects of the Auxiliary;

Invest funds.

(*b*) invest its funds in such securities as it deems advisable, and sell and dispose of such securities and reinvest or dispose of the proceeds, always using them, or the revenue derived therefrom, for the purposes of the Auxiliary.

Legacies subject to provincial laws.

2. Any gift, purchase, grant or legacy of real estate shall be subject to the laws respecting legacies to religious or charitable corporations of the province or territory in which such real estate is situated.

SCHEDULE.

CONSTITUTION.

1. This Association shall be called "The Woman's Auxiliary to the Missionary Society of the Church of England in Canada."

Objects.

2. The objects of this Auxiliary, for the assistance of the Missionary Society of the Church of England in Canada, shall be: 1. Individual and united intercessory prayer for Missions. 2. Systematic effort to diffuse Missionary intelligence. 3. To increase missionary activity. 4. To contribute to missions. 5. To unite previously existing societies in the interests of this Auxiliary. 6. To endeavour to organize Diocesan branches of this Auxiliary throughout Canada.

A Diocesan branch of this Auxiliary may take up independently of the M.S.C.C. any work in such Diocese that may meet with the approval of the Bishop thereof.

Membership.

3. All women of the Church, paying an annual fee, shall be members of this Auxiliary, and shall hold a member's card.

General Board.

4. The General Board of Management shall consist of a President, four Vice-Presidents, a Recording Secretary, a Corresponding Secretary, a Dorcas Secretary-Treasurer, a Secretary for Junior and Babies' Branches, a Treasurer and an editor of the Leaflet, with Conveners of Standing Committees, Life Members, the President and three officers from each Diocesan Board and ex-officio members.

Officers.

5. All officers and the Conveners of Standing Committees shall be elected by Ballot at the General Meetings of this Auxiliary, and no person shall hold more than one elective office at one time on the General Board of Management.

Executive Committee.

6. The Executive Committee shall consist of the Officers of this Board, the Conveners of Standing Committees and Presidents of Diocesan Boards.

General Meeting.

7. A General Meeting of this Auxiliary shall be held once in three years at which those entitled to vote shall be the members of the General Board of Management, and four Delegates from each Diocesan Board. A special meeting may be called by the President at the request of three Diocesan Boards.

Annual Meeting.

8. The General Board of Management shall meet annually in September or October. A special Meeting may be called by the President at the request of three Diocesan Boards, 10 to form a quorum.

Executive Committee Meetings.

9. The Executive Committee shall meet at least twice a year, seven to form a quorum. A special meeting of the Executive Committee may be called by the President at any time at the request of ten members of the Executive Committee.

Amendments.

10. This Constitution may be amended at a General Meeting of this Auxiliary by a two-thirds majority of those entitled to vote, notice in writing having been sent to the Corresponding Secretary three months before such meeting, copies of which she shall submit immediately to the Diocesan Board.

No. 75.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Woman's Auxiliary to the Missionary Society of the Church of England in Canada.

First reading, January 21, 1908.

(PRIVATE BILL.)

MR. WORTHINGTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 76.] **BILL.** [1907-8

An Act respecting the Interprovincial Railway Bridge Company of New Brunswick.

WHEREAS the Interprovincial Railway Bridge Company, of New Brunswick, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1904, c. 87.

1. Section 12 of chapter 87 of the statutes of 1904 is repealed. Section 12 repealed.

2. The Interprovincial Railway Bridge Company of New Brunswick may commence the railway bridge and undertaking authorized by chapter 87 of the statutes of 1904 within three years after the passing of this Act, and shall complete them within six 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 said railway bridge and undertaking as then remains uncompleted. Time for construction extended.

No. 76.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Interprovincial Railway Bridge Company of New Brunswick.

First reading, January 21, 1908.

(PRIVATE BILL.)

MR. MARCIL,
(Bonaventure.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 77.] **BILL.** [1907-8

An Act respecting the Canadian Northern Quebec Railway Company.

Preamble.

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

1907, c. 73.

Short title.

1. This Act may be cited as *The Canadian Northern Quebec Railway Act, 1908.*

Line of railway authorized.

2. The Canadian Northern Quebec Railway Company may construct and operate a railway from a point on its authorized line at or near St. Jerome, in the county of Terrebonne, to a point at or near St. Eustache, in the county of Two Mountains, and may also construct or otherwise acquire and operate a railway from a point at or near Ottawa, via Hawkesbury, to Montreal, branching on Montreal Island to enter Montreal from both the north-east and the south-west.

Time for construction limited.

3. Unless the said company commences within two years and completes and puts in operation within five years after the passing of this Act the railways which the said company is hereby authorized to construct, the powers granted for construction shall cease with respect to so much of the said railways as then remains uncompleted.

No. 77.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Canadian Northern Quebec Railway Company.

First reading, January 21, 1908.

(PRIVATE BILL.)

MR. DUBEAU.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 78.] **BILL.** [1907-8

An Act to amend the provisions of the Criminal Code respecting offensive weapons.

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

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

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

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

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

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

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

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

No. 78.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the provisions of the Criminal Code respecting offensive weapons.

First reading, January 22, 1908.

MR. LEWIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 79.] **BILL.** [1907-8

An Act to amend the provisions of the Criminal Code respecting assaults on women and children.

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

1. Section 291 of the Criminal Code is amended by adding the following words thereto: "or if the assault is committed by a male upon a female, to a fine not exceeding fifty dollars, and costs, or to one year's imprisonment, with or without hard labour." R.S., c. 146 s. 291 amended.

2. Section 292 of the said Code is amended by striking out the words "two years" in the second line thereof and inserting the words "five years" in their place, and by inserting after the word "and," in the second line, the words "in addition thereto shall be sentenced." S. 292 amended.

3. Section 299 of the said Code is amended by adding thereto the following subsection:— S. 299 amended.

"2 Every one who commits rape on a girl under the age of fourteen years is guilty of an indictable offence and shall, on conviction thereof, be sentenced to death."

4. Section 300 of the said Code is hereby amended by striking out the words "seven years" in the second line thereof and substituting therefor the words "fourteen years." S. 300 amended.

5. Section 301 of the said Code is amended by inserting after the word "and" in the second line, the words "in addition thereto shall be sentenced." S. 301 amended.

6. Section 302 of the said Code is amended by inserting after the word "and" in the last line thereof the words "in addition thereto shall be sentenced." S. 302 amended.

No. 79.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the provisions of the Criminal Code respecting assaults on women and children.

First reading, January 22, 1908.

MR. LEWIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 80.] **BILL.** [1907-8

An Act to amend the Dominion Elections Act.

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

1. Paragraph (*k*) of section 2 of *The Dominion Elections Act* is repealed and the following is substituted therefor:— R.S., c. 6, s. 2 amended.

"(*k*) 'personal expenses,' as used herein, with respect to the expenditure of any candidate in relation to the election at which he is a candidate, includes— Definitions. Personal expenses.

"(1) the reasonable and actual travelling expenses of the candidate, and the reasonable and actual expenses of his living at hotels or elsewhere for the purposes of, and in relation to, the election (not including expenditure for treating).

"(2) a reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of electors; the like rent of committee rooms actually used, and the expenses incurred in heating, lighting or cleaning them when necessary.

"(3) tolls on toll roads.

"(4) the reasonable, ordinary and actual hotel expenses (not including expenditure for treating) of one speaker for each meeting who accompanies the candidate and speaks at a public meeting addressed by the candidate.

"(5) reasonable charges for the hire and keep of horse and hire of conveyances (including boats) for the use of the candidate in travelling to and from public meetings, and in canvassing in the constituency, and reasonable and ordinary charges for the services and maintenance of a driver, when one is employed or used by the candidate.

"(6) reasonable charges for the use by the candidate personally of not more than one conveyance at the same time, and the services of a person as driver on the day of the poll, and the carriage of voters to the poll in such conveyance personally by the candidate, shall not be a violation of this Act.

"(7) reasonable expenditure by the candidate for postal, telephone, telegraph, express, cartage and public messenger service, for stationery, printing, bill-posting and advertising, and for actual professional services performed, and

"(8) all other expenses which, by this Act, he may lawfully incur and pay."

2. Section 265 of the said Act is amended by inserting the word "bill-posting" after the word "printing" in the third and fourth lines from the end of the said section, and also by adding, at the end of the said section, the words following:— S. 265 amended. Corrupt practices.

Onus upon candidate.

"The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper, and not in excess of what is ordinarily paid for similar services and accommodation, shall be upon the candidate."

S. 68 amended.

Subsection added.

Certain payments not to disqualify voters.

3. Section 68 of the said Act is amended by adding thereto the following subsection:—

"3. Notwithstanding anything in this Act, the receipt of the ordinary and reasonable charges—

"(*a*) by the owner, possessor or caretaker of a hall, or other place in which *bona fide* public or committee meetings are held, for their hire, heating, lighting, care or cleaning;

"(*b*) by a toll-keeper for tolls on toll roads;

"(*c*) by an innkeeper for the lawful accommodation of a candidate, of a public speaker lawfully accompanying a candidate, or of a driver of the vehicle in which they travel, or for the keep of their horses;

"(*d*) by a printer for lawful printing or advertising in relation to an election;

"(*e*) by a bill-poster for bill-posting done in relation to an election;

"(*f*) by a regularly established livery keeper for the hire of horses and vehicles lawfully used for the proper purposes of the election;

"(*g*) by persons otherwise entitled to vote who perform services or supply to a returning officer in the ordinary course anything necessary for the purpose of enabling the returning officer to carry out the requirements of this Act;

"(*h*) by persons otherwise entitled to vote, whose halls, rooms or places have been taken for use for a nomination meeting or for a polling booth;

"(*i*) by an official agent of a candidate for his services as such official agent;

"(*j*) by one clerk and one caretaker only, if actually and *bona fide* employed for the necessary and lawful purposes of an election, at each committee room actually used during an election;

shall not disqualify the persons so receiving such charges from voting, and shall not be held to be within the meaning of the disqualifying words of any oath which may lawfully be put to any voter at the polls."

S. 67 amended.

4. Subsection 2 of section 67 of the said Act is repealed.

Ss. 270 and 271 repealed.

New s. 270. Paying for conveyance of voters to poll.

5. Sections 270 and 271 of the said Act are repealed and the following is enacted as section 270:—

"**270.** The hiring or paying for or promising to pay for any horse, team, carriage, cab or other vehicle, or for any boat, steamboat or other vessel, by any candidate or by any person on his behalf to carry any voter or voters to or from the poll or to or from the neighbourhood thereof, at any election, or the payment by any candidate or by any person on his behalf of the travelling or other expenses of any voter in going to or returning from the polls, or to or from the neighbourhood thereof,

or the providing or furnishing by any person of conveyance or transportation by railway, tramway, boat or vessel free of charge, or at diminished rates to voters to or from or on the way to or from the poll, and whether passes or tickets or the like are or are not supplied, are unlawful acts.

"2. Every candidate or other person so offending shall forfeit the sum of one hundred dollars to any person who sues therefor, with costs. Penalty.

"3. Every person by himself, or by anyone on his behalf, demanding or receiving from any candidate, or his agent, or any person, payment for the use of any horse, team, carriage, cab or other vehicle, or any boat, steamboat or other vessel for conveying voters as aforesaid, shall forfeit the sum of one hundred dollars to any person who sues therefor with costs. Fine for payment for conveying voters to poll.

"4. This section shall not apply to any candidate or other person acting within the scope of sub-paragraph (6) of paragraph (*k*) of section 2 of this Act." S. 2, para. (*k*).

6. Sections 75 and 76 of the said Act are repealed and the following sections are substituted therefor:— New sections 75 and 76.

"*Writs of Election.*

"**75.** Every writ for an election shall be dated and be returnable on such days as the Governor General determines, or as the Clerk of the Crown in Chancery determines in cases where such Clerk has authority to so determine pursuant to the Act respecting the House of Commons. Date and return of writ.

"2. It shall be forwarded by the Clerk of the Crown in Chancery to the person to whom it is addressed; and it shall be transmitted to such person by mail, unless the Clerk of the Crown in Chancery otherwise orders. Transmission of writ.

"3. It shall be in the form KK, *mutatis mutandis.*" Form.

"**76.** The person to whom a writ is addressed as hereinafter provided, shall be the returning officer at the election to which such writ relates. Returning officer.

"2. The writ shall be addressed— To whom writ to be addressed.

"(*a*) in the province of Ontario, to the sheriff or to the registrar of deeds, or to one of the sheriffs, or registrars of deeds for the electoral district or some portion of the electoral district for which the writ is issued;

"(*b*) in the province of Quebec, to the registrar of any registration division within which the whole or any part of the electoral district for which the writ is issued is situate, or to the sheriff or prothonotary of any judicial district within which the whole or any part of the electoral district for which the writ is issued is situate;

"(*c*) in the provinces of Nova Scotia, New Brunswick, and Prince Edward Island, to any sheriff whose shrievalty includes the whole or any part of the electoral district for which such writ is issued;

"(*d*) in the province of Manitoba, to any sheriff;

"(*e*) in the province of British Columbia, to any sheriff;

"(*f*) in the provinces of Saskatchewan and Alberta, and in the Yukon Territory, to any sheriff, to a registrar or deputy-

registrar of titles, or to a superintendent of the Royal Northwest Mounted Police.

"3. If, through lack of a sufficient number of the officers above mentioned, or their disqualification, inability or refusal to act, the writ cannot be addressed as provided by subsection 2 of this section, the Governor in Council (or the Clerk of the Crown in Chancery, where such officer may be nominated by him) may direct to whom the writ is to be issued.

"4. If any person to whom the writ has been issued refuses or is disqualified or unable to act, the Governor in Council (or the Clerk of the Crown in Chancery where such person has been nominated by him) may appoint another person to act as returning officer.

"5. Not more than one writ of election shall be addressed to the same returning officer at one time.

"6. Where any person other than a sheriff, registrar of deeds, registrar of a registration division, prothonotary, registrar or deputy-registrar of titles, or superintendent of the Royal Northwest Mounted Police is appointed returning officer, he shall be a person who would be a voter in the electoral district for which he is appointed, if he were not so appointed.

"7. In case a writ has been issued to a person whose appointment is subsequently superseded, a new writ may be issued, or the new returning officer may act under the writ already issued as if it had been addressed to him; and if valid proceedings have been had under the first appointment, the validity of such proceedings shall not be affected by the new appointment, but the new returning officer may appoint a new election clerk, and new deputy-returning officers if he thinks fit, notwithstanding valid appointments to such offices had already been made by the person previously named as returning officer."

S. 77 amended. Election officers.

7. Section 77 of the said Act is amended by adding the following paragraph:—

"(*i*) Persons who are aliens."

S. 77 amended. Persons illegally acting as election officers.

8. Section 77 of the said Act is further amended by adding thereto the following subsection:—

"2. Every person who, at a time when by this or any other Act he is disqualified from acting as returning officer, deputy-returning officer, election clerk or poll clerk, nevertheless so acts, is, without prosecution for or conviction of any offence, disqualified from voting at any Dominion election during the period of seven years from the date of his first official act as such returning officer, deputy returning officer, election clerk or poll clerk, and he is also guilty of an indictable offence, and shall, on conviction, be liable to imprisonment for a term not exceeding one year nor less than six months, with or without hard labour."

S. 80 amended. Copies of Act and instructions to returning officer.

9. Section 80 of the said Act is amended by striking out the word "one" where that word secondly occurs in the fifth line of paragraph (*b*) thereof, and substituting therefor the word "three;" and by adding at the end of the said paragraph (*b*) the words following: "together with a sufficient number of detached copies of the said instructions (containing all the several

forms of oaths referred to in the next following section) to provide four of such copies to be given by the returning officer on the day of nomination to each candidate or his official agent, and four for use at each polling place."

10. Section 81 of the said Act is repealed and the following is substituted therefor:— New s. 81.

"**81.** The said instructions shall contain under appropriate headings forms proper from time to time of all the provincial oaths which, under section 153, an elector in the province in which the electoral district where the returning officer is to act is situate, may be called upon to take, and also of all other oaths which, under this Act, may be put to an elector. What instructions shall contain.

"2. Such forms shall be made applicable to the election being held, having regard to the province in which such election is being held, and, in the case of returning officers in the province of Prince Edward Island, they shall be accompanied by the sections of the provincial law relating to the qualification of voters. Forms to be made applicable.

"3. The said instructions, together with the forms therein referred to and the orders in council approving them, made conformable to the requirements of this Act, shall be published in *The Canada Gazette* within one month next after the date of such orders in Council and thereafter, when and so often as any change is made therein, in the issue of such Gazette next following the making of any orders effecting such change. Instructions and forms to be published.

4. Within the first twenty days of every session of Parliament a copy of the said instructions and accompanying forms then in force, and of the orders in council relating thereto, shall be laid before Parliament, with a statement signed by the Clerk of the Crown in Chancery setting forth what, if any, changes have been made in the said instructions and forms as laid before Parliament in the next previous session thereof." And to be laid before Parliament.

11. Section 109 of the said Act is repealed and the following is substituted therefor:— New s. 109.

"**109.** On a poll being granted, the returning officer shall furnish each deputy returning officer with,— Copies of Act, instructions, forms, index and list for D.R.O.

"(*a*) three copies of this Act, with the instructions, the forms of oaths, and index referred to in sections 80 and 81 of this Act;

"(*b*) a copy of the voters' list for the polling division for which he is appointed, if there is such a list, certified by him."

12. Section 110 of the said Act is amended by inserting after the word "book" in the third line, the words "four detached copies of the instructions mentioned in the preceding section containing." S. 110 amended. Instructions for D.R.O.

13. Section 146 of the said Act is amended by adding thereto the following subsection:— S. 186 amended.

"3. He shall, before admitting voters to vote, place, and throughout the day maintain in a conspicuous position in the polling place available for the use of all persons lawfully present, two copies of this Act with accompanying instructions containing forms of all the oaths which the electors may be called upon to take." Copies of Act instructions and oaths in polling place.

New s. 114.

14. Section 114 of the said Act is repealed and the following is substituted therefor:—

List of D.R.O's. and poll clerks to candidate.

"**114.** Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, the returning officer shall, at least six clear days, and in the said provinces and territory shall be at least two clear days, next before the day fixed for polling send by registered post to each candidate and to his agent a list of all the deputy returning officers and poll clerks who will act in such election, stating the post office address and occupation or addition of each such officer, and the name or number of the polling station at which each of them is to act."

New s. 116.

15. Section 116 of the said Act is repealed and the following is substituted therefor:—

Information as to poll clerks.

"**116.** Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, each deputy returning officer shall furnish to the returning officer, not later than nine o'clock in the morning of the seventh day next prior to the day fixed for polling, the name, post office address and occupation, or addition of such poll clerk, and in the said provinces and territory each deputy returning officer shall furnish to the returning officer, not later than nine o'clock in the morning of the third day next prior to the day fixed for polling such name, post office address, occupation or addition; and the returning officer shall, not later than twelve o'clock noon of the day on which he receives such particulars, post up in his office a list of the deputy returning officers and poll clerks, with the post office address and occupation or addition of each, showing the polling station where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector at all reasonable times, until the polls are closed."

D.R.O's. and poll clerks to be resident voters.

16. Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, no person shall be appointed a deputy returning officer or poll clerk who is not a resident of and a voter in the municipality, parish, or other local territorial division wherein the polling subdivision in which he is to act is situate, or, in the case of unorganized territory, who is not a resident of and a voter in the electoral district.

Disqualification.

2. No person shall be appointed a deputy returning officer or poll clerk who has at any time been convicted of crime.

New s. 86.

17. Section 86 of the said Act is repealed and the following is substituted therefor:—

Proclamation by returning officer.

"**86.** Except as otherwise provided in the cases of the provinces of Saskatchewan and Alberta and the Yukon Territory by Part II of this Act, and except as hereinafter otherwise provided in the cases of the electoral districts of Chicoutimi and Saguenay and Gaspé, in the province of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo in the province of British Columbia, within eight days after the reception of the writ of election the returning officer shall, by a proclamation in form G under his hand, issue in the English and French languages in every electoral district in the province of Quebec and in the

province of Manitoba, and in the English language only in the other electoral districts, indicate,—

"(*a*) the place and time fixed for the nomination of candidates;

"(*b*) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

"(*c*) the several polling stations fixed by him, and the territorial limits to which they respectively apply;

"(*d*) the time when and the place where the returning officer will add up the number of votes given to the several candidates.

Proclamation in certain districts.

"2. In the case of the electoral districts of Chicoutimi and Saguenay and Gaspé, in the province of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo, in the province of British Columbia, within fourteen days after the reception of the writ of election the returning officer shall, in both languages in the said two named electoral districts in the province of Quebec, and in the English language only in the said three named electoral districts in the province of British Columbia, issue the like proclamation."

S. 89 amended.

18. Subsection 2 of section 89 of the said Act is repealed and the following subsections are substituted therefor:—

Nomination day in certain districts.

"2. In the cases of the electoral districts of Chicoutimi and Saguenay and Gaspé, in the province of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo, in the province of British Columbia, the Governor General shall fix the day for the nomination of candidates, which day shall be the seventh day next before the day fixed and named by the Governor General in the several writs of election for the nomination of candidates in all the other electoral districts of Canada, except in the Yukon Territory; but in case such seventh day falls on a statutory holiday, then the next preceding day, not being a Sunday or a statutory holiday, shall be so fixed.

Days to be named in writs.

"3. The several days so fixed by the Governor General for the nomination of candidates in all electoral districts of Canada shall be named in the writs of election for the several electoral districts respectively to which such days apply.

Despatch of writs in certain districts.

"4. The writs of election shall be despatched to the returning officer in Chicoutimi and Saguenay and Gaspé, Comox-Atlin, Kootenay and Yale-Cariboo in time to allow the lapse of twenty-two clear days between the day of their receipt by such returning officers, and the day thereby fixed for the nomination of candidates.

Date of polling.

"5. The day for holding the polls shall be the same day throughout Canada except that in the case of the Yukon Territory the Governor General may, if he sees fit, fix another day."

S. 90 repealed.

19. Section 90 of the said Act is repealed.

New s. 129

20. Section 129 of the said Act is repealed and the following is substituted therefor:—

Affidavit of printer.

"**129.** The printer, and in case of an incorporated company one of the executive officers of the said company, shall, upon delivery of the ballot papers to the returning officer, file in his hands an affidavit of such printer or executive officer, sworn

before such returning officer, setting forth the description of the ballot papers so printed, the total number of ballot papers printed, the number of ballot papers supplied to such returning officer, and stating the fact that no other ballot paper or ballot papers was or were printed or have been supplied to any one else or remain in his possession or under his control."

S. 145 amended.

Examination of ballot box.

21. Section 145 of the said Act is amended by inserting after the word "therein" in the fifth line, the words following:—

"that it is a lawful ballot box proper to be used at the election, having regard to sections 119 and 122 of this Act, and contains no compartment, appliance, device or mechanism by which a ballot paper might be secretly stored therein, or by which a ballot paper having been placed therein during polling might be secretly diverted, misplaced, affected or manipulated. The candidates, their agents, and such of the electors as are present shall have the right to personally examine the box for this purpose. The deputy returning officer, in the presence of the persons aforesaid, shall finally ascertain that the box is absolutely empty."

S. 161 amended. Instructions to elector on receiving ballot paper.

22. Section 161 of the said Act is amended by striking out the words "where to" in the second line, and substituting therefor the words "at what respective places thereon he may."

S. 214 amended.

Documents to be sent with return.

23. Section 214 of the said Act is amended by inserting after the word "return" in the second line, the words "the printer's affidavit."

S. 223 amended.

Number on counterfoil.

24. Section 223 of the said Act is amended by inserting after the word "of" in the third line, the words "the counterfoil attached to."

S. 258 amended.

Information as to number on counterfoil.

25. Paragraph (*e*) of section 258 of the said Act is amended by inserting after the word "of" in the third line, the words "the counterfoil attached to," and by inserting after the word "of" in the seventh line, the words "the counterfoil attached to."

New s. 226.

Secrecy of vote protected.

26. Section 226 of the said Act is repealed and the following is substituted therefor:—

"**226.** No person who has voted at an election shall, in any legal proceeding questioning the election or return, or before any parliamentary committee or any commission, be required to state for whom he voted, but he may so state, and if he do so, his statement shall be received in evidence."

S. 255 amended.

Printing ballots.

27. Paragraph (*h*) of section 255 of the said Act is amended by inserting after the word "election" in the last line of the said paragraph the following words: "or, being concerned in the printing of ballots for a returning officer, with or without such intent supplies or is privy to the transfer of any ballot paper, or what purports to be or is capable of being used as a ballot paper at an election, to any person other than the returning officer."

28. Section 255 of the said Act is further amended by inserting the following paragraph after paragraph (*i*):— S. 255 amended.

"(*i*) (2) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or uses for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or, having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated." Fraudulent ballot boxes.

29. Section 258 of the said Act is amended by striking out all the words after the word "and" in the fourth line from the end, and by substituting therefor the following words: "is liable, if he is a returning officer, deputy returning officer, election clerk, poll clerk or constable, to imprisonment for a term not exceeding twelve months nor less than six months with or without hard labor, and if he is any other person, to a fine of not less than one hundred dollars, with costs, and not exceeding two hundred dollars, with costs, and, in default of payment of such fine and costs, to imprisonment for a further term not exceeding six months nor less than three months with or without hard labor." S. 258 amended. Penalty respecting secrecy during poll.

30. Section 258 of the said Act is further amended by adding thereto the following subsection:— S. 258 amended.

"2. Every person convicted of an offence under this section is disqualified, for a period of seven years next after his conviction, from voting at any Dominion election." Disqualification from voting.

31. The said Act is amended by inserting the following sections immediately after section 265:— New section added.

"**265**A. No corporation shall, directly or indirectly, by itself or by any officer, director, or employee, or by any other corporation, agency or person on its behalf, pay, give, lend, advance, deposit, receive, transmit, forward, deliver or pay over, or by any device contribute or expend, or offer or promise or aid or facilitate the contribution, application, delivery, payment or expenditure of any money, property, security, or valuable consideration, or offer or promise to procure or to endeavour to procure any money, property, security, or valuable consideration to or for a candidate or to or for any person on behalf of any candidate or to or for any person in order to aid or influence the election or defeat of any candidate, or in order to promote the success or defeat of the candidates or prospective candidates of any political party in Canada or in any electoral district in Canada, or in order to aid or defeat the object of any organization, association or party maintained for political purposes in Canada. Corporations giving money, etc., to procure votes.

"2. Every corporation which violates any of the provisions of this section shall forfeit the sum of five thousand dollars to any person who sues therefor, with costs Penalty.

"3. Every officer, director or shareholder of any corporation which violates any of the provisions of this section, or who par- Officers or shareholders acquiescing.

ticipates in, aids, abets, advises, consents or to acquiesces in any such violation, and any person who solicits or knowingly receives any payment, gift, loan, advance, deposit or contribution prohibited by this section, is guilty of the indictable offence of bribery, and is liable to imprisonment for a term not exceeding one year, and shall also forfeit the sum of one thousand dollars to any person who sues therefor, with costs.

Giving money, etc., to aid or defeat candidates or political organizations.

"4. Every person who, directly or indirectly, by himself, or by any person on his behalf, pays, gives, lends, advances, deposits, or by any device contributes, or expends, or offers or promises any money, property, security, or valuable consideration, or offers or promises to secure or to endeavour to procure any money, property, security, or valuable consideration to or for any candidate, or to or for any person on behalf of any candidate, or to or for any person in order to aid or influence the election or defeat of any candidate, or in order to promote the success or defeat of the candidates or prospective candidates of any political party in Canada, or in any electoral district in Canada, or in order to aid or defeat the objects of any organization, association or party, maintained for political purposes in Canada, which or some part of which money, property, security or valuable consideration, such person expects or intends shall be reimbursed, repaid or replaced to him or any person on his behalf, or in respect to which or any part of which he expects or intends to be indemnified by or on behalf of any such corporation, or in respect of which, or some part of which, money, property, security, or valuable consideration such person accepts reinbursement, repayment, or indemnity from or by such corporation, is guilty of the indictable offence of bribery, and liable to imprisonment for a term not exceeding one year, and shall also forfeit the sum of one thousand dollars to any person who sues therefor, with costs.

Penalty.

Government officers, employees and contractors giving money, etc.

"5. Every officer and every employee of the Government of Canada, or of any department thereof, every contractor with such Government or with any department thereof (including the officers of a corporation contractor) to whom, or whose assigns, public money may, as incident to such contract, become payable, and every officer or employee of the Government of any province of Canada, or any department thereof, who directly or indirectly pays, gives, lends, advances, deposits, or by any device contributes, or offers or promises any money, property, security or valuable consideration, or who procures or solicits or endeavours or offers or promises to procure or solicits any money, property, security or valuable consideration to or for a candidate, or to or for any person on behalf of any candidate, or to or for any person in order to aid or influence the election or defeat of any candidate, or in order to procure the success or defeat of the candidates or prospective candidates of any political party in Canada, or in any electoral district in Canada, or in order to aid or defeat the objects of any organization, association or party maintained for political purposes, or who becomes the trustee or custodian of any money or property for any of the purposes aforesaid, is guilty of the indictable offence of bribery, and liable to imprisonment for a term not exceeding six months, and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs.

Penalty.

"**265B.** Every officer and every employee of the Government of Canada, or of any department thereof, and every officer or employee of the Government of any province of Canada, and every person who is ordinarily resident outside of Canada, who acts before or during an election as the agent of a candidate in the management or control of his election, or as a canvasser, locator, organizer, agent at a polling place, or in any capacity for, on behalf of, or in the interest of such candidate, at such election, or in respect thereto, shall be guilty of an offence, and liable upon indictment or summarily to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court." Government officers and employees, and non-residents of Canada, acting on behalf of candidates. Penalty.

32. The said Act is amended by inserting the following sections immediately after section 276:— New section added.

"**276A.** Any person who, before or during an election, knowingly writes, prints, publishes, posts, circulates or distributes, or causes to be written, printed, published, posted, circulated or distributed, any written or printed statement falsely purporting to be made by or on behalf of a candidate at such election, for the purpose of prejudically affecting the election of such candidate, or of promoting or procuring the election of another candidate, is guilty of an unlawful act, and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs. False statements prejudicing candidate.

"**276B.** Every bill, circular, placard or poster having reference to an election shall bear on its face the name and address of the printer and publisher thereof, and any person publishing printing, posting, circulating or distributing any such bill, circular, placard or poster as aforesaid which fails to bear upon its face the name and address of the printer and publisher is guilty of an unlawful act, and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs." Posters, etc., to bear name and address of printer and publisher. Penalty.

33. Section 277 of the said Act is amended by striking out the word "two" in the second line and substituting therefor the word "four." S. 277 amended.

34. Section 278 of the said Act is amended by striking out the word "thirteen" in the first line and substituting therefor the word "fifteen." S. 278 amended.

35. The said Act is amended by inserting the following section immediately after section 278:— New section added.

"**278A.** Every person who, directly or indirectly, by himself or by any person on his behalf before or during an election, in order to induce, or in such manner as might induce, any voter or class of voters or the voters in a particular electoral district to vote for or against any candidate, or to refrain from voting by public speaking, by any writing, by any printed publication, or otherwise, offers or promises, or offers or promises to procure or to endeavour to procure, or suggests the probability of the expenditure of the public moneys of Canada, within an electoral district or districts, if and in case only such voter or voters procure or assist to procure the return of a particular Influencing voters by promises, etc., of expenditure of public money.

candidate or of a candidate of a particular political party, or who, with the intent or in manner aforesaid, threatens or promises to impede, delay, hinder, prevent or diminish such expenditure, is guilty of the indictable offence of bribery, and liable to imprisonemnt for a term not exceeding one year and not less than six months, and shall also forfeit the sum of one thousand dollars to any person who sues therefor, with costs."

Penalty.

New sections 172 and 173.

36. Sections 172 and 173 of the said Act are repealed and the following sections are substituted therefor:—

Counting votes by D.R.O's.

"**172.** Immediately after the close of the poll the deputy returning officer shall first place all the spoiled ballots in an envelope and seal it up, and shall then count the number of voters whose names appear on the poll book as having voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus:—"The number of voters who voted at this election in this polling division is———— (*stating the number*)," and he shall sign his name thereto; then in the presence of and in full view 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, he shall open the ballot box and proceed to count the votes in the manner described in subsection 2 hereof, giving, at each stage of the examination, full opportunity to those present to examine each ballot for the purposes of such stage.

Examination of ballot papers.

"2. He shall examine the ballot papers to ascertain if they are the ballot papers which he supplied, and such examination shall be made and completed before opening any of the ballot papers, and for the purpose of so ascertaining he shall, after opening the ballot box proceed to count the whole of the ballot papers in the box without opening any of them, and if the number corresponds with or does not exceed the number of persons who voted no further examination to ascertain as aforesaid shall be made. If the number of ballot papers in the box exceeds the number of persons who voted, he shall, without opening the ballot papers, examine the backs thereof so far as may be necessary to see his initials and the returning officers stamp, and shall, except as provided in the next subsection, reject any ballot papers not having thereon his initials. After such examination is completed to the extent necessary, he shall proceed to examine the ballot papers (or the ballot papers not rejected, as the case may be) in order to count up the votes given for each candidate.

Ballots uninitialled good in certain case.

"3. Where, upon counting the whole number of ballot papers, it is found that the number of ballot papers is the same as the number which has been given by the deputy returning officer to, and which (as shown by the poll book) were used by voters, the omission of the deputy returning officer to place his initials on some of such ballot papers shall not be a ground for the rejection of such ballot papers."

Rejecting of ballots.

"**173.** In counting the votes, the deputy returning officer shall reject all ballot papers,—

"(*a*) which have not been supplied by him; or

"(*b*) by which votes have been given for more candidates than are to be elected; or

"(*c*) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the special cases herein provided for, in which such numbering is authorized.

"2. Subject to the provisions in the last preceding section as to the omission of the deputy returning officer to place his initials upon the ballot paper, no word or mark written or made, or omitted to be written or made, by the deputy returning officer on a ballot paper shall void such ballot paper." Acts of D.R.O. not to void ballot.

37. Section 237 of the said Act is amended by striking out subsection 2 thereof and substituting the following therefor:— S. 237 amended.

"2. All money provided by any person other than the candidate, for any expenses incurred or to be incurred on account of the conduct or management of the election, or for any purpose connected therewith, whether as gift, loan, advance, deposit or otherwise, shall be paid to an official agent of the candidate, and not otherwise; provided that this section shall not be deemed to apply to any payment by the returning officer, or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him; and every person who makes any payment advance or deposit in contravention of this section, or pays, in contravention of this section, any money so provided as aforesaid, shall be guilty of an illegal practice." Payments t be made through official agent. Proviso.

38. The said Act is amended by inserting the following section immediately after section 238:— New section added.

"**238**A. Every payment made by an official agent in respect of any expenses incurred on account of or in respect of an election, or the conduct or management thereof, shall be vouched for by a bill stating the particulars, and by a receipt." Particulars of expenses.

39. The said Act is amended by inserting the following section immediately after section 243:— New section added.

"**243**A. The candidate shall send to the official agent, within the time limited by this Act for sending in claims, a written statement of the amount of personal expenses paid by such candidate." Statement of expenses of candidate.

40. Sections 244, 245 and 246 of the said Act are repealed and the following sections are substituted therefor:— New sections 244, 245, 246.

"**244.** Within two months after the day on which the candidate returned at an election is declared elected, the official agent of every candidate at that election shall transmit to the returning officer a true return (in this Act referred to as a return respecting election expenses) in the form KK in schedule one to this Act (the matter in italics being no part of the form), or to the like effect, containing as respects that candidate,— Statement of expenses to be made out by agent.

"(*a*) a statement of all payments made by the official agent, together with all the bills and receipts (which bills and receipts are in this Act included in the expression 'Return respecting election expenses');

"(*b*) a statement of the amount of personal expenses (if any,) paid by the candidate;

"(*c*) a statement of the sum paid to the returning officer;

"(*d*) a statement of any disputed and unpaid claims of which the official agent is aware;

"(*e*) a statement of all money, property, securities and equivalent of money received by the official agent from the candidate, or any other person, for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, or for any purpose connected with the election, with a statement of the name of every person from whom they were received.

Agents' declaration.

"2. The returns so transmitted to the returning officer shall be accompanied by a statutory declaration made by the official agent bejore a justice of the peace in the form LL (which declaration is in this Act referred to as a declaration respecting election expenses).

Declaration by candidate.

"3. At the same time that the agent transmits the said return, or within seven days thereafter, the candidate shall transmit or cause to be transmitted to the returning officer a statutory declaration, made by him before a justice of the peace in the form MM in schedule one to this Act (which declaration is in this Act referred to as a declaration respecting election expenses). In case a candidate has been declared by others to be a candidate, or was nominated in his absence and took no part in the election, the form of declaration respecting election expenses to be made by the candidate shall be in the form NN.

Candidate may not sit until return and declarations transmitted.

"4. If, in the case of any election, the said return and declarations are not transmitted before the expiration of the time hereby limited, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member until either such return and declarations have been transmitted or until the date of the allowance of such an authorized excuse for the failure to transmit the said return and declarations, as in this Act mentioned; and if he sits or votes in contravention of this enactment he shall forfeit five hundred dollars for every day on which he so sits or votes, to any person who sues therefor, with costs.

Penalty.

Failure of candidate or agent to comply with this section.

"5. If, without such authorized excuse as in this Act mentioned, a candidate or an official agent fails to comply with the requirements of this section, he shall be guilty of an illegal practice.

False declaration.

"6. If any candidate or official agent knowingly makes the declaration required by this section falsely, he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to a punishment for wilful and corrupt perjury; such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

Absence of candidate.

"7. Where the candidate is outside of Canada at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him

within fourteen days after his return to Canada, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorized in making such declaration shall not exonerate the official agent from complying with the provisions of this Act as to the return, and his declaration respecting election expenses.

"8. Where, after the date at which the return respecting election expenses is transmitted, leave is given by a judge, such as mentioned in section 243 for any claims to be paid, the candidate or his official agent shall, within seven days after the payment thereof, transmit to the returning officer the return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the judge giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section, without such authorized excuse as in this Act mentioned. Where leave given by judge.

"**245.** Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as required by this Act, or, being transmitted, contains some error or false statement, then Proceeding on failure to transmit return and declarations.

"(*a*) if the candidate applies to a judge competent to recount or make a final addition of the votes at the election, and shows that the failure to transmit such return and declarations or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness or misconduct of his official agent, or of any clerk or employee of such agent, or by reason of inadvertance, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or

"(*b*) if the official agent of the candidate applies to such judge and shows that the failure to transmit the return and declaration which he was required to transmit, or any part thereof, or any error or false statement therein arose by reason of his illness, or of the death or illness of any former official agent of the candidate, or of the absence, death, illness or misconduct of any clerk or employee of an official agent of the candidate, or by reason of inadverance or of any reasonable cause of a like nature and not by reason of any want of good faith on the part of the applicant,

such judge may, after such notice of the application and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as to the judge seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration as to the said judge seems just.

"2. Where it appears to such judge that any person being or having been an official agent, or an employee of an official agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his official agent respectively to comply with the provisions of this Act as to the return and declarations respecting election expenses, the judge, before making an order allowing the excuse as in this Powers of judge.

section mentioned, shall order such person to attend before him, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declarations or to deliver a statement of the particulars required to be contained in the return, as to the judge seems just, and to make or deliver them within such time, and to such person, and in such manner as such judge may direct, or may order him to be examined with respect to such particulars, and may, in default of compliance with any such order, order him to pay a fine not exceeding two hundred dollars.

Terms of judge's order.

"3. The order may make the allowance conditional upon the making of the return and declarations in a modified form, or within an extended time, and upon compliance with such other terms as to such judge seems best calculated for carrying into effect the objects of this Act. An order allowing an authorized excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order. Where it is proved by the candidate to the judge that any act or omission of the official agent in relation to the return and declarations respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the judge shall relieve the candidate from the consequences of such act or omission on the part of his official agent.

Date of allowance of excuse.

"4. The date of the order, or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse."

Summary of return to be published by returning officer.

"**246.** The returning officer at an election, within ten days after he receives from the official agent of a candidate a return respecting election expenses, shall publish a summary of the return in one newspaper published or circulating in the electoral district for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) may be inspected, and may charge the candidate the proper and actual costs of such publication.

Custody of return and declarations.

"2. The return and declarations (including the accompanying documents), sent to the returning officer by an official agent shall be kept at the office of the returning officer, or some convenient place appointed by him, and shall, at all reasonable times during one year next after they are received by the returning officer, be open to inspection by any person on payment of a fee of twenty-five cents, and the returning officer shall, on demand, furnish copies thereof, or any part thereof, at the price of five cents for every one hundred words. After the expiration of the said one year, the returning officer may cause the said return and declarations (including the accompanying documents) to be destroyed, or, if the candidate or his official agent so required, shall return them to the candidate."

When new return and declarations required.

41. In any case in which payment is made by an official agent, or by a candidate under sections 240 or 243 of this Act, after a return and declarations respecting election expenses

have been duly made to the returning officer, a new return and new declarations shall be made.

S. 264 repealed.

42. Section 264 of the said Act is repealed.

Where candidate returned in more than one district, he must elect for which he will sit.

43. Notwithstanding anything in *The House of Commons Act*, or in any other Act, in case at any time there are in the hands of the Clerk of the Crown in Chancery returns by returning officers purporting to show that one and the same candidate has been duly elected in two or more electoral districts, such member shall, within thirty days next after the day on which a poll was last held in any of such electoral districts, elect for which of such several electoral districts he will sit.

How election to be made.

2. Such election shall be made by a writing under the hand and seal of such member, signed by him in the presence of and attested by the signatures of two witnesses, and transmitted to the Speaker, or if there be no Speaker, or such member be himself the Speaker, then and in either of such cases transmitted to the Clerk of the Crown in Chancery.

Vacancy to exist in remaining districts.

3. Upon and from the date of the receipt by the Speaker or the Clerk of the Crown in Chancery, as hereinbefore provided, of such writing, a vacancy shall, *ipso facto*, be held to exist in the representation of the electoral district, and in each of the electoral districts for which such member was so elected, and for which he shall not so elect to sit.

Vacancy in districts where member did not consent to nomination.

4. In case such member neglects or refuses so to elect, and has consented to his nomination (as provided by section 96 of this Act) in one only of the electoral districts for which he has been so returned, a vacancy shall, ipso facto, upon and from the expiration of the period of thirty days limited by subsection 1 of this section, be held to exist in the representation of the electoral district, and in each of the electoral districts for which such member was so elected, but to his nomination in which he did not so consent.

Vacancy where member consented to several nominations.

5. In case such member neglects or refuses so to elect, and has so consented in the case of each or of none of the electoral districts for which he has been so returned, a vacancy shall, *ipso facto*, upon and from the expiry of the said period of thirty days, be held to exist in the representation of all and of each of the electoral districts for which such member has been elected other than and except in the case of the electoral district the return from which has first in point of time been received by the Clerk of the Crown in Chancery.

Right to contest election or return to continue.

6. Neither the fact that such member has so elected, nor that a vacancy or vacancies has or have arisen by operation of this section, shall in any manner affect the rights of any person entitled to contest the election or return of such member from any of the electoral districts from which he was so returned.

Report of judges.

7. The report of the judges appointed to try a petition contesting the election of such member for the electoral district for which he has elected to sit under subsections 1, 2 and 3 hereof, or for which he has become entitled to sit under subsections 4 and 5 hereof, or the report of the Supreme Court of Canada in case of an appeal, shall determine whether the

member who has so elected, or any other person, was duly returned or elected at such election.

When writ for new election may not issue.

8. If a petition is filed claiming the seat for any other candidate, in the case of an electoral district or electoral districts in which a vacancy or vacancies has or have occurred by operation of this section, no writ for a new election in such electoral district or districts shall issue until the final determination of the petition.

S. 217 amended.

44. Section 217 of the said Act is amended by adding thereto the following subsection:—

Entry of particulars of return.

"2. Forthwith upon receipt of every such return the Clerk of the Crown in Chancery shall endorse thereon, in handwriting, its proper consecutive number, and the day, hour and minute of its receipt, and shall enter the same particulars in the said book, and shall sign such endorsement and entry. He shall complete and sign such endorsement and entry before making endorsement or entry as to any other return."

Schedule one amended.

45. Schedule one to the said Act is amended by adding thereto the following forms:—

KK.

Return of Election expenses.

I, A.B., being official agent for C.D., candidate at the election for the electoral district of in the province of , in the Dominion of Canada, holden on the day of , 19 , make the following return respecting election expenses of the said candidate at the said election:—

RECEIPTS.

Received of (*the above-named candidate*) .....$
Received of J.K .....$
(*Here set out the name and description of every person, firm, club, society, or association other than the candidate from whom any money, property, security, or equivalent of money was received in respect of expenses incurred or then to be incurred on account of or in connection with or incidental to the above election, and the amount received from each person, firm, club, society, or association separately.*)

EXPENDITURE.

Paid to E. F., the returning officer for the said electoral district .....$
Personal expenses of the said C. D., paid by himself ..$
Personal expenses of the said C. D., paid by me .....$
Received by me for my services as official agent at the said election .....$

Paid to of P. O.
(*occupation*), as inside scrutineer or agent at polling place No. .....$

Paid to of P.O.
(*occupation*), as outside scrutineer or agent at polling place No. .....$

(*The name and description of each scrutineer or agent at each polling place, and the sum paid to him, must be set out separately.*)

Paid to of P. O.
(*occupation*), as clerk at or caretaker of committee rooms for days service.....$
(*The name and description of every clerk, caretaker, or other employee, and the sum paid to each, must be set out separately.*)

Paid to the following persons in respect of goods supplied or work and labour done:—

To of P. O.
(*occupation*), for printing.....$

To of P. O.
(*occupation*), for advertising.....$

To of P. O.
(*occupation*), for stationery.....$

To of P. O.
(*occupation*), for livery.....$

(*The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately.*)
Paid for postage.....$
Paid for telegrams.....$
Paid for telephone service.....$
Paid for express service.....$
Paid for public messenger service.....$
Paid for hire of halls or rooms as follows:—
For holding public meetings.....$
For committee rooms.....$
(*A room hired for a public meeting, or for a committee room, must be named or described so as to identify it, and the names and descriptions of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately.*)

Paid for miscellaneous matters, viz.:—.....$
(*The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.*)

In addition to the above I am aware, as official agent for C. D., of the following disputed and unpaid claims, namely:—

DISPUTED CLAIMS.

By T. W., for.....$

(*Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work or other matter or ground on which the claim is based.*)

(*Signed*) A. B.,
Official Agent.

(*Signed*) C. D.,
Candidate.

LL.

Declaration as to Expenses.

Form for Official Agent.

I, , being an official agent for , candidate at the election for the electoral district of , in the province of , in the Dominion of Canada, on the day of , 19 , do solemnly declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked , and to the best of my knowledge and belief that return is correct.

And I hereby further solemnly declare that, except as appears from that return, I have not, and to the best of my knowledge and believe no other person or firm, nor any club, society, or association has, on behalf of the said candidate, made any payment or any given promise or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election or in connection therewith or incident thereto in any wise howsoever.

And I further solemnly declare that I have received from the said candidate $, and no more (*or* nothing), for the purpose of the said election, and that, except as specified in the said returns sent by me, no money, security or equivalent for money has been paid, advanced, given or deposited by anyone to me or in my hands, or to the best of my knowledge and belief to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of or in respect of the conduct or management of the said election or in connection therewith or incident thereto in any wise howsoever.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act.*

Declared before me at ,
the of ,
in the province of ,
this day of ,
19 .

MM.

Declaration as to expenses.

Form for Candidate.

I, , having been a candidate at the election for the electoral district of , in the province of , in the Dominion of Canada, on the day of , 19 , do solemnly declare that I have examined the return of election expenses (about to be) transmitted by my official agent to the returning officer of the said election, a copy of which is now shown to me and marked , and to the best of my knowledge and belief that return is correct.

And I further solemnly declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person or any firm, club, society or association has on my behalf, made any payment or given any promise or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election, or in connection therewith, or incident thereto in any wise howsoever.

And I further solemnly declare that I have paid to my official agent the sum of $, and no more, for the purpose of the said election, and that, except as specified in the said return, no money, security or equivalent for money has to my knowledge or belief been paid, advanced, given or deposited by anyone to or in the hands of my official agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election, or incident thereto, in any wise howsoever.

And I further solemnly declare that I will not, except so far as I may be permitted by law at any future time, make or be a party to the making or giving of any payment, reward, office, employment or valuable consideration for the purpose of defraying any such expenses as above mentioned, or provide or be a party to the providing of any money, security or equivalent of money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act*.

Declared before me at ,
the of ,
in the province of ,
this day of ,
19 .

NN.

When candidate is declared a candidate or is nominated in his absence, and takes no part in the election.

I, of the of , in the province of , and Dominion of Canada, having been nominated (*or* having been declared by others) in my absence (to be) a candidate at the election for the electoral district of , in the said province of , held on the day of , 19 , do solemnly declare that I have taken no part whatever in the said election.

And I further solemnly declare that (*or* with the exception of) I have not, and no person, firm, club, society or association at my expense has made any payment or given, promised or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election, or incident thereto, in any wise howsoever.

And I further solemnly declare that (*or* with the exception of) I have not paid any money or given any security or equivalent for money to the person acting as my official agent at the said election, or to any other person, firm, club, society or association, on account of or in respect of the management or conduct of the said election or in connection therewith or incident thereto, and that (*or* with the exception of) I am entirely ignorant of any money, security or equivalent for money having been paid, advanced, given or deposited by anyone for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election or in connection therewith or incident thereto.

And I further solemnly declare that I will not, except so far as I may be permitted by law at any future time, make or be party to the making or giving of any payment, reward, office, employment or valuable consideration for the purpose of defraying any such expenses as above mentioned, or provide or be party to the providing of any money, security or equivalent of money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act*.

Declared before me at the of in the province of this day of , 19 .

No. 80.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Dominion Elections Act.

First reading, January 22, 1908.

MR. ALCORN.

Q 91

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 81.] **BILL.** [1907-8

An Act respecting the Canadian Northern Railway Company.

Preamble. 1899, c. 57; 1901, cc. 52, 53; 1902, c. 50; 1903, c. 97; 1904, c. 60; 1905, c. 72; 1907, c. 71.

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

Short title.

1. This Act may be cited as *The Canadian Northern Railway Act, 1908*.

Lines of railway authorized.

2. The Canadian Northern Railway Company, hereinafter called "the Company," may lay out, construct and operate the following lines of railway:—

(*a*) From its line at or near Humbolt, in the province of Saskatchewan, in a southwesterly direction to township twenty-nine, range seven, west of the third meridian, thence westerly and southwesterly to the city of Calgary, in the province of Alberta.

(*b*) From a point on its Brandon-Regina line near the west boundary of Manitoba, thence in a generally westerly direction to a point at or near Lethbridge, Alberta.

(*c*) From a point on its line near North Battleford, thence north-westerly to a point at or near Athabasca Landing, with a branch to a point upon or near Green Lake near its outlet into the Beaver River.

(*d*) From its line at Strathcona, southerly to Calgary.

(*e*) From Regina south-westerly to a point on the international boundary.

(*f*) From a point at or near the city of Edmonton to the head waters of the McLeod and Brazeau Rivers, or to the head waters of one of these two rivers, with a branch to the other.

(*g*) From a point on its Rossburn Branch, near Russell, westerly via Yorkton to a point on its authorized line near Goose Lake, Saskatchewan.

(*h*) From a point on its line south of Neepawa, in the province of Manitoba, thence north-westerly joining its main line at or near the crossing of the South Saskatchewan River.

Time for construction limited.

3. The said lines shall be commenced within two years and completed within five years after the passing of this Act, and if not so commenced and completed the powers of the Company with respect thereto granted by this Act, shall cease with respect to so much of the said lines as then remains uncompleted.

Limitation of amount of securities.

1907, c. 71, s. 2.

4. The limit to the amount of securities specified in section 2 of *The Canadian Northern Railway Act, 1906–7*, shall apply to the lines of railway which the Company is authorized to construct by this Act.

Time extended for construction of railway heretofore authorized.

5. Unless the lines of railway which the Company was heretofore authorized to construct, namely:—

(*a*) From a point ten miles north of the Company's line between Winnipeg and Ste. Anne, thence in a generally southerly direction to the Manitoba boundary;

(*b*) From a point on the Company's line between Port Arthur and Fort Francis, Ontario, thence in a generally north-easterly and south-easterly direction to a point in or near the city of Quebec, and from points on the line hereby authorized to points in or near Port Arthur, Ottawa and Montreal respectively;

(*c*) From a point on the Company's authorized line at or near or west of Battleford, thence in a generally westerly direction to a point on the Brazeau River;

(*d*) From a point in or near Regina, northerly to or near to Humbolt, thence north-easterly down or near the valley of the Carrot River to a point at or near the Pas Mission on the Saskatchewan River; and from a point on the line of the Canadian Northern Railway between Humbolt and the South Saskatchewan River, north-easterly to a point at or near the crossing of the South Saskatchewan River by the Prince Albert Branch of the Canadian Northern Railway;—

are commenced within two years and completed and put in operation within five years after the passing of this Act, the powers granted by Parliament for the construction thereof shall cease and be null and void with respect to so much of the said lines as then remains uncompleted.

Capital stock increased.

6. The capital stock of the Company is hereby increased by the sum of nineteen million two hundred and fifty thousand dollars, and may be called up by the directors from time to time as they deem necessary.

No. 81.

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act respecting the Canadian
Railway Company.

First reading, January 23, 1

(PRIVATE BILL.)

R. McINTYRE
(Strath

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent M
1907-8

No. 81.] **BILL.** [1907-8

An Act respecting the Canadian Northern Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

Preamble. 1899, c. 57; 1901, cc. 52, 53; 1902, c. 50; 1903, c. 97; 1904, c. 60; 1905, c. 72; 1907, c. 71.

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

Short title.

1. This Act may be cited as *The Canadian Northern Railway Act, 1908.*

Lines of railway authorized.

2. The Canadian Northern Railway Company, hereinafter called "the Company," may lay out, construct and operate the following lines of railway:—

(*a*) From its line at or near Humboldt, in the province of Saskatchewan, in a southwesterly direction to township twenty-nine, range seven, west of the third meridian, thence westerly and southwesterly to the city of Calgary, in the province of Alberta;

(*b*) From a point on its Brandon-Regina line near the west boundary of Manitoba, thence in a generally westerly direction to the city of Lethbridge, Alberta;

(*c*) From a point on its line near North Battleford, thence north-westerly to a point at or near Athabasca Landing, with a branch to a point upon or near Green Lake near its outlet into the Beaver River;

(*d*) From its line at Strathcona, southerly to Calgary;

(*e*) From Regina south-westerly to a point on the international boundary between ranges 1 and 4 west of the third meridian;

(*f*) From a point at or near the city of Edmonton to the head waters of the McLeod and Brazeau Rivers, or to the head waters of one of these two rivers, with a branch to the other;

(*g*) From a point on its Rossburn Branch, near Russell, westerly via Yorkton to a point on its authorized line near Goose Lake, Saskatchewan;

(*h*) From a point on its line between Neepawa, in the province of Manitoba, and a point not more than fifteen miles south of Neepawa, thence north-westerly joining its main line at or near the crossing of the South Saskatchewan River;

(*i*) From a point ten miles north of the Company's line between Winnipeg and Ste. Anne, thence in a generally southerly direction to the Manitoba boundary;

(*j*) From a point on the Company's line between Port Arthur and Fort Francis, Ontario, thence in a generally north-easterly and south-easterly direction to a point in or near the city of Quebec, and from points on the line hereby authorized to points in or near Port Arthur, Ottawa and Montreal respectively;

(*k*) From a point on the Company's authorized line at or near or west of Battleford, thence in a generally westerly direction to a point on the Brazeau River;

(*l*) From a point in or near Regina, northerly to or near to Humboldt, thence north-easterly down or near the valley of the Carrot River to a point at or near the Pas Mission on the Saskatchewan River; and from a point on the line of the Canadian Northern Railway between Humboldt and the South Saskatchewan River, north-easterly to a point at or near the crossing of the South Saskatchewan River by the Prince Albert Branch of the Canadian Northern Railway.

Time for construction limited.

3. The said lines shall be commenced within two years and completed and put in operation within five years after the passing of this Act, and if not so commenced and completed and put in operation the powers of construction of the Company with respect thereto granted by this Act shall cease with respect to so much of the said lines as then remains uncompleted.

Limitation of amount of securities.

1907, c. 71, s. 2.

4. The limit to the amount of securities specified in section 2 of *The Canadian Northern Railway Act, 1906–7*, shall apply to the lines of railway which the Company is authorized to construct by this Act.

Capital stock increased.

5. The capital stock of the Company is hereby increased by the sum of nineteen million 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.

Calls.

No. 81.

4th Session, 10th Parliament, 7-8 Edward VII., 190

BILL.

An Act respecting the Canadian North
Railway Company.

(Reprinted as amended and reported by Railway Committee.)

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 82.] **BILL.** [1907-8

An Act respecting the Niagara, St. Catharines and Toronto Railway Company.

Preamble. 1899, c. 77; 1901, c. 76; 1902, c. 83; 1905, c. 132; 1906, c. 132.

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

Time for construction of railways extended.

1. The Niagara, St. Catharines and Toronto Railway Company may commence the construction of the railways which it has heretofore been authorized to construct, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not commenced and the said expenditure is not so made, or if the said railways are not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void with respect to so much of the said railways as then remains uncompleted.

1905, c. 132, and 1906, c. 132 amended.

2. The following parts of Acts are repealed: Section 1 of chapter 132 of the statutes of 1905; subsection 2 of section 1, and section 4 of chapter 132, of the statutes of 1906.

No. 82.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Niagara, St. Catharines and Toronto Railway Company.

First reading, January 23, 1908.

(PRIVATE BILL.)

MR. ADAMSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 83.] **BILL.** [1907-8

An Act respecting the Owen Sound and Meaford Railway Company.

WHEREAS the Owen Sound and Meaford Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1905, c. 144.

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

No. 83.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Owen Sound and Meaford Railway Company.

First reading, January 23, 1908.

(PRIVATE BILL.)

MR. TELFORD.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 84.] **BILL.** [1907-8

An Act to incorporate the Dominion Transportation and Storage 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Donald McGillivray and Joseph Norcross, both of the village of Port Colborne, in the county of Welland, William E. Phin, of the town of Welland, in the county of Welland, Joseph Battle, of the town of Thorold, in the county of Welland, and Roy M. Wolvin, of the city of Duluth, in the State of Minnesota, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Dominion Transportation and Storage Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are constituted the first or provisional directors of the Company, and they shall have all the powers which are conferred upon directors of the Company elected by the shareholders.

Quorum.

2. Four provisional directors shall be a quorum.

Deposit of moneys.

3. The provisional directors shall deposit in a chartered bank of Canada all moneys received by them on account of the Company, and shall withdraw the same for the purposes of the Company only.

Capital stock.

3. The capital stock of the Company shall be one million five hundred thousand dollars, divided into shares of one hundred dollars each, of which five hundred thousand dollars may be issued as preferred stock and one million dollars as common stock, and the whole of the said stock may be called up by the directors as they deem necessary.

Dividend on preferred stock.

2. The preferred stock shall bear a cumulative dividend of seven per cent per annum.

Redemption of preferred stock.

3. The Company may at any time redeem any or all of the preferred stock by paying therefor one hundred and fifteen dollars per share and all dividends which have accumulated.

Head office.

4. The head office of the Company shall be in the town of Welland, in the province of Ontario, or such other place in Canada as is determined by by-law of the Company.

First general meeting of Company.

5. So soon as twenty per cent of the amount of the capital stock has been subscribed, and twenty 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, for the purpose of electing directors of the Company, and of transacting any other business specified in the notice calling such meeting.

Notice of meeting.

2. Notice in writing, signed by or on behalf of the provisional directors or a majority of them, of the date and place of holding such meeting, and mailed, postage prepaid, to the post office address of each shareholder not less than fifteen days previous 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, or on such other day as is determined by by-law.

Election of directors.

2. At the first meeting of shareholders, and at each annual meeting, the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall elect seven persons to be directors of the Company, one or more of whom may be paid directors.

Qualification

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, for the purposes of its undertaking,—

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 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.

(*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 thereof;

Power to acquire business of other companies.

(*f*) acquire the business, good-will and property of any person or Company having objects similar to those of the Company, and pay the price thereof, including expenses connected with the formation and organization of the Company, 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

Payment in shares.

connected therewith; and may enter into working and other agreements and arrangements with any person or any municipal corporation; Agreements.

(*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. Wrecking.

8. 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 thereof, and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act. Aid to Company.

9. The Company may charge on all property placed with it, or in its custody, such fair remuneration as is 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 has been carried, or may be carried, by the Company. Storage charges.

10. The Company may recover all charges and moneys paid or assumed by it, subject to which goods come into its 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. Recovery of charges.

11. 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. Sale of goods for charges. Notice of sale. Perishable goods.

12. The Company may make, accept and endorse or execute cheques, promissory notes, bills of exchange, warehouse receipts, bills of lading and other negotiable instruments; pro- Cheques, notes, etc.

vided, 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.

13. 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 or construction of any vessels or other property which the Company is authorized to acquire or construct, but such bonds and debentures shall not exceed in amount the cost of such vessels or property, and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such vessels or property, according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the vessels or the class of vessels or other property in respect of which it authorizes bonds to be so issued as aforesaid, and whether they are then acquired or are to be thereafter acquired by the Company.

Mortgage to secure bonds.

14. 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.

15. 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 of each such issue 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. How bond-holders to rank. Mortgage to be filed.

16. The Company may, by resolution or by-law, authorize the directors to issue fully paid up shares of common stock with the shares of preferred stock or bonds issued by the Company, but such issue of common stock shall not exceed one share of common stock for each share of preferred stock or each bond. Issue of paid up shares of common stock.

17. Section 141 and 165 of *The Companies Act* shall not apply to the Company. R.S., c. 79.

18. This Act shall expire, and the powers hereby conferred upon the Company cease to be in force, if the Company does not go into actual operation within two years after the passing of this Act. Forfeiture of charter by non-user.

No. 84.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Dominion Transportation and Storage Company.

First reading, January 24, 1908.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 85.] **BILL.** [1907-8

An Act to amend the Railway Act.

IN amendment of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R. S., c. 37.

Use of French language in Quebec.

1. In the province of Quebec, all railway companies, telegraph companies, telephone companies, or public utilities, shall make use of the English and French languages in all the operations of their service, such as in the announcement of arrivals and departure of trains, the time tables, tickets, bills of lading, baggage checks, badges of employees, the designation of the class of each car, message or contract forms, subscription books, and public notices or regulations in the stations, vehicles, offices or work-shops of the said companies or public utilities.

Penalty.

2. Every such company or public utility shall be subject, on summary conviction, to a fine not exceeding five dollars and not less than one dollar for each refusal, neglect, or omission to comply with the provisions of section 1 of this Act.

Liability of employee.

3. The said fine shall, moreover, be recoverable from every employee or agent of the company or public utility who refuses, neglects or omits to comply with the provisions of section 1 of this Act.

No. 85.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, January 28, 1908.

MR. LAVERGNE,
(Montmagny.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 86.] **BILL.** [1907-8

An Act to incorporate the Northern Empire Railway Company.

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

1. Henry Roy and Robert Balfour, both of the city of Ottawa, in the province of Ontario; Joseph J. B. Gosselin, of Notre Dame de Stanbridge, in the province of Quebec; Jules J. Fleutot, of the town of Frank, in the province of Alberta; and Edward Hoffman, of the city of New York, in the state of New York, one of the United States; together with such persons as become shareholders in the company, are incorporated under the name of "The Northern Empire Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The head office of the Company shall be in the town of Edmonton, in the province of Alberta. Head office.

5. The annual meeting of the shareholders shall be held on the first Thursday in November. Annual meeting.

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

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the international boundary east of Cardston, in the province of Alberta, thence in a northerly direction through Lethbridge to Fort McMurray, thence in a generally north-westerly direction passing through or near Fort Vermillion, to a point on the boundary between the province of British Columbia and the Yukon Territory at or near Lower Post in the province of British Columbia, thence in a generally north-westerly direction through the Yukon Territory by Way of Dawson City Line of railway described.

to a point on the International Boundary between the Yukon Territory and Alaska; and also a branch line from a point on the main line east of Victoria, following generally the north bank of the North Saskatchewan River to the city of Edmonton, in the province of Alberta.

Issue of securities.

8. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company and the Canadian Northern Railway Company.

No. 86.

4th Session, 10th Parliament, 7-8 Edward V

BILL.

An Act to incorporate the I
Empire Railway Company

First reading, January 29, 19

(PRIVATE BILL.)

MR. CAR

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Ma
1907-8

No. 87.] **BILL.** [1907-8

An Act to incorporate the Vancouver Island and Eastern Railway Company.

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

1. Thomas Wilson Paterson, Richard Carmichael Lowe, Thomas J. Jones and Henry Alexander Munn, all of the city of Victoria, in the county of Victoria, in the province of British Columbia; James Smith, of the city of Edmonton, in the province of Alberta, and Michael J. Haney, of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Vancouver Island and Eastern Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The undertaking of the Company is 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 two million five hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed. Capital stock.

5. The head office of the Company shall be in the city of Victoria, in the province of British Columbia. Head office.

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

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors. 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 on Esquimalt harbour, in the county of Victoria, aforesaid, by the most practicable route and as nearly as may be in a northerly direction to a point at or near Seymour Narrows, on Vancouver Island, in the province of British Columbia, and may establish a ferry or ferries connecting the said railway with some point on Bute Inlet or on Frederick Inlet, in the province Line of railway described.

of British Columbia, and may lay out, construct and operate a railway of the gauge aforesaid from such point on Bute Inlet or Frederick Inlet, aforesaid, by the most practicable route and as nearly as may be in an easterly direction through the Yellowhead Pass to a point at or near the city of Edmonton, in the province of Alberta.

Special powers.

9. The Company may, for the purposes of its undertaking,—

Vessels.

(*a*) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith;

Buildings.

Water power, compressed air, electricity.

(*b*) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes, and dispose of surplus power generated by the Company's works and not required for the undertaking of the Company; and for the purposes of such acquisition, utilization and disposal, construct, operate and maintain lines for the conveyance of light, heat, power and electricity;

Distribute power.

(*c*) acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built; and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof.

Issue of securities.

10. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Telegraph and telephone lines.

11. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject, to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls.

2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

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

Agreements with other companies.

12. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Grand Trunk Pacific Railway Company, the Canadian Pacific Railway Company and the Canadian Northern Railway Company, or any of them.

No. 87.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Vancouver Island and Eastern Railway Company.

First reading, January 29, 1908.

(PRIVATE BILL.)

MR. SLOAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 88.] **BILL.** [1907-8

An Act to incorporate the Institute of Architects of Canada.

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

1. A. F. Dunlop, Maurice Perrault, Alcide Chaussé and Jos. Venne, of Montreal, Quebec; Edmund Burke, H. B. Gordon and Eden Smith, of Toronto, Ontario; S. Frank Peters and R. B. Pratt, of Winnipeg, Manitoba; J. W. H. Watts and David Ewart, of Ottawa, Ontario; Wm. H. Archer, of Vancouver, British Columbia; C. B. Chappell, of Charlottetown, Prince Edward Island; F. Daggendorfer, of Edmonton, Alberta; G. E. Fairweather, of St. John, New Brunswick; H. E. Gates, of Halifax, Nova Scotia; W. W. Hilton, of Regina, Saskatchewan; R. P. Lemay, of Quebec, Quebec; H. C. McBride, of London, and L. Munro, of Hamilton, both in Ontario; W. Alban Marsden and A. Pirie, of Calgary, A. M. Calderon, E. C. Hopkins, P. L. James, Roland W. Lines, Jos. E. Wize and R. Percy Barnes, of Edmonton, and W. A. Whiddington, of Strathcona, all in Alberta; W. T. Dalton, S. M. Eveleigh, G. W. Grant, E. S. Milton and C. O. Wickenden, of Vancouver, C. H. Clow, of New Westminster, and A. Maxwell Muir, of Victoria, all in British Columbia; A. Maxwell, of Holland, W. A. Elliott, W. H. Shillinglaw, Thos. Sinclair and W. C. Taylor, of Brandon, W. W. Blair, C. W. U. Chivers, Wm. Fingland, Jas. Chisholm, Jos. Greenfield, Sam. Hooper, G. W. Northwood, J. H. G. Russell and Dan Smith, of Winnipeg, all in Manitoba; W. E. Reid, of Riverside, R. A. Fréchet, C. Brousseau, Melville McKean and Albert Sincennes, of Moncton, R. W. Gilbert, of Sheffield, and A. E. Anderson and F. Neil Brodie, of St. John, all in New Brunswick; F. W. Spencer, of Glace Bay, L. R. Fairn, of Aylesford, W. J. Busch, S. P. Dumaresq and R. A. Johnson, of Halifax, and R. B. Whitten, of Sydney, all in Nova Scotia; N. G. Beggs and Thos. Kennedy, of Barrie, B. Dillon, of Brockville, A. J. C. McLean, of Chapleau, Jno. Wilson and F. T. Hodgson, of Collingwood, H. R. Halton and F. H. Eley, of Fort William, Frank Seut, of Gananoque, C. F. Burden, of Massey, E. D. Pitt, of Niagara Falls, S. K. Burt, of North Bay, F. J. Alexander, C. J. Burritt, E. L. Horwood, Robt. Massie, C. P. Meredith, W. E. Noffke and A. Le B. Weeks, of Ottawa, M. B. Aylesworth, of Port Arthur, Edward Demar, Incorporation.

and R. Murdock, of Sault Ste. Marie, F. S. Baker, Chas. P. Band, J. A. Ellis, W. Connery, A. H. Gregg, J. A. Harvey, J. L. Havill, W. Ford Howland, W. G. Hunt, J. P. Hynes, W. Fry Scott, W. L. Symons, Jos. Weckselberger and A. F. Wickson, of Toronto, T. L. Nichols, of Welland, and Jno. M. Watt, of Windsor, all in Ontario, Chas. A. Reeves, of Maisonneuve, Chs. Brodeur, of Hull, L. A. Ames, U. J. Asselin, R. A. Brassard, D. J. Creighton, E. J. P. Courval, A. Arthur Cox, J. E. C. Daoust, Theo. Daoust, J. A. Godin, Michel Helbronner, G. A. Monette, Jos. Perrault, Alp. Piché, J. Z. Resther, Jos. Sawyer, J. Emile Vanier and Arthur Vincent, of Montreal, L. A. Auger, F. X. Berlinguet, Albert R. Décary, A. T. Dionne, David Ouellet, J. P. Ouellet, Thos. Raymond and E. M. Talbot, of Quebec, and Alp. Venne, of St. Lambert, all in Quebec; A. M. Fraser, of Indian Head, F. C. Clemesha, Geo. E. Hutchison, Ernest MacGlashen, W. R. Reilly, E. M. Storey and W. B. Van Egmond, of Regina, Sholto Smith, of Moosejaw, K. G. Anderson and G. E. Noble, of Prince Albert, and W. W. Lachance and Norman L. Thompson, of Saskatoon, all in Saskatchewan; W. F. Butler and W. H. Green, of St. Johns, Newfoundland, and such other persons as are hereafter associated with them, are incorporated under the name of "Institute of Architects of Canada," or "L'Institut des Architectes du Canada," hereinafter called "the Institute."

Corporate name.

Head office.

2. The head office of the Institute shall be in the city of Ottawa, or in such other place as is from time to time determined by a vote of two-thirds of the members of the Institute.

Objects.

3. The objects of the Institute shall be to facilitate the acquirement and interchange of professional knowledge among its members, and more particularly to promote the acquisition of that species of knowledge which has special reference to the profession of architecture, and further to encourage investigation in connection with all branches and departments of knowledge connected with that profession.

Membership.

4. The membership of the Institute shall consist of honorary members, corresponding members, associates, members, associate members and students, as provided by by-law.

Admission of members.

2. The following persons only shall be admitted as members of the Institute to practice in Canada:—

(*a*) persons now members in good standing of the Province of Quebec Association of Architects, the Ontario Association of Architects, the Alberta Association of Architects, the Manitoba Association of Architects, the Toronto Architectural Club and the Regina Architectural Association;

(*b*) persons not members of one of the associations or of the club above named, who, at the time of the passing of this Act, have practiced for two years as architects in Canada, and who, within one year thereafter, apply for admission to and pay the entrance or admission fee and the subscription fee required under the by-laws of the Institute, such application being supported by an affidavit proving the allegations of the applicant;

(*c*) any person who, having been admitted to study under the provisions of this Act, passes the prescribed examination, and is licensed as an architect by the Institute;

(*d*) members of the Province of Quebec Association of Architects, the Ontario Association of Architects, the Alberta Association of Architects, the Manitoba Association of Architects, the Toronto Architectural Club, and the Regina Architectural Association who apply for admission to, and pay the admission and subscription fees required under the by-laws of the Institute.

Members of other associations.

3. The council may also admit to membership any member in good standing of any Canadian, British or foreign association of architects, upon such member presenting his credentials.

Prohibited businesses.

5. No member of the Institute shall be a building contractor or manufacturer, or a dealer in building materials or supplies, nor be in partnership with any building contractor or manufacturer or dealer in building materials or supplies.

Regulations and by-laws generally.

6. The Institute may make regulations and by-laws for its direction and management, and also such rules as are deemed necessary for the maintenance of the honour and dignity of the profession of architecture.

Examination of students.

2. The Institute may, by by-law, make regulations governing the admission and examination of students, and the final issuing of certificates of professional qualification.

First council.

7. The first twenty persons named in section 1 of this Act shall be the first council of the Institute.

First meeting of council.

2. A meeting of the council shall be held within six months after the passing of this Act, for organization, the making of by-laws, the election of officers and the transaction of any other business that may arise.

First general meeting.

3. The first general meeting of the Institute shall be held during the year one thousand nine hundred and eight, in the city of Ottawa, at such time and upon such notice as the council decides, for the election of officers and members of the council, the adoption of by-laws and the transaction of the business of the Institute.

Annual meetings.

4. Subsequent general meetings shall be held as the by-laws of the Institute provide, but not less than once in each year, at the place decided on at a previous general meeting, and at such time and upon such notice as the council decides.

Board of examiners.

8. The council shall appoint a board of examiners of not less than seven persons, resident in Canada, to examine candidates for admission to the study, or for admission to the practice, of architecture.

Qualification of two members.

2. Two members of the board shall be qualified and competent to examine all candidates for the preliminary and final examinations in French or in English, at the option of the candidate.

University members.

3. One member of the board shall be from McGill University, one from Toronto University and one from the Montreal Polytechnical School.

Quorum.

4. Three members of the board shall constitute a quorum.

Meetings.

5. The board shall meet semi-annually, at the time and place decided upon by the council.

Real property. Proviso.

9. The Institute may acquire and hold such real property as is necessary to carry out its objects; provided that the total value of such property held at any time for the actual use of the Institute shall not exceed two hundred thousand dollars.

Affiliation with other associations.

10. The Institute may affiliate with any society or association of architects having objects similar to those of the Institute.

Interest of members in property of Institute.

11. If any person ceases, for any cause, to be a member of the Institute he shall not have any interest in or claim against the funds or property of the Institute.

Branches of Institute.

12. The Institute may establish branches, which shall be known as "Chapters of the Institute of Architects of Canada."

Who may use title of architect.

13. No person may, within Canada, use the title of architect or any abbreviation thereof, or any name, title or description implying that he is a corporate member of the Institute, nor act or practice as an architect within the meaning of this Act,—

(*a*) unless he is a corporate member of the Institute, or becomes one under the provisions of this Act; or

(*b*) unless he is entitled, by some statute of Canada, or of one of the provinces thereof, to use the title of architect; or

(*c*) unless he is a practising architect in the province of Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Manitoba, British Columbia, or Saskatchewan, or in the Northwest Territories, or in the Yukon Territory, within two years prior to the passing of this Act and becomes a corporate member of the Institute; or

(*d*) unless he is a member of the Province of Quebec Association of Architects or of the Alberta Association of Architects.

Unauthorized use of title.

14. Any person not registered as a member of the Institute, or of the Province of Quebec Association of Architects, or of the Alberta Association of Architects, who, after the passing of this Act, takes or makes use of any name, title or designation mentioned in section 13 of this Act, shall be liable to a fine not exceeding fifty dollars for the first offence, and not exceeding one hundred dollars for every subsequent offence, and in default of payment of the fine and costs, to imprisonment for a period not exceeding ninety days.

Practice by unauthorized architects.

15. No person practising as an architect contrary to this Act shall be entitled to recover any sum of money for professional services rendered in such practice.

Prosecutions.

16. Prosecutions for the recovery of any fine imposed under this Act may be brought by the Institute, or by any person, in any court of competent jurisdiction.

Fines to belong to Institute.

17. All fines payable under section 16 of this Act shall belong to the Institute and shall form part of its general fund.

Associations with provincial charters not affected.

18. Nothing in this Act shall be deemed to encroach upon the rights and privileges conferred upon any association of architects having a charter from the legislature of any province of Canada.

No. 8

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Institute of Architects of Canada.

First reading, January 30, 1908.

(PRIVATE BILL.)

MR. WALSH,
(Montreal, Ste. Anne.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 88.] **BILL.** [1907-8

An Act to incorporate the Institute of Architects of Canada.

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

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

1. A. F. Dunlop, Maurice Perrault, Alcide Chaussé and Jos. Venne, of Montreal, Quebec; Edmund Burke, H. B. Gordon and Eden Smith, of Toronto, Ontario; S. Frank Peters and R. B. Pratt, of Winnipeg, Manitoba; J. W. H. Watts and David Ewart, of Ottawa, Ontario; Wm. H. Archer, of Vancouver, British Columbia; C. B. Chappell, of Charlottetown, Prince Edward Island; F. Daggendorfer, of Edmonton, Alberta; G. E. Fairweather, of St. John, New Brunswick; H. E. Gates, of Halifax, Nova Scotia; W. W. Hilton, of Regina, Saskatchewan; R. P. Lemay, of Quebec, Quebec; H. C. McBride, of London, and L. Munro, of Hamilton, both in Ontario; W. Alban Marsden and A. Pirie, of Calgary, A. M. Galderon, E. C. Hopkins, P. L. James, Roland W. Lines, Jos. E. Wize and R. Percy Barnes, of Edmonton, and W. A. Whiddington, of Strathcona, all in Alberta; W. T. Dalton, S. M. Eveleigh, G. W. Grant, E. S. Milton and C. O. Wickenden, of Vancouver, C. H. Clow, of New Westminster, and A. Maxwell Muir, of Victoria, all in British Columbia; A. Maxwell, of Holland, W. A. Elliott, W. H. Shillinglaw, Thos. Sinclair and W. C. Taylor, of Brandon, W. W. Blair, C. W. U. Chivers, Wm. Fingland, Jas. Chisholm, Jos. Greenfield, Sam. Hooper, G. W. Northwood, J. H. G. Russell and Dan Smith, of Winnipeg, all in Manitoba; W. E. Reid, of Riverside, R. A. Fréchet, C. Brousseau, Melville McKean and Albert Sincennes, of Moncton, R. W. Gilbert, of Sheffield, and A. E. Anderson and F. Neil Brodie, of St. John, all in New Brunswick; F. W. Spencer, of Glace Bay, L. R. Fairn, of Aylesford, W. J. Busch, S. P. Dumaresq and R. A. Johnson, of Halifax, and R. B. Whitten, of Sydney, all in Nova Scotia; N. G. Beggs and Thos. Kennedy, of Barrie, B. Dillon, of Brockville, A. J. C. McLean, of Chapleau, Jno. Wilson and F. T. Hodgson, of Collingwood, H. R. Halton and F. H. Eley, of Fort William, Frank Lent, of Gananoque, C. H. Burden, of Massey, E. D. Pitt, of Niagara Falls, S. K. Burt, Incorporation

of North Bay, F. J. Alexander, C. J. Burritt, E. L. Horwood, Robt. Massie, C. P. Meredith, W. E. Noffke and A. Le B. Weeks, of Ottawa, M. B. Aylesworth, of Port Arthur, Edward Demar, and R. Murdock, of Sault Ste. Marie, F. S. Baker, Chas. P. Band, J. A. Ellis, W. Connery, A. H. Gregg, J. A. Harvey, J. L. Havill, W. Ford Howland, W. G. Hunt, J. P. Hynes, W. Fry Scott, W. L. Symons, Jos. Weckselberger and A. F. Wickson, of Toronto, T. L. Nichols, of Welland, and Jno. M. Watt, of Windsor, all in Ontario, Chas. A. Reeves, of Maisonneuve, Chs. Brodeur, of Hull, L. A. Amos, U. J. Asselin, R. A. Brassard, D. J. Creighton, E. J. P. Courval, A. Arthur Cox, J. E. C. Daoust, Theo. Daoust, J. A. Godin, Michel Helbronner, G. A. Monette, Jos. Perrault, Alp. Piché, J. Z. Resther, Jos. Sawyer, J. Emile Vanier and Arthur Vincent, of Montreal, L. A. Auger, F. X. Berlinguet, Albert R. Décary, A. T. Dionne, David Ouellet, J. P. Ouellet, Thos. Raymond and E. M. Talbot, of Quebec, and Alp. Venne, of St. Lambert, all in Quebec; A. M. Fraser, of Indian Head, F. C. Clemesha, Geo. E. Hutchison, Ernest MacGlashen, W. R. Reilly, E. M. Storey and W. B. Van Egmond, of Regina, Sholto Smith, of Moosejaw, K. G. Anderson and G. E. Noble, of Prince Albert, and W. W. Lachance and Norman L. Thompson, of Saskatoon, all in Saskatchewan; W. F. Butler and W. H. Green, of St. John's, Newfoundland, and such other persons as are hereafter associated with them, are incorporated under the name of "Architectural Institute of Canada," or "L'Institut d'Architecture du Canada," hereinafter called "the Institute."

Corporate name.

Head office.

2. The head office of the Institute shall be in the city of Ottawa, or in such other place as is from time to time determined by a vote of two-thirds of the members of the Institute.

Objects.

3. The objects of the Institute shall be to facilitate the acquirement and interchange of professional knowledge among its members, and more particularly to promote the acquisition of that species of knowledge which has special reference to the profession of architecture, and further to encourage investigation in connection with all branches and departments of knowledge connected with that profession.

Membership.

4. The Institute may establish classes of membership, and determine the rights, terms, privileges and conditions of the said classes.

Admission of members.

2. The following persons only, who apply for admission to, and pay the entrance or admission fee and the subscription fee required by the by-laws of, the Institute, may be admitted as members of the Institute:—

(*a*) Members in good standing of the Province of Quebec Association of Architects, the Ontario Association of Architects, the Alberta Association of Architects, the Manitoba Association of Architects, the Toronto Architectural Club, and the Regina Architectural Association;

(*b*) Persons not members of one of the associations or of the club above named, who have practiced for two years as architects in Canada, each application being supported by an affidavit proving the qualifications of the applicant.

3. The council may also admit to membership any member in good standing of any Canadian, British or foreign association of architects, upon such member presenting his credentials, and paying the admission and subscription fees provided for by the by-laws of the Institute. Members of other associations.

5. No member of the Institute shall be a building contractor or manufacturer, or a dealer in building materials or supplies, nor be in partnership with any building contractor or manufacturer or dealer in building materials or supplies. Prohibited businesses.

6. The Institute may make regulations and by-laws for its direction and management, and also such rules as are deemed necessary for the maintenance of the honour and dignity of the members of the Institute. Regulations and by-laws generally.

2. The Institute may, by by-law, make regulations governing the admission of candidates for membership in the Institute. Admission of candidates.

7. The first twenty persons named in section 1 of this Act shall be the first council of the Institute. First council.

2. A meeting of the council shall be held within six months after the passing of this Act, for organization, the making of by-laws, the election of officers and the transaction of any other business that may arise. First meeting of council.

3. The first general meeting of the Institute shall be held during the year one thousand nine hundred and eight, in the city of Ottawa, at such time and upon such notice as the council decides, for the election of officers and members of the council, the adoption of by-laws and the transaction of the business of the Institute. First general meeting.

4. Subsequent general meetings shall be held as the by-laws of the Institute provide, but not less than once in each year, at the place decided on at a previous general meeting, and at such time and upon such notice as the council decides. Annual meetings.

8. The Institute may acquire and hold such real property as is necessary to carry out its objects; provided that the total value of such property held at any time for the actual use of the Institute shall not exceed two hundred thousand dollars. Real property. Proviso.

9. The Institute may affiliate with any society or association of architects having objects similar to those of the Institute. Affiliation with other associations.

10. The Institute may establish branches, which shall be known as "Chapters of the Architectural Institute of Canada." Branches of Institute.

11. Nothing in this Act shall be deemed to encroach upon the rights and privileges conferred upon any association of architects having a charter from the legislature of any province of Canada Associations having provincial charters not affected.

No. 88.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to incorporate the Institute of Architects of Canada.

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

(PRIVATE BILL.)

MR. WALSH,
(Montreal, Ste. Anne.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 89.] **BILL.** [1907-8

An Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill Park, in the City of Ottawa, as a hotel site.

Preamble.

WHEREAS, by an Order of the Governor in Council of the 26th September, 1907, authority was assumed to be given for the sale and transfer to the Grand Trunk Railway Company of Canada, subject to the terms and conditions therein set forth, of a parcel of land forming a part of Major's Hill Park, in the city of Ottawa, for the purposes of a site for a hotel; and whereas the said parcel of land is ordnance property within the meaning of *The Ordnance and Admiralty Lands Act*, chapter 58 of the Revised Statutes, 1906, and subject to the restrictions with regard to the sale thereof prescribed by the said Act; and whereas it is expedient to ratify and confirm the said Order in Council: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Order in Council confirmed.

1. The said Order in Council is ratified and confirmed, and His Majesty is hereby given full power and authority to carry it into effect.

Application of proceeds of sale of land.

2. The proceeds of the sale of the said parcel of land shall be placed to the credit of the Ottawa Improvement Commission, to be applied by them for the purposes of the Commission under the instructions and directions of the Governor in Council.

No. 89.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill Park, in the City of Ottawa, as a hotel site.

First reading, January 30, 1908.

MR. PUGSLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 90.] **BILL.** [1907-8

An Act to amend the Passenger Tickets Act.

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

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

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

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

No. 90.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Passenger Tickets Act.

First reading, February 4, 1908.

MR. REID,
(Grenville.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 91.] **BILL.** [1907-8

An Act to amend the Supreme Court Act.

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

1. Section 40 of *The Supreme Court Act*, chapter 139 of the Revised Statutes, 1906, is amended by adding at the end thereof the following subsection:— R. S., c. 139, s. 40, amended.

"2. Whenever the right to appeal from the Superior Court in Review is dependent upon the amount in dispute, it shall be sufficient if the amount is over two thousand dollars." Appeals.

No. 91.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Supreme Court Act.

First reading, February 5, 1908.

MR. GERVAIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 92.] **BILL.** [1907-8

An Act to amend the Criminal Code with regard to the trial of indictable offences.

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

R. S., c. 146, s. 583 amended. Jurisdiction.

1. Paragraph (*g*) of section 583 of *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is amended by inserting after the word "libel," in the second line thereof, the words "except by consent of both parties."

Section 825 amended.

2. Section 825 of the said Code is amended by adding thereto the following subsections:—

Notification by accused of election.

"5. A person accused of any such offence as aforesaid, who has been bound over by a justice or justices under the provisions of section 696 and is at large under bail, may notify the sheriff that he desires to make his election under this Part; and thereupon the sheriff shall notify the judge, or, if the judge does not reside in the county where the accused should be tried, the prosecuting officer, as provided in section 826.

Accused to attend at place fixed.

"6. In such case, the judge having fixed the time when and the place where the accused shall make his election, the sheriff shall notify the accused thereof, and the accused shall attend at the time and place so fixed, and the subsequent proceedings shall be the same as in other cases under this Part.

Recognizance.

"7. The recognizance under which the accused has been bound over as aforesaid shall in every such case be taken and held to apply to the attendance of the accused at the time and place so fixed by the judge."

No. 92.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Criminal Code with regard to the trial of indictable offences.

First reading, February 5, 1908.

MR. GERVAIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 93.] **BILL.** [1907-8

An Act to amend the Criminal Code and punish homicide while hunting.

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

1. *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 273:— R. S., c. 146.

"**273A.** Every one is guilty of an indictable offence and liable to two years' imprisonment who injures by shooting any person although the person charged believed the object he was aiming at was a deer, moose, or other animal." Homicide while hunting.

No. 93.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Criminal Code and punish homicide while hunting.

First reading, February 6, 1908.

Mr. Lewis.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 95.] **BILL.** [1907-8

An Act to amend the Winding-up Act.

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

Powers of liquidator.

1. Unless otherwise ordered by the winding-up order, or by a subsequent order of a judge having jurisdiction to make the winding-up order, the liquidator shall, without the sanction or intervention of the court, have and exercise all the powers given to the liquidator, or the court, or the liquidator with the approval of the court, by section 21, subsection 1 of section 34, and sections 37, 77 and 82, of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906, and the execution by the liquidator of all deeds, receipts, agreements and other documents shall, without the approval of the court, have full force and effect and be binding upon the liquidator and upon the estate.

R.S., c. 144.

Application to court.

2. The liquidator may apply to the court for advice or approval where, in the opinion of the liquidator, such advice or approval is necessary or advisable.

Responsibility of liquidator.

3. The liquidator shall be responsible to the court for the proper exercise of the powers given by this section, in the same manner as the administrator or curator of an insolvent estate is responsible under the laws of the province in which the liquidation proceedings are being carried on.

No. 95.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Winding-up Act.

First reading, February 12, 1908.

MR. MACDONELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 96.] **BILL.** [1907-8

An Act to amend the Criminal Code with regard to conspiracy in restraint of trade.

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

1. Subsection 2 of section 498 of *The Criminal Code* is amended by adding thereto the following words:—"or to retail or wholesale merchants or employers for their own reasonable protection as such retail or wholesale merchants or employers." R.S., c. 146, s. 498, amended.

2. The said section 498 is further amended by adding thereto the following subsection:— S. 498 further amended.

"3. No prosecution shall be commenced under this section without the fiat of the Attorney General for the province in which the charge is laid." Prosecutions.

No. 96.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Criminal Code with regard to conspiracy in restraint of trade.

First reading, February 12, 1908.

MR. GERVAIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 97.] **BILL.** [1907-8

An Act respecting the hours of labour on Public Works.

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

Eight-hour day.

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

Stipulation in contracts.

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

Day labour.

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

No. 97.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the hours of labour on Public Works.

First reading, February 14, 1908.

MR. VERVILLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 99.] **BILL.** [1907-8

An Act to amend the Irrigation Act.

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

R.S., c. 61, s. 2 amended.

1. Section 2 of *The Irrigation Act* is amended by striking out the words "railways or factories" in the third line of paragraph (*k*) thereof and substituting therefor the words "agricultural machinery," and by adding at the end thereof the following paragraphs:—

"(*l*) "industrial purposes" means the working of railways or factories by steam, but shall not include the sale or barter of water for such purposes;

"(*m*) "Board" means the Board of Railway Commissioners for Canada."

Explanation.—Paragraph (*k*) of the interpretation section is amended so as to confine the term "domestic purposes" to what is more nearly its general and usual acceptation. "Agricultural machinery" is therefore substituted for "railways or factories." This change is rendered necessary by the fact that it is proposed to amend the Act by providing that any one obtaining a right to water for irrigation purposes shall be entitled to use such water for domestic purposes.

Paragraph (*l*) is added to cover the cases of railways and factories worked by steam in connection with which it is not considered advisable that a right to the sale of water should be given. These were previously covered by paragraph (*k*) and included in "domestic purposes."

Paragraph (*m*) is added, as an appeal is to be allowed to the Board of Railway Commissioners by subsequent provisions of the Act.

Section 6 amended.

2. Section 6 of the said Act is amended by inserting the word "spring" after the word "creek" in the second line of subsection 1 and in the second line of subsection 2 thereof.

Section 8 amended.

3. Section 8 of the said Act is amended by inserting the word "spring" after the word "creek" in the fifth line thereof.

Explanation.—Sections 6 and 8 detail the bodies of water to which the Act applies. "Spring" was not included in the list, and it has been contended that consequently the Act does not apply to springs. As it was intended that all natural sources of water supply should be covered by the Act, "spring" is now included.

Section 10 amended.

4. Section 10 of the said Act is amended by inserting the word "industrial" after the word "irrigation" in the second line of subsection 1 thereof, and by adding thereto the following subsection:—

"4. A licensee of water for irrigation purposes, or any person who has acquired from a licensee water for such purposes, shall be entitled to use such water for domestic purposes."

Explanation.—Section 10 ,which states the purposes for which rights to water may be acquired, is amended to include "industrial purposes" as defined in the new paragraph (*l*) of section 2. As water for household purposes, the watering of stock, and other domestic purposes will be required by an irrigator as much as for the irrigation of the land, it is considered advisable to state definitely his right to use the water for this purpose.

Section 11 amended.

5. Section 11 of the said Act is amended by inserting the words "or industrial" after the word "domestic" in the last line thereof.

Explanation.—Section 11, which provided for a riparian right to water required for domestic purposes, is amended by adding "industrial" purposes, as what are now to be designated "industrial" purposes, namely the working of railways and factories by steam, were previously covered by "domestic" purposes, and riparian rights in connection therewith are intended to be reserved by this section.

Section 15 amended.

6. Paragraph (*a*) of subsection 1 of section 15 of the said Act is repealed and the following is substituted therefor:—

"(*a*) permission in writing from the provincial, municipal or other authorities having jurisdiction in that behalf, to construct any canal, ditch, reservoir or other works referred to in the memorial upon, along, across or under any road allowance, or any public highway, square or other public place which may be affected by such works, or from the Board as hereinafter provided, if such permission can be obtained in advance of authorization;"

Explanation.—Section 15 at present provides for submitting to the "Commissioner" an application for right of way across road allowances and public highways. It was intended that this should refer to the Commissioner of Public Works for the Northwest Territories, and at the time this section was framed the interpretation section so defined "Commissioner." Under the interpretation clause as it now stands this designation can only refer to the Commissioner of Irrigation. Section 15 is therefore amended to provide that the permission from the provincial or municipal authorities, or from the Board, shall be filed with the Commissioner instead of an application for such permission. Such permission from the provincial authorities has always been required in the administration of the Irrigation Act.

New s. 20.

7. Section 20 of the said Act is repealed and the following is substituted therefor:—

Memorial and plans to be examined and approved.

"**20.** The memorial and plans filed with the Commissioner, as herein provided, shall be examined by the chief engineer, and, after they have been approved by him, one copy shall be forwarded for record purposes to the Department.

Minister may authorize construction.

"2. Upon receipt of such memorial and plans, properly approved, together with a certificate of the Commissioner that the proper notice of the filing of such memorial and plans has been published, and that, if such is the case, permission has been granted by the provincial, municipal or other authorities respectively having jurisdiction in that behalf, or by the Board as hereinafter provided, to construct the said works upon, along, across or under every road allowance, public highway, square or other public place affected thereby, and after considering all protests filed, the Minister may authorize the construction of the proposed works with such changes and variations as he deems necessary, fixing in such authorization a term within which the construction of the works is to be completed."

Explanation.—Section 20, subsection 2, makes the issue of the certificate of authorization for the construction of the works dependent on permission being obtained from the Commissioner to construct works across road allowances or surveyed public roads. The same question arises as in connection with section 15. Section 20 is therefore amended by making permission from the provincial or municipal authorities or the Board to cross roads or public places necessary before authorization is issued.

New sections.

8. The following sections are inserted in the said Act immediately after section 20:—

Minister's authorization before permission is obtained to cross roads.

"**20A.** If, as respects any such road allowance, public highway, square or other public place, the permission of the provincial, municipal or other authorities, or the order of the

Board, cannot be obtained until the works are authorized, the Minister may authorize their construction subject to the condition that before the works are constructed upon, along, across or under such road allowance, public highway, square or other public place, the requisite permission shall have been obtained and filed with the Commissioner and the Commissioner shall have so certified to the Minister."

Explanation.—The Commissioner of Irrigation reports that in some cases the provincial authorities have refused to grant permission to cross roads until works are authorized. Section 20A is therefore added to provide for authorization being issued in such or similar cases subject to permission being obtained before construction is carried across roads.

Crossing of irrigation works by roads.

"**20**B. If the provincial, municipal or other authorities having jurisdiction, authority or control over any public highway desire to construct such highway over or across the works of any company and cannot obtain the consent of the company so to do, or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to them, they may apply to the Board for leave to construct, maintain and operate such highway over or across such works.

"2. Upon such application the authorities so applying shall submit to the Board a plan of the works of the company at the point where it is desired to make such crossing and a plan or plans showing the proposed method of constructing the highway over or across the works, and such other plans, drawings and specifications as the Board in any case or by regulation requires.

"3. The Board may, by order, grant such application in whole or in part on such terms and conditions as it deems just and proper, subject to the provisions of this Act; may change the plans, drawings and specifications submitted; may fix the place and mode of crossing and give directions as to the manner in which the crossing is to be constructed; and may order that detailed plans, drawings and specifications of any structures, equipment or appliances required shall before construction or erection be submitted to and approved by the Board.

"4. Upon such order being made, the authorities so applying may exercise the powers granted by the order in accordance with the terms, provisions and conditions thereby prescribed."

Explanation.—Section 20B is added to provide that if the provincial or municipal authorities wish to construct roads or streets across irrigation works and cannot obtain the consent of the owners or cannot obtain such consent on acceptable terms, they may apply to the Board of Railway Commissioners for authority to cross, and the Board may order such crossing on such terms and conditions as it deems proper *subject to the provisions of the Irrigation Act.* This will provide for crossings required in case of establishment of new municipalities or the extension of old ones. The words "subject to the provisions of the Irrigation Act" will make the terms and conditions subject to section 20E, which provides that bridges and approaches thereto necessary for such crossings at road allowances shall be constructed and maintained by the company owning the works.

Application to Board to cross roads.

"**20**C. If the applicant cannot obtain the consent of the provincial, municipal or other authorities having jurisdiction, authority or control over any road allowance, public highway, square or other public place affected by its works, or cannot obtain such consent otherwise than subject to conditions not acceptable to the applicant, the applicant may apply to the Board for leave to construct, maintain and operate the said works upon, along, across or under such road allowance, public highway, square or other public place.

"2. Upon such application the applicant shall submit to the Board a plan of such road allowance, public highway, square,

or public place at the point where it is desired to construct such works upon, along, across or under the same, and such other plans, drawings and specifications as the Board in any case or by regulation requires.

"3. The Board may, by order, grant such application in whole or in part on such terms and conditions as it deems just and proper; may change the plans, drawings and specifications submitted; may fix the place and mode of crossing and give directions as to the manner in which the crossing is to be constructed; and may order that detailed plans, drawings and specifications of any structures, equipment or appliances required shall before construction or erection be submitted to and approved by the Chief Engineer.

"4. Upon such order being made the applicant may exercise the powers granted by the order in accordance with the terms, provisions and conditions thereby prescribed."

Explanation.—Section 20c provides for an application to the Board of Railway Commissioners in case an applicant to construct irrigation works cannot obtain right of way across roads, streets, etc., or cannot obtain it on acceptable terms, and gives the Board authority to grant such application on such conditions as it deems just and proper. The Board may order that plans, etc., be submitted to and approved by the Chief Engineer who is the officer in that position in the office of the Commissioner of Irrigation who has supervision of all irrigation works.

Powers of Board.

"**20**D. All the applicable provisions of *The Railway Act* shall, *mutatis mutandis*, apply to the Board in the exercise of the jurisdiction conferred by this Act and to all persons concerned and all things affected by such exercise."

Explanation.—This section is necessary as the Board requires the authority in dealing with irrigation matters that it has in matters respecting railways.

Crossings of road allowances.

"**20**E. When an order is made by the Board as hereinbefore provided granting leave to construct, maintain and operate a public highway over or across the works of any company at a point where such works are crossed by a road allowance laid out according to the system of survey provided for by the *Dominion Lands Surveys Act*, the bridges and approaches thereto necessary for such crossing shall be constructed and maintained by the company.

Existing companies.

9. Section 20E shall not apply to any company as respects any works for the construction of which it has obtained authorization before this Act comes into force.

Explanation.—Road allowances are a right vested in the public by the Dominion land system of survey prior to the construction of irrigation ditches, therefore companies constructing such ditches will be required to construct and maintain the bridges at points where their ditches are crossed by road allowances and a crossing is ordered by the Board. This provision will not apply to companies already authorized.

New section.

10. The said Act is amended by inserting the following section immediately after section 29:—

Lands for connecting works.

"**29**A. Lands required by any person for works to be constructed to connect with and to obtain and carry water from works already authorized, plans of which have been filed as required under the provisions of this Act, may be taken and acquired by the said person under the provisions of section 29 of this Act upon his filing with the Commissioner a memorial and plans of the connecting works, together with evidence in writing that the owner of the works already authorized has consented to water being diverted therefrom by means

of such connecting works, and obtaining thereupon the authorization of the Minister for the construction of such connecting works."

Explanation.—Companies as a rule construct only main canals and laterals. Consumers construct the subsidiary ditches to carry water to their own lands. For such ditches a right of expropriation is required the same as for ditches constructed by those holding an authorization from the Minister, and similar procedure is provided for acquiring the right.

Sec. 49 amended.

11. Section 49 of the said Act is amended by adding the following subsections:—

Agreements with consumers.

"3. No agreement for the supply of water to consumers by companies operating under this Act shall contain anything contrary to the true intent and meaning of this Act, nor shall any such agreement become effective unless the general form thereof and the conditions contained therein have been first authorized or approved by the Minister.

Filing of by-laws, tariffs, and agreements.

"4. Copies of all such by-laws, regulations, agreements and tariffs shall be filed in the office of the Commissioner and in the Department."

Explanation.—This section is required to make clear that all forms of agreement for the sale of water by companies must be approved by the Minister and that copies of by-laws, regulations, tariffs and agreements must be filed with the Commissioner of Irrigation and in the Department.

Section 60 amended.

12. Section 60 of the said Act is amended by striking out the words "lake and other waters" in the second line, and substituting therefor the words "watercourse, lake, creek, spring, ravine, cañon, lagoon, swamp, marsh or other body of water."

Explanation.—The insertion of the additional sources of water supply is necessary in order to bring this section into harmony with sections 6 and 8, and it is considered advisable to adopt the wording of those sections instead of the term "other waters" as used in the present Act.

Application of provincial laws respecting drainage.

13. Notwithstanding anything in this Act contained, the Minister may, upon the application of the proper officer of the province, approve of the construction of any ditch or drain proposed to be constructed under the authority of an Act providing for the drainage of lands, enacted by the legislature of any province to which *The Irrigation Act* applies.

Report by Commissioner.

2. Before such approval is given there shall be filed in the office of the Commissioner plans in duplicate showing the tract of land which it is proposed to drain, and the nature and location of the proposed ditch or drain, and the Commissioner shall report to the Minister, setting forth—

(*a*) the effect of the operation of such ditch or drain upon the effectiveness or operation of any works theretofore authorized under the said provincial Act;

(*b*) the effect of such operation upon irrigation generally and its future development; and

(*c*) his own opinion as to the merits of the application.

Approval of Minister.

3. When such approval has been given by the Minister in writing, such ditch or drain may be constructed and operated under the provisions of the provincial Act, notwithstanding anything in this Act contained; and no further or other license to use or affect such waters as are used or affected by its construction and operation shall be necessary.

Rights saved.

4. Nothing in this section or in any such approval shall affect any right which has heretofore been acquired under *The Irrigation Act* and is still subsisting.

Explanation.—This section is submitted in accordance with requests made by the provincial governments. Matters relating to the drainage of land are under the control of the provinces; but under the provisions of *The Irrigation Act* no body of water in the tracts coming within its purview can be interfered with except by authority obtained under it. The provincial authorities consider that the proceedings required by this Act, as it now stands, to obtain the right to drain lands are too cumbersome and are wholly unnecessary in districts where irrigation is not practised and where the removal of any standing body of water would not affect any irrigation schemes. They have, therefore, asked that the procedure for acquiring the right to drain lands under *The Irrigation Act* by the provincial authorities should be simplified. The intention is that the approval of projects should be given under this amendment only in cases where the drainage of the body of water will not affect irrigation works authorized and in existence or the future development of irrigation.

No. 99.

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act to amend the Irrigati

First reading, February 18,

MR. C

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent M
1907-8

(From the Department of the Interior.)

MEMORANDUM.

To accompany Bill 99, intituled "An Act to amend the Irrigation Act."

Sections of the Act to be amended	*Sections amended as proposed.*
SECTION 2.	SECTION 2.
(*k*) "domestic purposes" means household and sanitary purposes and all purposes connected with the watering of stock and the working of *railways or factories* by steam, but shall not include the the sale or barter of water for such purposes	(*k*) "domestic purposes" means household and sanitary purposes, and all purposes connected with the watering of stock and the working of *agricultural machinery* by steam, but shall not include the sale or barter of water for such purposes. (*l*) *"Industrial purposes" means the working of railways or factories by steam, but shall not include the sale or barter of water for such purposes.* (*m*) *"Board" means the Board of Railway Commissioners for Canada.*
SECTION 6.	SECTION 6.
The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown, unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established. 2. No person shall divert or use any water from any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water, otherwise than under the provisions of this Act except in the exercise of a legal right existing at the time of such diversion or use.	The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, *spring*, ravine, cañon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown, unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established. 2. No person shall divert or use any water from any river, stream, watercourse, lake, creek, *spring*, ravine, cañon, lagoon swamp, marsh or other body of water, otherwise than under the provisions of this Act except in the exercise of a legal right existing at the time of such diversion or use.
SECTION 8	SECTION 8.
Unless acquired by a grant made in pursuance of some agreement or undertaking existing on the thirteenth day of June, one thousand eight hundred and ninety-eight, no right to the permanent diversion or to the exclusive use of the water in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water shall be acquired by any riparian owner or any other person by length of use or otherwise than as it may be acquired or conferred under the provisions of this Act.	Unless acquired by a grant made in pursuance of some agreement or undertaking existing on the thirteenth day of June, one thousand eight hundred and niney-eight, no right to the permanent diversion or to the exclusive use of the water in any river, stream, watercourse, lake, creek, *spring*, ravine, cañon, lagoon, swamp, marsh or other body of water shall be acquired by any riparian owner or any other person by length of use or otherwise than as it may be acquired or conferred under the provisions of this Act.

No. 99.

SECTION 10.

Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation,or other purposes, upon application therefor as hereinafter provided.

2. All applications shall be made in accordance with the provisions of this Act.

3. Such applications shall have precedence according to the respective dates of their filing with the Commissioner.

SECTION 10.

Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation, *industrial* or other purposes, upon application therefor as hereinafter provided.

2. All applications shall be made in accordance with the provisions of this Act.

3. Such applications shall have precedence according to the respective dates of their filing with the Commissioner.

4. *A licensee of water for irrigation purposes, or any person who has acquired from a licensee water for such purposes, shall be entitled to use such water for domestic purposes.*

SECTION 11.

No application for any purpose shall be be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes.

SECTION 11.

No application for any purpose shall be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic *or industrial* purposes.

SECTION 15.

Every such applicant shall also file with the Commissioner,—

(*a*) *An application on forms provided by the Commissioner, for the right* to construct any canal, ditch, reservoir or other works referred to in the memorial, across any road allowance or *surveyed* public highway, which may be affected by such works;

SECTION 15.

Every such applicant shall also file with the Commissioner,—

(*a*) *Permission in writing from the provincial, municipal or other authorities having jurisdiction in that behalf,* to construct any canal, ditch, reservoir or other works referred to in the memorial *upon, along,* across *or under* any road allowance, *or any public highway, square or other public place* which may be affected by such works, *or from the Board as hereinafter provided, if such permission cannot be obtained in advance of authorization;*

SECTION 20.

The memorial and plans filed with the Commissioner, as herein provided, shall be examined by the chief engineer, and after they have been approved by him one copy shall be forwarded for record purposes *in* the Department.

2. Upon receipt of such memorial and plans, properly approved, together with a certificate that the proper notice of the filing of such memorial and plans has been published, and that permission has been granted *by the Commissioner* to construct the works across road allowances or surveyed public roads affected thereby, and after considering all protests filed, the Minister may authorize the construction of the proposed works, with such changes and variations as he deems necessary, fixing in such authorization a term within which the construction of the works is to be completed.

SECTION 20.

Section 20 of the said Act is hereby repealed and in lieu thereof it is enacted as follows:—

The memorial and plans filed with the Commissioner, as herein provided, shall be examined by the chief engineer, and, after they have been approved by him, one copy shall be forwarded for record purposes *to* the Department.

2. Upon receipt of such memorial and plans, properly approved, together with a certificate *of the Commissioner* that the proper notice of the filing of such memorial and plans has been published and that, *if such is the case,* permission has been granted by the *provincial, municipal or other authorities having jurisdiction in that behalf or by the Board as hereinafter provided,* to construct the *said* works *upon, along* across *or under every* road allowance, *public highway, square or other public place* affected thereby, and after considering all protests filed, the Minister may authorize the construction of the proposed works, with such changes and variations as he deems necessary, fixing in such authorization a term within which the construction of the works is to be completed.

Clause 8 of the Bill.

20A. *If, as respects any such road allowance, public highway, square or other public place, the permission of the provincial, municipal or other authorities or the order of the Board cannot be obtained until the works are authorized, the Minister may authorize their construction subject to the condition that before the works are constructed upon, along, across or under such road allowance, public highway, square or other public place, the requisite permission shall have been obtained and filed with the Commissioner and the Commissioner shall have so certified to the Minister.*

20B. *If the provincial, municipal or other authorities having jurisdiction, authority or control over any public highway desire to construct such highway over or across the works of any company and cannot obtain the consent of the company so to do or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to them, they may apply to the Board for leave to construct, maintain and operate such highway over or across such works.*

2. *Upon such application the authorities so applying shall submit to the Board a plan of the works of the company at the point where it is desired to make such crossing and a plan or plans showing the proposed method of constructing the highway over or across the works and such other plans, drawings and specifications as the Board in any case or by regulation requires.*

3. *The Board may,by order,grant such application in whole or in part on such terms and conditions as it deems just and proper, subject to the provisions of this Act; may change the plans, drawings and specifications submitted; may fix the place and mode of crossing and give directions as to the manner in which the crossing is to be constructed; and may order that detailed plans, drawings and specifications of any structures, equipment or appliances required shall, before construction or erection, be submitted to and approved by the Board.*

4. *Upon such order being made the authorities so applying may exercise the powers granted by the order in accordance with the terms, provisions and conditions thereby prescribed.*

20C. *If the applicant cannot obtain the consent of the provincial, municipal or other authorities having jurisdiction, authority or control over any road allowance, public highway, square or other public place affected by its works, or cannot obtain such consent otherwise than subject to conditions not acceptable to the applicant, the applicant may apply to the Board for leave to construct, maintain and operate the said works upon, along, across or under such road allowance, public highway, square or other public place.*

2. *Upon such application the applicant shall submit to the Board a plan of such road allowance, public highway, square or public place at the point where it is desired to construct such works upon, along, across or under the same, and such other plans, drawings and specifications as the Board in any case or by regulation requires.*

3. *The Board may,by order,grant such application in whole or in part on such terms and conditions as it deems just and proper; may change the plans, drawings and specifications submitted; may fix the place and mode of crossing and give directions as to the manner in which*

Clause 8 of the Bill.—*Continued.*

the crossing is to be constructed; and may order that detailed plans, drawings and specifications of any structures, equipment or appliances required shall, before construction or erection be submitted to and approved by the Chief Engineer.

4. Upon such order being made the applicant may exercise the powers granted by the order in accordance with the terms, provisions and conditions thereby prescribed.

SECTION 49.

The by-laws and regulations of companies operating under this Act shall be subject to revision and approval by the Minister and shall not contain anything contrary to the true intent and meaning of this Act

2. No tariff of charges for water furnished by any licensee shall come into operation until it has been approved by the Minister.

SECTION 49.

The by-laws and regulations of companies operating under this Act shall be subject to revision and approval by the Minister and shall not contain anything contrary to the true intent and meaning of this Act.

2. No tariff of charges for water furnished by any licensee shall come into operation until it has been approved by the Minister.

3. No agreement for the supply of water to consumers by companies operating under this Act shall contain anything contrary to the true intent and meaning of this Act, nor shall any such agreement become effective unless the general form thereof and the conditions contained therein have been first authorized or approved by the Minister.

4. Copies of all such by-laws, regulations, agreements and tariffs shall be filed in the office of the Commissioner and in the Department.

SECTION 60.

Every person who, wilfully without authority,takes or diverts any water from any river, stream, lake *or other waters* or from any works authorized under this Act, and every licensee or other person who takes or diverts therefrom any greater quantity of water than he is entitled to, is guilty of an offence, and liable upon conviction, either summary or upon indictment, to a fine not exceeding five dollars per day or fraction of a day for each unit or fraction of a unit of water improperly diverted, or to imprisonment for a term not exceeding thirty days, or to both.

SECTION 60.

Every person who, wilfully without authority takes or diverts any water from any river, stream, *watercourse*, lake, *creek, spring, ravine, canon, lagoon, swamp, marsh or other body of water* or from any works authorized under this Act, and every licensee or other person who takes or diverts thereupon any greater quantity of water than he is entitled to, is guilty of an offence, and liable, upon conviction, either summary or upon indictment, to a fine not exceeding five dollars per day or fraction of a day for each unit or fraction of a unit of water improperly diverted or to imprisonment for a term not exceeding thirty days, or to both.

New Section respecting Drainage Works.

Clause 13 of the Bill.

Notwithstanding anything in this Act contained, the Minister may, upon the application of the proper officer of the province, approve of the construction of any ditch or drain proposed to be constructed under the authority of an Act providing for the drainage of lands, enacted by the legislature of any province to which the Irrigation Act applies.

2. Before any such approval is given, there shall be filed in the office of the Commissioner plans in duplicate showing the tract of land which it is proposed to drain, and the nature and location of the proposed ditch or drain, and the Commissioner shall report to the Minister, setting forth:—

(a) the effect of the operation of such ditch or drain upon the effectiveness or operation of any works theretofore authorized under the said provincial Act,

(b) the effect of such operation upon irrigation generally and its future development; and

(c) his own opinion as to the merits of the application.

3. When such approval has been given by the Minister in writing, such ditch or drain may be constructed and operated under the provisions of the provincial Act, notwithstanding anything in this Act contained; and no further or other license to use or affect such waters as are used or affected by its construction and operation shall be necessary.

4. Nothing in this section or in any such approval shall affect any right which has heretofore been acquired under the Irrigation Act and is still subsisting.

No. 100.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. Section 259 of *The Railway Act* is amended by inserting after the words "such construction," in the fourth line, the words "and all workmen, day laborers, or other persons employed by the said company in the operation of its railway." R. S., c. 37, s. 259 amended.

2. The said section is further amended by adding thereto the following subsection:— Payment of wages.

"3. No company shall, at any time during the period of the engagement of any workman, day labourer, or employee, by the company, when paying his wages, withhold the whole or any part thereof for any reason; and such wages shall be paid at intervals of not more than two weeks."

3. This Act shall apply to all arrears due at the time of the coming into force of this Act. Arrears of wages.

No. 100.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, February 18, 1908.

MR. MARTIN.
(St. Mary's.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 101.] **BILL.** [1907-8

An Act respecting the Fort William Terminal Railway and Bridge Company.

WHEREAS the Fort William Terminal Railway and 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 His Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:— 1906, c. 97.

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

No. 101.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Fort William Terminal Railway and Bridge Company.

First reading, February 20, 1908.

(PRIVATE BILL.)

Mr. MacPherson.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 101.] **BILL.** [1907-8

An Act respecting the Fort William Terminal Railway and Bridge Company.

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

WHEREAS the Fort William Terminal Railway and 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 His Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:— 1906, c. 97.

Time for construction.

1. The Fort William Terminal Railway and Bridge Company, hereinafter called "the Company," may commence the construction of its railway and bridges and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railway and bridges and put them in operation within five years after the passing of this Act; and if the said railway and bridges are not so commenced and such expenditure is not so made, or if the said railway and bridges are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway and bridges as then remains uncompleted.

Change in location of line.

2. Notwithstanding section 8 of the Company's Act of incorporation, chapter 97 of the statutes of 1906, and notwithstanding any plans, profiles, and books of reference heretofore sanctioned by the board of Railway Commissioners for Canada, the Board may order and sanction deviations with respect to the location of the Company's line of railway on the islands referred to in the said section.

Acquisition of rights and abolition of tolls by city of Fort William.

3. The corporation of the city of Fort William may at any time or from time to time, upon such terms and for such consideration as are agreed upon between the city and the Company, acquire the use of the facilities for pedestrian, vehicular, and street car traffic afforded by the bridges authorized by the said Act of incorporation, or any one or more of them, for the purpose of making such facilities free of tolls with respect to such traffic; and in the event of the city and the Company being unable to agree upon the consideration to be paid or given, or upon the terms upon which the use of such facilities are to be acquired and used, these matters shall be settled and determined by the Board of Railway Commissioners for Canada.

Manner of expenditure of 15 per cent.

4. The fifteen per cent of the amount of the Company's capital stock to be expended within two years of the passing of this Act, as provided in section 1 hereof, shall be expended upon the foundations and substructure of the bridge over the Kaministiquia River; and any portion thereof not required for such purposes shall be expended upon the other parts of the said bridge; and such expenditure shall be deemed to be with respect to, and a commencement of both the railway and the bridges, within the meaning of section 1 hereof.

No. 101.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Fort William Terminal Railway and Bridge Company.

(Reprinted as amended and reported by the Railway Committee.)

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 102.] **BILL.** [1907-8

An Act to amend the Winding-up Act.

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

1. Paragraph (*c*) of section 102 of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906, is repealed and the following paragraphs are substituted therefor:— R.S., c. 144, s. 102 amended.

"(*c*) in Manitoba to the Court of Appeal for Manitoba;

"(*d*) in any of the other provinces or the Yukon Territory, to a superior court *in banc*."

No. 102.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Winding-up Act.

First reading, February 20, 1908.

MR. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 105.] **BILL.** [1907-8

An Act to regulate the placing and maintaining of booms in international streams.

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

License to place boom in international stream.

1. No sheer boom or other boom shall be attached to the Canadian shore or bank of, or placed or maintained in the bed of, any international river or stream on the Canadian side of the middle thread of the main channel of such river or stream in any part thereof where it forms the line of boundary between Canada and any state of the United States of America, unless the site of such boom and the attaching and placing thereof have been first approved and licensed by the Minister of Public Works.

Conditions of license.

2. All licenses granted under the provisions of this Act shall be upon such terms and conditions, and subject to such restrictions and limitations, and shall continue for such time as the said Minister deems expedient.

Penalty for placing boom without license.

3. Every person who, without first having obtained a license in that behalf under the foregoing provisions of this Act, attaches a sheer boom or other boom to the Canadian shore or bank of, or places or maintains any such boom in the bed of, any international river or stream on the Canadian side of the middle thread of the main channel of such river or stream in any part thereof where it forms the line of boundary between Canada and any state of the United States of America, shall, on summary conviction, be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars for each and every day that such sheer boom or other boom is so attached, placed or maintained.

No. 105.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to regulate the placing and maintaining of booms in international streams.

First reading, February 24, 1908.

MR. PUGSLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 106.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. Section 270 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 37, s. 270, amended.

"**270.** All regular trains shall be started and run at regular hours, fixed by public notice; and the company shall incur a penalty not exceeding five dollars for each minute's delay, and shall also be liable for all damages caused by such delay, unless the company proves that the delay was unavoidable." Regularity in running trains.

No. 106.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, February 24, 1908.

MR. LAVERGNE,
(Montmagny).

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 109.] **BILL.** [1907-8

An Act to authorize a bounty to Volunteers who served the Crown in South Africa.

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

Short title.

1. This Act may be cited as *The Volunteer Bounty Act, 1908.*

Application of Act.

2. This Act shall apply only to such volunteers as were at the time of their enlistment for military service in South Africa, under Her late Majesty Queen Victoria, during the years 1899, 1900, 1901 or 1902, resident or domiciled in the province of Manitoba, or in the provisional district of Assiniboia, Saskatchewan or Alberta, or in the Yukon Territory.

Grants of land authorized.

3. The Governor in Council may grant to every such volunteer two adjoining quarter-sections of Dominion lands, available for homestead entry, subject to the conditions herein specified.

Conditions.

4. Every such grant shall be subject to the conditions that the grantee, or his substitute duly qualified in that behalf as provided in the next succeeding section, shall select and enter for the said two quarter-sections in the Dominion lands office for the land district in which they are situated on or before the thirty-first day of December, nineteen hundred and ten; that he shall perfect his entry by commencing actually to reside upon and cultivate the land within six months after the said day; and that he shall thereafter reside upon and cultivate the land for the period, and in accordance with the terms and conditions, prescribed by the homestead provisions of *The Dominion Lands Act.*

Substitutes.

5. No person shall be accepted as a substitute unless he is a British subject, of the age of twenty-one years, and until he has filed in the Department of the Interior, at Ottawa, an instrument executed in his favour by the grantee, in the form A in the schedule to this Act, the execution of which has been duly proved by an affidavit, in the form B in the said schedule, to be made by a subscribing witness to the execution of such instrument, before some one authorized to administer an oath under the provisions of section 25 of *The Interpretation Act.*

2. In the case of a substitute the land shall be entered, and the patent therefor shall issue, in his name.

Scrip may be granted instead of land.

6. Any person entitled, under the foregoing provisions, to select and enter for, either by himself or by his substitute, land as a homestead, may, in lieu thereof, if he or his substitute so chooses, receive scrip for one hundred and sixty dollars, which shall be received from the bearer at its face value in payment of any Dominion lands open for sale: Provided that any person choosing to take scrip shall notify the Minister of the Interior of his choice on or before the thirty-first day of December, nineteen hundred and nine.

Provisions as to grant of land or scrip.

7. Every grant of land or scrip under this Act shall be made by the Minister of the Interior, upon a warrant issued in favour of the volunteer entitled thereto, by the Minister of Militia and Defence, which shall be recorded in the Department of the Interior, under section 94 of *The Dominion Lands Act;* and all scrip issued under section 6 of this Act shall be subject in all respects to the provisions of sections 94, 96, 97 and 98 of *The Dominion Lands Act.*

Patents free of charge.

8. The entries made and the patents issued under this Act shall be exempt from all fees and charges exacted in the case of an ordinary homestead entry.

SCHEDULE.

Form A.

Know all men by these presents: That I (*give name, present address and occupation, and name of corps in which volunteer served*) do hereby make, constitute and appoint (*give name of attorney or substitute*), of (*give his residence and occupation*), my true and lawful attorney and substitute to exercise the right and option conferred upon me by *The Volunteer Bounty Act, 1908,* whereby I am entitled to select either a land grant or scrip for one hundred and sixty dollars in lieu thereof; and also, as such attorney and substitute, to claim and receive such land grant or scrip; and generally to do all acts and things in the premises which I myself may or might lawfully do: And I do hereby agree to allow, ratify and confirm whatsoever my said attorney and substitute shall do or cause to be done by virtue of these presents.

In witness whereof, I have hereunto set my hand and seal at , in , this day of , 19 .

Signed, sealed and delivered in the presence of

FORM B.

..... }
To wit. }

I (*name of witness*), of (*place of residence and occupation of witness*), make oath and say:—

1. That I was personally present and did see the within instrument duly signed, sealed and executed by (*name of the volunteer*), the party thereto;
2. That the said instrument was executed at (*name of place where executed*);
3. That I know the said party; and
4. That I am a subscribing witness to the said instrument.

Sworn before me at, etc. }

No 109.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to authorize a bounty to Volunteers who served the Crown in South Africa.

First reading, February 26, 1908.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 111.] **BILL.** [1907-8

An Act respecting the Canadian Battlefields at Quebec.

Preamble.

WHEREAS it is desirable in the public interest of Canada to acquire and preserve the great historic battlefields at Quebec, restoring so far as possible their principal features, so as to make them a Canadian National Park: Whereas considerable portions of these grounds are already vested in His Majesty for the military or other public purposes of Canada: Whereas it is anticipated that, in addition to the appropriation of public moneys of Canada hereby authorized, the various provincial governments, as well as municipal or other bodies, and many private individuals, will contribute generously to the aforesaid project: And whereas it is expedient to provide for the constitution of a commission for the acquisition, management and control, subject to the provisions of this Act, of the said battlefields and the moneys contributed for the said purposes: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, therefore, enacts as follows:—

Constitution of commission.

1. The Governor in Council may appoint five commissioners, who shall hold office during the pleasure of the Governor in Council, and who, with any additional commissioners who may be appointed under the authority of this Act, shall be a body politic and corporate, under the name of "

".

2. The Government of any province which contributes a sum not less than one hundred thousand dollars to the purposes of the commission shall be entitled to appoint a commissioner, and such commissioner shall hold office during the pleasure of the Government of the province.

3. If the Government of the United Kingdom, or of any self-governing colony of the Empire, contributes a sum not less than one hundred thousand dollars to the purposes of the commission, such Government shall be entitled to appoint a commissioner, and such commissioner shall hold office during the pleasure of the Government which appoints him.

Chairman.

2. The Governor in Council shall name one of the commissioners appointed by the Governor in Council to be chairman of the commission, and he shall hold office as such chairman during pleasure.

Secretary.

3. The Governor in Council shall appoint a competent person to be secretary of the commission, who shall hold office during

pleasure, and receive such salary as is fixed by the Governor in Council and provided by Parliament.

xpenses f commission.

4. The commissioners, including the chairman, shall serve without remuneration, but shall be entitled to receive their actual disbursements for expenses necessarily incurred by them in the discharge of their powers or duties under this Act.

Powers as to battlefields.

5. The commission may purchase, acquire and hold the lands or immoveable property in the city of Quebec, or in the vicinity thereof, where the great battles were fought, or which were occupied by the various commands of the respective armies upon the battlefields.

Expropriation.

6. If the commission is unable to agree with the owner of any lands or immoveable property, or any part thereof or interest therein, so authorized to be purchased or acquired, as to the purchase, acquisition or transfer thereof, or the price to be paid therefor, the commission may acquire such lands or immoveable property or interest without the consent of the owner, and shall in such cases, for all purposes of the taking, acquiring, ascertaining the value of, and making compensation for the said lands or immoveable property, have all the powers of a railway company subject to *The Railway Act*, relative to the taking and using of lands, and the compensation and damages therefor, and *The Railway Act* shall, *mutatis mutandis* and in so far as applicable, apply to the taking and acquiring of, and the ascertaining and payment of the compensation and damages for, such lands or immoveable property by the commission.

Powers of Commission.

7. The commission may,—

Expenditure of moneys.

(*a*) receive and expend any moneys, whether appropriated by Parliament or the legislatures or contributed by any municipal or other body or private individual, for the purposes authorized by this Act;

Buildings, monuments, etc.

(*b*) remove all buildings and other structures upon the lands taken or acquired, and erect a museum and such monuments and statues or other works as seem fitting or appropriate; and,

National park.

(*c*) lay out and construct on or through the said lands such avenues, drives or paths, gardens, squares or other works as are, in the opinion of the commission, desirable for the improvement of the grounds and the conversion thereof into a national park of a character to commemorate worthily the great events which happened there.

Payment of $300,000 authorized.

8. The Minister of Finance is authorized to pay to the commission, out of the Consolidated Revenue Fund of Canada, for the purposes authorized by this Act, the sum of three hundred thousand dollars.

Appropriation of public lands.

9. The Governor in Council is authorized to appropriate for the purposes of the commission all the lands or immoveable property now vested in His Majesty for the military or other

public purposes of Canada and forming part of the aforesaid battlefields.

Powers to be exercised subject to approval of Governor in Council.

10. No land or immoveable property shall be purchased or acquired by the commission except with the previous authority of the Governor in Council, and no expenditure shall be made by the commission until it has been approved by the Governor in Council.

Plans to be submitted to Governor in Council.

2. The commission shall, before entering upon any work of improvement or construction, or any other work involving the expenditure of money, upon the lands taken or acquired under the authority of this Act, cause to be prepared plans of the proposed works showing locations, and submit the said plans for the approval of the Governor in Council, and the commission shall furnish such further descriptions or information to the Governor in Council as are required; and no such works shall be proceeded with until approved by the Governor in Council; and in like manner plans of the museum or any building to be erected within the park shall be subject, before the commencement of the work of building, to the approval of the Governor in Council.

Estimates of expenditure to be submitted.

11. The commission shall from time to time, and before making expenditures under this Act, submit to the Minister of Finance detailed estimates of the expenditures proposed to be made, accompanied by information sufficient to enable the Governor in Council to determine as to the necessity or advisability of the proposed expenditures and every portion thereof.

Annual statements.

12. The commission shall render to the Minister of Finance, on or before the first day of June in each year, detailed statements of all its receipts and expenditures up to the thirty-first day of March in that year; and copies of such statements shall be laid before Parliament by the Minister of Finance within the first fourteen days of the next following session.

Accounts and inspection.

13. The commission shall, whenever required by the Minister of Finance, render detailed accounts of its receipts and expenditures for such period or to such date as he names; 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, or of any person authorized by him.

Audit of accounts.

14. All accounts, receipts and expenditures of the commission shall be subject to the audit of the Auditor General as in the case of public moneys, and subject to the provisions, so far as applicable, of *The Consolidated Revenue and Audit Act*.

Commissioners and secretary not to be interested in contracts.

15. No member of the commission shall have, nor shall the secretary have, any contract with the commission, or be pecuniarily interested, directly or indirectly, in any contract or work with regard to which any portion of the moneys at the credit of the commission is being or is to be expended.

Celebration of tercentenary of founding of Quebec.

16. Whereas the present year not only will, it is hoped, mark the setting apart of the battlefields as herein authorized, but is also the tercentenary of the founding of the city of Quebec and the establishment of French government and civilization upon the shores of the St. Lawrence by Samuel de Champlain, and it is desirable that these events be appropriately commemorated: Be it therefore enacted that the commission may, under the authority and direction of the Governor in Council, arrange for and carry out at a convenient time a celebration, in every respect worthy and fit, of the tercentenary of the founding of Quebec by Champlain, and the dedication of the battlefields to the general public purposes of Canada as provided by this Act; and that the commission may, subject to the sanction and approval of the Governor in Council, expend and lay out, for the purposes of the said celebration, such portion of the sum of three hundred thousand dollars hereinbefore appropriated as is authorized by the commission subject to such sanction and approval.

No 111.

4th Session, 10th Parliament, 7-8 Edward VII.,

BILL.

An Act respecting the Canadian B
fields at Quebec.

First reading, February 27, 1908

SIR WILFRID LAURI

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majest
1907-8

No. 112.] **BILL.** [1907-8

An Act to amend the Railway Act as respects the constitution of the Board of Railway Commissioners.

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

1. Subsection 1 of section 10 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is repealed and the following subsection is substituted therefor:— R.S., c. 37, s. 10 amended.

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

2. Subsection 5 of the said section 10 is repealed and the following is substituted therefor:— S. 10 further amended.

"5. One of such commissioners shall be appointed by the Governor in Council, chief commissioner, and another of them assistant chief commissioner of the Board. Chief commissioner and assistant chief commissioner.

"(*a*) Any person may be appointed chief commissioner or assistant chief commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province.

"(*b*) The chief commissioner shall be entitled to hold the office of chief commissioner, and the assistant chief commissioner the office of assistant chief commissioner or that of chief commissioner, so long as they respectively continue to be members of the Board.

"(*c*) The assistant chief commissioner shall have all the powers of the chief commissioner."

3. Section 12 of the said Act is repealed and the following is substituted therefor:— New section 12.

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

"2. Whenever the deputy chief commissioner appears to have acted for or instead of the chief commissioner, it shall Presumption.

be conclusively presumed that he so acted in the absence or disability of the chief commissioner and of the assistant chief commissioner within the meaning of this section."

Section 13 amended.

4. Subsection 2 of section 13 of the said Act is repealed and the following is substituted therefor:—

Presiding officer.

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

Questions of law.

New section.

5. The said Act is amended by inserting the following section immediately after section 19:—

Sittings of Board.

"**19A.** The Board may hold more than one sitting at the same time."

Section 18 amended.

6. Section 18 of the said Act is amended by adding thereto the following subsection:—

Offices elsewhere than in Ottawa.

' 2. The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment."

Section 35 amended.

7. Subsection 1 of section 35 of the said Act is repealed and the following is substituted therefor:—

Salaries of commissioners.

"**35.** The chief commissioner shall be paid an annual salary of ten thousand dollars, the assistant chief commissioner an annual salary of nine thousand dollars, and each of the other commissioners an annual salary of eight thousand dollars."

New section.

8. The said Act is amended by inserting the following section immediately after section 41:—

Service on agent of company at Ottawa.

"**41A.** There shall be kept in the office of the secretary of the Board a book, to be called the agents' book, in which every railway company to which this Act in whole or in part applies shall enter its name and the place of its head office and the name of an agent at Ottawa and his place of business or some other proper place within Ottawa where he may be served for the company with any notice, summons, regulation, order, direction, decision, report or other document.

Mode of service.

"2. Service on the company may be effected, unless the Board otherwise directs, by delivering the document or a copy thereof to the person entered by the company as its agent or at his place of residence, or to any member of his household, or at his place of business, or such other place as aforesaid, to any clerk or adult person in his employ.

Service on agent by mail.

"3. Where at the time of attendance to serve any document the place of business or other place aforesaid is closed or no one is in attendance therein for receiving service, service of the document may be effectively made by mailing the same, at any time during the same day, addressed to the agent at such place of business or other place, by registered letter, postage

prepaid, and the service shall be deemed to have been effected at the time of attendance for service.

"4. Where any such company has not caused the required entry to be made in the agents' book the posting up of the document to be served in the office of the secretary of the Board shall be effective service upon the company unless the Board otherwise directs. In default of agent.

"5. The Board may in any case give directions that the fact of service upon an agent and the nature of the document served shall be communicated to the company by telegraph." Notice to company by telegraph.

No. 112.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act as respects the constitution of the Board of Railway Commissioners.

First reading, February 28, 1908.

MR. GRAHAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 113.] **BILL.** [1907-8

An Act to amend the Land Titles Act.

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

1. *The Land Titles Act*, chapter 110 of the Revised Statutes, 1906, is amended by inserting immediately after section 123 thereof the following section:— R. S., c. 110, new section.

"**123A.** The bishop of any church, or any trustees for any church, or any congregation of any church, holding land for the purposes of such church or congregation shall respectively, with regard to such land and any dealings therewith, be deemed to be a body corporate and politic; and land so held shall devolve respectively upon the successor in office of such bishop or upon the successors in office of such trustees duly appointed in manner by law or by such church or congregation prescribed. Lands belonging to churches and congregations.

"2. The facts necessary to show due appointment of such successors in office may, for purposes of registration, be proved by statutory declaration.

"3. Such bishop or trustees and their successors in office shall hold such land upon the trusts and for the purposes to which it is legally applicable; but for the purposes of any registered dealings with such land he or they, as the case may be, shall be deemed to be the absolute and beneficial owner or owners thereof."

No. 113.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Land Titles Act.

First reading, March 2, 1908.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 114.] **BILL.** [1907-8

An Act to amend the Inspection and Sale Act.

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

1. Section 137 of *The Inspection and Sale Act*, chapter 85 of the Revised Statutes, 1906, is amended by striking out the paragraphs relating to Oats, and substituting therefor the following:— R.S., c. 85, s. 137 amended.

"OATS.

"Extra No. 1 Western Oats shall be white, sound, clean and free from other grain, and shall contain ninety-five per cent of white oats, and shall weigh not less than 42 pounds to the bushel.

"No. 1 Western Oats shall be white, sound, clean and free from other grain, shall contain ninety-five per cent of white oats, and shall weigh not less than 38 pounds to the bushel.

"No. 2 Western Oats shall be sound, clean and free from other grain, shall contain ninety per cent of white oats, and shall weigh not less than 35 pounds to the bushel.

"No. 3 Western Oats shall be sound, reasonably clean, reasonably free from other grain, and shall weigh not less than 34 pounds to the bushel.

"No. 4 Western Oats shall be sound, but not clean enough or sufficiently free from other grain to be graded as No. 3, and shall weigh not less than 34 pounds to the bushel.

"Extra No. 1 feed shall be sound except as to frost, shall contain not more than two per cent of wheat nor more than one half of one per cent of other grain, shall be reasonably clean, and shall weigh not less than 37 pounds to the measured bushel.

"No. 1 feed shall be sound except as to frost, shall contain not more than five per cent of wheat nor more than three per cent of other grain, shall be reasonably clean, and shall weigh not less than 34 pounds to the measured bushel.

"No. 2 feed—Any oats, sound except as to frost, weighing not less than 32 pounds to the measured bushel, and not good enough to be graded as No. 1, shall be graded as No. 2 feed."

No. 114.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Inspection and Sale Act.

First reading, March 3, 1908.

MR. MCINTYRE,
(Strathcona.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 115.] **BILL.** [1907-8

An Act to amend the Dominion Elections Act.

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

1. *The Dominion Elections Act* is amended by inserting therein as section 9A, the following:— R.S., c. 6, new sec. 9A.

"**9A.** Notwithstanding anything to the contrary herein contained, voters' lists for the portions of the provinces of Ontario and Quebec which consist of territory not municipally organized and where there is no regular assessment or valuation roll upon which voters' lists are based and for the several electoral districts in the provinces of Manitoba and British Columbia shall be prepared immediately after the issue of any writ for an election in any such electoral district or in any electoral district composed or partly composed of such territory, or at any time when the Governor in Council so directs; and for the purpose of preparing and giving effect to such voters' lists the Governor in Council may appoint all necessary officers and confer upon them all necessary powers. Voters' lists in unorganized territory and in Manitoba and British Columbia.

"2. In the preparation of such lists the provisions of the laws of the province regulating the preparation and manner of revising and bringing into force the provincial voters' lists in the like cases shall as far as possible be observed and followed and no person whose name is not included in the voters' lists so prepared and revised shall be entitled to vote.

"3. In the preparation of such lists the voters' lists which were prepared for the several polling divisions situate wholly or in part within the electoral district or wholly or in part within such unorganized territory as such polling divisions were established at the last preceding provincial election, and which under the laws of the province, are then or were last in force for the purposes of provincial elections, shall be taken, and the names of voters on such lists shall be distributed among the different polling divisions established for such Dominion election, so that each voter shall be assigned to his proper poll, and the names of all persons who are not qualified to vote in the said electoral district shall be struck off the said lists, and the names of all persons qualified to vote in the said electoral district and not already on the said lists shall be added to the said lists.

"4. Where within one year prior to the date of the writ for any such election voters' lists for any such electoral district or territory have been prepared under the provisions of this section such lists shall be used and new lists shall not be prepared."

Secs. 35 and 87 amended.

2. Sections 35 and 87 of the said Act are amended by adding to each the following subsection:—

Copies of proclamation.

"2. On a poll being granted the Returning Officer shall deliver or send by mail twelve copies of the said proclamation to each candidate nominated or to his official agent "

Secs. 40 and 94 amended.

3. Sections 40 and 94 of the said Act are amended by adding to each the following subsection:—

Nomination paper to state address of candidate for service.

"2. The nomination paper shall state an address within Canada at which all legal process, notices or other documents issued or to be served either under this Act or under *The Dominion Controverted Elections Act* may be served upon the candidate; and leaving a copy of such process, notice or document at such address for such candidate shall be deemed equivalent for all purposes to personal service upon him of such process, notice or other document."

Form H amended.

4. Form H in schedule one to the said Act is amended by inserting in the first paragraph thereof after the words "of Canada" the following:—

"Any legal process, notice or other document issued or to be served either under the Dominion Elections Act or under the Dominion Controverted Elections Act may be served upon the said..... by leaving the same at the following address....."

New sec. 43.

5. Section 43 of the said Act is repealed and the following is substituted therefor:—

Enumerators in Yukon.

"**43.** In the Yukon Territory, the returning officer shall, immediately upon receipt of the writ, notify the Chief Justice of the Territorial Court of its receipt, or, if there is no chief justice, the senior judge of the court, or if the Chief Justice or the senior judge, as the case may be, is, by reason of illness or absence from the territory, or other cause, unable to act, the judge next in seniority, as the case may be, and the Chief Justice or judge so notified, shall forthwith appoint such number of enumerators as are necessary to make a list of electors for each polling division."

New sec. 45.

6. Section 45 of the said Act is repealed and the following is substituted therefor:—

Notice posted up by enumerators

"**45.** In the Yukon Territory each enumerator, forthwith after taking the said oath, shall post up in six of the most public places within each polling division for which he has been appointed enumerator, a notice that he has been appointed enumerator for the polling division, and that he will proceed forthwith to compile, and within thirty days will complete the voters' list for the polling division, and designating the office or place within one of such polling divisions where he may in the meantime be found, and the hours during which he will attend at such office or place for the purpose of compiling such list on each lawful day, which shall begin not later than ten o'oclock in the forenoon and end not earlier than four o'clock in the afternoon each day.

"2. In such notice the time and place during and at which the final revision of the lists for which provision is hereinafter made will take place, shall be designated." Notice of final revision.

7. Subsection 1 of section 48 of the said Act is repealed and the following is substituted therefor:— Sec. 48 amended.

"**48.** Each enumerator shall complete, date at his place of residence, and sign the copies of the voters' list or lists as aforesaid, in the provinces of Saskatchewan and Alberta, eight days before the polling day; two of the said copies for each polling division he shall forthwith post up in two of the most public places within such polling division, and the other he shall retain for revision." Posting up of lists in Saskatchewan and Alberta.

8. The following sections are hereby inserted in the said Act as sections 48A and 51A:— New secs. 48A and 51A.

"**48A.** In the Yukon Territory each enumerator shall compile the copies of the voters' list or lists as aforesaid, and forty days before the polling day shall write at the foot of each list, and close before the last name thereon, a certificate in the form of the first certificate in Form F and shall sign and date the said certificate. The enumerator shall forthwith post up, in two of the most public places within the polling division to which such list relates, a copy thereof, and the third copy he shall retain for revision. Every copy so posted up shall have appended thereto notice of the time and place of the final revision and of the time when such revision will be completed; and every such copy and notice shall be so posted at least seven days before the commencement of the revision. Posting up of lists in Yukon.

"2. At the time and place designated in the notice of final revision the enumerator shall sit to revise the list or lists prepared by him, and shall complete such revision within the time mentioned in the notice. He shall:—(*a*) add to the list below his own signature the name of every person proved to his satisfaction, by statutory declaration filed with him, to be qualified as a voter, and shall attest such addition by his initials; (*b*) strike off the name in any such list of every person who is proved to his satisfaction, by statutory declaration filed with him, to be not qualified as a voter, by drawing a line through such name and by placing his initials opposite thereto; and (*c*) make such corrections in the residence and occupation or addition of persons whose names appear on the list as may be required by the facts. Final revision.

"3. The enumerator shall preserve all lists so revised by him and shall file them with the Territorial Secretary as hereinafter provided. Filing of lists.

"4. The enumerator shall attend at his office for the purpose of revision at least eight hours a day for five days, and shall close the work of revision at six o'clock in the afternoon of the last of such days." Hours of attendance at office.

"**51A.** In the Yukon Territory every enumerator who has revised and corrected, in the manner prescribed in section 48A, any retained copy or copies of the voters' list or lists compiled by him, shall forthwith write at the foot of each of such revised and corrected copies, and close to the last name thereon, a Attestation of lists in Yukon.

certificate in the form of the second certificate in form F, and shall forthwith, but not less than twenty days before the polling day, file with the Territorial Secretary at his office in Dawson all copies of voters' lists so finally revised and certified; together with all statutory declarations filed with him in connection with the compilation and revision of such lists.

Copies for candidates.

"2. Any candidate or his agent duly appointed in writing shall be entitled to receive copies of such voters' lists from the Territorial Secretary upon paying therefor at the rate of two cents per voter named in such lists.

Copies for returning officers.

"3. The Territorial Secretary shall immediately upon such lists being so filed with him furnish the returning officer for the electoral district of Yukon with a certified copy of the voters' list for each polling division."

Sec. 62 amended.

9. Section 62 of the said Act is amended by inserting after the word "Alberta" in the first line thereof the words "and the Yukon Territory."

Sec. 67 amended.

10. Subsection 2 of section 67 of the said Act is repealed and the following subsection is substituted therefor:—

Paying for conveyance of voters.

"2. Any person hiring, or paying for, or promising to pay for, or letting to hire or demanding payment for or receiving payment for, any horse, team, carriage, cab, cart, wagon, sleigh or other conveyance or any boat, steamboat or other vessel for any candidate or for any agent of a candidate for the purpose of conveying any voter or voters to or from any polling place at any election shall, *ipso facto*, be disqualified from voting at such election."

New sec. 81.

11. Section 81 of the said Act is repealed and the following is substituted therefor:—

Instructions to returning officers.

"**81.** The said instructions shall contain forms of the oaths which may be required to be taken under section 153 or section 154, as the case may be, the same having been made applicable to the election being held, and in the case of returning officers in the province of Prince Edward Island, being accompanied by the sections of the provincial law relating to the qualifications of voters."

New sec. 112A.

12. The said Act is amended by inserting therein as section 112A the following:—

Safe-keeping of ballot papers, etc.

"**112A.** Until the opening of the poll the deputy returning officer shall keep the blank poll book, forms of oath, envelopes and ballot papers carefully locked up in the ballot box and shall take every precaution for their safe keeping and for preventing any person from having unlawful access to them."

New sec. 150A.

13. The said Act is amended by inserting therein as section 150A, the following:—

Person on general list but omitted from separate list.

"**150A.** Where any separate voters' list has been prepared by the returning officer under section 25 of this Act and any person applies to vote whose name appears on the general list from which such separate list has been prepared but whose name has been omitted from the separate list, the deputy returning officer, in addition to placing his initials on the back of

the ballot paper as provided by this Act, shall also place on the back thereof a number corresponding to a number placed opposite such person's name in the poll book, and such person, having taken the oath in the form X 1 and, if required, the oaths prescribed by this Act, shall thereupon be entitled to receive such numbered ballot paper and to vote."

14. Schedule one to the said Act is amended by inserting therein the following form immediately after form X:— New form X1.

X 1.

"You swear (*or* solemnly affirm) that you are legally qualified to vote at this election and that you are (*name*) of (*as appearing on the general list of voters*) and that you verily believe your name should have been placed upon the list of voters prepared for use at this poll. So help you God."

15. Section 153 of the said Act is repealed and the following is substituted therefor:— New sec. 153.

"**153.** Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, an elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, take such oath of qualification as by the laws of the province he may in the like case at a provincial election be required to take, such changes having been made in the form of oath as are necessary to make it applicable to the election being held, and there being added to such oath, or substituted therein for any clauses dealing with the like matters or any of them, the clauses set forth in form Y." Oath by elector.

16. Section 154 of the said Act is amended by adding at the end thereof the following words: "there being added to such oath, or substituted therein for any clauses dealing with the like matters or any of them, the clauses set forth in form Y." Sec. 154 amended. Oath in P.E.I.

17. Section 173 of the said Act is amended by adding at the end of paragraph (*c*) the following proviso:— Sec. 173 amended.

"Provided however that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer." Rejection of ballots.

18. Section 244 of the said Act is amended by adding thereto the following subsection:— Sec. 244 amended.

"2. A detailed statement of all contributions, payments, loans, advances, deposits or promises of money or its equivalent made to such agent on account of such election by or on behalf of such candidate shall, at the same time, be delivered by such agent to the returning officer. Statement of contributions, etc.

19. The said Act is amended by inserting therein as section 250A, the following:— New sec. 250A.

"**250A.** Any person unlawfully taking down, covering up, mutilating, defacing or altering any proclamation, notice, voters' list, or other document, required to be posted up under Defacing proclamations, etc.

any of the provisions of this Act, shall be liable to a fine not exceeding one hundred dollars and costs and not less than fifty dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding one year and not less than three months, with or without hard labour; and if the person so offending is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, he shall be liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour.

Notice and posting up of this section.

"2. A copy of this section shall be printed in large type either upon every such proclamation, notice, voters' list or other document, or shall be printed as a separate notice and posted up where it can be easily read close to such proclamation, notice, voters' list or other document."

Sec. 255 amended.

20. The concluding paragraph of section 255 of the said Act, beginning with the words " is guilty of an indictable offence," is repealed and the following is substituted therefor:—

Penalty for offences as to ballot papers.

"shall be disqualified from voting at any election for a term of eight years thereafter and guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour."

New sec. 262.

21. Section 262 of the said Act is repealed and the following is substituted therefor:—

Payment otherwise than through agent.

"**262.** Every person, including the candidate, and every partnership, firm, association or company, making on behalf of any candidate at an election, any contribution, payment, loan, advance, deposit or promise of money or its equivalent on account of such election otherwise than to or through the official agent of such candidate, is guilty of an indictable offence, unless such contribution, payment, loan, advance, deposit or promise is with respect only to the personal expenses of such candidate."

Sec. 265 amended.

22. The concluding paragraph of section 265 of the said Act beginning with the words "is guilty of an indictable offence" is repealed and the following is substituted therefor:—

Penalty for bribery.

"shall be disqualified for a term of eight years thereafter from voting at any election or holding any office in the nomination of the Crown or of the Governor General in Canada and is guilty of the indictable offence of bribery and liable to imprisonment for a term not exceeding six months, with or without hard labour, and shall also forfeit the sum of two hundred dollars and costs to any person who sues therefor: Provided that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising or of halls or

Personal expenses excepted.

rooms for the holding of meetings, shall be held to be expenses lawfully incurred and the payment thereof shall not be a violation of this Act."

23. Section 270 of the said Act is repealed and the following is substituted therefor:— New sec. 270.

"**270.** The hiring or paying for or promising to pay for any horse, team, carriage, cab, cart, wagon, sleigh, or other conveyance, or any boat, steamboat, or other vessel, by any candidate or his agent, or by any person on behalf of any candidate, for the purpose of conveying any voter or voters to or from the poll or to or from the neighbourhood thereof at any election, or the payment by any candidate or his agent, or by any person on behalf of any candidate, of the travelling or other expenses of any voter in going to or returning from the poll at any election, are unlawful acts. Paying for conveyance of voters.

"2. Every candidate or other person so offending shall, *ipso facto*, be disqualified from voting at such election and for every such offence shall forfeit the sum of one hundred dollars to any person who sues therefor."

24. Section 271 of the said Act is repealed and the following is substituted therefor:— New sec. 271.

"**271.** Every person letting to hire, or demanding or receiving from any candidate or his agent or other person on behalf of any candidate payment for the use of, any horse, team, carriage, cab, cart, wagon, sleigh or other conveyance, or any boat, steamboat or other vessel, for the purpose of conveying any voter or voters to or from the poll or to or from the neighbourhood thereof at any election, is guilty of an unlawful act and shall, *ipso facto*, be disqualified from voting at such election and for every such offence shall forfeit the sum of one hundred dollars to any person who sues therefor: Provided always that nothing in this or the next preceding section contained shall be construed as forbidding or making it unlawful that a voter should bona fide pay the usual fare or a reasonable charge for his own conveyance to or from the poll." Paying for conveyance of voters.

25. Any person, not being a voter, who resides outside Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce voters to vote for any candidate at an election, or to refrain from voting, is guilty of an indictable offence and liable to a fine not exceeding two hundred dollars and costs and not less than one hundred dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding six months and not less than three months, with or without hard labour. Canvassing by person not residing in Canada.

26. Every printed advertisement, hand bill, placard, poster or dodger having reference to any election shall bear upon the face thereof the name and address of the printer and publisher thereof. Posters, etc., to have name and address of printer and publisher.

2. Any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any printed advertisement, hand-bill, placard, poster or dodger having reference to any election which does not bear upon the

face thereof the name and address of the printer and publisher thereof, shall be liable to a fine not exceeding two hundred dollars and costs, and in default of payment of such fine and costs to imprisonment for a term not exceeding six months, with or without hard labour.

False statement as to character or conduct of candidate.

27. Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate shall be liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding two years and not less than six months, with or without hard labour.

Contributions for political purposes.

28. No company or association other than one incorporated for political purposes alone shall, directly or indirectly, contribute, loan, advance, pay or promise or offer to pay any money or its equivalent to, or for, or in aid of, any candidate at an election, or to, or for, or in aid of, any political party, committee, or association, or to, or for, or in aid of, any company incorporated for political purposes, or to, or for, or in furtherance of, any political purpose whatever, or for the indemnification or reimbursement of any person for moneys so used.

2. Every director, shareholder, officer, attorney, or agent, of any company or association violating the provisions of this section, who aids, abets, advises, or takes part in, any such violations, and every person who asks or knowingly receives any money or its equivalent in violation of the provisions of this section, is guilty of an indictable offence and liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

No. 115.

4th Session, 10th Parliament, 7-8 Edward VI

BILL.

An Act to amend the Dominion E
Act.

First reading, March 9, 1908

MR. AYLESWO

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent M
1907-8.

No. 115.] **BILL.** [1907-8

An Act to amend the Dominion Elections Act.

(Reprinted as amended in Committee of the Whole.)

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

1. *The Dominion Elections Act* is amended by inserting therein as section 9A, the following:— R.S., c. 6, new sec. 9A.

"**9A.** Notwithstanding anything to the contrary herein contained, voters' lists for the portions of the province of Ontario which consist of territory not municipally organized shall be prepared during the months of August, September and October in each year, unless the Governor in Council by proclamation directs that the preparation of such lists for any specified electoral district or districts be dispensed with for any year or be had during other months of any year. Voters' lists in organized territory in Ontario.

"2. For the purpose of preparing, revising, and giving effect to such voters' lists there shall be a Board of Registration for each electoral district which is composed wholly or partly of such territory not municipally organized. Board of registration.

"3. The judge of the District Court having jurisdiction in such electoral district or some portion thereof, or, where there is more than one such judge, the senior of such judges, together with two other judges to be selected by him from the judges of District Courts next adjacent to his own, shall in each case form such board of registration. Constitution of boards.

"4. Such board of registration shall appoint for its electoral district as many enumerators as are necessary, and it shall be the duty of such enumerators, under the supervision and in accordance with the directions of such board of registration, to prepare the voters' lists for those parts of the province without municipal organization in such electoral district, and the Governor in Council may confer upon each enumerator so appointed any powers necessary for the discharge of his duties. Enumerators.

"5. In the preparation of such lists the provisions of the law of the province regulating the preparation and manner of revising and bringing into force the provincial voters' lists in the like cases shall, as far as possible, be observed and followed, but the revision of the said lists shall be had before the board of registration, who shall hear all appeals from the said enumerators, and no person whose name is not included in the voters' lists so prepared and revised shall be entitled to vote. Preparation and revision of lists.

Polling divisions.

"6. The board of registration shall define and establish the polling divisions into which, for the purposes of the next following Dominion election, the electoral district or portion thereof for which the Board is constituted shall be divided, and the names of the voters on the lists prepared and revised as aforesaid shall be distributed among such different polling divisions so that each voter shall be assigned to his proper poll.

Use of voters' lists less than one year old.

"7. Where, within one year prior to the date of the writ for an election in any electoral district composed wholly or partly of such territory not municipally organized, voters' lists for any such territory have been prepared under the provisions of this section, such lists shall be used for such election and new lists shall not be prepared therefor.

Transmission of lists to Clerk of Crown in Chancery.

"8. It shall be the duty of the board of registration forthwith after the completion of the revision of the said lists to transmit to the Clerk of the Crown in Chancery, by registered mail, a statement and description showing the limits of the polling divisions so defined and established, together with a copy of the voters lists so finally revised certified under the hands of the members of the said Board, and the provisions of sections 13 and 14 of *The Dominion Elections Act* shall apply to such certified copy.

Manitoba polling divisions.

"9. In the province of Manitoba the several judges of the county courts shall constitute a board, of which a majority shall be a quorum, which board shall during the month of July in each year meet in the city of Winnipeg on a day to be named by the senior of such judges and appoint for each Dominion electoral district in the said province a committee of one or of three of such judges, and such committee shall thereupon proceed to define and establish the polling divisions into which, for the purposes of the next following Dominion election, the electoral district for which it is appointed shall be divided, and shall distribute among such different polling divisions the names of the voters entitled to vote in such electoral district as such names appear on the last revised lists of electors for the several provincial electoral districts in the said province, so that each voter shall be assigned to his proper poll as established for the purposes of such Dominion election.

Transmission of Manitoba lists.

"10. It shall be the duty of each such committee, forthwith after the completion of such distribution, to transmit to the Clerk of the Crown in Chancery, by registered mail, a statement and description showing the limits of the polling divisions so defined and established, together with a copy of the lists of electors as so distributed among the said polling divisions certified under the hands of the members of the said Committee, and the provisions of sections 13 and 14 of *The Dominion Elections Act* shall apply to such certified copy.

Power of Governor in Council as to Board and Committee.

"11. The Governor in Council may, by proclamation, direct that the calling together of the said Board and appointment of such committee for any specified electoral district or districts be dispensed with for any year.

Expenses.

"12. Each enumerator for preparing, and each judge for revising the said lists or doing any of the work above described, shall be entitled to be paid for the time during which he is actually engaged therein the sum of five dollars a day, together

with his necessary disbursements for travelling. The expenses of preparing and revising the voters' lists and distributing the names thereon as herein described shall be paid out of any moneys appropriated by Parliament for that purpose."

2. Sections 35 and 87 of the said Act are amended by adding to each the following subsection:— Secs. 35 and 87 amended.

"2. On a poll being granted the Returning Officer shall deliver or send by mail twelve copies of the said proclamation to each candidate nominated or to his official agent " Copies of proclamation.

3. Sections 40 and 94 of the said Act are amended by adding to each the following subsection:— Secs. 40 and 94 amended.

"2. The nomination paper shall state an address within Canada at which all legal process, notices or other documents issued or to be served either under this Act or under *The Dominion Controverted Elections Act* may be served upon the candidate; and leaving a copy of such process, notice or document at such address for such candidate shall be deemed equivalent for all purposes to personal service upon him of such process, notice or other document." Nomination paper to state address of candidate for service.

4. Form H in schedule one to the said Act is amended by inserting in the first paragraph thereof after the words "of Canada" the following:— Form H amended.

"Any legal process, notice or other document issued or to be served either under the Dominion Elections Act or under the Dominion Controverted Elections Act may be served upon the said..... by leaving the same at the following address....."

5. Section 43 of the said Act is repealed and the following is substituted therefor:— New sec. 43.

"**43.** In the Yukon Territory, the returning officer shall, immediately upon receipt of the writ, notify the senior judge of the Territorial Court of its receipt, or, if the senior judge of the court is, by reason of illness or absence from the territory, or other cause, unable to act, the judge next in seniority, on being so notified, shall forthwith appoint such number of enumerators as are necessary to make a list of electors for each polling division." Enumerators in Yukon.

6. Section 45 of the said Act is repealed and the following is substituted therefor:— New sec. 45.

"**45.** In the Yukon Territory each enumerator, forthwith after taking the said oath, shall post up in six of the most public places within each polling division for which he has been appointed enumerator, a notice that he has been appointed enumerator for the polling division, and that he will proceed forthwith to compile, and within thirty days will complete the voters' list for the polling division, and designating the office or place within one of such polling divisions where he may in the meantime be found, and the hours during which he will attend at such office or place for the purpose of compiling such list on each lawful day, which shall begin not later than ten o'oclock Notice posted up by enumerators

in the forenoon and end not earlier than four o'clock in the afternoon each day.

Notice of final revision.

"2. In such notice the time and place during and at which the final revision of the lists for which provision is hereinafter made will take place, shall be designated."

Sec. 48 amended.

7. Subsection 1 of section 48 of the said Act is repealed and the following is substituted therefor:—

Posting up of lists in Saskatchewan and Alberta.

"**48.** Each enumerator shall complete, date at his place of residence, and sign the copies of the voters' list or lists as aforesaid, in the provinces of Saskatchewan and Alberta, eight days before the polling day; two of the said copies for each polling division he shall forthwith post up in two of the most public places within such polling division, and the other he shall retain for revision."

New secs. 48A and 51A.

8. The following sections are hereby inserted in the said Act as sections 48A and 51A:—

Posting up of lists in Yukon.

"**48A.** In the Yukon Territory each enumerator shall compile the copies of the voters' list or lists as aforesaid, and forty days before the polling day shall write at the foot of each list, and close after the last name thereon, a certificate in the form of the first certificate in Form F and shall sign and date the said certificate. The enumerator shall forthwith post up, in two of the most public places within the polling division to which such list relates, a copy thereof, and the third copy he shall retain for revision. Every copy so posted up shall have appended thereto notice of the time and place of the final revision and of the time when such revision will be completed; and every such copy and notice shall be so posted at least seven days before the commencement of the revision.

Final revision.

"2. At the time and place designated in the notice of final revision the enumerator shall sit to revise the list or lists prepared by him, and shall complete such revision within the time mentioned in the notice. He shall:—(*a*) add to the list below his own signature the name of every person proved to his satisfaction, by statutory declaration filed with him, to be qualified as a voter, and shall attest such addition by his initials; (*b*) strike off the name in any such list of every person who is proved to his satisfaction, by statutory declaration filed with him, to be not qualified as a voter, by drawing a line through such name and by placing his initials opposite thereto; and (*c*) make such corrections in the residence and occupation or addition of persons whose names appear on the list as may be required by the facts.

Filing of lists.

"3. The enumerator shall preserve all lists so revised by him and shall file them with the Territorial Secretary as hereinafter provided.

Hours of attendance at office.

"4. The enumerator shall attend at his office for the purpose of revision at least eight hours a day for five days, and shall close the work of revision at six o'clock in the afternoon of the last of such days."

Attestation of lists in Yukon.

"**51A.** In the Yukon Territory every enumerator who has revised and corrected, in the manner prescribed in section 48A, any retained copy or copies of the voters' list or lists compiled

by him, shall forthwith write at the foot of each of such revised and corrected copies, and close after the last name thereon, a certificate in the form of the second certificate in form F, and shall forthwith, and not less than twenty days before the polling day, file with the Territorial Secretary at his office in Dawson all copies of voters' lists so finally revised and certified; together with all statutory declarations filed with him in connection with the compilation and revision of such lists.

Copies for candidates.

"2. Any candidate or his agent duly appointed in writing shall be entitled to receive copies of such voters' lists from the Territorial Secretary upon paying therefor at the rate of two cents per voter named in such lists.

Copies for returning officers.

"3. The Territorial Secretary shall immediately upon such lists being so filed with him furnish the returning officer for the electoral district of Yukon with a certified copy of the voters' list for each polling division."

Sec. 62 amended.

9. Section 62 of the said Act is amended by inserting after the word "Alberta" in the first line thereof the words "and the Yukon Territory."

Sec. 67 amended.

10. Subsection 2 of section 67 of the said Act is repealed and the following subsection is substituted therefor:—

Paying for conveyance of voters.

"2. Any person offending against any provision of section 270 or section 271 of this Act at any election shall, *ipso facto*, be disqualified from voting at such election."

New sec. 81.

11. Section 81 of the said Act is repealed and the following is substituted therefor:—

Instructions to returning officers.

"**81.** The said instructions shall contain forms of the oaths which may be required to be taken under section 153 or section 154, as the case may be, the same having been made applicable to the election being held, and in the case of returning officers in the province of Prince Edward Island, being accompanied by the sections of the provincial law relating to the qualifications of voters."

New sec. 112A.

12. The said Act is amended by inserting therein as section 112A the following:—

Safe-keeping of ballot papers, etc.

"**112A.** Until the opening of the poll the deputy returning officer shall keep the blank poll book, forms of oath, envelopes and ballot papers carefully locked up in the ballot box and shall take every precaution for their safe keeping and for preventing any person from having unlawful access to them."

New sec. 150A.

13. The said Act is amended by inserting therein as section 150A, the following:—

Person on general list but omitted from separate list.

"**150A.** Where any separate voters' list has been prepared by the returning officer under section 25 of this Act and any person applies to vote whose name appears on the general list from which such separate list has been prepared but whose name has been omitted from the separate list, the deputy returning officer, in addition to placing his initials on the back of the ballot paper as provided by this Act, shall also place on the back thereof a number corresponding to a number placed opposite such person's name in the poll book, and such person, having

taken the oath in the form X 1 and, if required, the oaths prescribed by this Act, shall thereupon be entitled to receive such numbered ballot paper and to vote."

New form X 1.

2. Schedule one to the said Act is amended by inserting therein the following form immediately after form X:—

X 1.

"You swear (*or* solemnly affirm) that you are legally qualified to vote at this election and that you are (*name*) of (*as appearing on the general list of voters*) and that you verily believe your name should have been placed upon the list of voters prepared for use at this poll. So help you God."

New section 152A.

14. The said Act is amended by inserting therein, as section 152A the following:—

Voter in village which is in two or more districts

"**152A.** It shall not be required that a person whose name appears on the voters' list for a village which is partly in two or more electoral districts shall, at the time of tendering his vote, be a resident of, and domiciled within, the electoral district, or shall have resided in the said district continuously from the time fixed for beginning to make the assessment roll or for making complaint, as the case may be, provided such person was at such times a resident of, and domiciled within, the said village, and the oath to be taken by such person shall be altered to meet the requirements of the case."

New sec. 153.

15. Section 153 of the said Act is repealed and the following is substituted therefor:—

Oath by elector.

"**153.** Except in the provinces of Saskatchewan and Alberta and the Yukon Territory, an elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, take such oath of qualification as by the laws of the province he may in the like case at a provincial election be required to take, such changes having been made in the form of oath as are necessary to make it applicable to the election being held, and there being added to such oath, or substituted therein for any clauses dealing with the like matters or any of them, the clauses set forth in form Y."

Sec. 154 amended.

16. Section 154 of the said Act is amended by adding at the end thereof the following words: "there being added to such oath, or substituted therein for any clauses dealing with the like matters or any of them, the clauses set forth in form Y."

Oath in P.E.I.

Sec. 173 amended.

17. Section 173 of the said Act is amended by adding at the end of paragraph (*c*) the following proviso:—

Rejection of ballots.

"Provided however that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer."

Sec. 244 amended.

18. Section 244 of the said Act is amended by adding thereto the following subsection:—

Statement of contributions, etc.

"2. A detailed statement of all contributions, payments, loans, advances, deposits or promises of money or its equivalent

made to such agent on account of such election by or on behalf of such candidate shall, at the same time, be delivered by such agent to the returning officer.

19. The said Act is amended by inserting therein as section 250A, the following:— New sec. 250A.

"**250A.** Any person unlawfully taking down, covering up, mutilating, defacing or altering any proclamation, notice, voters' list, or other document, required to be posted up under any of the provisions of this Act, shall be liable to a fine not exceeding one hundred dollars and costs and not less than fifty dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding one year and not less than three months, with or without hard labour; and if the person so offending is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, he shall be liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour. Defacing proclamations, etc.

"2. A copy of this section shall be printed in large type either upon every such proclamation, notice, voters' list or other document, or shall be printed as a separate notice and posted up where it can be easily read close to such proclamation, notice, voters' list or other document." Notice and posting up of this section.

20. Paragraph (*j*) and the concluding paragraph of section 255 of the said Act are repealed and the following paragraphs are substituted therefor:— Sec. 255 amended.

"(*j*) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or, having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or

"(*k*) attempts to commit any offence specified in this section

"shall be disqualified from voting at any election for a term of eight years thereafter and guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour." Penalty for offences as to ballot papers.

21. Section 262 of the said Act is repealed and the following is substituted therefor:— New sec. 262.

"**262.** Every person, including the candidate, and every partnership, firm, association or company, making on behalf of any candidate at an election, any contribution, payment, loan, advance, deposit or promise of money or its equivalent Payment otherwise than through agent.

on account of such election otherwise than to or through the official agent of such candidate, is guilty of an indictable offence, unless such contribution, payment, loan, advance, deposit or promise is with respect only to the personal expenses of such candidate."

Sec. 265 amended.

22. The concluding paragraph of section 265 of the said Act beginning with the words "is guilty of an indictable offence" is repealed and the following is substituted therefor:—

Penalty for bribery.

"shall be disqualified for a term of eight years thereafter from voting at any election or holding any office in the nomination of the Crown or of the Governor General in Canada and is guilty of the indictable offence of bribery and liable to imprisonment for a term not exceeding six months, with or without hard labour, and shall also forfeit the sum of two hundred dollars and costs to any person who sues therefor: Provided that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising or of halls or rooms for the holding of meetings, shall be held to be expenses lawfully incurred and the payment thereof shall not be a violation of this Act."

Personal expenses excepted.

New sec. 270.

23. Section 270 of the said Act is repealed and the following is substituted therefor:—

Paying for conveyance of voters.

"**270.** The hiring or paying for or promising to pay for any horse, team, carriage, cab, cart, wagon, sleigh, or other conveyance, or any boat, steamboat, or other vessel, by any candidate or his agent, or by any person on behalf of any candidate, for the purpose of conveying any voter or voters to or from the poll or to or from the neighbourhood thereof at any election, or the payment by any candidate or his agent, or by any person on behalf of any candidate, of the travelling or other expenses of any voter in going to or returning from the poll at any election, are unlawful acts.

"2. Every candidate or other person so offending shall, *ipso facto*, be disqualified from voting at such election and for every such offence shall forfeit the sum of one hundred dollars to any person who sues therefor."

New sec. 271.

24. Section 271 of the said Act is repealed and the following is substituted therefor:—

Paying for conveyance of voters.

"**271.** Every person letting to hire, or demanding or receiving from any candidate or his agent or other person on behalf of any candidate payment for the use of, any horse, team, carriage, cab, cart, wagon, sleigh or other conveyance, or any boat, steamboat or other vessel, for the purpose of conveying any voter or voters to or from the poll or to or from the neighbourhood thereof at any election, is guilty of an unlawful act and shall, *ipso facto*, be disqualified from voting at such election and for every such offence shall forfeit the sum of one hundred dollars to any person who sues therefor: Provided always that nothing in this or the next preceding section contained shall be construed as forbidding or making it unlawful that a voter should bona fide pay the usual fare or a reasonable charge for being conveyed to or from the poll."

Canvassing by person not residing in Canada.

25. Any person, not being a voter, who resides outside Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce voters to vote for any candidate at an election, or to refrain from voting, is guilty of an indictable offence and liable to a fine not exceeding two hundred dollars and costs and not less than one hundred dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding six months and not less than three months, with or without hard labour.

Posters, etc., to have name and address of printer and publisher.

26. Every printed advertisement, hand bill, placard, poster or dodger having reference to any election shall bear upon the face thereof the name and address of the printer and publisher thereof.

2. Any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any printed advertisement, hand-bill, placard, poster or dodger having reference to any election which does not bear upon the face thereof the name and address of the printer and publisher thereof, shall be liable to a fine not exceeding two hundred dollars and costs, and in default of payment of such fine and costs to imprisonment for a term not exceeding six months, with or without hard labour.

False statement as to character or conduct of candidate.

27. Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate shall be liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or in default of payment of such fine and costs to imprisonment for a term not exceeding two years and not less than six months, with or without hard labour.

Contributions for political purposes.

28. No company or association other than one incorporated for political purposes alone shall, directly or indirectly, contribute, loan, advance, pay or promise or offer to pay any money or its equivalent to, or for, or in aid of, any candidate at an election, or to, or for, or in aid of, any political party, committee, or association, or to, or for, or in aid of, any company incorporated for political purposes, or to, or for, or in furtherance of, any political purpose whatever, or for the indemnification or reimbursement of any person for moneys so used.

2. Every director, shareholder, officer, attorney, or agent, of any company or association violating the provisions of this section, who aids, abets, advises, or takes part in, any such violation, and every person who asks or knowingly receives any money or its equivalent in violation of the provisions of this section, is guilty of an indictable offence and liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

No. 115.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Dominion Elections Act.

(*Reprinted as amended in Committee of the Whole.*)

MR. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 116.] **BILL.** [1907-8

An Act to amend the Exchequer Court Act.

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

1. Sections 8 and 9 of *The Exchequer Court Act* are repealed, and the following section is substituted therefor:— R. S., c. 140, sections 8 and 9.

"**8.** In case of the illness of the Judge of the Court, or if the Judge has leave of absence, the Governor in Council may specially appoint any person having the qualifications hereinbefore mentioned to discharge the duties of the Judge during his illness or leave of absence, and the person so appointed shall, during the period aforesaid, have all the powers incident to the office of the Judge of the Court. Substitute in case of illness or absence.

2. If the Judge of the Court— Judge *pro hac vice* in case of interest, etc.

"(*a*) is interested in any cause or matter, or is disqualified by kinship to any party, or

"(*b*) has been professionally engaged in any cause or matter as counsel or solicitor for any party previously to his appointment to the office of judge, and considers himself thereby incapacitated from sitting or adjudicating therein,

the Governor in Council may, upon the written application of the Judge, setting out such impediment, appoint any other person having the qualifications hereinbefore mentioned to act as judge *pro hac vice* in relation to any such cause or matter.

"3. Every such temporary judge, or judge *pro hac vice*, shall be sworn to the faithful performance of the duties of his office. Oath of office.

"4. Any judge temporarily appointed to discharge the duties of the Judge may, notwithstanding the expiry of the term of his appointment, or the happening of any event upon which his appointment terminates, proceed with and conclude the trial or hearing at that time actually pending before him of any cause, matter or proceeding, and pronounce judgment therein, and may likewise pronounce judgment in any cause, matter or proceeding previously heard by him and then under consideration or reserved; and any such trial, hearing or judgment shall have the same validity and effect as if heard or pronounced during the said term or previously to the happening of the said event." Powers of temporary judge to conclude trial, etc.

2. Section 87 of the said Act is amended by adding thereto the following paragraph:— Section 87 amended.

"(*f*) for empowering the registrar to do any such thing and transact any such business as is specified in such rules Rules and orders.

or orders, and to exercise any such authority and jurisdiction in respect thereof as is now or may be hereafter done, transacted or exercised by the Judge of the Exchequer Court sitting in Chambers in virtue of any statute or custom or by the practice of the Court."

No. 116.

4th Session, 10th Parliament, 7-8 Edward VII

BILL.

An Act to amend the Exchequer Act.

First reading, March 9, 1908.

Mr. AYLESWOR

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majest
1907-8

No. 117.] **BILL.** [1907-8

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

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

1. Section 17 of *The Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act*, chapter 22 of the statutes of 1907, is amended by adding the words "and are not reinstated" at the end of paragraph (*b*). 1907, c. 22, s. 17 amended.

No. 117.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

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

First reading, March 9, 1908.

MR. GRAHAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 118.] **BILL.** [1907-8

An Act to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.

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

PART I.

Interpretation.

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

"Board."

(*a*) "Board" means the Board of Railway Commissioners of Canada;

"Company."

(*b*) "company" means a railway company or person authorized to construct or operate a railway, having authority to construct or operate a telegraph or telephone system or line, and to charge telegraph or telephone tolls, and includes also telegraph and telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct or operate a telegraph or telephone system or line and to charge telegraph or telephone tolls;

"Special Act."

(*c*) "special Act" means any Act under which the company has authority to construct or operate a telegraph or telephone system or line, or which is enacted with special reference to any such system or line, and any letters patent constituting a company's authority to construct or operate a telegraph or telephone system or line, granted under any Act, and the Act under which such letters patent were granted, and includes *The Telegraphs Act* and any general Act relating to telegraphs or telephones;

"Telegraph."

(*d*) "telegraph" includes wireless telegraph;"

"Telegraph toll."

(*e*) "telegraph toll" means and includes any toll, rate or charge to be charged by the company to the public or to any person for the transmission of messages by telegraph.

Jurisdiction of Board.

2. The Board shall have jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested complaining that any company or person has failed to do any act, matter or thing required to be done by *The Railway Act* or this Part or the special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any other authority, or that any com-

pany or person has done or is doing any act, matter or thing contrary to or in violation of *The Railway Act* or this Part or the special Act, or any such regulation, order or direction, or requesting the Board to make any order, or give any direction, sanction or approval which by law it is authorized to make or give, or with respect to any matter, act or thing which by *The Railway Act* or this Part or the special Act or by any such regulation, order or direction is prohibited, sanctioned or required to be done.

Mandatory orders.

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

Restraining orders.

Orders and regulations generally.

3. The Board may make orders and regulations with respect to any matter, act or thing which by *The Railway Act* or this Part or the special Act is sanctioned or required to be done or prohibited, and generally for carrying the said Acts and this Part into effect.

Penalties for violation of regulations.

2. The Board may, by regulations, prescribe penalties when not prescribed by *The Railway Act* or this Part or the special Act, to which every company or person which or who offends against any regulation made under this section shall be liable; provided that no such penalty shall exceed one hundred dollars.

Other liability not affected.

3. The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred.

Approval of tolls.

4. Notwithstanding anything in any Act heretofore passed by Parliament, all telegraph and telephone tolls to be charged by the company shall be subject to the approval of the Board.

Filing of tariffs.

2. The company shall file with the Board tariffs of any telegraph or telephone tolls to be charged, and such tariffs shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation, or in any particular case, prescribes, and the company shall not charge, and shall not be entitled to charge, any telegraph or telephone toll in respect of which there is default in such filing, or which is disallowed by the Board: Provided that any company, previous to the first day of May, one thousand nine hundred and eight, charging telegraph or telephone tolls may, without such filing and approval, for a period of four months after this Act comes into force, or for such further period as the Board allows, charge such telegraph or telephone tolls as such company was immediately previous to the said date authorized by law to charge, unless in the meantime the Board in the case of any company disallows any of such telephone tolls.

Proviso.

Application of provisions as to standard freight tariffs.

3. Such telegraph and telephone tariffs may be dealt with by the Board in the same manner as is provided by *The Railway Act*, with respect to standard freight tariffs; and all the provisions of *The Railway Act*, except as to publication under section 339 thereof, applicable to companies thereunder with respect to standard freight tariffs and tolls, shall, in so far as they are applicable and not inconsistent with this Act, apply to the company with respect to such telegraph and telephone tariffs and tolls.

Publication of tariffs.

4. The Board may, by regulation or otherwise, determine, and prescribe the manner and form in which any tariff or tariffs of telegraph or telephone tolls shall be published or kept open for public inspection.

Long distance connections, power of Board to order.

5. Whenever any company or any province, municipality or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, whether such authority is derived from the Parliament of Canada or otherwise, is desirous of using any long distance telephone system or line owned, controlled or operated by any company, in order to connect such long distance telephone system or line with the telephone system or line operated or to be operated by such first mentioned company or by such province, municipality or corporation for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system or line and any telephone or telephone exchange on the other telephone system or line, and cannot agree with the company with respect to obtaining such use, connection or communication, such first mentioned company or province, municipality or corporation may apply to the Board for relief, and the Board may order the company to provide for such use, connection or communication, upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such use, connection or communication shall be had, constructed, installed, operated and maintained.

Standards of apparatus to be considered.

6. Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consideration the standards, as to efficiency and otherwise, of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection or communication applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of the company.

Application of provisions as to joint tariff.

7. Where the telephone system or line operated by the company is used or connected, for purposes of communication as aforesaid, with the telephone system or line operated by another company or by any such province, municipality or corporation, whether the authority of such province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is hereafter established either by agreement of the parties or under an order of the Board, the provisions of

The Railway Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with *The Railway Act*, or this Part or the special Act, shall apply to such company or companies and to such province, municipality or corporation; and the Board shall have, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines.

Enforcement of orders.

Working agreements to be approved by Board.

8. All contracts, agreements and arrangements between the company and any other company, or any province, municipality or corporation having authority to construct or operate a telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telephone messages or service passing to and from their respective telephone systems and lines, or for the division or apportionment of telephone tolls, or generally in relation to the management, working or operation of their respective telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, shall be subject to the approval of the Board, and shall be submitted to and approved by the Board before such contract, agreement or arrangement shall have any force or effect.

Application of provisions of Railway Act.

5. The several provisions of *The Railway Act* with respect to the jurisdiction of the Board, practice and procedure upon applications to the Board, appeal to the Supreme Court or the Governor in Council, offences and penalties, and the other provisions of the said Act (except sections 9, 79 to 243, both inclusive, 250 to 289, both inclusive, 294 to 314, both inclusive, 348 to 354, both inclusive, 361 to 396, both inclusive, 405 to 431, both inclusive), in so far as reasonably applicable and not inconsistent with this Part or the special Act, shall apply to the jurisdiction of the Board and the exercise thereof, created and authorized by this Act, and for the purpose of carrying into effect the provisions of this Part according to their true intent and meaning and shall apply generally to companies within the purview of this Part.

2. In and for the purposes of such application,—

(*a*) "company" shall mean a company as above defined;

(*b*) "railway" shall mean all property real and personal and works forming part of or connected with the telegraph or telephone system or line of the company;

(*c*) "toll" or "rate" shall mean telegraph or telephone toll;

(*d*) "traffic" shall mean the transmission and other dealings with telegraphic and telephonic messages.

Repeal.

6. Sections 355 to 360 of *The Railway Act*, both inclusive, are repealed.

Commencement.

7. This Part shall come into force upon proclamation of the Governor in Council.

PART II.

8. *The Railway Act* is amended by inserting the following section after section 26:— R.S., c. 37, new section.

"**26A.** Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that any company has violated or committed a breach of an agreement between the complainant and the company— or by any company that any such municipal or other corporation or person has violated or committed a breach of an agreement between the company and such corporation or person,— for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such municipal or other corporation or person, of any structure, appliance, equipment, works, renewals or repairs upon or in connection with the railway of the company, the Board shall hear all matters relating to such alleged violation or breach, and shall make such order as to the Board may seem, having regard to all the circumstances of the case, reasonable and expedient, and in such order may in its discretion direct the company, or such municipal or other corporation or person, to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof. Jurisdiction of Board as to agreements.

"2. The Board may take such steps and employ such persons as are necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of the company, together with its books and offices, and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of the company, and supervise and direct the management of the company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the Board continues to direct such management. Enforcing order of Board; taking possession of railway.

"3. Upon the Board so taking possession of the railway and property of the company, it shall be the duty of every officer and employee of the company to obey the orders of the Board or of such person or persons as it places in authority in the management of any or all departments of the railway. Duty of employees.

"4. The Board may, upon so taking possession of such railway and property, determine, receive and pay out all moneys due to or owing by the company, and give cheques, acquittances and receipts for moneys to the same extent and as in full and ample a manner as the proper officers of such company could do if no such order as aforesaid had been made. Receipt and payment of money by Board.

"5. Cheques, acquittances or receipts so given by the Board shall be a defence to any action that may afterwards be brought by the company against the person paying over the money for which such cheques, acquittances or receipts were given. Effect thereof.

"6. The Board and the members thereof, and the officers and employees, shall not be liable to any action for any act done by them under the authority of this section. Protection of Board.

Costs of proceedings.

"7. The cost and expenses of and incidental to proceedings to be taken by the Board under this section shall be in the discretion of the Board, and the Board may direct by whom and to what extent they shall be paid.

Certificate of costs.

"8. The certificate of the Board as to the amount of such costs and expenses shall be final."

R.S., c. 37, s. 2 amended.

9. Paragraph (30) of section 2 of *The Railway Act* is repealed and the following is substituted therefor:—

"Toll" and "rate" defined.

"(30) 'toll' or 'rate' means and includes any toll, rate, charge or allowance charged or made either by the company, or upon or in respect of a railway owned or operated by the company, or by any person on behalf or under authority or consent of the company, in connection with the carriage and transportation of passengers, or the carriage, shipment, transportation, care, handling or delivery of goods, or for any service incidental to the business of a carrier; and includes also any toll, rate, charge or allowance so charged or made in connection with rolling stock, or the use thereof, or any instrumentality or facility of carriage, shipment or transportation, irrespective of ownership or of any contract, expressed or implied, with respect to the use thereof; and includes also any toll, rate, charge or allowance so charged or made for furnishing passengers with beds or berths upon sleeping-cars, or for the collection, receipt, loading, unloading, stopping over, elevation, ventilation, refrigerating, icing, heating, switching, ferriage, cartage, storage, care, handling or delivery of, or in respect of, goods transported, or in transit, or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage or the like, or so charged or made in connection with any one or more of the above-mentioned objects, separately or conjointly."

Sec. 284 amended.

10. Section 284 of the said Act is amended by adding at the end thereof the following subsection:—

Demurrage.

"8. The Board may make regulations, applying generally or to any particular railway or any portion thereof, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering traffic, and may enforce payment of such charges by companies to any person injuriously affected by such default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for such default or delay; and the Board may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges."

New s. 314.

11. Section 314 of the said Act is repealed and the following is substituted therefor:—

Tariffs of tolls.

"**314.** The company or the directors of the company, by by-law, or any officer of the company thereunto authorized by by-law of the company or directors, may from time to time prepare and issue tariffs of the tolls to be charged in respect of the railway owned or operated by the company, and may

specify the persons to whom, the place where and the manner in which, such tolls shall be paid.

"2. The tolls may be either for the whole or for any particular portion of the railway. Local or general.

"3. All such by-laws shall be submitted to and approved by the Board. Approval.

"4. The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein. Changes.

"5. No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board; nor shall the company charge, levy or collect any toll or money for any service as a common carrier except under the provisions of this Act. Unauthorized tolls.

"6. The Board may, with respect to any tariff of tolls, other than the passenger and freight tariffs in this Act hereinafter mentioned, make regulations fixing and determining the time when, the places where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection." Publication of tariffs.

No. 118.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.

First reading, March 10, 1908.

MR. GRAHAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 119.] **BILL.** [1907-8

An Act to encourage the Construction of Dry Docks.

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

Short title.

1. This Act may be cited as *The Dry Docks Subsidies Act.*

"Minister."

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

Subsidy for construction of dry dock.

3. The Governor in Council may, as an aid to the construction of any dry dock, authorize the payment, out of any unappropriated money forming part of the consolidated revenue fund of Canada, of a subsidy not exceeding three per cent per annum of the cost of the work, as fixed and determined under subsection 2 of this section, to any incorporated company, approved by the Governor in Council as having the ability to perform the work, which shall enter into an agreement with His Majesty to construct any such dry dock, with all necessary equipments, machinery and plant, for the reception and repairing of vessels: Provided, however, that such aid shall not be granted unless the Governor in Council is satisfied, upon a report of the Minister, based upon a report of the chief engineer of the Department of Public Works, and such other evidence as he deems necessary, that such dry dock is needed in the public interest, and is, as proposed, of sufficient capacity to meet the public requirements where such dry dock is to be located: Provided also that such subsidy shall not exceed forty-five thousand dollars per annum.

Report before grant of subsidy.

Amount limited.

Basis of subsidy.

2. The cost on which the subsidy shall be calculated shall be fixed and determined by the Governor in Council, upon the recommendation of the Minister, based upon a report of the chief engineer of the Department of Public Works, accompanied by plans and specifications of the proposed works, and such cost shall include any sum *bona fide* expended, or to be expended, by the company in the purchase of a site for the dry dock; and the amount of the subsidy shall be so fixed and determined before the agreement for payment of the subsidy is entered into.

Subsidy for extension of existing dock.

4. The Governor in Council may, as an aid to the enlargement and extension of any existing dry dock subsidized under 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 authorize the payment, out of any unappropriated public money forming part of the Consolidated Revenue Fund of Canada, of a subsidy not exceeding three per cent per annum of the cost of the work, as fixed and determined under subsection 2 of this section, to any incorporated company, approved by the Governor in Council as having the ablility to perform the work, which shall enter into an agreement with His Majesty to enlarge and extend any such existing dry dock and to furnish it with all necessary equipments, machinery and plant for the reception and repairing of vessels: Provided, however, that such aid shall not be granted unless the Governor in Council is satisfied, upon a report of the Minister, based upon a report of the chief engineer of the Department of Public Works and such other evidence as he deems necessary, that the enlargement and extension is needed in the public interest, and that the dock, after such enlargement and extension, will be of sufficient capacity to meet the public requirements where the dock is located: Provided also that the subsidy shall not exceed fifteen thousand dollars per annum.

Report before grant of subsidy.

Amount limited.

Basis of subsidy.

2. The cost on which the subsidy provided by this section shall be calculated shall be fixed and determined by the Governor in Council, upon the recommendation of the Minister, based upon the report of the chief engineer of the Department of Public Works, accompanied by plans and specifications of the proposed enlargement and extension; and the amount of such subsidy shall be so fixed and determined before the agreement for the payment of the subsidy is entered into.

Agreement, and plans and specifications.

5. Any agreement under this Act shall be for the construction, or enlargement and extension, of a dry dock in accordance with the plans and specifications referred to in subsection 2 of section 3, or in subsection 2 of section 4, as the case may be.

Supervision of Department of Public Works.

Payment of subsidy.

6. The work of constructing or of extending and enlarging any dry dock for which a subsidy is authorized under the provisions of this Act, shall be done under the supervision of the Department of Public Works, and shall be completed within the time limited by, and according to the provisions of, the agreement in that behalf, unless the time for construction or enlargement is extended by the Governor in Council; and the subsidy shall be payable during twenty years from the time the Governor in Council, upon a report from the Minister, determines that the work required by the agreement has been completed, and that the reception and repairing of vessels as contemplated by this Act may forthwith be proceeded with at the dock.

Dock to be kept in working order.

7. Such agreement shall include a provision that the dock shall, after completion or enlargement and extension, be kept in repair and working order by the company.

Expropriation by Government if not in working order.

8. Whenever it appears to the Governor in Council that any dock constructed, or enlarged and extended, under the provisions of this Act is not in a condition of repair and working

order, the Governor in Council may authorize and empower the Minister to cause possession to be taken of the dock on behalf of His Majesty and to expend out of any unappropriated money forming part of the Consolidated Revenue Fund of Canada sufficient to put the dock in a state of efficiency and repair.

Operation by Government.

9. The Minister shall operate the said dry dock after such repairs are completed and while it is in the possession of His Majesty, and shall charge and collect the tolls or rates approved under section 11 of this Act in respect of the letting or hiring, operation or use of the said dock or of space therein or of any works connected therewith; and he shall, after payment thereout of operating expenses and maintenance, apply the balance first in repayment of the advances made under the next preceding section, and secondly in payment of accrued interest on bonds or other fixed obligations or securities of the company.

Restoration to company.

10. The Governor in Council may at any time direct the redelivery of possession of the said dock to the company.

Tolls and regulations.

11. No tolls or rates shall be charged or taken by the company in respect of the letting or hiring, operation or use of the said dock, or of space therein, or of any works connected therewith, until the company has submitted a tariff of such tolls or rates and the said tariff has been approved by the Governor in Council; and no by-laws, rules, regulations or conditions respecting such letting, hiring, operation or use, shall have any force or effect until so submitted and approved.

2. The Governor in Council may at any time disallow the whole or any part of such tariff or of such by-laws, rules, regulations or conditions, and may require the company, within a specified time, to substitute other tariff, tolls, by-laws, rules, regulations or conditions in lieu thereof, and, in default, may, fix and prescribe others.

Statements to be filed by company.

12. The company, before receiving the first payment of subsidy under the authority of this Act, and annually thereafter, on or before the first day of January, shall file in the office of the Minister a statement, verified to the satisfaction of the Minister, setting forth the operations of the company, including a statement in detail of the receipts from every source, and the expenditures for the year.

Repeal.

13. *The Dry Docks Subsidies Act*, chapter 116 of the Revised Statutes, 1906, is repealed.

No. 119.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to encourage the Construction of Dry Docks.

First reading, March 10, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 120.] **BILL.** [1907-8

An Act to authorize the issue of Government Annuities for Old Age.

Preamble.

WHEREAS it is in the public interest that habits of thrift be promoted and that the people of Canada be encouraged and aided thereto so that provision may be made for old age; and whereas it is expedient that further facilities be afforded for the attainment of the said objects: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Government Annuities Act*, 1908.

Interpretation.

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

(*a*) "Minister" means the Minister appointed by the Governor in Council to administer this Act;

(*b*) "annuity" means an annuity issued under the provisions of this Act;

(*c*) "annuitant" means a person in receipt of, or entitled to the receipt of, or who has contracted for the purchase of, an annuity.

Administration.

3. Until otherwise determined by the Governor in Council under the provisions of paragraph (*a*) of section 2, this Act shall be administered by the Minister of Trade and Commerce.

Sale of annuities authorized.

4. His Majesty, represented and acting by the Minister, may, from time to time, subject to the provisions of this Act, and of any Order in Council made under the authority of this Act, contract with any person domiciled in Canada for the sale to such person of an immediate or deferred annuity depending on a single life, or partly depending on a single life and partly for a term of years certain, or of an immediate or deferred annuity depending on the joint continuance of two lives, with or without extension of benefit to the survivor.

Payments by purchaser.

5. Such person may, by the payment at any time of a sum of not less than ten dollars, or by the payment of a stipulated sum periodically at fixed and definite intervals, to any agent of the Minister appointed under the provisions of this Act, purchase an annuity under the provisions hereof: Provided, however, that the amount payable by way of the annuity so purchased shall be subject to the terms of section 7.

Annuity tables.

6. All contracts for the purchase of annuities shall be entered into in accordance with the values stated in tables prepared under regulations made pursuant to section 12, and for the time being in use.

Limitations as to persons and amount.

7. An annuity shall not be granted or issued in favour of any person other than the actual annuitant, nor for an amount less than fifty dollars or more than six hundred dollars a year; and the total amount payable by way of an annuity or annuities to any annuitant or to joint annuitants, or in the case of husband and wife to any two annuitants, shall not exceed six hundred dollars a year.

When annuity becomes payable.

2. Except upon the occurrence of invalidity or disablement of an annuitant, no annuity shall be payable or paid to any annuitant unless he has reached the age of fifty-five years.

Maximum age.

3. Any contract providing for an annuity to commence to be payable at any greater age than eighty years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty years.

Refusal for cause.

8. The Minister may refuse to contract for an annuity in any case where he is of opinion that there are sufficient grounds for refusing so to do.

Interest of annuitant not transferrable.

9. The property and interest of any annuitant in any contract for an annuity shall not be transferable, either at law or in equity, and the Minister shall not receive or be affected by notice, however given, of any trust affecting an annuity.

Interest not attachable.

10. The property and interest of an annuitant in his contract for an annuity shall be exempt from the operation of any law relating to bankruptcy or insolvency, and shall not be seized or levied upon by or under the process of any court: Provided

Rights of creditors saved.

that, if the application for an annuity contract is made and the consideration therefor is paid with intent to delay, hinder or defraud creditors, the creditors shall, upon establishing such intent before a court of competent jurisdiction, be entitled to receive, and the Minister is hereby authorized to pay to them or to any person authorized by the court to receive it on their behalf, any sum paid in by the annuitant, with interest thereon at the rate of three per cent per annum compounded yearly, or so much thereof as is certified by the court to be required to satisfy the claims of such creditors, and costs; and thereupon the annuity contract shall be cancelled, or the annuity to become payable thereunder shall be proportionately reduced, according as the whole or a part only of the sum payable as aforesaid is so paid by the Minister; or, if an annuity is then payable under the contract, such payment may be made out of and up to an amount equal to the present value of the annuity so payable, and the contract shall thereupon be cancelled, or the annuity payable thereunder proportionately reduced, according as the whole or a part only of such present value is so paid.

Death before annuity becomes payable.

11. In the event of the death of an annuitant before the time at which an annuity becomes payable to him, all moneys paid by him in consideration of the annuity shall be paid to his

heirs, with interest thereon at the rate of three per cent per annum, compounded yearly, and the provisions of section 9 shall apply to the said moneys.

Regulations by Governor in Council.

12. The Governor in Council may make regulations not inconsistent with this Act,—

(*a*) as to the rate of interest to be allowed in the computation of values in the tables hereinafter referred to; and as to the rate of interest to be employed in valuing the annuities as provided for in subsection 2 of section 14;

(*b*) as to the preparation and use of tables for determining the value of annuities; and the revocation of all or any such tables and the preparation and use of other tables;

(*c*) as to the mode of making, and the forms of, contracts for annuities, including all requirements as to applications therefor;

(*d*) as to the selection of agents of the Minister to assist in executing the provisions of this Act, and the remuneration, if any, to such agents therefor;

(*e*) as to the modes of proving the age and identity and the existence or death of persons;

(*f*) as to the modes of paying sums of money payable under this Act;

(*g*) as to dealing with an application of unclaimed annuities;

(*h*) for the doing of anything incidental to the foregoing matters, or necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof.

Consolidated Revenue Fund.

13. The moneys received under the provisions of this Act shall form part of the Consolidated Revenue Fund; and the moneys payable under the said provisions shall be payable out of the said Consolidated Revenue Fund.

Accounts to be kept.

14. An account shall be kept, to be called the Government Annuities Account, of all moneys received and paid out under the provisions of this Act, and of the assets and liabilities appertaining to the grant of annuities under the said provisions; and among the liabilities included in the said account at the end of each fiscal year shall appear the present value of the prospective annuities contracted for up to the end of such fiscal year.

2. The present value referred to in the next preceding subsection shall, as to interest, be calculated upon such rate as is fixed by the Governor in Council, and, as to mortality, upon such rates as are used in preparing the tables approved of by the Governor in Council and for the time being in use, as provided for in paragraph (*b*) of section 12.

Report to Parliament.

15. There shall be laid before Parliament, during each session thereof, a return containing a full and clear statement and accounts of all business done in pursuance of this Act during the fiscal year next previous to such session.

No. 120.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to authorize the issue of Government Annuities for Old Age.

First reading, March 10, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 121.] **BILL.** [1907-8

An Act to amend the Supreme Court Act.

HIS 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 Supreme Court Act* is repealed and the following is substituted therefor:— R. S., c. 139, new s. 90.

Entry of appeals on list, and order of hearing.

90. The appeals set down for hearing shall be entered by the Registrar on a list divided into five parts, and numbered as follows:—Number one, Election cases; Number two, Western Provinces Cases; Number three, Maritime Provinces Cases; Number four, Quebec Province Cases; Number five, Ontario Province Cases; and the Registrar shall enter all Election Appeals on part numbered one, all appeals from the Yukon Territory and the Provinces of British Columbia, Alberta, Saskatchewan and Manitoba on part numbered two, all appeals from the Provinces of Nova Scotia, New Brunswick and Prince Edward Island on part numbered three, all appeals from the Province of Quebec on part numbered four, and all appeals from the Province of Ontario on part numbered five; and such appeals shall be heard and disposed of in the order in which they are so entered, unless otherwise ordered by the court."

No. 121.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Supreme Court Act.

First reading, March 12, 1908.

MR. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 122.] **BILL.** [1907-8

An Act to make better provision for the exercise of Admiralty Jurisdiction within Canada in accordance with the Colonial Courts of Admiralty Act, 1890.

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

Short title.

1. This Act may be cited as *The Admiralty Act*, 1908.

Interpretation.

"Court."

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "Court" means,

(*a*) in and for the province of Ontario, the High Court of Justice;

(*b*) in and for the province of Quebec, the Superior Court;

(*c*) in and for the province of Nova Scotia, the Supreme Court;

(*d*) in and for the province of New Brunswick, the Supreme Court;

(*e*) in and for the province of Manitoba, the Court of King's Bench;

(*f*) in and for the province of British Columbia, the Supreme Court;

(*g*) in and for the province of Prince Edward Island, the Supreme Court;

(*h*) in and for the province of Saskatchewan, the Supreme Court;

(*i*) in and for the province of Alberta, the Supreme Court;

(*j*) in and for the Yukon Territory, the Territorial Court; and,

(*k*) in and for the North-west Territories, and all other parts of Canada not within the provinces or territories hereinbefore named, the Exchequer Court of Canada;

"Prescribed."

(2) "prescribed" means prescribed by this Act, or by the rules of court made in pursuance of the Colonial Courts of Admiralty Act, 1890, and of this Act.

Admiralty jurisdiction.

3. The Courts hereinbefore mentioned shall, in and for the respective provinces, territories or parts of Canada aforesaid, be Colonial Courts of Admiralty, and, as such Courts of Admiralty, shall, within the territorial limits of their respective jurisdictions, have and exercise all the jurisdiction, powers and authority conferred by the Colonial Courts of Admiralty Act, 1890, and by this Act.

2. Such jurisdiction, powers and authority shall be exercisable and exercised by the said Courts respectively throughout the said provinces, territories and parts of Canada, and the waters thereof, whether tidal or non-tidal, or naturally navigable or artificially made so, and all persons shall, within the territorial limits of the jurisdiction of the said Courts respectively have all rights and remedies in all matters, including cases of contract and tort, and proceedings *in rem* and *in personam*, arising out of or connected with navigation, shipping, trade or commerce, which may be had or enforced in any Colonial Court of Admiralty under the Colonial Courts of Admiralty Act, 1890, or which might have been had or enforced in the Exchequer Court of Canada, by virtue of the said Act and the Admiralty Act immediately before the coming into force of this Act.

Surrogate judges in admiralty.

4. The county court judges within the several provinces hereinbefore mentioned shall, in and for their respective counties or districts, be surrogate judges in admiralty, and as such surrogate judges have such jurisdiction, powers and authority as are from time to time prescribed.

2. Until the existing general rules and orders defining the jurisdiction of surrogate judges in admiralty of the Exchequer Court of Canada are superseded or varied in the manner prescribed, and in so far as the said existing rules and orders are not so superseded or varied, the said county court judges shall, as such surrogate judges, have, in so far as applicable, the jurisdiction, powers and authority defined by the said existing rules and orders for the surrogate judges of the Exchequer Court of Canada in Admiralty: Provided that a surrogate judge shall not be entitled to fees.

Rules of court.

5. The practice and procedure in admiralty in the said Courts, including fees and costs, shall be as prescribed: Provided that until otherwise prescribed, and in so far as not otherwise prescribed, the practice and procedure shall be regulated by the existing general rules and orders regulating the practice and procedure in admiralty cases in the Exchequer Court of Canada, in so far as the same are applicable to the said Courts.

2. The power of the judges of the said Courts to make rules of practice and procedure shall be deemed to extend to the repeal, amendment or alteration of the said existing general rules and orders.

3. In the construction of the said existing general rules and orders, as applicable to the said Courts respectively, unless there is something repugnant in the subject or context,—

(*a*) "judge" or "local judge" shall mean any judge of the said respective Courts, or any person lawfully authorized to act as a judge thereof;

(*b*) "registrar" shall mean the clerk, registrar or prothonotary of any of the said Courts respectively for the county or district within which the proceeding is taken;

(*c*) "registry" shall mean the office or registry of such clerk, registrar or prothonotary;

(*d*) "marshal" shall mean the sheriff, or any deputy or assistant sheriff in and for the county or district within which the process is to be served or executed.

Appeal to Supreme Court of Canada.

6. An appeal from any final judgment, decree or order of any of the said Courts shall lie directly to the Supreme Court of Canada, without intermediate appeal, and the practice and procedure in respect of any such appeal shall conform to the practice and procedure, so far as applicable, governing appeals in civil matters from the Province or Territory to the Supreme Court of Canada.

Barristers and solicitors.

7. Any barrister, advocate or solicitor entitled to practice in the Supreme Court of Canada shall be entitled to practice in the said Courts so far as concerns the exercise of their admiralty jurisdiction under the authority of the Colonial Courts of Admiralty Act, 1890, and of this Act.

Abolition of admiralty jurisdiction of Exchequer Court.

8. On the coming into force of this Act the jurisdiction in admiralty of the Exchequer Court of Canada as existing under the Colonial Courts of Admiralty Act, 1890, and the Admiralty Act, shall, except in so far as the same is in effect continued by virtue of the preceding sections of this Act, be abolished, but subject to the following provisions,—

(*a*) all judgments of the Exchequer Court of Canada in Admiralty, in pursuance of its admiralty jurisdiction, shall be executed and may be appealed from in like manner as if this Act had not been passed, and all appeals from the said Court pending at the commencement of this Act shall be heard and determined and judgment therein executed, as nearly as may be, in like manner as if this Act had not been passed; and,

(*b*) all proceedings in admiralty pending in the said Exchequer Court at the commencement of this Act shall be continued in the Court hereinbefore defined within the province, territory or part of Canada corresponding to that in which they were instituted or are so pending.

Transfer of records.

9. All the records and papers on file in the registry of the Toronto Admiralty District shall be by the local registrar transferred to the Registrar of the High Court of Justice at Toronto.

2. All the records and papers on file in the registry of the Exchequer Court in Admiralty for the province of Quebec shall be by the local registrar transferred to the Prothonotary of the Superior Court at the city of Quebec.

3. Similarly all the records and papers on file in the several registries of the Exchequer Court in Admiralty for the provinces of Nova Scotia, New Brunswick, British Columbia and Prince Edward Island, respectively, shall be transferred to the clerks, registrars or prothonotaries of the said Supreme Courts at Halifax, Fredericton, Victoria and Charlottetown, respectively; and all the records and papers on file in the registry of the Exchequer Court in Admiralty for the Yukon Admiralty District shall be by the local registrar transferred to the Clerk of the Territorial Court at Dawson, in the said Yukon Territory.

4. The records and papers so transferred shall, subject to the orders of the said Courts respectively, remain of record in the offices of the aforesaid officers of the said Courts; and as to any further or subsequent proceedings by this Act authorized to be taken with regard thereto in the Exchequer Court in Admiralty, the said respective officers shall, notwithstanding anything herein contained, be deemed to be officers of the said last mentioned Court, and shall have the same power and authority for the purposes aforesaid as the respective local registrars of the Exchequer Court in Admiralty would have had if the transfer had not been made and this Act had not been passed.

Approval of rules of court.

10. Rules of court for regulating the practice and procedure, including fees and costs, in any of the said courts in the exercise of the jurisdiction conferred by the Colonial Courts of Admiralty Act, 1890, and by this Act, which require the approval of His Majesty in Council, shall be submitted to the Governor in Council for his approval, and if approved by him, shall be submitted to His Majesty in Council for his approval.

Annuities to local judges in admiralty.

11. The Governor in Council may grant to any local judge in admira.ty of the Exchequer Court of Canada, who held office as such judge on the first day of September, 1907, and who continues to hold the said office at the date of the coming into force of this Act, an annuity by way of compensation for the loss of the salary which such local judge has been receiving in respect of the said office, equal to two-thirds of the salary annexed to the said office at the date of the coming into force of this Act, to commence immediately thereafter and to continue thenceforth during his natural life.

Compensation of registrars.

2. The Governor in Council may grant to each of the following district registrars who held office on the first day of Septem ber, 1907, and who continues to hold the said office on the date of the coming into force of this Act, by way of compensatino for the .oss of the emoluments of his office, as follows:—

To the Registrar of the Toronto Admiralty District, the sum of seven hundred aod fifty dollars;

To the Registrar of the Nova Scotia Admiralty District, the sum of one thousand dollars;

To the Registrar of the New Brunswick Admiralty District, the sum of one thousand five hundred dollars.

Annuity to marshal at Quebec.

3. The Governor in Council may grant to the marshal of the Quebec Admiralty District holding the said office on the first day of September, 1907, and who continues to hold the said office on the coming into force of this Act, an annuity, by way of compensation for the loss of his salary as marshal, equal to two-thirds of the salary annexed to the said office at the time of the coming into force of this Act, to commence immediately thereafter and to continue thenceforth during his natural life.

R.S., c. 141 repealed.

12. *The Admiralty Act*, chapter 141 of the Revised Statutes, 1906, is, subject to the provisions of section 8 of this Act, hereby repealed.

Commencement of Act.

13. This Act shall come into force on a day to be named by proclamation of the Governor in Council.

No. 122.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

BILL.

An Act to make better provision for the exercise of Admiralty Jurisdiction within Canada in accordance with the Colonial Courts of Admiralty Act, 1890.

First reading, March 12, 1908.

Mr. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 135.] **BILL.** [1907-8

An Act to amend the Immigration Act.

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

1. Subsection 1 of section 30 of the Immigration Act, Chapter 93 of the Revised Statutes, 1906, is hereby repealed and the following is substituted therefor :— R.S., c. 93, s. 30.

"**30.** The Governor in Council may, by proclamation or order, whenever he considers it necessary or expedient, prohibit the landing in Canada of any specified class of immigrants or of any immigrants who being natives or citizens of any specified country have come to Canada otherwise than by a continuous journey from that county on through tickets purchased there." Prohibition of certain immigrants.

No. 135.

1th Session. 10th Parliament. 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Immigration Act.

First reading, March 26, 1908.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 140.] **BILL.** [1907-8

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

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

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

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

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

No. 140.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

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

First reading, April 1, 1908.

MR. LEWIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 142.] **BILL.** [1907-8

An Act to amend the Bills of Exchange Act.

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

1. Section 133 of *The Bills of Exchange Act* is amended by striking out the word "endorser" in the second line of paragraph *(c.)* of the said section and substituting therefor the word "endorsee." R.S., c. 119, s. 133 amended.

No. 142.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Bills of Exchange Act.

First reading, April 2, 1908.

MR. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 143.] **BILL.** [1907-8

An Act to amend the Inland Revenue Act.

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

1. Paragraph (*o.*) of section 8 of *The Inland Revenue Act*, chapter 51 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R. S., c. 51, s. 8 amended.

"(*o.*) 'common Canada twist,' otherwise called *tabac blanc en torquette*, means the unstemmed, unflavoured, and unpressed leaf of tobacco grown in Canada, twisted and made into coils by the cultivator thereof, or by a manufacturer of tobacco duly licensed under this Act." "Common Canada twist."

2. Section 19 of the said Act is repealed and the following is substituted therefor:— New s. 19.

"**19.** Every license shall terminate on the thirty-first day of March in each year, and the same amount shall be paid for every such license whether it has a full year or only a part of a year to run from the date when it is granted; provided that in the case of an application for any such license by a person who has not theretofore obtained a license, and who is beginning business, such license, if applied for on or after the first day of October, may be issued to such applicant for the remainder of the fiscal year, upon payment of one-half only of the annual license duty or fee otherwise payable on such license." Term of license.

3. Section 45 of the said Act is repealed and the following is substituted therefor:— New s. 45.

"**45.** Every distiller, maltster, tobacco manufacturer, cigar manufacturer or bonded manufacturer, now or hereafter engaged in the manufacture of or dealing in articles subject to excise, shall make and deliver to the collector of the division in which his manufactory or premises is or are situated, an inventory in such form as is prescribed by the Department, and verified by oath, of the quantity of the different kinds of raw material, articles and goods in process of manufacture, and manufactured products, and all other materials held or owned by him on the first day of April of every year, or, at the time of commencing and at the time of concluding business, if before or after the first day of April or at any intermediate time, when required by the Department. Yearly inventory of stock.

"2. The stock-taking necessary to make up such inventory shall be done under the immediate supervision and to the satis- Stock-taking.

faction of the officer in charge of the respective manufactories or other premises, or other duly authorized officer; and the inventory shall have endorsed thereon the certificate of the said officer as to its correctness."

New s. 141.

4. Section 141 of the said Act is repealed and the following is substituted therefor:—

Drawbacks on exportation.

"**141.** The Department may, under regulations made for that purpose, allow on the exportation of goods manufactured from, or a product or result of the process of manufacture of, articles subject to a duty of excise, and on which such duty of excise has been paid, a drawback equal to the duty so paid, with such deduction therefrom as is provided in such regulations and subject to the direction of the Governor in Council."

Retroaction.

2. The said section 141 shall be construed as if it had been originally enacted as herein amended.

New s. 157.

5. Section 157 of the said Act is repealed and the following is substituted therefor:—

Annual gauging of vessels in distillery.

"**157.** On or before the tenth day of April in each fiscal year, the capacity of all spirit-receivers, fermenting-tuns, mash-tubs, coolers and other vessels used in or about distilleries, shall be accurately ascertained by gauging or by actual measurement by standard measures of capacity, as the officer of excise determines or directs.

List of vessels.

"2. A correct list thereof shall thereupon be made out by the distiller, in triplicate, setting forth the number, use, dimensions and capacity of every such vessel; and the said list shall be attested by the signature of the distiller, and shall be subject to the verification and approval of the officer of excise under whose supervision the gauging or measurement was made.

List as evidence.

"3. Every such list when signed by the officer in testimony of such approval, shall be admissible as evidence.

Correction of list.

"4. Every such list may, at any time, be revised by any superior officer, and if any errors are found therein he shall cause the necessary corrections to be made in such list by the distiller."

New s. 258.

6. Section 258 of the said Act is repealed and the following is substituted therefor:—

Quarterly account of stock in bonded manufactory.

"**258.** On the first day of each of the months of July, October, January and April, the Inspector of Inland Revenue shall cause to be taken an accurate account of the quantity of each of the articles entered for use in the bonded manufactories under his survey, then in stock, as well as the quantity in process of manufacture; and whenever it appears to his satisfaction,—

"(*a*) That the articles made in any bonded manufactory have been made in conformity with the law;

"(*b*) That the conditions of the license have been complied with as to the proportion of each article used and produced; and

"(*c*) That the quantities of the several articles then on hand, together with the quantities lawfully taken for use in the manufacturing of the articles for which the license is granted, truly represent the whole

quantity of the articles entered into the manufactory, as shown by the returns made, and accounts kept in accordance with the law, and the regulations made in that behalf;

the collector shall certify the quantity of each article so taken for use, and the account, with the manufacturer's bond, shall be credited with the quantities so certified." Collector's certificate.

7. Section 266 of the said Act is amended by adding the following subsection thereto:— S. 266 amended.

"2. Every person who uses methyl alcohol, or spirits containing methyl alcohol in any form, in any pharmaceutical, medicinal or other preparation intended for external use shall affix to the vessel containing the said preparation a label stating, in black letters not less than one-fourth of an inch in height, the presence of methyl alcohol therein; and every person violating the provisions of this subsection shall incur a penalty not less than fifty dollars and not exceeding two hundred dollars." Label on methyl alcohol.

8. Section 270 of the said Act is repealed and the following is substituted therefor:— New s. 270.

"**270.** Every application for a license for the manufacturing of tobacco or cigars shall, in addition to the matters required to be therein set forth by the general provisions of this Act respecting licenses, contain a list and description of all tools and machinery used or proposed to be used in the business for which the license is sought, especially of all presses, cutting machinery and mills and shall state the part of the building in which they are used." Application for license to manufacture tobacco.

9. Section 275 of the said Act is repealed and the following is substituted therefor:— New s. 275.

"**275.** The person in whose favour a license for manufacturing tobacco or cigars is granted, shall, upon receiving such license, pay to the collector the sum of fifty dollars." Fee for license.

10. Section 278 of the said Act is repealed and the following is substituted therefor:— New s. 278.

"**278.** Every manufacturer of tobacco or cigars shall post up in a conspicuous place in each room or compartment in his manufactory, and to the satisfaction of the collector or other superior officer, a printed notice, the letters of which shall be at least one-quarter of an inch in height, to the following effect; "The Inland Revenue Act provides that raw leaf tobacco may only be brought into a tobacco or cigar manufactory through the one entrance, designated by the sign containing the words 'Raw Leaf Tobacco Entrance', and that any manufacturer who brings raw leaf tobacco into his manufactory by any other than the above-mentioned entrance, or who brings any Canadian or other raw leaf tobacco into a manufactory without reporting it or entering the quantity so brought in, in his stock book, shall incur a penalty of from two hundred to one thousand dollars; and further, that all goods subject to excise, on the premises at the time the offence is committed, shall be forfeited." Notices to be posted up in tobacco manufactory.

New s. 279.

11. Section 279 of the said Act is repealed and the following is substituted therefor:—

Duties of excise on tobacco.

"**279.** There shall be imposed, levied and collected on tobacco and cigars manufactured in Canada, the following duties of excise, which shall be paid to the collector as by this Act provided, that is to say:—

In general.

"(*a*) on all chewing and smoking tobacco, fine-cut, cavendish, plug or twist, cut or granulated, of every description,—on tobacco twisted by hand or reduced into a condition to be consumed or, in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument and without being pressed or sweetened,—and on all fine-cut shorts and refuse scraps, cuttings and sweepings of tobacco made from raw leaf tobacco or the product in any form, other than in this Act otherwise provided, of raw leaf tobacco, five cents per pound, actual weight;

On common Canada twist.

"(*b*) on common Canada twist, when made solely from tobacco grown in Canada, and on the farm or premises where grown, by the cultivator duly licensed therefor, or in a licensed tobacco manufactory, five cents per pound, actual weight;

On snuff.

"(*c*) on all snuff made from raw leaf tobacco, or the product in any form of raw leaf tobacco or any substitute for tobacco, ground, dry, scented or otherwise, of all descriptions, when prepared for use, five cents per pound, actual weight;

On snuff flour.

"(*d*) snuff flour, when sold or removed for use or consumption, shall pay the same duty as snuff, and shall be put up in packages and stamped in the same manner as herein prescribed for snuff completely manufactured, except that snuff flour not prepared for use, but which needs to be subjected to further processes, by sifting, pickling, scenting or otherwise, before it is in a condition fit for use or consumption, may be sold by one tobacco manufacturer directly to another tobacco manufacturer, and without the payment of the duty, under such regulations as are provided in that behalf by the Department;

On cigars.

"(*e*) on cigars of all descriptions, made from raw leaf tobacco, or any substitute therefor, two dollars per thousand;

On cigars less than ten in package.

"(*f*) on all cigars, when put up in packages containing less than ten cigars each, three dollars per thousand;

On cigarettes.

"(*g*) on cigarettes made from raw leaf tobacco or any substitute therefor, weighing not more than three pounds per thousand, two dollars and forty cents per thousand;

On cigarettes over 3 lbs. per 1,000.

"(*h*) on cigarettes made from raw leaf tobacco or any substitute therefor, weighing more than three pounds per thousand, seven dollars per thousand;

"(*i*) on all foreign raw leaf tobacco, unstemmed, taken out of warehouse for manufacture in any cigar or tobacco manufactory, twenty-eight cents per pound, computed according to the standard of leaf tobacco as hereinbefore established; On foreign leaf, unstemmed.

"(*j*) on all foreign raw leaf tobacco, stemmed, taken out of warehouse for manufacture in any cigar or tobacco manufactory, forty-two cents per pound, computed according to the standard of leaf tobacco as hereinbefore established. On foreign leaf, stemmed.

"2. In all tobacco manufactories where less than fifty per cent of Canadian raw leaf tobacco is used, and where ten per cent, or more, of other materials is used, such materials shall be subject to a duty of sixteen cents per pound actual weight." Duties on liquorice, sugar, etc.

12. All stemmed and unstemmed raw leaf tobacco and all materials and articles the product in whole or in part of raw leaf tobacco which are in process of manufacture in any tobacco or cigar manufactory licensed to use foreign raw leaf tobacco shall, in addition to the duty already paid upon the raw leaf, be subject to the difference between the rate so paid and that hereby imposed, and all other materials in stock in any factory at the time this Act comes into force shall, under the conditions of subsection 2 of section 279 of the said Act, as hereby enacted, be subject to the rate of duty therein mentioned; and the quantity upon which such additional duty shall be paid, as well as the quantity upon which the percentage of such other materials shall be based, shall be determined in such manner as the Department of Inland Revenue directs. Additional duty.

13. All manufactured tobacco and cigars in bond at the time of the coming into force of this Act shall be subject to the rates of duty thereon now existing, and such rates of duty shall remain in effect so long as any goods to which they apply remain in the bonded warehouse of the manufacturer or any other person. Duties on tobacco now in bond.

14. Sections 280 and 281of the said Act are repealed. SS. 280 and 281 repealed.

15. Paragraph (*e*) of subsection 1 of section 282 of the said Act is repealed and the following is substituted therefor:— S. 282 amended.

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

16. Section 295 of the said Act is repealed. S. 295 repealed.

17. Paragraph (*g*) of section 311 of the said Act is repealed and the following is substituted therefor:— S. 311 amended.

"(*g*) for the manufacture and sale of common Canada twist tobacco made from raw leaf tobacco grown in Canada, such tobacco being made into Canada twist by the cultivator only on whose farm or premises it is grown, or in a tobacco manufactory duly licensed under this Act, and the duty of five cents per pound paid as herein provided;" Regulations as to common Canada twist.

18. Paragraph (*i*) of section 311 of the said Act is repealed. S. 311 amended.

New s. 316.

19. Section 316 of the said Act is repealed and the following is substituted therefor:—

Warehousing of tobacco.

"**316.** No less quantity than one hundred pounds of raw leaf tobacco or the contents of one package, five hundred pounds of cavendish or other tobacco, ten thousand cigars, or eight thousand cigarettes, shall be entered for warehouse by one entry.

Ex-warehousing.

"2. Except for export, no less quantity than fifty pounds of raw leaf tobacco, five hundred pounds of cavendish or manufactured tobacco, five thousand cigars, or five thousand cigarettes shall be ex-warehoused by one entry.

Exemption of samples.

"3. The restrictions in this section contained as to the quantity of raw leaf tobacco that may be warehoused or ex-warehoused at one time shall not apply to samples of foreign leaf tobacco made up in accordance with the departmental regulations made in that behalf."

New s. 317.

20. Section 317 of the said Act is repealed and the following is substituted therefor:—

Removal of tobacco in bond.

"**317.** No tobacco of any description when put up in packages containing less than five pounds, and no cigars when put up in packages containing less twenty-five cigars each, shall be removed in bond from one warehouse to another, whether within the same or any other Inland Revenue division."

New s. 319.

21. Section 319 of the said Act is repealed and the following is substituted therefor:—

No refund of duty on tobacco ex-warehoused.

"**319.** The duty paid on raw leaf tobacco ex-warehoused for use, and on manufactured tobacco and cigars taken out of warehouse for consumption, or which have gone directly into consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such tobacco or cigars out of Canada."

New s. 321.

22. Section 321 of the said Act is repealed and the following is substituted therefor:—

Conditions of bond for raw leaf tobacco warehoused.

"**321.** The bond taken for raw leaf tobacco warehoused as herein required, shall be for a sum equal to one dollar per pound on the tobacco to which it relates and shall be conditioned as follows:—

"(*a*) for the delivery of the raw leaf tobacco to which it relates to some one or more tobacco or cigar manufacturers duly licensed as such under any Act relating to the Inland Revenue; or,—

"(*b*) for the delivery of such tobacco into a bonding warehouse licensed under this Act; or,—

"(*c*) for its exportation or destruction, as herein required, within two years of the date of such warehousing.

Evidence of complying with bond.

"2. The evidence of the delivery of such tobacco to a licensed bonding warehouse or to a licensed tobacco or cigar manufacturer shall be the certificate of a collector, or other proper officer, that the tobacco has been delivered into some certain licensed tobacco or cigar manufactory or manufactories, or into some licensed bonding warehouse therein named, and that an account thereof has been entered in the manufacturer's books as required by law."

23. Section 324 of the said Act is repealed and the following is substituted therefor:— New s. 324.

"**324.** The cultivator in whose favour a license is granted for manufacturing common Canada twist, shall, upon receiving such license, pay to the collector the sum of two dollars, whether such license has a full year or only a part of a year to run from the date when it is granted." Fee on license to cultivator to make common Canada twist.

24. Section 328 of the said Act is repealed and the following is substituted therefor:— New s. 328.

"**328.** When any raw leaf tobacco of Canadian growth has been taken into a licensed warehouse in which there is any foreign leaf tobacco, or which is used for the storage of foreign leaf tobacco, and which does not form a portion of the premises of a licensed tobacco or cigar manufacturer, such Canadian leaf tobacco shall thereafter be deemed to be foreign leaf tobacco and shall be dealt with accordingly." Canadian leaf dealt with as foreign in certain cases.

25. Section 334 of the said Act is repealed and the following is substituted therefor:— New s. 334.

"**334.** All imported raw leaf tobacco which is removed from the custody of the customs authorities to a tobacco or cigar manufactory, or to a licensed bonding warehouse, when it passes into the possession and control of the Department, may be so removed in bond, such bond being taken by the Collector of Customs and accompanied by proper entry papers, and shall be for an amount equal to one dollar per pound on the raw leaf tobacco to which it relates, and shall be conditioned for the delivery of the raw leaf tobacco to the tobacco or cigar manufacturer or licensed bonding warehouse mentioned therein. Removal in bond of foreign leaf from Customs warehouse.

"2. Such bond shall be cancelled by the certificate on the customs removal entry, by the collector or other proper officer of Inland Revenue, that the tobacco to which it relates has been received at the tobacco or cigar manufactory or licensed bonding warehouse mentioned therein, and an account thereof made in the manufacturer's or licensed warehouseman's books. Cancellation of bond.

"3. The quantity certified to by the Collector of Inland Revenue shall be that ascertained by actual weight by the officer in charge of the tobacco or cigar manufactory or on the premises of a licensed warehouseman." Weighing on removal.

26. Section 355 of the said Act is repealed and the following is substituted therefor:— New s. 355.

"**355.** Every manufacturer of tobacco or cigars who,— Raw leaf brought into factory by wrong entrance.

"(*a*) causes or permits to be brought into, or into whose manufactory there is brought, any raw leaf tobacco through any other entrance than the one mentioned in the papers accompanying his application for a license, and designated by the sign 'Raw Leaf Tobacco Entrance'; or—

"(*b*) omits to enter, or allows any person in his employ to omit to enter, in the inventories,s tatements, books or returns kept or made in pursuance of this Act, or of any regulation made thereunder, a true account of all tobacco brought into his manufactory; False account of tobacco brought into factory.

Penalty.

shall, for each such offence, incur a penalty not exceeding one thousand dollars and not less than two hundred dollars; and all goods subject to excise found on the premises wherein any such offence is committed shall be forfeited to the Crown and dealt with accordingly."

Provisions respecting wood alcohol.

27. The said Act is amended by adding thereto the following sections as Part X:—

"PART X.

"WOOD ALCOHOL.

"Application of Part II.

Application of Part II.

"**368.** All the provisions of Part II of this Act respecting licenses and the obligations of persons holding them, the keeping of books or accounts, and the making of returns, so far as applied by departmental regulations, and all provisions respecting penalties, so far as applicable, shall have full force and effect with respect to the manufacture of wood alcohol and the persons licensed as herein provided, as if such provisions had been enacted with special reference to the manufacture of wood alcohol and to such persons.

"Licenses.

License necessary.

"**369.** No person who has not been licensed as herein provided shall carry on the business of the manufacture of wood alcohol.

Conditions of license.

"**370.** A license to carry on the business of the manufacture of wood alcohol 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 with a guarantee company, approved by the Department, entered into a bond to His Majesty, in the sum of four thousand dollars.

Conditions of bond.

"2. Such bond shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and for the payment of all penalties which the person to whom the license is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof according to their true intent and meaning.

License fee.

"**371.** The persons in whose favour a license is granted for the manufacture of wood alcohol shall, upon receiving such license, pay to the collector the sum of one dollar.

Warning on vessels containing wood alcohol.

"**372.** All vessels containing wood alcohol, whether in the possession of the manufacturer or other person, shall have affixed thereto a label bearing the words 'Wood Alcohol, Poison' in black letters not less than one-fourth of an inch in height.

"2. Any person who holds in possession, sells, exchanges or delivers any wood alcohol contrary to the provisions of this section shall incur a penalty not less than fifty dollars and not exceeding two hundred dollars.

28. This Act and the rates of duty hereby imposed shall come into force and effect upon such day or days as the Governor General by proclamation directs. Commencement of Act.

No. 143.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Inland Revenue Act.

First reading, April 2, 1908.

MR. TEMPLEMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 144.] **BILL.** [1907-8

An Act to amend the Winding-up Act.

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

1. Section 84 of *The Winding-up Act* is repealed and the following is substituted therefor:— R. S., c. 144, new s. 84.

"**84.** No lien or privilege shall be created— No lien by execution, etc., after commencement of winding up.

(*a*) upon the real or personal property of the Company, for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the Company;

(*b*) upon the real or personal property of the Company, or upon any debts due or accruing or becoming due to the Company, by the filing or registering of any memorial or minute of judgment, or by the issue or taking of any attachment or garnishee order or other process or proceeding;—

if, before the payment over to the plaintiff of the moneys actually levied, paid or received under such writ, memorial, minute, attachment, garnishee order or other process or proceeding, the winding up of the business of the Company has commenced: Provided that this section shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the province in which such writ, attachment, garnishee order or other process or proceeding was issued or taken." Lien for costs excepted.

No. 144.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Winding-up Act.

First reading, April 3, 1908.

MR. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 145.] **BILL.** [1907-8

An Act to amend the Act relating to Ocean Steamship Subsidies.

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

1903, c. 44 repealed; 1889, c. 2, new sec. 4.

1. Chapter 44 of the statutes of 1903 is repealed, and the following is enacted as section 4 of chapter 2 of the statutes of 1889, intituled *An Act relating to Ocean Steamship Subsidies:*—

Steamship service between Canada and France.

"**4.** The Governor in Council may enter into a contract for a term not exceeding ten years with any individual or company, for the performance of a steamship service between a port or ports in Canada and a French port or ports, on such terms and conditions as the Governor in Council deems expedient, and may grant therefor a subsidy not exceeding two hundred thousand dollars a year, based upon a minimum service of eighteen round voyages a year, and a subsidy therefor not exceeding one hundred thousand dollars, and so in proportion for a more frequent service."

No. 145.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Act relating to Ocean Steamship Subsidies.

First reading, April 3, 1908.

MR. BRODEUR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 146.] **BILL.** [1907-8

An Act respecting Proprietary and Patent Medicines.

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

1. This Act may be cited as *The Patent Medicine Act.* Short title.

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

(*a*) "Minister" means the Minister of Inland Revenue or any person duly authorized to act in his stead, or any other head of a Department charged with the administration of this Act;

(*b*) "Proprietary or Patent Medicine" means every artificial remedy or prescription manufactured for the internal use of man, the name, composition or definition of which is not to be found in the British Pharmacopœia, the Codex Medicamentarius of France, the Pharmacopœia of the United States, or any foreign pharmacopœia approved by the Minister, or any pharmacopœia adopted by any properly constituted pharmaceutical association approved by the Minister, or upon which is not printed in a conspicuous manner, and forming an inseparable part of the label or wrapper, the true formula or list of ingredients;

(*c*) "officer" means any officer of Inland Revenue or any person authorized under this Act or *The Adulteration Act* to procure samples of articles of food, drugs, agricultural fertilizers or medicines and to submit them for analysis.

3. Every manufacturer or importer of proprietary or patent medicines, and every agent of such manufacturer or importer, shall, before offering any medicine for sale, procure annually from the Minister of Inland Revenue a numbered certificate of registration as a manufacturer or importer of proprietary or patent medicines. Certificate of registration before sale of medicines.

2. Such manufacturer or importer shall, at the time of applying for the said certificate of registration, furnish the Minister with a list of the medicines which it is proposed to manufacture or import under the certificate: Provided that the said list may be added to from time to time. List of medicines covered by certificate.

3. A fee of one dollar shall be paid for each certificate of registration. Fee for certificate.

4. All proprietary or patent medicine shall be put up in packages or bottles, and every one of these, intended for sale or distribution in Canada, shall have placed upon it, in con- Labels.

spicuous characters forming an inseparable part of the general label, the name and number under which the medicine is registered, with the words "The Patent Medicine Act," and also the manufacturer's name and address.

Officers and analysts.

5. The Governor in Council may appoint officers or analysts for the purpose of carrying out the provisions of this Act, and they shall hold office during pleasure and shall perform such duties as are assigned to them under regulations of the Governor in Council.

Rumeneration.

2. The Governor in Council may cause such remuneration to be paid to such officers and analysts as he deems proper, and such remuneration, whether by fees or salary, or partly in one way and partly in the other, shall be paid to them out of any sum voted by Parliament for the purpose.

Agents in Canada of foreign manufacturers.

6. Where the chief place of business or head office of any person, firm or corporation within the meaning of this Act is elsewhere than in Canada, such person, firm or corporation shall file with the Minister the name of a person or corporation in, or having its head office in, Canada, as the agent or representative of such person, firm or corporation for all the purposes of this Act; and any notice to, or communication or dealing with, such agent or representative by the Minister shall be effectual to all intents and purposes under this Act.

2. In default of such filing the Minister may take any proceedings or action under this Act *ex parte* and without any notice to, or communication with, such person, firm or corporation.

Prohibited medicines.

7. No proprietary or patent medicine shall be manufactured, imported, exposed, sold or offered for sale—

(*a*) if it contains cocaine or any of its salts or preparations;

(*b*) if it does not contain sufficient medication to prevent its use as an alcoholic beverage, or contains alcohol in excess of the amount required as a solvent or preservative; or

(*c*) if it contains any drug which is included in schedule A to this Act but the name of which is not conspicuously printed on, and an inseparable part of, the label or wrapper of the bottle, box or other container.

Burden of proof.

2. The burden of proof that the provisions of this section have been observed shall rest upon the person or company manufacturing, importing, selling or offering for sale such patent or proprietary medicine.

Samples ordered by Minister.

8. The Minister may order any officer to obtain samples of any proprietary or patent medicine, and the manner of obtaining and treating such samples shall be as provided by Departmental regulations.

Distribution from door to door.

9. No person, firm or corporation shall distribute or cause or permit to be distributed from door to door, or upon a public place or highway, any sample of a proprietary or patent medicine.

Improper use of certificate or license

10. No manufacturer, importer or vendor shall, in any advertisement or in any other manner, assert or indicate that the certi-

ficate of registration issued by the Minister passes upon the merits of any proprietary or patent medicine, and no reference to such certificate other than by this Act especially provided, shall be made in any advertisement, upon any label on the package or bottle in which such medicine is contained, or in any other manner.

Penalty.

2. Every person who violates the provisions of this section shall, for a first offence, incur a penalty of fifty dollars and costs, and for any subsequent offence a penalty not exceeding five hundred dollars and not less than one hundred dollars and costs, and the certificate of registration shall be cancelled.

Forgery of label or certificate.

11. Every person, firm or corporation who unlawfully uses, or forges or alters, or uses, knowing it to be forged or altered, any manufacturer's label or certificate required under this Act, is guilty of an offence, and liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment, with or without hard labour, for any term not exceeding twelve months and not less than three months.

Penalties.

12. Every person, firm or corporation failing to observe any provision of this Act for which a specific penalty has not been provided, shall for a first offence incur in each case a penalty not exceeding fifty dollars and costs, and for every subsequent offence a penalty not exceeding one hundred dollars and costs, and his certificate of registration may be cancelled.

Liability of directors.

13. The directors of any company incorporated in Canada shall be jointly and severally liable for any offence against this Act.

Defence.

14. If the person accused proves to the court before which any prosecution is brought for selling, offering or exposing for sale, that he purchased the proprietary or patent medicine with a warranty according to the form in schedule B to this Act, and produces the said warranty at the trial had on such prosecution, and also proves that he sold the said medicine in the same state as when he purchased it, and that he could not, with reasonable diligence, have obtained knowledge of such medicine being of a character contrary to the provisions of this Act, he shall be discharged; but shall be liable to pay the costs incurred by the prosecutor unless he has given due notice to the prosecutor that he will rely upon the said defence, and has called the person from whom he purchased the said medicine into the case as provided for in this Act, in which case the Minister may declare the medicine forfeited to the Crown.

2. If the person presenting the said defence, upon his sworn declaration that he purchased the article in good faith and as provided in subsection 1 of this section, obtains a summons to call such third party into the case, the court shall at the same time hear all the parties and decide upon the entire merits of the case, not only as regards the person originally accused, but also as regards the third party so brought into the case.

Recovery of penalties.

15. Every penalty or forfeiture incurred for any offence against this Act, or any regulation thereunder, may be recovered

in the name of His Majesty in a summary manner, with costs, under the provisions of part XV of *The Criminal Code*.

Imprisonment.

16. Any term of imprisonment for an offence against the provisions of this Act, whether in conjunction with a pecuniary penalty or not, may be adjudged and ordered,—

(*a*) by the Exchequer Court of Canada, or any court of record having jurisdiction in the premises; or

(*b*) if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment adjudged or ordered for non-payment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, in a summary manner under the provisions of part XV of *The Criminal Code*, by a judge of a county court, or by a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process.

Regulations.

17. The Governor in Council may make such regulations for giving effect to any of the provisions of this Act and declaring the true intent thereof, in any case of doubt, as to him seems meet, and may also add to or remove from schedule A to this Act any poisons or potent drugs, as from time to time he deems expedient.

Violation of regulations.

18. All regulations made under this Act, whether made by the Governor in Council or the Department of Inland Revenue, shall have the force of law, and any violation of any such regulation shall subject the person in the said regulation mentioned to such penalty or forfeiture as is, by the said regulation, imposed for such violation.

Commencement of Act.

19. This Act shall come into force upon such day as the Governor General by proclamation directs.

SCHEDULE A.

Acetanilide.
Aconite and its preparations.
Arsenic, and preparations containing it.
Atropine.
Belladonna and its preparations.
Cantharides.
Carbolic Acid.
Chloral hydrate.
Chloroform.
Cocaine and its preparations.
Conia and compounds thereof.
Corrosive sublimate.
Cotton Root.
Croton Oil.
Digitaline.
Ergot.
Essential Oil of Mustard.
Ether.
Hellebore.
Heroin.
Hyoscyamin and its preparations.
Indian Hemp.
Morphine and its preparations.
Nux Vomica.
Opium, its preparations and derivatives.
Pennyroyal.
Phenacetine.
Prussic Acid.
Savin, and preparations thereof.
Strychnine and its preparations.
Sulphonal.
Tansy.
Tartrate of Antimony.
Veratria.

SCHEDULE B

Form of Warranty.

I hereby warrant that the patent or proprietary medicines manufactured by myself or by persons known to me, and sold by me to..... on the dates shown below, are made in accordance with the provisions of "The Patent Medicine Act."

Date.	Article.

Dated at this day of 19 .

(*Signature of manufacturer or vendor.*)

No 146.

4th Session, 10th Parliament, 7-8 Edward VI

BILL.

An Act respecting Proprietary and Medicines.

First reading, April 3, 1908.

MR. TEMPLE

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Maje
1907-8

No. 146.] **BILL.** [1907-8

An Act respecting Proprietary or Patent Medicines.

(Reprinted as amended and reported by the Select Committee to whom the said Bill was referred for consideration.)

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

Short title.

1. This Act may be cited as *The Proprietary or Patent Medicine Act.*

Definitions.

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

(*a*) "Minister" means the Minister of Inland Revenue or any person duly authorized to act in his stead, or any other head of a Department charged with the administration of this Act;

(*b*) "Proprietary or Patent Medicine" means every artificial remedy or prescription manufactured for the internal use of man, the name, composition or definition of which is not to be found in the British Pharmacopœia, the Codex Medicamentarius of France, the Pharmacopœia of the United States, or any foreign pharmacopœia approved by the Minister, or any formulary adopted by any properly constituted pharmaceutical association representing the Dominion of Canada, approved by the Minister; or upon which is not printed in a conspicuous manner, and forming an inseparable part of the label and wrapper, the true formula or list of medicinal ingredients, which must not contain cocaine or any of its derivatives or preparations;

(*c*) "officer" means any officer of Inland Revenue or any person authorized under this Act or *The Adulteration Act* to procure samples of articles of food, drugs, agricultural fertilizers or medicines and to submit them for analysis.

Certificate of registration before sale of medicines.

3. Every manufacturer, importer or agent of proprietary or patent medicines, and every agent of such manufacturer or importer, shall, before offering any medicine for sale, procure annually from the Minister of Inland Revenue a numbered certificate of registration as a manufacturer or importer of proprietary or patent medicines.

List of medicines covered by certificate.

2. Such manufacturer, importer or agent shall, at the time of applying for the said certificate of registration, furnish the Minister with a list of the medicines which it is proposed to manufacture or import under each certificate: Provided that the said list may be added to from time to time.

Fee for certificate.

3. A fee of one dollar shall be paid for each certificate of registration.

Labels.

4. All proprietary or patent medicines shall be put up in packages or bottles, and every one of these, intended for sale or distribution in Canada, shall have placed upon it, in conspicuous characters forming an inseparable part of the general label and wrapper, the name and number under which the medicine is registered, with the words "The Proprietary or Patent Medicine Act," and also the manufacturer's name and address, which name and number shall be sufficient identification, as to the manufacturer thereof, for the purposes of section 14 of this Act.

Officers and analysts.

5. The Governor in Council may appoint officers or analysts for the purpose of carrying out the provisions of this Act, and they shall hold office during pleasure and shall perform such duties as are assigned to them under regulations of the Governor in Council.

Remuneration.

2. The Governor in Council may cause such remuneration to be paid to such officers and analysts as he deems proper, and such remuneration, whether by fees or salary, or partly in one way and partly in the other, shall be paid to them out of any sum voted by Parliament for the purpose.

Agents in Canada of foreign manufacturers.

6. Where the chief place of business or head office of any person, firm or corporation within the meaning of this Act is elsewhere than in Canada, such person, firm or corporation shall file with the Minister the name of a person or corporation in, or having its head office in, Canada, as the agent or representative of such person, firm or corporation for all the purposes of this Act; and any notice to, or communication or dealing with, such agent or representative by the Minister shall be effectual to all intents and purposes under this Act.

2. In default of such filing the Minister may take any proceedings or action under this Act *ex parte* and without any notice to, or communication with, such person, firm or corporation.

Prohibited medicines.

7. No proprietary or patent medicine shall be manufactured, imported, exposed, sold or offered for sale—

(*a*) if it contains cocaine or any of its salts or preparations;

(*b*) if it contains alcohol in excess of the amount required as a solvent or preservative, or does not contain sufficient medication to prevent its use as an alcoholic beverage;

(*c*) if it contains any drug which is included in the schedule to this Act but the name of which is not conspicuously printed on, and an inseparable part of, the label and wrapper of the bottle, box or other container: Provided that every manufacturer or importer of or agent for the sale of any medicine containing any of the drugs mentioned in the schedule may, when applying for a certificate of registration for any medicine, transmit to the Minister an affidavit specifying such drug and the proportion of it contained in the mixture and dose, and the Minister may thereupon grant a certificate of registration for such medicine without the

printing of the name of the said drug upon the label and wrapper if it appears to the Minister that the proportion of the drug used is not dangerous to health.

Burden of proof.

2. The burden of proof that the provisions of this section have been observed shall rest upon the person or company manufacturing, importing, selling or offering for sale such patent or proprietary medicine.

Samples ordered by Minister.

8. The Minister may order any officer to obtain samples of any proprietary or patent medicine, and the manner of obtaining and treating such samples shall be as provided by Departmental regulations.

Distribution from door to door.

9. No person, firm or corporation shall distribute or cause or permit to be distributed from door to door, or upon a public place or highway, any sample of a proprietary or patent medicine.

Improper use of certificate or license

10. No manufacturer, importer or vendor shall, in any advertisement or in any other manner, assert or indicate that the certificate of registration issued by the Minister passes upon the merits of any proprietary or patent medicine, and no reference to such certificate, or to any other certificate or guarantee, other than by this Act specially provided, shall be made in any advertisement, upon any label upon the package or bottle in which such medicine is contained, or in any other manner.

2. No proprietary or patent medicine shall be imported, exposed, sold or offered for sale in Canada which bears any representations as respects certificates issued under any Canadian or foreign governments different from that allowed under this Act.

Penalty.

3. Every person who violates the provisions of this section shall, for a first offence, incur a penalty of fifty dollars and costs, and for any subsequent offence a penalty not exceeding five hundred dollars and not less than one hundred dollars and costs, and the certificate of registration shall be cancelled.

Forgery of label or certificate.

11. Every person, firm or corporation who unlawfully uses, or forges or alters, or uses, knowing it to be forged or altered, any manufacturer's label or certificate required under this Act, is guilty of an offence, and liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment, with or without hard labour, for any term not exceeding twelve months and not less than three months.

Penalties.

12. Every person, firm or corporation failing to observe any provision of this Act for which a specific penalty has not been provided, shall for a first offence incur in each case a penalty not exceeding fifty dollars and costs, and for every subsequent offence a penalty not exceeding one hundred dollars and costs, and his certificate of registration may be cancelled.

Liability of directors.

13. The directors of any company incorporated in Canada shall be jointly and severally liable for any offence against this Act.

Defence.

14. In the case of any person accused of selling, offering or exposing for sale any proprietary or patent medicine which is not in conformity with the provisions of this Act, and upon which there appears the name and number under which the medicine is registered, with the words "The Proprietary or Patent Medicine Act," and also the manufacturer's name and address, if the person so charged also proves that he sold the said medicine in the same state as when he purchased it and that he could not with reasonable diligence have obtained knowledge of such medicine being of a character contrary to the provisions of this Act, or knowledge of the forgery, or alteration, or unlawful use of the manufacturer's label and certificate, as the case may be, he shall be discharged; but he shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice in writing to the prosecutor that he will rely upon the said defence and has also given to the prosecutor notice in writing of the name of the person from whom he purchased such medicine, but in any case the Minister may, if the medicine is sold, offered or exposed for sale contrary to the provisions of this Act, declare the medicine forfeited to the Crown.

2. If the person who gives notice of such defence, or the prosecutor, obtains a summons to bring such third party before the court, the court shall at the same time hear all the parties and decide upon the entire merits of the case, not only as regards the person originally accused but also as regards the third party so brought before the court.

Recovery of penalties.

15. Every penalty or forfeiture incurred for any offence against this Act, or any regulation thereunder, may be recovered in the name of His Majesty in a summary manner, with costs, under the provisions of part XV of *The Criminal Code*.

Imprisonment.

16. Any term of imprisonment for an offence against the provisions of this Act, whether in conjunction with a pecuniary penalty or not, may be adjudged and ordered,—

(*a*) by the Exchequer Court of Canada, or any court of record having jurisdiction in the premises; or

(*b*) if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment adjudged or ordered for non-payment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, in a summary manner under the provisions of part XV of *The Criminal Code*, by a judge of a county court, or by a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process.

Regulations

17. The Governor in Council may make such regulations for giving effect to any of the provisions of this Act and declaring the true intent thereof, in any case of doubt, as to him seems meet, and may also add to or remove from schedule A to this Act any poisons or potent drugs, as from time to time he deems expedient.

18. All regulations made under this Act, whether made by the Governor in Council or the Department of Inland Revenue, shall have the force of law, and any violation of any such regulation shall subject the person in the said regulation mentioned to such penalty or forfeiture as is, by the said regulation, imposed for such violation. Violation of regulations.

19. This Act shall come into force upon such day as the Governor General by proclamation directs. Commencement of Act.

SCHEDULE.

Acetanilide.
Aconite and its preparations.
Arsenic, and preparations containing it.
Atropine.
Belladonna and its preparations.
Cantharides.
Carbolic Acid.
Chloral hydrate.
Chloroform.
Conia and compounds thereof.
Corrosive sublimate.
Cotton Root.
Croton Oil.
Digitaline.
Ergot.
Essential Oil of Mustard.
Ether.
Hellebore.
Heroin.
Hyoscyamin and its preparations.
Indian Hemp.
Morphine and its preparations.
Nux Vomica.
Opium, its preparations and derivatives.
Pennyroyal.
Phenacetine.
Prussic Acid.
Savin, and preparations thereof.
Strychnine and its preparations.
Sulphonal.
Tansy.
Tartrate of Antimony.
Veratria.

No. 146.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting Proprietary or Patent Medicines.

Reprinted as amended and reported by the Select Committee to whom the Bill was referred.

MR. TEMPLEMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 147.] **BILL.** [1907-8

An Act to repeal the Canned Goods Act.

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

1. *The Canned Goods Act*, chapter 134 of the Revised Statutes, 1906, is repealed. R.S., c. 134 repealed.

No. 147.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to repeal the Canned Goods Act.

First reading, April 6, 1908.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 148.] **BILL.** [1907-8

An Act to amend the Inspection and Sale Act.

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

R.S., c. 85, s. 2 amended. Divisions.

1. Section 2 of *The Inspection and Sale Act* is amended by adding after the word "grain," in the second line thereof, the following words "dairy products, fruits, or fruit marks."

Provisions of Act repealed.

2. Paragraphs (*g*) and (*h*) of section 4, and sections 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 311, 323, and 324 of the said Act are repealed.

Section added.

3. The following section is inserted in the said Act immediately after section 283,—

Adulterated cheese.

"**283A.** No person shall—

"(*a*) incorporate in a new cheese, during the process of its manufacture, any inferior curd or cheese;

"(*b*) knowingly sell, expose, or have in his possession for sale, without giving due notice thereof, any cheese in which has been incorporated, during the process of its manufacture, any inferior curd or cheese;

"(*c*) place in a cheese during the process of its manufacture, or at any time thereafter, any foreign substance"

New s. 304.

4. Section 304 of the said Act is repealed and the following is substituted therefor:—

Penalties respecting cheese.

"**304.** Every person who, by himself or through the agency of any other person,—

"(*a*) manufactures, buys, sells, exposes or has in his possession for sale, any cheese manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk; or

"(*b*) obstructs or refuses to permit the lawful examination of cheese, or of stock or packages or the marking thereof, as provided by this Part; or

"(*c*) incorporates in a cheese, during the process of its manufacture, any inferior curd or cheese; or

"(*d*) knowingly sells, or offers for sale, without giving due notice thereof, any cheese in which has been incorporated, during the process of its manufacture, any inferior curd or cheese; or

"(*e*) places in any cheese, during the process of its manufacture, or at any time thereafter, any foreign substance;

shall, for each offence, upon summary conviction, be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such penalty and costs and the cost of enforcing them are sooner paid."

Sections added.

5. The following sections are inserted in the said Act immediately after section 313:—

Appointment of inspectors.

"**313A.** The Minister of Agriculture may make appointments of inspectors and other persons for the enforcement of this Part.

Regulations.

"**313B.** The Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Part, and may, by such regulations, impose penalties not exceeding fifty dollars on any person offending against them; and the regulations so made shall be in force from the date of their publication in *The Canada Gazette*, or from such other date as is specified in the proclamation in that behalf; and the violation of any such regulation shall be deemed an offence against this Part and punishable as such."

Section 319 amended.

6. Section 319 of the said Act is amended by adding thereto the following paragraph:—

"Culls" defined.

"(*c*) 'culls' shall include fruit that is either very small for the variety, or immature, or the skin of which is broken so as to expose the tissue beneath, or that is so injured by insects, fungi, abnormal growths, or other causes, as to render it unmerchantable"

Section 321 amended.

7. Sub-paragraph (iii) of paragraph (*b*) of section 321 of the said Act is repealed and the following is substituted therefor:—

False marking.

"(iii) No. 2 quality, unless such fruit includes no culls and consists of specimens of not less than nearly medium size for the variety, and not less than eighty per cent free from worm holes and such other defects as cause material waste, and properly packed."

New s. 328.

8. Section 328 of the said Act is repealed and the following is substituted therefor:—

Penalties respecting marking.

"**328.** Every person who, by himself or through the agency of any other person, violates any of the provisions of sections 320 and 321 of this Act, shall be liable, for the first offence, to a fine not exceeding fifty dollars and not less than ten dollars; for the second offence, to a fine not exceeding one hundred dollars, and not less than fifty dollars; and for the third and each subsequent offence, to a fine not exceeding five hundred dollars and not less than one hundred dollars, together, in all cases, with the costs of prosecution; and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and costs, and the costs of enforcing them, are sooner paid.

Additional penalties.

"2. Whenever any such violation is with respect to a lot or shipment consisting of fifty or more closed packages, there may

be imposed, in addition to any penalty provided by this section, for the first offence twenty-five cents, for the second offence fifty cents, and for the third and each subsequent offence one dollar, for each closed package in excess of fifty with respect to which such violation is committed."

Section 329 amended.

Penalty for tampering with marks.

9. Section 329 of the said Act is amended by striking out, at the end thereof, the words "forty dollars," and adding thereto the words "one hundred dollars for the first offence, and two hundred dollars for the second and each subsequent offence, together, in all cases, with the costs of prosecution; and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and costs, and the costs of enforcing them, are sooner paid."

Sections 330, 331 repealed.

New s. 330.

Penalties respecting apples and berries.

10. Sections 330 and 331 of the said Act are repealed. The following section is enacted as section 330:—

"**330.** Every person who violates any of the provisions of sections 325 and 326 of this Act shall be liable, on summary conviction, to a penalty of twenty-five cents for each barrel of apples, or box of apples, pears, quinces, berries, or currants, or basket of fruit, or berry box, respecting which such violation is committed, together with the costs of prosecution; and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and costs, and the costs of enforcing them, are sooner paid."

Sections added.

Appointment of inspectors.

Regulations.

11. The following sections are inserted in the said Act immediately after section 333:—

"**333A.** The Minister of Agriculture may make appointments of inspectors and other persons for the enforcement of this Part.

"**333B.** The Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Part, and may by such regulations impose penalties not exceeding fifty dollars on any person offending them; and the regulations so made shall be in force from the date of their publication in *The Canada Gazette*, or from such other date as is specified in the proclamation in that behalf; and the violation of any such regulation shall be deemed an offence against this Part and punishable as such."

No. 148.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Inspection and Sale Act.

First reading, April 6, 1908.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 149.] **BILL.** [1907-8

An Act to amend the Meat and Canned Foods Act.

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

1907, c. 27, new s, 11.

1. Section 11 of *The Meat and Canned Foods Act*, chapter 27 of the statutes of 1907, is repealed, and the following is substituted therefor:—

Exemption from inspection.

"**11.** The Governor in Council may, upon application of the owner thereof, exempt any establishment from the operation of the provisions of sections 3 and 4, and of sections 6 to 10, both inclusive, of this Act."

Section added.

2. The following section is inserted immediately after section 15 of the said Act:—

Sale in violation of Act.

"**15A.** No person shall offer or expose or have in his possession for sale any article subject to inspection under this Act unless all the requirements thereof respecting the said article have been complied with".

Section 17 amended.

3. Section 17 of the said Act is amended by striking out the word "marked" in the fourth line of subsection 3 thereof, and substituting therefor the word "packed".

Section 29 amended.

4. Section 29 of the said Act is amended by striking out in the fourth line thereof "Part XVI," and substituting "Part XV" therefor.

No. 149.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Meat and Canned Foods Act.

First reading, April 6, 1908.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 150.] **BILL.** [1907-8

An Act to amend the Yukon Placer Mining Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 64, s. 2 amended.

1. Paragraph (*c*) of section 2 of *The Yukon Placer Mining Act* is amended by adding the following words thereto:—"but does not include streams which may be considered rivers under the provisions of the Dredging Regulations, that is, streams having an average width of one hundred and fifty feet."

Section of the Act to be amended.	*Section amended as proposed.*
(*c*) "creek" means and includes all natural watercourses, whether usually containing water or not;	(*c*) "creek" means and includes all natural watercourses whether usually containing water or not, *but does not include streams which may be considered "rivers" under the provisions of the Dredging Regulations; that is, streams having an average width of* 150 *feet.*

Explanation.—Paragraph (*c*) "creek" as at present defined includes rivers of any size, and so conflicts with the Dredging Regulations.

2. Paragraph (*f*) of section 2 of the said Act is amended by inserting, after the word "stake" in the first line, the words "having a diameter throughout of not less than five inches." Sec. 2 amended.

Section of the Act to be amended.	*Section amended as proposed.*
(*f*) "legal post" means a stake standing not less than four feet above the ground and flatted on two sides for at least one foot from the top, each of the sides so flatted measuring at least four inches across the face, and includes also any stump or tree cut off and flatted or faced to the aforesaid height and size;	(*f*) "legal post" means a stake *having a diameter throughout of not less than five inches* standing not less than four feet above the ground and flatted on two sides for at least one foot from the top, each of the sides so flatted measuring at least four inches across the face, and includes also any stump or tree cut off and flatted or faced to the aforesaid height and size;

Explanation.—Paragraph (*f*) does not define the thickness of the post, so that a piece of wood one-half inch in thickness and four inches across the face would be compliance with this definition.

3. Section 3 of the said Act is repealed and the following is substituted therefor:— New s. 3.

"**3.** The Governor in Council may appoint gold commissioners, and acting and assistant gold commissioners, for the purpose of carrying out the provisions of this Act; but mining recorders and mining inspectors and deputies thereto shall be appointed

by the commissioner, subject to the approval of the Governor in Council.

Section of the Act to be repealed.

The Governor in Council may appoint gold commissioners, mining recorders and mining inspectors, and deputies thereto, for carrying on the provisions of this Act.

Section substituted as proposed.

The Governor in Council may appoint gold commissioners, *and acting and assistant gold commissioners* for the purpose of carrying out the provisions of this Act, *but mining recorders and mining inspectors and deputies thereto shall be appointed by the commissioner, subject to the approval of the Governor in Council.*

Sec. 4 amended.

4. Section 4 of the said Act is amended by striking out the words "in Council" in the first line thereof.

Section of the Act to be amended.

The Commissioner *in Council* may, by proclamation published in the Yukon official gazette, divide the territory into districts to be known as mining districts, and may, as occasion requires, change the boundaries of such districts.

Section amended as proposed.

The Commissioner may, by proclamation published in the Yukon *Official Gazette*, divide the territory into districts to be known as mining districts, and may, as occasion requires, change the boundaries of such districts.

Explanation.—This change is suggested to prevent delays in making desirable changes in the boundaries of mining districts.

Sec. 7 amended.

5. Section 7 of the said Act is amended by adding thereto the following sub-sections:—

Filing of caveat.

"2. In case a caveat is filed against any claim, such caveat shall lapse unless before the expiration of one month from the receipt thereof by the mining recorder proper proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the interests specified in the caveat.

Caveat defined.

"3. A caveat is any instrument claiming any interest whatever in the claim with reference to which it is filed, but does not include any instrument creating any sale, mortgage, or other disposition of the property."

Section of the Act to be amended.

Every mining recorder shall keep the following books, to be used for placer mining entries:—

(*a*) Record of applications;
(*b*) Record of refused applications;
(*c*) Record book;
(*d*) Record of abandonments; and,
(*e*) Record of documents received;

and shall record all documents relating to mining property which are brought to him for record, and file all documents relating to such claims which are brought to him to be filed.

Section amended as proposed.

Every mining recorder shall keep the following books, to be used for placer mining entries:—

(*a*) Record of applications;
(*b*) Record of refused applications;
(*c*) Record book;
(*d*) Record of abandonments; and,
(*e*) Record of documents received;

and shall record all documents relating to mining property which are brought to him for record, and file all documents relating to such claims which are brought to him to be filed.

2. *In case a caveat is filed against any claim, such caveat shall lapse unless before the expiration of one month from the receipt thereof by the mining recorder proper proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the interests specified in the caveat.*

3. *A caveat shall be any instrument claiming any interest whatever in the claim with reference to which it is filed; but shall not include any instrument creating any sale, mortgage or other disposition of the property.*

Explanation.—Frequently memoranda are filed with the mining recorder against a claim, thus constituting a cloud upon the title and preventing sale. There is at present no way of relieving the record of a document of this kind except by bringing action, and this causes considerable delay and expense.

6. Section 17 of the said Act is amended by inserting, after the word "Council" in the sixth line, the words "except under regulations approved by the Governor in Council." Sec. 17 amended.

Section of the Act to be amended.	*Section amended as proposed.*
Any person over, but not under, eighteen years of age may enter for mining purposes, locate, prospect and mine for gold and other precious metals or stones upon any lands in the Territory, whether vested in the Crown or otherwise, except lands within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, or lands occupied by a building, or within the curtilage of a dwelling house, or lawfully occupied for placer mining purposes, or which form part of an Indian reserve.	Any person over, but not under, eighteen years of age may enter for mining purposes, locate, prospect and mine for gold and other precious metals or stones upon any lands in the Territory, whether vested in the Crown or otherwise, except lands within the boundaries of a city, town or village as defined by any ordnance of the Commissioner in Council *except under regulations approved by the Governor in Council*, or lands occupied by a building or within the curtilage of a dwelling house, or lawfully occupied for placer mining purposes, or which form part of an Indian reserve.

Explanation.—Certain townsites in the Yukon Territory contain large areas not utilized for building purposes. Certain of such areas are reported to contain gold. Under the present Act there is no way by which this ground can be operated. The ammendment is recommended in order that ground within a townsite which is known to contain gold, may be mined out.

7. Section 21 of the said Act is amended by inserting, after the word "length" in the second line, the words "parallel to the base line of the creek towards which it fronts." Sec. 21 amended.

Section of the Act to be amended.	*Section amended as proposed.*
Claims situate elsewhere than on a creek shall not exceed five hundred feet in length by one thousand feet.	Claims situate elsewhere than on a creek shall not exceed five hundred feet in length *parallel to the base line of the creek towards which it fronts*, by one thousand feet in width.

Explanation.—It is desirable that the boundary lines of all claims on a creek or river should be run in the same direction, that is, parallel to or at right angles to the base line of the creek or river.

8. Section 22 of the said Act is amended by inserting, after the word "creek" in the first and third lines, the words "or river." Sec. 22 amended.

Section of the Act to be amended.	*Section amended as proposed.*
A claim fronting on a creek shall be staked as nearly as possible parallel to the general direction of the valley of the said creek, and shall conform to the boundaries which the base line, when established, shall define.	A claim fronting on a creek *or river* shall be staked as nearly as possible parallel to the general direction of the valley of the said creek *or river*, and shall conform to the boundaries which the base line, when established, shall define.

9. Section 24 of the said Act is amended by inserting, after the word "creek" in the second and third lines, the words "or river." Sec. 24 amended.

Section of the Act to be amended.	*Section amended as proposed.*
The official survey which establishes the base line of a creek shall, at the same time, establish the side lines of claims located on the creek, and shall be a final determination of the location of such base line and side lines.	The official survey which establishes the base line of a creek *or river* shall, at the same time, establish the side lines of claims located on the creek *or river*, and shall be a final determination of the location of such base line and side lines.

Explanation.—These changes are necessary owing to the change in the definition of the term "creek."

Sec. 25 amended.

10. Subsection 1 of section 25 of the said Act is amended by inserting, after the word "every" in the first line, the word "creek," and by adding to the said subsection the following:— "claims situate elsewhere than on a creek shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground in a line parallel to the base line and on the side nearest the creek or river towards which it fronts."

Section of the Act to be amended.

Every claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim.

2. The line between the two posts shall be well cut out so that one post may if the nature of the surface will permit, be seen from the other.

3. One of the flatted sides of each post shall face the claim, and on each post shall be written on the side facing the claim, a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked, and the full christian and surname of the locator.

4. The posts shall be numbered 1 and 2 respectively, and it shall not be lawful to move them except that No. 2 may be moved by a Dominion land surveyor, if the distance between the posts exceeds the length prescribed by this Act, but not otherwise.

5. Notwithstanding anything herein contained failure on the part of a locator of a claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate his location, if, upon the facts, it appears to the satisfaction of the mining recorder that there has been on the part of the locator a *bona fide* attempt to comply with the provisions of this Act, and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

Section amended as proposed.

Every *creek* claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim. *Claims situate elsewhere than on a creek shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground in a line parallel to the base line, and on the side nearest the creek or river towards which it fronts.*

2. The line between the two posts shall be well cut out so that one post may, if the nature of the surface will permit, be seen from the other.

3. One of the flatted sides of each post shall face the claim, and on each post shall be written on the side facing the claim, a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked and the full christian and surname of the locator.

4. The posts shall be numbered 1 and 2 respectively, and it shall not be lawful to move them except that No. 2 may be moved by a Dominion land surveyor, if the distance between the posts exceeds the length prescribed by this Act, but not otherwise.

5. Notwithstanding anything herein contained failure on the part of a locator of a claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate his location, if, upon the facts, it appears to the satisfaction of the mining recorder that there has been on the part of the locator a *bona fide* attempt to comply with the provisions of this Act, and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

Explanation.—This section provides for staking on the base line only. No provision is made for the manner in which claims not situated on the base line shall be staked. This amendment provides for the staking of creek claims and also for the staking of claims situated elsewhere than on a creek.

Sec. 26 amended.

11. Section 26 of the said Act is amended by striking out the words "one thousand" in the seventh line and inserting in lieu thereof the words "twelve hundred and fifty."

Section of the Act to be amended.

Any person or party of persons locating the first claim on any creek, hill, bench, bar or plain, or locating a claim on any creek, hill, bench, bar or plain upon which there is no recorded claim, shall be entitled to a claim or claims respectively of the following size, namely:—

One locator, one claim, fifteen hundred feet in length.

A party of two locators two claims, each of one thousand feet in length;

Section amended as proposed.

Any person or party of persons locating the first claim on any creek, hill, bench, bar or plain, or locating a claim on any creek, hill, bench, bar or plain upon which there is no recorded claim, shall be entitled to a claim or claims, respectively, of the following size, namely:—

One locator, one claim, fifteen hundred feet in length;

A party of two locators, two claims each of *twelve hundred and fifty* feet in length;

A party of more than two locators, two claims, each of one thousand feet in length, and for each member of the party beyond two, a claim of the ordinary size only.

A party of more than two locators, two claims, each of one thousand feet in length, and for each member of the party beyond two, a claim of the ordinary size only.

Explanation.—As this section now stands it does not give any additional ground to two discoverers, as one discoverer can stake fifteen hundred feet, and any person, other than a discoverer, could then obtain a claim of the ordinary size, namely, five hundred feet. The amendment gives to both discoverers, in case there are two, a claim of greater size than the ordinary.

12. Section 27 of the said Act is repealed and the following is substituted therefor:— New s. 27.

"**27.** The boundaries of any claim may, by order of the gold commissioner or mining recorder, upon application by the owner thereof, be enlarged to the size of a claim allowed by this Act, if such an enlargement will not interfere with any mining property owned by any other person." Extension of boundaries of claim.

Section of the Act to be repealed.

The boundaries of any claim for *which a grant has been issued prior to the first day of August, one thousand nine hnudred and six*, may, by order of the gold commissioner, upon application of the owner thereof, be enlarged to the size of a claim allowed by this Act, if such enlargement will not interfere with any mining property owned by any other person.

Section substituted as proposed.

The boundaries of any claim may, by order of the gold commissioner *or mining recorder*, upon application by the owner thereof, be enlarged to the size of a claim allowed by this Act, if such an enlargement will not interfere with any mining property owned by any other person.

Explanation.—Under the present Act only those who received a grant prior to the 1st August, 1906, may obtain an extension of boundaries. Since that date numerous claims staked under former regulations, and therefore of limited size, have been relocated, and such relocators are prevented by the terms of the Act from extending their boundaries should land in the vicinity become available.

13. Subsection 2 of section 36 of the said Act, as amended by section 2 of chapter 54 of the statutes of 1907, is repealed, and the following is substituted therefor: Sec. 36 amended.

"2. No claim shall be relocated within thirty days of its being so abandoned, nor until after notice of such abandonment has been posted up for at least a week in a conspicuous place on the claim and in the office of the mining recorder, nor until a statutory declaration has been filed with the mining recorder that the notices have been so posted." Relocation of claim.

Section of the Act to be amended.

A person holding a grant of a claim may, at any time, abandon the claim, by giving notice in writing of his intention to do so to the mining recorder and surrendering his grant to the mining recorder, and thereafter he shall not personally or through any other person relocate the same claim.

2. No claim shall be relocated within ten days of its being so abandoned, nor until after notice of such abandonemnt has been posted up for at least a week in the office of the mining recorder.

Section amended as proposed.

A person holding a grant of a claim may, at any time, abandon the claim, by giving notice in writing of his intention to do so to the mining recorder and surrendering his grant to the mining recorder, and thereafter he shall not personally or through any other person relocate the same claim.

2. No claim shall be relocated within *thirty* days of its being so abandoned, nor until after notice of such abandonment has been posted up for at least a week *in a conspicuous place on the claim and* in the office of the mining recorder, *nor until a statutory declaration has been filed with the mining recorder that the notices have been so posted.*

Explanation.—Advantage has been taken of this subsection by persons who failed to perform the necessary representation work on their claim, and at the end of the year abandoned it and had some one relocate it for them. By allowing thirty days between abandonment and relocation, and by giving publicity to such abandonment, this evasion of the regulations will be overcome.

Sec. 37 repealed.

14. Section 37 of the said Act is repealed and the following is substituted therefor:—

Location of other claims.

"**37.** Any person having recorded a claim shall not have the right to locate another claim within the valley or basin of the same creek within sixty days of the date on which he has located the said claim."

Section of the Act to be repealed.

No person shall receive a grant of more than one claim on each separate creek, hill, bench, bar or plain, except by purchase, unless he has abandoned the claim for which he has received a grant, and such abandonment has been duly recorded.

2. If the owner of a claim, having acquired it by location, sells it, he shall not be permitted to locate again on the same creek, hill, bench, bar or plain until the lapse of one year from the date his locating the said claim.

Section substituted as proposed.

Any person having recorded a claim shall not have the right to locate another claim within the valley or basin of the same creek within sixty days of the date on which he has located the said claim.

Explanation.—Under the Act as it now stands one person may stake out and obtain entry at the same time for a large number of claims on a creek.

Sec. 39 amended.

15. Section 39 of the said Act is amended by adding thereto the following subsections:—

Appeal from decision.

"6. An appeal may be taken at any time within twenty days from the decision of the gold commissioner to the court *en banc* of the territorial court of the Yukon Territory.

Rules of procedure.

"7. The procedure in all cases before the gold commissioner under this section, and on appeal therefrom, shall be in accordance with rules prepared by the gold commissioner and approved by the Commissioner."

Section of the Act to be amended.

Surveys of claims made under instructions ssued by direction of the Commissioner to a duly qualified Dominion land surveyor named by him shall be accepted as defining absolutely the boundaries of the claims surveyed, provided the returns of the survey are approved by the Commissioner or an official appointed by him for that purpose, and notice of such survey has been published in the Yukon official gazette for twelve successive issues thereof, and remains unprotested during that period.

2. The owner of a claim so surveyed shall, prior to the first appearance of the advertisement in the Yukon official gazette, cause to be posted in a conspicuous spot on the claim a notice of his intent on to advertise the survey of the claim, and also a plan of the survey of the claim prepared by the surveyor.

3. If, within the time during which such notice is published, the survey is protested, the protest shall be heard and decided upon by the gold Commissioner, and the costs of the hearing shall be in the discretion of the gold commissioner, who may direct that the same or any portion thereof shall be paid by any party to the proceedings.

4. If a decision is rendered varying the boundaries of the claim from those defined by the advertised survey, the owner of the claim may have the claim re-surveyed and fresh returns prepared embodying the changes involved by such decision, and such re-survey being approved by the Commissioner, or the official appointed by him for that purpose, may without advertisement be accepted by the gold commissioner in

Section amended as proposed.

Surveys of claims made under instructions issued by direction of the Commissioner to a duly qualified Dominion land surveyor named by him shall be accepted as defining absolutely the boundaries of the claims surveyed, provided the returns of the survey are approved by the Commissioner or an official appointed by him for that purpose, and notice of such survey has been published in the Yukon *Official Gazette* for twelve successive issues thereof, and remains unprotested during that period.

2. The owner of a claim so surveyed shall, prior to the first appearance of the advertisement in the Yukon *Official Gazette*, cause to be posted in a conspicuous spot on the claim a notice of his intention to advertise the survey of the claim, and also a plan of the survey of the claim prepared by the surveyor.

3. If, within the time during which such notice is published, the survey is protested, the protest shall be heard and decided upon by the gold commissioner, and the costs of the hearing shall be in the discretion of the gold commissioner, who may direct that the same or any portion thereof shall be paid by any party to the proceedings.

4. If a decision is rendered varying the boundaries of the claim from those defined by the advertised survey, the owner of the claim may have the claim re-surveyed and fresh returns prepared embodying the changes involved by such decision, and such re-survey being approved by the Commissioner, or the official appointed by him for that purpose, may without advertisement be

lieu of the survey that has been protested.

The expenses in connection with the survey and advertisement of claims shall be defrayed by the owners of the claims, but no fees will be charged by the Government for filing plans or other documents in connection therewith.

accepted by the gold commissioner in lieu of the survey that has been protested.

5. The expenses in connection with the survey and advertisement of claims shall be defrayed by the owners of the claims, but no fees will be charged by the Government for filing plans or other documents in connection therewith.

6. *An appeal may be taken at any time within twenty days from the decision of the gold commissioner to the court* en banc *of the territorial court of the Yukon Territory.*

7. *The procedure in at cases before the gold commissioner under this section, and on appeal therefrom, shall be in accordance with rules prepared by the gold commissioner and approved by the commissioner.*

Explanation.—It is considered desirable that any party to an action under this section of the Act should have the right to appeal if he so desires.

16. Section 40 of the said Act is amended by inserting the words "or river" after the word "creek" in the second and third lines, and by adding to the said section the following words:—"and such survey shall be subject to the provisions of section 39 of this Act with respect to advertisement and protest." Sec. 40 amended.

Section of the Act to be amended.

The Commissioner, on behalf of the Government of Canada, may authorize the survey of the base line of any creek and the side lines of any cla m located on a creek, and such survey shall be made under the instruct ons of an official appointed by the Commissioner.

Section amended as proposed.

The Commissioner, on behalf of the Government of Canada, may authorize the survey of the base line of any creek *or river* and the side lines of any claim located on a creek *or river*, and such survey shall be made under the instructions of an official appointed by the commissioner, *and such survey shall be subject to the provisions of section 39 of this Act with respect to advertisement and protest.*

Explanation.—It is desirable that the survey of a base line made under the provisions of this Act should be subject to protest in the event of such survey causing injury to persons owning claims on the creek or river.

17. Section 42 of the said Act is amended by adding thereto the following words:—"without any declaration of cancellation or forfeiture on the part of the Crown, and the claim shall not be reserved from entry and relocation during the fourteen days of grace mentioned in that section." Sec. 42 amended.

Section of the Act to be amended.

In the event of the work referred to in the last preceding section not being done as therein provided, the title of the owner to the claim shall thereupon become absolutely forfeited and the claim shall forthwith be open for re-location.

Section amended as proposed.

In the event of the work referred to in the last preceding section not being done as therein provided, the title of the owner to the claim shall thereupon become absolutely forfeited and the claim shall forthwith be open for re-location, *without any declaration of cancellation or forfeiture on the part of the Crown, and the claim shall not be reserved from entry and location during the fourteen days of grace mentioned in that section.*

Explanation.—It is held under a judgment of the Territorial Court that before a relocator may stake and obtain entry for a lapsed claim, some court of competent jurisdiction must declare a forfeiture by the former owner. Under the amendment, however, if the holder of a claim fails to comply with the provisions of the Act his right automatically lapses, and the claim becomes open to relocation and entry.

Sec. 43 amended.

18. Section 43 of the said Act is amended by adding thereto the following words:—"and also compensation for any *bona fide* work that he has performed thereon."

Section of the Act to be amended.

If the owner of a claim has done the required work thereon, but has failed to renew his grant thereof, the mining recorder may issue a grant to any person re-locating such claim; Provided that the owner may, within six months after the date at which his grant came due for renewal, apply for the cancellation of any grant so issued, and the latter grant shall be cancelled upon it being proved to the satsifaction of the mining recorder that the required work was done by the said owner, and upon the said owner paying a renewal fee of thirty dollars, if the application is made during the first three months, or a fee of forty-five dollars, if the application is made during the second three months and also paying the expenses to which the re-locator may have been put in locating and applying for the said claim and obtaining a grant thereof.

Section amended as proposed.

If the owner of a claim has done the required work thereon, but has failed to renew his grant thereof, the mining recorder may issue a grant to any person re-locating such claim: Provided that the owner may, within six months after the date at which his grant came due for renewal, apply for the cancellation of any grant so issued, and the latter grant shall be cancelled upon it being proved to the satisfaction of the mining recorder that the required work was done by the said owner, and upon the said owner paying a renewal fee of thirty dollars, if the application is made during the first three months, or a fee of forty-five dollars, if the application is made during the second three months, and also paying the expenses to which the re-locator may have been put in locating and applying for the said claim and obtaining a grant thereof, *and also compensation for any* bona fide *work that he has performed thereon.*

Sec. 44 amended.

19. Subsection 1 of section 44 of the said Act is amended by adding thereto the following words:—"and upon such leave being given, it shall not be necessary to have any other authority on behalf of the Crown."

Section of the Act to be amended.

No title shall be contested by any one who does not claim an adverse right except by leave of the Commissioner.

2. In the event of a claim reverting to the Crown as a consequence of litigation undertaken pursuant to such leave, the plaintiff shall have the first right to locate the said claim.

Section amended as proposed.

No title shall be contested by any one who does not claim an adverse right except by leave of the Commissioner, *and upon such leave being given, it shall not be necessary to have any other authority on behalf of the Crown.*

2. In the event of a claim reverting to the Crown as a consequence of litigation undertaken pursuant to such leave, the plaintiff shall have the first right to locate the said claim.

Explanation.—The intention of this section is that permission from the commissioner to bring action is practically equivalent to a fiat from the Attorney General as is required in other cases, and the amendment is to place the meaning of the section beyond doubt.

Sec. 45 amended.

20. Section 45 of the said Act is amended by striking out the words "after hearing all parties interested" in the fourth line, and inserting in lieu thereof the words "after notice of hearing has been served as directed by the gold commissioner on all parties interested."

Section of the Act to be amended.

If two or more persons own a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon, and in the event of its being proved to the gold commissioner, *after hearing all parties interested,* that any co-owner has not done so, his interest may become vested, by order of the gold commissioner, in the other co-owner or co-owners in proportion to their former interests.

Section amended as proposed.

If two or more persons own a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon, and in the event of its being proved to the gold commissioner, *after notice of hearing has been served as directed by the gold commissioner upon all parties interested,* that any co-owner has not done so, his interest may become vested, by order of the gold commissioner, in the other co-owner or co-owners in proportion to their former interests.

Explanation.—As in most instances the co-owner in default has left the Territory and his address is unknown, in such cases it is practically impossible to hear all the parties interested or to serve them with notice. The amendment gives the gold commissioner power to make an order for substitutional service.

21. Section 51 of the said Act is repealed and the following is substituted therefor:— New s. 51.

"**51.** Upon application being made to him by any person or persons, not exceeding ten in number, owning adjoining claims the mining recorder may grant permission, for a term not exceeding ten years, to any such person or persons, to perform on any one or more of such claims all the work required to entitle him or them to a renewal grant for each claim so held by him or them: Provided that, where the application is made by more than one person, the applicants shall file with the mining recorder a deed of partnership creating a joint liability between the owners of the claims for the joint working thereof. Performance of work by owners of adjoining claims. Proviso.

"2. If application, however, is made for permission to include in one group more than ten adjoining claims, or if it is shown to the satisfaction of the commissioner that the interests of the locality in which any claims are situated would be materially benefited thereby, the permission provided for by this section may be granted, with the approval of the commissioner, with regard to such claims, notwithstanding that they are not all contiguous: Provided that before any such permission is granted the Government Mining Engineer shall furnish a report on the application." If claims are not all contiguous. Proviso.

Section of the Act to be repealed.

Upon application being made to him by any person or persons owning adjoining claims, the mining recorder may, with the approval of the Commissioner, grant permission for a term not exceeding ten years to any such person or persons to perform on any one or more of such claims all the work required to entitle him or them to a renewal grant for each claim so held by him or them; Provided that, before any such permission is granted, the government mining engineer shall furnish a report on the application, and, where the application is made by more than one person, the applicants shall file with the mining recorder a deed of partnership creating a joint liability between the owners of the claims for the joint working thereof.

2. If it is shown to the satisfaction of the Commissioner that the interests of the locality in which any claims are situated would be materially benefited thereby, the permission provided for by this section may be granted with regard to such claims notwithstanding that they are not all contiguous.

Section substituted as proposed.

Upon application being made to him by any person or persons, *not exceeding ten in number*, owning adjoining claims the mining recorder may grant permission, for a term not exceeding ten years, to any such person or persons, to perform on any one or more of such claims all the work required to entitle him or them to renewal grant for each claim so held by him or them: Provided that where the application is made by more than one person, the applicants shall file with the mining recorder a deed of partnership creating a joint liability between the owners of the claims for the joint working thereof.

2. *If application, however, is made for permission to include in one group more than ten adjoining claims, or* if it is shown to the satisfaction of the Commissioner that the interests of the locality in which any claims are situated would be materially benefited thereby, the permission provided for by this section may be granted, with the approval of the Commissioner, with regard to such claims, notwithstanding that they are not all contiguous: Provided that before any such permission is granted the Government mining engineer shall furnish a report on the application.

Explanation.—Under the Act as it now stands, it is necessary for the Government Mining Engineer to report on all grouping applications. Under the amendment such report is not necessary unless the number of claims to be grouped exceeds ten, or unless the claims are not all contiguous. The amendment is for the purpose of authorizing a mining recorder in a remote part of the Territory to group ten claims without special authority from the commissioner, and without the report of the Government Mining Engineer.

Sec. 52 amended.

Renewal for part of year.

22. Section 52 of the said Act is amended by adding thereto the following subsection:—

"2. In granting the privilege allowed under this section the mining recorder shall charge the applicant two dollars and fifty cents for every three months or portion thereof for each claim during that portion of the year it is necessary to renew it to make all the claims renewable on the same day; and the representation work required for the fractional portion of the year for which each claim is renewed shall be allowed at the rate of fifty dollars for each three months or fraction thereof, and the said representation work shall be performed and recorded on or before the date from which all the claims are first made renewable."

Section of the Act to be amended.	*Section amended as proposed.*
Grants of claims in respect of which such permission has been granted, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day.	Grants of claims in respect of which such permission has been granted, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day.. *2. In granting the privilege allowed under this section the mining recorder shall charge the applicant two dollars and fifty cents for every three months or portion thereof for each claim during that portion of the year it is necessary to renew the same to make all the claims renewable on the same day, and the representation work required for the fractional portion of the year for which each claim is renewed shall be allowed at the rate of fifty dollars for each three months or fraction thereof, and said representation work shall be performed and recorded on or before the date from which all the claims are first made renewable.*

Explanation.—As the Act now stands, a person must pay the full fee for renewing a claim for a fractional portion of a year.

Sec. 54 amended.

23. Section 54 of the said Act is amended by striking out the word "ground" in the ninth line and inserting the word "property" in lieu thereof.

Section of the Act to be amended.	*Section amended as proposed.*
A mining recorder may, with the approval of the Commissioner, upon application being made as hereinafter mentioned, grant to any person or persons for any mining purpose or any purpose incidental thereto, for any term not exceeding five years, or in special cases for such longer term as may be determined, the right to divert or take, and use or sell the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining *ground*, for the purpose of constructing and repairing ditches and flumes to convey such water.	A mining recorder may, with the approval of the Commissioner, upon application being made as hereinafter mentioned, grant to any person or persons for any mining purpose or any purpose incidental thereto, for any term not exceeding five years, or in special cases for such longer term as may be determined, the right to divert or take, and use or sell the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining *property*, for the purpose of constructing and repairing ditches and flumes to convey such water.

Explanation.—It is often necessary for persons engaged in the diversion of water for mining purposes to enter not only upon a claim, but also upon a ditch, flume, pipe, mill-site or water right, all of which are included in "property."

Sec. 57 amended.

24. Section 57 of the said Act is amended by inserting, after the word "engineer" in the eleventh line, the words "or mining recorder."

Section of the Act to be amended.	*Section amended as proposed.*
The mining recorder shall, at such day and time, proceed to adjudicate upon the	The mining recorder shall, at such day and time, proceed to adjudicate

application, and may, with the approval of the Commissioner, upon proof to his satisfaction of the publication of notice in manner aforesaid, of the ability of the applicant to construct the necessary works, of the right of the applicant to apply for a record under the foregoing provisions of this Act or any of them, and of the volume of unrecorded water available for diversion having regard to existing rights and records, whether held by land owners or mine owners, and to pending applications (which facts shall be reported upon by the Government mining engineer), issue to the applicant a grant, in the form in schedule "E" to this Act, of such amount of water and for such purposes as, in the discretion of the mining recorder, are reasonably required by the applicant for the purposes specified in his notice of application.

upon the application, and may, with the approval of the Commissioner, upon proof to his satisfaction of the publication of notice in manner aforesaid, of the ability of the applicant to construct the necessary works of the right of the applicant to apply for a record under the foregoing provisions of this Act or any of them, and of the volume of unrecorded water available for diversion having regard to existing rights and records, whether held by land owners or mine owners, and to pending applications (which facts shall be reported upon by the Government mining engineer *or mining recorder*), issue to the applicant a grant, in the form in schedule "E" to this Act, of such amount of water and for such purposes as, in the discretion of the mining recorder, are reasonably required by the applicant for the purposes specified in his notice of application.

Explanation.—In outlying districts of the Territory it is practically impossible for the Government Mining Engineer to make a report, owing to the great distances and difficulties of travel.

25. Section 61 of the said Act is repealed, and the following is substituted therefor:— New s. 61.

"**61.** If, after the grant has been made, any person locates and *bona fide* works any claim below the ditch-head on any stream so diverted, he shall be entitled to the first forty inches of water, if two hundred inches are diverted, and the first sixty inches of water if three hundred inches are diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as is desired; and in computing such damage the loss sustained by the owners of any claims using water from the ditch, and all other reasonable losses, shall be considered." Water rights of owners of claims subsequently located.

Section of the Act to be repealed.

If, after the grant has been made, any person locates and *bona fide* works any claim below the ditch-head, on any stream so diverted, he shall be entitled to forty inches of water if two hundred inches are diverted, and sixty inches if three hundred inches are diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as is required; and in computing such damage, the loss sustained by the owners of any claims using water from the ditch, and all other reasonable losses, shall be considered.

Section substituted as proposed.

If, after the grant has been made, any person locates and *bona fide* works any claim below the ditch-head, on any stream so diverted, he shall be entitled to the *first* forty inches of water, if two hundred inches are diverted, and the *first* sixty inches of water if three hundred inches are diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as is desired, and in computing such damage, the loss sustained by the owners of any claims using water from the ditch, and all other reasonable losses, shall be considered.

Explanation.—Under the Act as it now stands a person acquiring property on a creek below the ditch-head is entitled to twenty per cent of the water diverted. Under the amendment the claim owner is entitled to the first forty or sixty inches of water, as the case may be, whether the owner of the ditch obtains his quantity or not.

26. Section 66 of the said Act is amended by adding thereto the following subsection:— Sec. 66 amended

"2. An appeal from the decision of the mining recorder under this section may be taken at any time within ten days to the gold commissioner." Appeal.

Section of the Act to be amended.

The owner of any ditch or water privilege shall be liable for, and shall make good in such manner as the mining recorder determines, all damages which may be occasioned by or through any part of the works of the said ditch, water privilege or right, breaking or being imperfect.

Section amended as proposed.

The owner of any ditch or water privilege shall be liable for, and shall make good in such manner as the mining recorder determines, all damages which may be occasioned by or through any part of the works of the said ditch, water privilege, or right, breaking or being imperfect.

2. *An appeal from any decision of the mining recorder under this section may be taken at any time within ten days to the gold commissioner.*

Explanation.—It appears reasonable that either party to the dispute should be entitled to the privilege of an appeal from the decision of the mining recorder.

Sec. added.

27. The said Act is amended by inserting the following section immediately after section 67:—

Ground for reservoirs.

"**67**A. The Commissioner may, upon approval by him of an application for permission to impound the surplus waters of any creek or gulch, withdraw from mining entry any vacant ground required as a reservoir site, or for any other purpose in connection with the storage of water; but only such ground as has been thoroughly prospected and has been found to be worthless for placer mining purposes, or ground which has been worked out and abandoned, may be so withdrawn."

Explanation.—It is desirable in the spring time and during the rainy seasons to conserve the surplus waters of the various streams for mining purposes; but since a scheme for the storage of water which might be of the greatest advantage to the miners of a particular locality might be blocked by a person staking out a portion of the ground required for the reservoir, it is desirable that the commissioner should have authority to withdraw from entry worthless ground for the purpose mentioned.

Sec. 74 amended.

28. Section 74 of the said Act is amended by adding the following subsection thereto:—

Procedure before arbitrators.

"3. The procedure in all cases before a board of arbitrators under this Act shall be in accordance with rules prepared by the gold commissioner and approved by the Commissioner."

Section of the Act to be amended.

In the event of any dispute between owners of claims w th respect to the d stribution of water, or the boundaries of cla ms, or to dump ng or any other matter referred to n the next follow ng section, such d spute may be heard and determined by a board of arbitrators to be appointed as follows:—One arb - trator to be appointed by each of such owners, and in the event of the total number of arbitrators so appointed being an even number, then an additional arbitrator to be selected and appointed by all of such arbitrators appointed by the owners.

2. In the event of the arbitrators appointed by the owners being an even number and being unable to agree upon the additional arbitrator, the gold commissioner, upon being requested so to do by such arbitrators, or by any of the interested owners, shall appoint the additional arbitrator.

Section amended as proposed.

In the event of any dispute between owners of claims with respect to the distribution of water, or the boundaries of claims, or to dumping or to any other matter referred to in the next following section, such dispute may be heard and determined by a board of arbitrators to be appointed as follows:—One arbitrator to be appointed by each of such owners, and in the event of the total number of arbitrators so appointed being an even number, then an additional arbitrator to be selected and appointed by all of such arbitrators appointed by the owners.

2. In the event of the arbitrators appointed by the owners being an even number and being unable to agree upon the additional arbitrator, the gold commissioner, upon being requested so to do by such arbitrators or by any of the interested owners, shall appoint the additional arbitrator.

3. *The procedure in all cases before a board of arbitrators under this Act shall be in accordance with rules prepared by the gold commissioner and approved by the commissioner.*

Explanation.—There is at present no provision in the Act for procedure in cases that may come up before a board of arbitrators under this section.

29. Section 78 of the said Act is repealed. Sec. 78 repealed.

Section of the Act to be repealed.	*Section repealed.*
There shall be no appeal in any litigation arising out of the interpretation of this Act beyond the courts of the Territory, except where the matter in controversy exceeds the sum or value of ten thousand dollars, exclusive of costs.	

Explanation.—Under the Supreme Court Act any matter in dispute that may be heard in that Court must be of the value of $2,000.00. It is considered that any matter, the value of which is $2,000.00 or upwards, should be subject to appeal to the Supreme Court.

30. Schedule D to the said Act is amended by striking out the figures "70.00" in the second line, and inserting in lieu thereof the figures "50.00;" and by striking out the figures "15.00" in the third line, and inserting in lieu thereof the figures "10.00." Schedule D amended.

Schedule of the Act to be amended.	*Schedule amended as proposed.*
For grant of a claim for five years.$70.00	For grant of a claim for five years.$50.00
For renewal of grant of a claim.. 15.00	For renewal of grant of a claim.. 10.00

No. 150.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Yukon Placer Mining Act.

First reading, April 6, 1908.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 152.] **BILL.** [1907-8

An Act respecting Signal Dues at Halifax.

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

1. The signal dues collected on vessels entering the port of Halifax, under the authority of chapter 64 of the statutes of 1859, and chapter 42 of the statutes of 1861, of the legislature of Nova Scotia, shall not be payable for vessels under one hundred and fifty tons net tonnage: Exemption of vessels under 150 tons.

No. 152.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting Signal Dues at Halifax.

First reading, April 9, 1908.

MR. BRODEUR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 157.] **BILL.** [1907-8

An Act to amend the Railway Act.

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

1. Section 307 of *The Railway Act* is amended by adding thereto the following subsection:— R. S., c. 37, s. 307 amended.

"2. No operator, train despatcher, or other employee who, by the use of the telegraph, telephone, or other electrical device, despatches, reports, transmits, receives, or delivers orders or messages pertaining to or affecting train movements shall be required or permitted to be on duty for a longer period than eight hours in any twenty-four hour period, except in case of emergency, in which case any such employee may remain on duty for a period not exceeding twelve hours in a twenty-four hour period, and such excess duty shall not be permitted on more than two days in any seven. The eight hours herein mentioned shall constitute a day's work, and shall not be in broken periods, but shall be one continuous period, with the exception of one hour which may be allowed for meals." Hours of duty of certain employees.

No. 157.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Railway Act.

First reading, April 21, 1908.

MR. SMITH,
(Nanaimo.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 158] **BILL.** [1907-8

An Act respecting Meaford Harbour.

WHEREAS, in pursuance of chapter 78 of the Acts of 1866 of the legislature of the late province of Canada, intituled *An Act to authorize the Corporation of the Township of St. Vincent, in the County of Grey, to construct a harbour at the Mouth of Bighead River, in the said Township, to impose and collect harbour dues, and for other purposes*, the said corporation of the township of St. Vincent constructed, extended and improved the said harbour; and whereas by chapter 68 of the Acts of 1874 of the legislature of the province of Ontario, the town of Meaford became incorporated, and by chapter 43 of the Acts of 1876 of the said legislature all the real property of the said township of St. Vincent, situate in Meaford, including the said harbour, was included within the territorial limits of said town of Meaford; and whereas the corporation of the town of Meaford has represented that it has from time to time expended moneys in enlarging and improving the said harbour; and whereas the said corporation has prayed that the administration and control of the said harbour of Meaford may be vested in it; and whereas it is expedient to grant the said prayer: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1866, c. 78. Ont., 1874, c. 68; 1876, c. 43.

1. The Corporation of the town of Meaford, hereinafter called "the Corporation," is authorized and empowered to deepen, widen and otherwise improve Meaford harbour. Harbour may be extended.

2. The limits of the said harbour shall for the purposes of this Act be defined as follows:—Commencing at the easterly extremity of the southerly limit of Boucher street in the town of Meaford; thence on a course due north astronomically to a point on a line being the northerly limit of Albert street, produced easterly; thence westerly along the said northerly limit so produced to the shores of the Georgian bay; thence following the shores of the Georgian bay southerly and easterly to the place of beginning; together with all the waters of the Bighead river east of Seymour street and Sykes street in the town of Meaford: Provided that the Governor in Council may, from time to time, extend or alter the limits of the said harbour. Limits of harbour defined.

3. The municipal council of the Corporation may make by-laws— By-laws respecting harbour.

(*a*) for the imposition and collection of harbour tolls and dues on all goods, wares, merchandise and chattels shipped or

landed on board or out of any vessel, boat or other craft within the limits of the said harbour, and upon all logs, timber, lumber, spars and masts going through the said harbour or any part thereof, and on all vessels entering the said harbour, the revenue derived from such tolls and dues to be employed, after paying the expenses of collection, for paying for the services of a harbour master and other officers and employees, and for the purpose of liquidating any debt incurred by the Corporation in constructing, improving and keeping in order and repair the said harbour and the works constructed therein;

(*b*) for the appointment of a harbour master and such other officers and employees as are, from time to time, required, and for fixing their remuneration; Provided, however, that on no occasion shall a harbour master be appointed until his appointment has been approved by the Governor in Council;

(*c*) for defining the rights, powers and duties of the harbour master;

(*d*) for regulating and controlling the navigation, anchoring, mooring, placing and fastening of vessels, booms of logs, rafts and other timber in the said harbour;

(*e*) for the good government, improvement and control of the said harbour; and

(*f*) for the imposition of penalties upon persons infringing the by-laws hereby authorized to be made; but such penalty shall not exceed one hundred dollars and costs, and imprisonment in default of payment of such fine and costs shall not exceed ninety days.

2. All by-laws shall be approved by the Governor in Council before having any force or effect.

Sale of goods, etc., on non-payment of dues.

4. If any person neglects or refuses to pay the tolls or dues to be collected under this Act, and under any by-law made thereunder, the Corporation may seize and detain the goods, wares, merchandise and chattels, logs, timber, spars and masts, on which the tolls or dues are payable, until such tolls or dues are paid; and if they are unpaid for the thirty days after such seizure, the Corporation may sell and dispose of the said goods and other things, or such part thereof as is necessary to pay the said tolls or dues, and the reasonable costs and charges of keeping and selling them by public auction, giving ten days' notice thereof, and returning the overplus to the owners of the goods or other things.

Vessels liable for dues.

5. Every vessel, boat or other craft, on board of which goods, wares, merchandise, chattels, and other things are shipped, shall be liable for the dues chargeable against such goods, and other things, and, in the event of non-payment thereof, may be detained until payment thereof is made.

By-laws confirmed.

6. All by-laws passed by the municipal council of the Corporation for raising sums of money, which are approved in accordance with the requirements of section 2 of chapter 78 of the Acts of 1866 of the legislature of the late province of Canada, and all by-laws passed by the said council for the imposition and collection of tolls which are duly approved by the

Governor in Council in accordance with the requirements of section 3 of the said Act, are hereby confirmed and declared to have been valid and lawful from the respective dates upon which they were passed by the said municipal council.

No. 158.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting Meaford Harbour.

First reading, April 27, 1908.

MR. BRODEUR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 159.] **BILL.** [1907-8

An Act respecting a certain issue of Dominion Notes.

Preamble.

WHEREAS, for the purposes set forth in an Order in Council of the twelfth day of November, 1907, and an amending Order in Council of the twenty-sixth day of November, 1907, copies of which, with related documents, have been laid before Parliament, and pursuant to the said orders, the Minister of Finance, between the twentieth day of November, 1907, and the third day of January, 1908, from time to time issued and made advances of Dominion notes to the amount of five million three hundred and fifteen thousand dollars, the greatest amount of such notes at any time issued and outstanding being five million one hundred and fifteen thousand dollars; and whereas, with respect to the greater part of the last-mentioned amount, security in the form required by section 5 of *The Dominion Notes Act* was not held; and whereas it is expedient, in so far as the said issue and the making of the said advances require legal confirmation, that they be confirmed: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Issue of notes confirmed.

1. The issue of Dominion notes and all things done under the provisions of the Orders in Council cited in the preamble are hereby confirmed, and shall be deemed to have been duly authorized.

No. 159.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting a certain issue of Dominion Notes.

First reading, April 28, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 160.] **BILL.** [1907-8

An Act to amend the Bank Act.

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

1. Section 61 of *The Bank Act*, chapter 29 of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:— R. S., c. 29, new s. 61.

"**61.** The bank may issue and re-issue its notes payable to bearer on demand and intended for circulation: Provided that,— Issue of notes. Proviso.

"(*a*) the bank shall not, during any period of suspension of payment of its liabilities, issue or re-issue any of its notes; and,

"(*b*) if, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinafter provided for, it shall not issue or re-issue any of its notes until authorized by the Treasury Board so to do.

"2. No such note shall be for a sum less than five dollars, or for any sum which is not a multiple of five dollars. $5. or multiples thereof.

"3. The total amount of such notes in circulation at any time shall not exceed the amount of the unimpared paid-up capital of the bank: Provided that, during the usual season of moving the crops, that is to say, from and including the first day of October in any year to and including the thirty-first day of January next ensuing, in addition to the said amount of notes hereinbefore authorized to be issued for circulation, the bank may issue its notes, to an amount not exceeding fifteen per centum of the combined unimpaired paid-up capital and reserve or rest fund of the bank as stated in the statutory monthly return made by the bank to the Minister for the month immediately preceding that in which the additional amount is issued. Amount limited. Additional issue during moving of crops.

"4. Whenever, under the authority of the proviso to the next preceding subsection of this section, the issue of an additional amount of notes of the bank has been made, the general manager, or other chief executive officer of the bank for the time being, shall forthwith give notice thereof by registered letter addressed to the Minister and to the president of the Canadian Bankers' Association. Notice of additional issue.

"5. While its notes in circulation are in excess of the amount of its unimpaired paid up capital, the bank shall pay interest to the Minister at such rate, not exceeding five per centum per annum, as is fixed by the Governor in Council, on the amount of its notes in circulation in excess from day to day; and the interest so paid shall form part of the Consolidated Revenue Fund of Canada. Interest on additional issue.

Return by bank.

"6. A return shall be made and sent by the bank to the Minister showing the amount of its notes in circulation for each juridical day during any month in which any amount of notes in excess as aforesaid has been issued or is outstanding.

Time and form of return.

"7. Such return shall be made up and sent within the first fifteen days of the month next after that in which any such amount in excess has been issued or is outstanding, and shall be accompanied by declarations in the form prescribed in schedule D to this Act, and shall be signed by the persons required to sign the monthly returns made under section 112 of this Act.

False return.

"8. The provisions of section 153 of this Act shall apply to the return mentioned in the next preceding subsection.

Bank of British North America.

"9. Notwithstanding anything in this section hereinbefore contained, the total amount of such notes of the Bank of British North America in circulation at any time shall not exceed seventy-five per centum of the unimpaired paid-up capital of the Bank: Provided that,—

"(*a*) the bank may issue its notes in excess of the said seventy-five per centum upon depositing with the Minister, in respect of the excess, in cash or bonds of the Dominion of Canada, an amount equal to the excess; and the cash or bonds so deposited shall, in the event of the suspension of the bank, be available by the Minister for the redemption of the notes issued in excess as aforesaid; and

"(*b*) the total amount of such notes of the bank in circulation at any time shall not, except as in paragraph (*c*) of this subsection authorized, exceed its unimpaired paid-up capital;

"(*c*) the Bank may, during the said season of moving of crops, in addition to the circulation of its notes hereinbefore in this subsection authorized, issue its notes to an amount not exceeding ten per centum of the combined unimpaired paid-up capital and reserve or rest fund of the bank as stated in the statutory return made by the bank for the month immediately preceding that in which the said additional amount is issued; and the said additional amount shall be otherwise subject to all the provisions of this section respecting circulation in addition to or in excess of the unimpaired paid-up capital permitted to other banks.

Calling in of notes under $5 or not mutliples of $5.

"10. All notes issued or re-issued by any bank, and now in circulation, which are for a sum less than five dollars, or for a sum which is not a multiple of five dollars, shall be called in and cancelled as soon as practicable."

New section.

2. The following section is hereby inserted immediately after section 147 of the said Act:—

Penalty for not making return of additional issue of notes.

"**147A.** Every bank which neglects to make and send to the Minister within the first fifteen days of the month next thereafter a return showing the amount of its notes in circulation for each juridical day during any month in the usual season of moving the crops, that is to say, from and including the first day of October in any year to and including the thirty-first day of January next ensuing, in which any amount of its notes

in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which the bank neglects to make and send in such return."

No. 160.

4th Session. 10th Parliament. 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Bank Act.

First reading, April 28, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 161.] **BILL.** [1907-8

An Act to amend the Criminal Code.

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

1. *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is amended by inserting after section 322 thereof the following sections:— R. S., c. 146, amended.

"**322**A. No one commits an offence by publishing in good faith, out of Court, for the information of the public, by writing or verbally, a fair report of the public proceedings, preliminary or final, ordinary or summary, before any court exercising judicial authority, or of the decisions or the attitude of such a Court or of a judge or judges of such a Court, nor by publishing in good faith any fair comment upon such decisions, attitude or proceedings." Fair reports on, and comments on, proceedings of court.

"**322**B. No one shall be adjudged guilty of contempt of Court for any publication without having the benefit of trial by jury, if, at any time, by himself or by his counsel, he elects to be so tried, and, moreover, the same privilege shall be offered the accused by the Court or by the presiding judge." Benefit of trial by jury.

No. 161.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Criminal Code.

First reading, April 28, 1908.

MR. BEAUPARLANT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 162.] **BILL.** [1907-8

An Act to amend the Post Office Act.

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

1. Section 48 of *The Post Office Act* is amended by striking out all the words after "letters" in the fifth line thereof. R.S., c. 66. s. 48. amended.

2. Section 13 of the said Act is amended by striking out all the words after the word "been" in the second line thereof, and substituting the following:—"an officer in the Postal Service for at least five years." S. 13 amended.

3. A financial superintendent may be appointed by the Governor in Council, whose duty it shall be from time to time to examine the accounts of city or staff offices, semi-staff offices, and such other post offices as the Postmaster General from time to time indicates. Appointment of financial superintendent.

2. The salary of the financial superintendent shall be three thousand dollars a year. Salary.

3. No person shall be eligible for appointment as financial superintendent unless he has been a clerk or an officer of higher rank in one of the financial branches of the Postal Service. Qualification.

No. 162.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Post Office Act.

First reading, May 6, 1908.

Mr. Lemieux.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

No. 163.] **BILL.** [1907-8

An Act to authorize the exchange of certain school lands for other Dominion lands.

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

Sale of school lands to Joseph Fisher.

1. Notwithstanding anything in *The Dominion Lands Act*, chapter 55 of the Revised Statutes, 1906, or in any other Act relating to Dominion lands, the Minister of the Interior may, under the authority of an order in council and in accordance with the terms of *The Irrigation Act*, sell or confirm the sale of section eleven in township twenty and range two, west of the fifth meridian, and may issue letters patent therefor, subject to the terms of *The Irrigation Act*, to Joseph Fisher, of Millarville, in the province of Alberta, or his legal representatives; provided that such letters patent shall not be issued until the said Minister has selected or caused to be selected, and has, by notice in the *Canada Gazette*, set apart as school lands, in lieu of the said section eleven, other available Dominion lands of equal area and value, as nearly as may be.

Sale of school lands to Martin Aitken.

2. Notwithstanding anything in *The Dominion Lands Act* or in any other Act relating to Dominion lands, the said Minister may, under the authority of an order in council, grant to Martin Aitken a homestead entry for the north-west quarter of section twenty-nine in township ten and range six, east of the principal meridian, upon proof to the satisfaction of the Minister,—

(*a*) that George Spencer, from whom Martin Aitken, believing that the former was thereto entitled, purchased all his claims to the above-mentioned quarter-section of land and to the south-west quarter of the same section on or about the first day of October, one thousand eight hundred and eighty, was at that date and from and prior to to the first day of January of that year in *bona fide* possession of these two quarter-sections of land and that he then resided upon one of them;

(*b*) that Martin Aitken has been in *bona fide* quiet and peaceable possession of the north-west quarter of the said section twenty-nine since the first day of October, one thousand eight hundred and eighty; and

(*c*) that within six months from that date he, Martin Aitken, commenced to reside upon such quarter-section of land, and that he has since continued to reside upon it and cultivate it, and is now residing upon and cultivating it, in accordance with the requirements of the provisions of the said Acts relating to homesteads.

2. The said Minister shall forthwith select or have selected, and shall set apart by notice in the *Canada Gazette*, as school lands in lieu of the north-west quarter of the said section twenty-nine, other available Dominion lands of equal area and value, as nearly as may be.

No. 163.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to authorize the exchange of certain school lands for other Dominion lands.

First reading, May 8, 1908.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 165.] **BILL.** [1907-8

An Act respecting the Court of Appeal of British Columbia.

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

DISFRANCHISING ACT.

1. Paragraph (*c*) of section 26 of *The Disfranchising Act*, chapter 9 of the Revised Statutes, 1906, is repealed and the following paragraphs are substituted therefor:— R.S., c. 9, s. 26 amended.

"(*c*) in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, to the Supreme Court in banc; Court of Appeal.

(*c*[1]) in the Province of British Columbia, to the Court of Appeal."

WINDING-UP ACT.

2. Section 102 of *The Winding-up Act*, chapter 144 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 144, new s. 102.

"**102.** Such appeal shall lie,— Court of Appeal.

(*a*) in Ontario, to the Court of Appeal for Ontario;

(*b*) in Quebec, to the Court of King's Bench;

(*c*) in British Columbia, to the Court of Appeal of the province; and,

(*d*) in any of the other provinces, and in the Yukon Territory, to a Superior Court in banc."

JUDGES' ACT.

3. Section 12 of *The Judges' Act*, chapter 138 of the Revised Statutes, 1906, is repealed and the following section is substituted therefor:— R.S., c. 138, s. 12 amended.

"**12.** The salaries of the judges of the Court of Appeal and of the Supreme Court in the province of British Columbia shall be as follows:— Salaries of British Columbia judges.

	Per annum.
"The Chief Justice of the Court of Appeal	$8,000
"Three Justices of Appeal, each.....	7,000
"The Chief Justice of the Supreme Court	7,000
"Four puisne judges of the Supreme Court, each.....	6,000"

R.S., c. 146, s. 2 amended.

4. Paragraph (7) of section 2 of *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is amended by repealing subparagraph (*c*) thereof and substituting therefor the following subparagraphs:—

"(*c*) in the provinces of Nova Scotia and New Brunswick, the Supreme Court in banc;

"(*c*[1]) in the province of British Columbia, the Court of Appeal."

Commencement of Act.

COMMENCEMENT OF ACT.

5. This Act shall not come into force until the Act of the Legislature of the Province of British Columbia passed in the session thereof held in the seventh year of the reign of His Majesty, chaptered 10, and intituled "An Act constituting a Court of Appeal and declaring its jurisdiction," has been brought into force; and thereupon this Act shall come into force upon a day to be named by proclamation of the Governor in Council.

No. 165.

4th Session, 10th Parliament, 7-8 Edward VII.,

BILL.

An Act respecting the Court of A of British Columbia.

First reading, May 14, 1908.

MR. AYLESWOR

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majes
1907-8

No. 168.] **BILL.** [1907-8

An Act to authorize the payment to the Provinces of Saskatchewan and Alberta of part of the Assurance Fund under the Land Titles Act, 1894.

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

Payments authorized.

1. The Minister of Finance may, under the authority of the Governor in Council, pay to the proper authorities of each of the provinces of Saskatchewan and Alberta, out of the assurance fund formed under *The Territories Real Property Act*, chapter 26 of the statutes of 1886, and continued under *The Land Titles Act*, 1894, chapter 28 of the statutes of that year, so much thereof as has arisen from transactions relating to lands now within such province.

1886, c. 26.

1894, c. 28.

Apportionment of fund between Canada and provinces.

2. The amount to be retained by Canada as having arisen from transactions relating to lands not now within either of the said provinces, and the amount to be paid to each of the said provinces, may be settled by agreement between the governments of Canada and the said provinces.

Arbitration between Canada and provinces.

2. If the governments of Canada and the said provinces fail to agree, the amount to be retained by Canada and the aggregate amount to be paid to the said provinces shall be determined by a reference to three arbitrators, one to be named by the Governor in Council, one jointly by the Lieutenant Governor in Council of Saskatchewan and the Lieutenant Governor in Council of Alberta, and the third by the two so named, or, if they are unable to agree, by the Chief Justice of Canada.

Arbitration between provinces.

3. If the governments of the said provinces fail to agree upon the division between them of the aggregate amount so determined, the amount to be paid to each of them shall be determined by reference to three arbitrators, one to be named by the Lieutenant Governor of Saskatchewan in Council, one by the Lieutenant Governor of Alberta in Council, and the third by the two so named, or, if they are unable to agree, by the Chief Justice of Canada.

Award of arbitrators final.

4. In any arbitration under this section the award of the three arbitrators or of a majority of them shall be final and binding.

Indemnity against claims upon fund.

3. No part of the amount so agreed upon or determined as payable to either of the said provinces shall be paid until indemnity, satisfactory to the Governor in Council, has been

given by the Lieutenant Governor in Council of that province to the Government of Canada against any claim upon the said assurance fund with respect to transactions relating to lands now within that province, and against any costs, charges or expenses with respect to any such claim.

No. 168.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL

An Act to authorize the payment to the Provinces of Saskatchewan and Alberta of part of the Assurance Fund under the Land Titles Act, 1894.

First reading, May 14, 1908.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 169] **BILL.** [1907-8

An Act to amend the Yukon Act.

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

1. Paragraph (*c*) of section 2 of *The Yukon Act* is repealed and the following is substituted therefor:— R.S., c. 63, s. 2 amended.

"(*c*) 'Council' means the Council of the Yukon Territory." "Council" defined.

2. The said section 2 is further amended by adding thereto the following paragraph: S. 2 amended.

"(*g*) 'Commissioner in Council' means the Commissioner by and with the advice and consent of the Council." "Commissioner in Council."

3. Section 6 of the said Act is repealed and the following is substituted therefor:— New s. 6.

"**6.** The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability." Appointment of Administrator.

4. The Commissioner and every Administrator appointed under the said Act as so amended shall, before assuming the duties of his office, take and subscribe before the Governor General, or before some person duly authorized to administer such oaths, an oath of allegiance and an oath of office similar to those required to be taken by a lieutenant governor under the British North America Act, 1867. Oaths of Commissioner and Administrator.

5. The salary of the Commissioner and of the Administrator shall be fixed by the Governor in Council and shall be payable out of the Consolidated Revenue Fund of Canada. Salaries.

6. Section 7 of the said Act is repealed and the following is substituted therefor:— New section 7.

"**7.** There shall be a Council of the Yukon Territory, which shall be composed of ten members elected to represent the electoral districts to be named and described by the Commissioner in Council. Elective council.

"2. Any person shall be eligible for election as a member of the Council who is qualified to vote at an election of such a member." Qualification of councillor.

7. Section 9 of *The Yukon Act* is repealed and the following is substituted therefor:— New section 9.

Qualification of electors.

"**9.** The Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council; provided that only those persons shall be entitled to so vote who are natural born or naturalized male British subjects of the full age of twenty-one years, and who have resided in the Territory for a period of twelve months prior to the date of the election."

Sec. 10 repealed.

8. Section 10 of the said Act is repealed.

9. Until the Commissioner in Council otherwise provides, the laws in force in the Territory immediately before the coming into force of this Act relating to the Council and to the election of representative members of the Council, shall, subject to the provisions of this Act, apply to the Council as constituted under this Act and to the election of members of the Council.

Writs for first election.

10. The writs for the election of the first Council under this Act shall be issued by the Commissioner and be returned within four months after this Act comes into force.

Duration of council.

11. Every Council shall continue for three years from the date of the return of the writs for the general election, and no longer; but the Commissioner may, at any time, dissolve the Council and cause a new one to be elected.

Yearly session.

12. There shall be a session of the Council convened by the Commissioner at least once in every year after the first session thereof, so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Sittings separate from Commissioner.

Sanction of bills.

13. The Council shall sit separately from the Commissioner and shall present bills passed by it to the Commissioner for his assent, and he may approve or disapprove of any of such bills or reserve them for the assent of the Governor in Council.

Quorum.

14. A majority of the Council, including the Speaker, shall form a quorum.

Yukon Consolidated Fund.

15. All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Yukon Consolidated Revenue Fund.

Money Bills.

16. Bills for appropriating any part of the public revenue of the Territory or for imposing any tax or impost, shall originate in the Council.

Recommendation of Commissioner

17. It shall not be lawful for the Council to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue of the Territory, or of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session in which such vote, resolution, address, or bill is proposed.

18. The Commissioner in Council may provide for the payment to each member in attendance in each session of the Council a sum not to exceed six hundred dollars, together with his actual travelling expenses, which allowance shall be payable out of the Yukon Consolidated Revenue Fund. Sessional idemnity of councillors.

19. When any sum of money is granted to His Majesty by Parliament to defray expenses for any specified public service in the Yukon Territory, the power of appropriation by the Commissioner in Council over that sum shall be subject to the specified purpose for which it is granted. Appropriation of moneys granted by Parliament

20. The receipt and expenditure of territorial funds and of such portion of any moneys appropriated by Parliament for the territory as the Commissioner is authorized to expend by and with the advice and consent of the Council or any committee thereof, and the accounts with respect to such receipt and expenditure, shall be subject to examination and audit by the Auditor General in the same manner and to the same extent as are the receipt and expenditure of public moneys of Canada and the accounts with respect thereto under *The Consolidated Revenue and Audit Act*. Audit by Auditor General.

2. The Auditor General shall within the first three months of each fiscal year depute an officer of his office to proceed to the Territory for the purpose of examining and auditing such receipt, expenditure and accounts, and reporting thereon to him. Annual audit.

3. The public accounts of the Territory shall include the period from the first day of April in one year to the thirty-first day of March in the next year, which period shall constitute the fiscal year. Fiscal year.

21. The Governor in Council may appoint a fit and proper person, being a barrister or advocate of at least five years' standing at the bar of any of the provinces of Canada, to be public administrator and official guardian in and for the Territory, under the name of "Public Administrator," and to hold office during pleasure. Appointment of Public Administrator.

2. The public administrator shall perform such duties as are imposed upon him, and be invested with such powers as are bestowed upon him, by or under any Act of the Parliament of Canada or any ordinance of the Governor in Council or the Commissioner in Council, and shall be otherwise subject to the provisions of any such Act or ordinance with respect to the said office of public administrator: Provided that no such Ordinance of the Commissioner in Council shall have force or effect except in so far as it is not inconsistent with this or any other Act of the Parliament of Canada. His duties and powers.

3. With respect to such services or duties as he is required to render or perform by order of the Governor in Council or under any ordinance of the Governor in Council or of the Commissioner in Council, the Public Administrator shall receive and be paid such fees or other remuneration as is prescribed by the Commissioner in Council. Remuneration.

4. Before entering upon his duties the public administrator shall take such oath of office and furnish such security for the Oath of office and security.

faithful and proper performance of the duties of his office as are from time to time prescribed by the Governor in Council.

Audit of work of office.

5. The work and operation of the office of public administrator, and his dealings and accounts in connection with estates or property coming into his hands by virtue of his office, shall be subject to inspection, examination and audit by the Auditor General of Canada, or by any officer deputed by him for that purpose.

Powers of Auditor General.

22. The Auditor General, and, while he is engaged in any examination and audit under section 16, or in any inspection, examination and audit under section 19 of this Act, the officer so deputed by him, shall, in connection with such inspection, examination and audit, have all the powers which the Auditor General has under *The Consolidated Revenue and Audit Act* in connection with the examination and audit of the receipt and expenditure of public moneys of Canada and the accounts with respect thereto.

Commencement of Act.

23. This Act shall come into force on the first day of May, one thousand nine hundred and nine.

No. 169.

4th Session, 10th Parliament, 7-8 Edward VI

BILL.

An Act to amend the Yukon A

First reading, , 1908

MR. OLI

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Ma
1907-8.

[CORRECTED REPRINT.]

No. 169.] **BILL.** [1907-8

An Act to amend the Yukon Act.

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

1. Paragraph (*c*) of section 2 of *The Yukon Act* is repealed and the following is substituted therefor:— R.S., c. 63, s. 2 amended.

"(*c*) 'Council' means the Council of the Yukon Territory." "Council" defined.

2. The said section 2 is further amended by adding thereto the following paragraph: S. 2 amended.

"(*g*) 'Commissioner in Council' means the Commissioner by and with the advice and consent of the Council." "Commissioner in Council."

3. Section 6 of the said Act is repealed and the following is substituted therefor:— New s. 6.

"**6.** The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability." Appointment of Administrator.

4. The Commissioner and every Administrator appointed under the said Act as so amended shall, before assuming the duties of his office, take and subscribe before the Governor General, or before some person duly authorized to administer such oaths, an oath of allegiance and an oath of office similar to those required to be taken by a lieutenant governor under the British North America Act, 1867. Oaths of Commissioner and Administrator.

5. The salary of the Commissioner and of the Administrator shall be fixed by the Governor in Council and shall be payable out of the Consolidated Revenue Fund of Canada. Salaries.

6. Section 7 of the said Act is repealed and the following is substituted therefor:— New section 7.

"**7.** There shall be a Council of the Yukon Territory, which shall be composed of ten members elected to represent the electoral districts to be named and described by the Commissioner in Council. Elective council.

"2. Any person shall be eligible for election as a member of the Council who is qualified to vote at an election of such a member." Qualification of councillor.

7. Section 9 of *The Yukon Act* is repealed and the following is substituted therefor:— New section 9.

Qualification of electors.

"**9.** The Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council; provided that only those persons shall be entitled to so vote who are natural born or naturalized male British subjects of the full age of twenty-one years, and who have resided in the Territory for a period of twelve months prior to the date of the election."

Sec. 10 repealed.

8. Section 10 of the said Act is repealed.

9. Until the Commissioner in Council otherwise provides, the laws in force in the Territory immediately before the coming into force of this Act relating to the Council and to the election of representative members of the Council, shall, subject to the provisions of this Act, apply to the Council as constituted under this Act and to the election of members of the Council.

Writs for first election.

10. The writs for the election of the first Council under this Act shall be issued by the Commissioner and be returned within four months after this Act comes into force.

Duration of council.

11. Every Council shall continue for three years from the date of the return of the writs for the general election, and no longer; but the Commissioner may, at any time, dissolve the Council and cause a new one to be elected.

Yearly session.

12. There shall be a session of the Council convened by the Commissioner at least once in every year after the first session thereof, so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Sittings separate from Commissioner.

Sanction of bills.

13. The Council shall sit separately from the Commissioner and shall present bills passed by it to the Commissioner for his assent, and he may approve or disapprove of any of such bills or reserve them for the assent of the Governor in Council.

Quorum.

14. A majority of the Council, including the Speaker, shall form a quorum.

Yukon Consolidated Fund.

15. All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Yukon Consolidated Revenue Fund.

Money Bills.

16. Bills for appropriating any part of the public revenue of the Territory or for imposing any tax or impost, shall originate in the Council.

Recommendation of Commissioner

17. It shall not be lawful for the Council to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue of the Territory, or of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session in which such vote, resolution, address, or bill is proposed.

Sessional idemnity of councillors.

18. The Commissioner in Council may provide for the payment to each member in attendance in each session of the Council a sum not to exceed six hundred dollars, together with his actual travelling expenses, which allowance shall be payable out of the Yukon Consolidated Revenue Fund.

Appropriation of moneys granted by Parliament.

19. When any sum of money is granted to His Majesty by Parliament to defray expenses for any specified public service in the Yukon Territory, the power of appropriation by the Commissioner in Council over that sum shall be subject to the specified purpose for which it is granted.

Audit by Auditor General.

20. The receipt and expenditure of territorial funds and of such portion of any moneys appropriated by Parliament for the territory as the Commissioner is authorized to expend by and with the advice and consent of the Council or any committee thereof, and the accounts with respect to such receipt and expenditure, shall be subject to examination and audit by the Auditor General in the same manner and to the same extent as are the receipt and expenditure of public moneys of Canada and the accounts with respect thereto under *The Consolidated Revenue and Audit Act.*

Annual audit.

2. The Auditor General shall within the first three months of each fiscal year depute an officer of his office to proceed to the Territory for the purpose of examining and auditing such receipt, expenditure and accounts, and reporting thereon to him.

Fiscal year.

3. The public accounts of the Territory shall include the period from the first day of April in one year to the thirty-first day of March in the next year, which period shall constitute the fiscal year.

Appointment of Public Administrator.

21. The Governor in Council may appoint a fit and proper person, being a barrister or advocate of at least five years' standing at the bar of any of the provinces of Canada, to be public administrator and official guardian in and for the Territory, under the name of "Public Administrator," and to hold office during pleasure.

His duties and powers.

2. The public administrator shall perform such duties as are imposed upon him, and be invested with such powers as are bestowed upon him, by or under any Act of the Parliament of Canada or any ordinance of the Governor in Council or the Commissioner in Council, and shall be otherwise subject to the provisions of any such Act or ordinance with respect to the said office of public administrator: Provided that no such Ordinance of the Commissioner in Council shall have force or effect except in so far as it is not inconsistent with this or any other Act of the Parliament of Canada.

Remuneration.

3. With respect to such services or duties as he is required to render or perform by order of the Governor in Council or under any ordinance of the Governor in Council or of the Commissioner in Council, the Public Administrator shall receive and be paid such fees or other remuneration as is prescribed by the Commissioner in Council.

Oath of office and security.

4. Before entering upon his duties the public administrator shall take such oath of office and furnish such security for the

faithful and proper performance of the duties of his office as are from time to time prescribed by the Governor in Council.

Audit of work of office.

5. The work and operation of the office of public administrator, and his dealings and accounts in connection with estates or property coming into his hands by virtue of his office, shall be subject to inspection, examination and audit by the Auditor General of Canada, or by any officer deputed by him for that purpose.

Powers of Auditor General

22. The Auditor General, and, while he is engaged in any examination and audit under section 20, or in any inspection, examination and audit under section 21 of this Act, the officer so deputed by him, shall, in connection with such inspection, examination and audit, have all the powers which the Auditor General has under *The Consolidated Revenue and Audit Act* in connection with the examination and audit of the receipt and expenditure of public moneys of Canada and the accounts with respect thereto.

Commencement of Act.

23. This Act shall come into force on the first day of May, one thousand nine hundred and nine.

No. 169.

4th Session, 10th Parliament, 7-8 Edward

[CORRECTED REPRI

BILL.

An Act to amend the Yuko

First reading, May 18, 1

MR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellen
1907-8.

No. 171.] **BILL.** [1907-8

An Act respecting the Government Guaranteed Bonds of the Grand Trunk Pacific Railway Company.

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

G. T. P. Ry. Co. bonds under 1905, c. 98, may be issued and pledged for construction of Western Division.

1. Any bonds of the Grand Trunk Pacific Railway Company, duly signed and executed, guaranteed and certified in accordance with the provisions of the deed of trust by way of mortgage set forth in "Schedule A" to chapter 98 of the statutes of 1905, in addition to the provisions for the sale thereof in the said schedule contained, may, from time to time, subject to the provisions of section 9 of chapter 24 of the statutes of 1904, be issued and pledged for the purpose of raising money required for the construction of the Western Division of the said company's railway; and money so raised shall be deposited to the credit of the Minister of Finance and Receiver General in accordance with the provisions of the said deed of trust, and shall be deemed and is hereby declared to come within the meaning of the term "proceeds" of bonds issued under and secured thereby, and shall be dealt with in the same manner as by the said deed of trust provided with respect to "proceeds" of the bonds issued and delivered to purchasers under the provisions thereof.

1904, c. 24, s. 9.

Proceeds.

Delivery of bonds to pledgees.

2. Any of said bonds agreed to be pledged shall be delivered by the trustee named in the said deed of trust to the pledgees, as directed by the said company, but only upon the receipt by the trustee from the bank of a certificate in writing that it has received from such pledgees the amount for which such bonds are agreed to be pledged.

Sale and re-issue of pledged bonds.

3. Any of the said pledged bonds may be sold, re-issued and delivered to purchasers; and thereupon there shall be paid out of the proceeds arising from such sale all such sums, including interest, as may be due to the pledgees, and the balance of the purchase price shall be deemed to be "proceeds" of the said bonds within the meaning of that term in the said deed of trust, and shall be dealt with in all respects in accordance with the provisions thereof.

Not to affect bonds mentioned in deed of trust.

4. Neither the issue of any bonds authorized by the said deed of trust for the purpose of pledging them, nor the pledging or redemption thereof, shall be held to in any way limit or

abridge the right or power of the Grand Trunk Pacific Railway Company to sign and execute, or of the Government to guarantee or of the said Trustee to certify and deliver to purchasers, in accordance with the provisions of the said deed of trust, bonds to the full aggregate principal amount of fourteen million pounds sterling therein mentioned; provided that the amount of the said bonds pledged and bonds delivered to purchasers at any one time outstanding shall not exceed the said principal amount, and that purchasers and holders of bonds which have been so pledged shall, notwithstanding that they have been previously pledged, be deemed to have, and shall in fact have, all the rights, remedies, claims, benefits and priorities by the deed of trust conferred upon holders of bonds duly issued under and secured by the said deed.

Proviso.

Issue of credits for payment of contractors.

5. For the purpose of avoiding delay in the payment of moneys due to contractors engaged upon construction work as in the said deed of trust defined, and for the purpose of avoiding delay in the payment of moneys due for materials and supplies required therefor, the Minister of Finance and Receiver General may, from time to time, on the application of the said company, cause credits to be issued, in favour of such officers of the said company as are designated by the said company; and such credits shall issue on any bank or banks named in, or approved under, section 3 of Article Three of the said deed of trust, and into which "proceeds" of bonds within the meaning of the said deed of trust and of this Act have been paid after the date of the passing of this Act, and cheques issued by the said officers against such credits shall be paid out of such proceeds so paid, anything hereinbefore contained, or in the said deed of trust, or in any enactment to the contrary notwithstanding.

Limit of credits.

2. The total of the said credits outstanding at any time shall not exceed one million dollars, and money drawn for under such credits shall be used in and applied towards the payment of that proportion of the cost of construction which is to be met by the proceeds of bonds guaranteed by the Government under the said deed of trust, and to no other purpose.

Certificate of Government engineer.

3. The chief engineer or other officer appointed by the Government in accordance with, and for the purpose mentioned in, section 4 of Article Three of the said deed of trust, shall, each month as far as practicable, upon being satisfied by the said company of the amount of the cheques issued hereunder, and that the moneys drawn for under such credits have been used and applied as aforesaid, certify accordingly to the Minister of Finance; and should any part of the moneys drawn for under such credits have, in the judgment of the said chief engineer or other officers, been used or applied otherwise than as herein authorized, he shall certify accordingly, and the said part shall be forthwith payable with interest, from the date of the unauthorized use and application, to the credit of the Minister of Finance into the special account in the bank from which the said part was drawn.

G. T. Ry. Co. may pay sums payable to credit of Minister of Finance.

4. The Grand Trunk Railway Company of Canada is hereby empowered to agree to pay, and to pay to the credit of the Minister of Finance, any sums payable to the credit of the Minister of Finance under the next preceding subsection, and an

agreement with His Majesty The King, represented for the purpose by the Minister of Finance, by the Grand Trunk Railway Company of Canada to pay any such sums to the credit aforesaid shall be a condition precedent to the granting of any credit under subsection 1 of this section by the Minister of Finance.

Deductions.

5. There shall be deducted, from time to time, from the monthly payments mentioned in section 4 of Article Three of the said deed of trust, the respective amounts which the chief engineer or other officer under subsection 3 of this section may certify have been used in and applied to construction work as in the said deed of trust defined.

No. 171.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting the Government Guaranteed Bonds of the Grand Trunk Pacific Railway Company.

First reading, May 20, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON,
Printer to the King's most Excellent Majesty
1907-8.

No. 173.] **BILL.** [1907-8

An Act to restrain the use of tobacco by young persons.

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

Penalty on furnishing tobacco to young persons.

1. Every one is guilty of an offence and liable on summary conviction in the case of a first offence to a penalty not exceeding ten dollars, and in the case of a second offence to a penalty not exceeding twenty-five dollars, and in the case of a third or subsequent offence to a penalty not exceeding one hundred dollars, who, directly or indirectly, sells or gives or furnishes to a person under the age of sixteen years any cigarettes or cigarette papers, whether for his own use or not, or sells or gives to such a person tobacco in any form other than cigarettes which tobacco he knows or has reason to believe is for the use of that person.

Forfeiture of tobacco.

2. It shall be the duty of any constable or person having the powers of a constable, or person authorized so to do by any by-law in that behalf made by any authority or person having power to make such by-law, to seize any cigarettes, cigarette papers or tobacco in any form other than cigarettes in the possession of any person apparently under the age of sixteen years whom he finds smoking or about to smoke in any street or public place.

Penalty on juvenile smoking.

3. Every one is guilty of an offence and liable on summary conviction in the case of a first offence to be reprimanded, in the case of a second offence to a penalty not exceeding one dollar, and in the case of a third or subsequent offence to a penalty not exceeding four dollars, who, being under the age of sixteen years, smokes in a street or public place, or purchases or has in his possession, whether for his own use or not, any cigarettes or cigarette papers, or purchases or has in his possession for his own use tobacco in any form other than cigarettes.

Provisions as to automatic machines for the sale of tobacco.

4. If, on complaint to a justice, it is established to his satisfaction that an automatic machine, for the sale of cigarettes, cigars or tobacco in any form, kept on any premises, is being used by persons under the age of sixteen years, the justice may order the person on whose premises the machine is kept to take such precautions to prevent its being so used as are specified

in the order, or, if necessary, to remove the machine within any specified time.

2. Every person is guilty of an offence and liable on summary conviction to a penalty not exceeding twenty-five dollars, and to a further penalty not exceeding five dollars for each day during which the offence continues, who refuses, fails or neglects to carry out the directions of any such order.

3. Any person upon whose premises there is any such machine may himself or by his agent seize any cigarettes, cigars or tobacco obtained from such machine and in the possession of any person apparently under the age of sixteen years using such machine or smoking or about to smoke on such premises.

Exemption as to young persons employed in trade.

5. The provisions of this Act, other than those which make it an offence for a person under the age of sixteen years to smoke or use cigarettes or cigarette papers, or tobacco in any form, shall not apply to any case where the minor is employed for the purposes of his business, by a dealer in tobacco, either wholesale or retail.

Meaning of cigarette.

6. For the purposes of this Act the word "cigarette" includes any small cigar made of tobacco rolled up in paper, tobacco leaf or any other material.

Presumption as to age.

7. For the purposes of this Act any person who appears to the justice dealing with an information or complaint hereunder to be under the age of sixteen years shall be presumed to be under that age unless it is shown by evidence that he is in fact over that age, and the provisions of section 984 of *The Criminal Code* shall apply to offences under this section.

No. 173.

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act to restrain the use of t
young persons.

First reading, May 22, 1

MR. AYLE

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellen
1907-8.

No. 181.] **BILL.** [1907-8

An Act to consolidate and amend the Acts respecting the Public Lands of the Dominion.

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

SHORT TITLE.

1. This Act may be cited as *The Dominion Lands Act.* R. S., c. 55, s. 1. Short title.

INTERPRETATION.

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

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

(*b*) "Commissioner of Dominion Lands" means the officer of the Department of the Interior who bears that designation, the Deputy Commissioner or any officer appointed to perform the Commissioner's duties for the time being;

(*c*) "agent" or "officer" means any person or officer employed in connection with the administration, management, sale or settlement of Dominion lands; "local agent" means the agent so employed with respect to the lands in a defined district; "sub-agent" means any person so employed with respect to lands in a particular part or division of such district; and "land office" means the office in and for such district;

(*d*) "timber agent" means the local officer of the Department of the Interior appointed to collect dues on, and to perform such other duties as are assigned to him in respect to, the timber on Dominion lands;

(*e*) "Dominion lands" or "lands" or "land" means lands of the Dominion of Canada to which this Act applies;

(*f*) "homestead" means the land entered for under the provisions of this Act or of any previous Act relating to Dominion lands for which a grant from the Crown may be secured through compliance with the conditions in that respect prescribed at the time the land was entered for;

(*g*) "entrant" means a person who has obtained an entry for a homestead, a purchased homestead or a pre-emption;

(*h*) "timber" means trees standing, fallen or cut, and round, flatted, squared timber or sawn products thereof;

(*i*) "dues" means all ground rents, royalties, duties, fees, rates, charges or other moneys payable by any person to the Crown in the right of the Dominion under and by virtue of any lease, license or permit;

(*j*) "township," "section," "half-section," "quarter-section" and "legal subdivision," respectively, mean a township, section, half-section, quarter-section or legal subdivision, as the case may be, of Dominion lands, within the meaning of this Act, or of *The Dominion Lands Surveys Act;*

(*k*) "form" means a form in the schedule to this Act. R. S., c. 55, s. 2, *part.*

Explanatory Note.—The changes in this section are—

The omission of certain definitions because they are included in the Dominion Lands Surveys Act.

Paragraph "*b*" takes the place of paragraph "*h*" of section 2, chapter 55, Revised Statutes, with the addition of mentioning "the Deputy Commissioner."

A more definite description of the jurisdiction of the local agent is made in paragraph "*c*" by substituting "a defined" for "his particular" district; and the including in the same paragraph of a definition of sub-agent, because in the Bill certain powers as to taking entries are conferred upon the sub-agent.

Paragraph "*d*" is the same as paragraph "*e*" of section 2, chapter 55, Revised Statutes, with the exception that the word "Crown" is struck out. In the present law the term "Dominion" is used in connection with lands and the term "Crown" in connection with timber, for the reason that a part of the present Act dealing with timber was cut from a provincial statute. The change is made simply to remove the inconsistency and to admit of the same qualifying term applying to land and timber.

Paragraph "*e*," which was paragraph "*f*" of section 2, chapter 55, Revised Statutes, is changed by including in the definition "lands" and "land," as these terms are used throughout the Act, instead of the constant use of the term "Dominion Lands."

Paragraph "*f*" is new. As the homestead is the important feature of our land policy, it is thought that the word should be defined. In the old law it has been used indiscriminately as an adjective and a substantive. In this Bill it is used exclusively as a substantive.

Paragraph "*g*" defining "entrant" is new.

Paragraph "*h*" gives a definition of timber, which is considered more accurate than that given in paragraph "*i*" of section 2, chapter 55, Revised Statutes, which defines timber to be "all wood" and all "products thereof."

Paragraph "*i*" is a definition of dues which was not formerly given, and it is considered necessary because it is not now clear whether dues simply means royalties or is inclusive of all charges.

Paragraph "*j*" is inserted to make it clear that the terms mentioned have the significance given them in the Dominion Lands Surveys Act.

The definition of "form" in paragraph "*j*" of section 2, chapter 55, Revised Statutes, is omitted for the reason that whenever a form is referred to in a section the designation is given by a letter of the alphabet and it is stated to be in the schedule of the Act. This, it is thought, will make reference more easy.

APPLICATION OF ACT.

Application of Act.

3. Except as provided by this or any other Act of the Parliament of Canada, this Act applies,—

(*a*) to the lands of the Dominion of Canada in the provinces of Manitoba, Saskatchewan and Alberta, and in the North-west Territories of Canada;

(*b*) to the three and one-half million acres of land to be located by the Government of Canada in that portion of the Peace River district of British Columbia, lying east of the Rocky Mountains and adjoining the province of Alberta, granted to the Crown, as represented by the Government of Canada, by section 7, chapter 14 of the British Columbia Statutes of 1884. R. S., c. 55, s. 3.

Explanatory Note.—This provision differs from the present law in these respects: The words "exclusively to the public lands included in Manitoba and the several territories of Canada," have been omitted after the word "applies" in the second line. The term "public lands" is incorrect, for there are public lands which are the property of Manitoba to which the Dominion Lands Act does not apply. The word "exclusively" has remained in the law from the time when the Act only applied to land in Manitoba and the territories.

Paragraph (*b*) differs only in form from the provision in the law as it stands.

Railway Belt, British Columbia.

4. None of the provisions of this Act shall apply to the public lands comprised within the tract of land known as "the Railway Belt," in the province of British Columbia, granted to the Crown, as represented by the Government of Canada, for the

purpose of constructing and to aid in the construction of the Canadian Pacific Railway, on the mainland of the said province, by section 1 of chapter 14 of the British Columbia Statutes of 1884, except such provisions as relate to timber, which shall apply to the timber on such lands, and except those contained in section 99 with regard to summary proceedings respecting forfeiture and trespass, and except as hereinafter specially provided; but the Governor in Council may, from time to time, make such regulations for the survey, administration and disposal of such lands as he deems suited to the conditions thereof.

Explanatory Note.—This section is new. While the provisions of the Act as regards timber can properly be applied to the management of timber lands and the disposal of timber in the Railway Belt, it is not considered advisable owing to the special conditions of these lands, to bring them under the operation of the Act. It is, therefore, proposed to make the Act apply in so far as the timber is concerned, but to continue the present system of administering and disposing of the lands by regulations approved by the Governor in Council.

Yukon Territory.

5. None of the provisions of this Act shall apply to the Yukon Territory except those contained in section 99 with regard to summary proceedings respecting forfeiture and trespass, and except as hereinafter specially provided; but the Governor in Council may make such regulations for the survey, administration and disposal of public lands within the said territory as he deems suited to the conditions of that territory.

Explanatory Note.—This system is new. The conditions of the Yukon are not such as to admit of the application of the provisions of this Bill respecting homesteads, which have been framed mainly with a view to the requirements of a portion of the country quite differently circumstanced. At the same time it is considered desirable to have some system of entry for homesteads.

5A. Notwithstanding anything in either of the two sections next preceding, the Dominion lands in the Railway belt and in the Yukon Territory shall be taken and held to be public lands of the Dominion to which this Act applies within the meaning of the Dominion Lands Surveys Act.

Exchange of lands.

6. In the event of an exchange of any Dominion lands for other lands with any province, corporation or person, the lands conveyed through such exchange to the Crown in the right of the Dominion shall be deemed to be Dominion lands.

Explanatory Note.—This is a new provision and takes the place of section 5, chapter 55 of the Revised Statutes, which simply provides for an exchange of lands with the province of Manitoba, and for the lands taken in exchange being deemed Dominion lands. The enactment was made to admit of the Dominion giving to the province of Manitoba lands in exchange for swamp lands upon which persons had settled and desired to take up homesteads after the lands had been transferred to the province. While it might be inferred from the section that lands taken in exchange for Dominion lands from any other province or from any corporation or person would not be deemed to be Dominion lands, exchanges of lands have been made with municipalities, other corporations and individuals, and the lands taken in exchange have been dealt with as Dominion lands. In dealing, for instance, with railway land grants it is sometimes found that a quarter-section had been settled upon or is required for some public purpose, and in such cases the company reconveys the land, if it has been patented, and takes other lands in exchange. The object of the section is to make clear that lands received in exchange become Dominion lands and that the Act applies to them.

Section 4 of chapter 55, Revised Statutes, is omitted, for the reason given in explanatory note to clause 76, paragraph "*c*" *re* Indian title.

Surveys.

7. No land shall be open for entry for a homestead or for sale until it has been surveyed in accordance with the provisions of *The Dominion Lands Surveys Act*, and notice that it is to be open for entry upon a date to be set forth in the notice has been posted for at least two weeks in the land office of the district in which the land is situated, and has been published in at least one newspaper in that district; and the printing

and publication of the notice shall be made in such manner as is determined by the Governor in Council.

2. It shall also be the duty of the Agent to have such notice promptly posted in each of the offices of the sub-agents in his district.

Explanatory Note.—Clause 7 is new and necessary because of the making into a separate Act of the provisions of the present Dominion Lands Act respecting surveys and surveyors. Its object is to make it clear that the necessary surveys are to be made in accordance with that Act. The reason for making a separate Act is that the inclusion of the provisions respecting surveys in the Dominion Lands Act made it cumbersome and difficult of reference. Provision is also made for formal notification to the public, by posting of notices and by advertisements, of the land being open for homesteading.

DISPOSAL OF LANDS.

Homestead Entry.

Entry for homestead.

8. All unoccupied surveyed agricultural lands to which this Act applies that are not reserved or that have not been disposed of shall be open to entry for homestead: Provided

As to mineral and water rights.

that no entry for a homestead shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron or other minerals within or under the land covered by the entry, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream or other body of water within or bordering on or passing through the land covered by the entry. R.S., c. 55, s. 112, *part.*

(See explanatory note under clause 15.)

Who entitled to entry.

9. Every person who is the sole head of a family, or being a male, has attained the age of eighteen years, and who is a British subject or declares intention to become a British subject, and who makes application in the manner hereinafter provided, shall be entitled to obtain entry for a homestead for an area of available agricultural land, not exceeding one quarter section: Provided that where the area of the homestead quarter-section is from any cause considerably less than the theoretical area of one hundred and sixty acres, the Minister may permit the homesteader to have added to his homestead, from adjoining land, a sufficient area to make up, but not to exceed, one hundred and sixty acres. C. 55, R.S., s. 109.

Application by woman as head of family.

2. In the case of any woman who, claiming to be the sole head of a family, makes application for entry for a homestead, if any doubt arises as to her status as the sole head of a family, the Minister may decide whether her application shall be granted or refused. C. 55, R.S., s. 110.

Reservation for entry.

3. The agent may, on application in the form G, reserve for one year any area of agricultural land, not exceeding one quarter section, for any male of the full age of seventeen years who lives on a homestead for which entry is held by, or on land of an area of not less than eighty acres which is owned and occupied as a farm by, his father, mother, brother or sister, and is situated within a distance of not more than nine miles from the land applied for; the said application shall be supported by an affidavit of the relative on whose land the applicant has his permanent residence, in the form H, and, in the event of the application being allowed, a certificate of reserva-

tion shall be issued in favour of the applicant by the agent or sub-agent, as the case may be, in the form I; provided that—

(*a*) the person for whom such a reservation is made shall within one month of his attaining the age of eighteen years, make personal application for entry for such land as a homestead; Conditions.

(*b*) if the period of reservation includes the months of June and July, the applicant shall break five acres of the land during those months, and if he fails to comply with this requirement, the reservation will be withdrawn;

(*c*) in the event of failure to apply for entry within the time specified in this section, the reservation shall cease and determine and the land shall be open for entry to any person eligible to obtain entry for a homestead.

Explanatory Note.—Subsection 1 differs from the present law (c. 55, R.S., s. 109) in the following respect: The words "which is of the class open under the provisions of this Act to homestead entry," and the words "and such person shall at the same time as he obtains his entry declare under which of the conditions prescribed by this Act he elects to hold the land affected by such entry," are omitted. Instead of describing the land as "of the class open" it is described simply as agricultural land, because, under the Bill, all agricultural land is open to entry, with the exception of land valuable for purposes already specified, and land which may, for reasons stated further on in the Bill, be reserved from settlement. It is proposed that there shall be hereafter only one class of conditions, compliance with which is necessary to secure a homestead, and, therefore, the necessity no longer exists for election.

The provision requiring a foreigner to make a declaration of his intention to become naturalized is new. It is thought that when taking the first step an immigrant should be formally made aware of the primary condition of his securing a homestead. In administering the Act it was found that complaint was frequently made by homesteaders of the delay in the issue of their patents owing to their not being earlier aware of the necessity of filing their naturalization papers. The amended provision will fully advise them at the time of making entry, of the necessity of procuring and filing such papers, and will give them at least three years in which to do so.

Subsection 2 is the same in effect as in the present law.

Subsection 3 is new. The practice of the Department is to make such reservations, but not always subject to such conditions. It is thought advisable to continue the practice in the interest of the settlers who want to secure land for their young sons in the vicinity of their homes, and, in legalizing the practice, to safeguard it by imposing conditions.

10. A person who has *bona fide* settled and made improvements on agricultural land before the survey thereof and is in occupation of and ordinarily resident on the land at the time of survey shall, if he is eligible under this Act to make entry for a homestead, or a purchased homestead, have a prior right to obtain entry for the land so settled on: Provided that this right is exercised within six months after notice in writing that the land is open for entry has been given by the local agent to the said person, or has been posted in a conspicuous place on the land; and that entry shall not be allowed for more than a quarter-section as a homestead. Rights of persons settling on lands before survey.

Explanatory Note.—The law now in force is contained in section 144, chapter 55, R.S., and makes it necessary that the survey of a township should be finally confirmed before a *bona fide* settler can obtain entry. But the practice of the department is to admit of entry before confirmation of the survey and immediately after the survey has been made. Considerable time often elapses before final confirmation of a survey, and there is no reason why a settler should be debarred from making entry between the actual survey and the formal confirmation. It is, therefore, considered that the practice of the department should be continued, and this section is designed to legalize the practice. This practice in detail, is to furnish the Agent with a copy of the preliminary plan, on which he is authorized to grant Entry subject to revision of area on receipt of the final plan.

The present enactment is that the settler shall have the prior right to enter "if such right is exercised within three months after the land is open." It is not clear whether after the lapse of three months the settler has any right, although it is further provided that he shall have three months' notice before another person is allowed to enter for the land upon which he settled.

It is proposed by this section to remove all doubt by providing that, for six months after notice given by the agent that the land is open, the settler before survey shall have the prior right to entry. Unless notified the settler might not be aware that the land was open for entry; and it is only fair that he should

not stand to lose any right he has before being notified that he may exercise it. Six months is considered a reasonable time within which to allow of the exercise of his prior right.

There is no restriction at present as to the area which may be entered for when land is settled upon before survey, although the practice is to confine such entry, as an ordinary entry is confined, to a quarter section. Provision is now made to legalize the practice.

Trespassers after survey.

2. The occupation of land after the survey thereof, without entry as provided by this Act, gives to the occupant no right thereto, and the occupant may be ejected as a trespasser, and his improvements forfeited to the Crown.

Application for entry.

11. Application for entry for a homestead shall be made in the form A, at the land office of the district in which the land is situate, between the hours of nine in the forenoon and five in the afternoon, on every day excepting Sundays and statutory holidays, or between such hours as are, from time to time, fixed by the Governor in Council, and shall be supported by affidavit in such one of the forms B or C as the circumstances of the case require; and a fee of ten dollars shall be payable with the application; and the local agent or officer acting for him shall deal with the application in the order of its receipt.

What constitutes entry.

2. When application is so made for land then open to homestead entry, the local agent or officer acting for him shall accept it upon payment of the said fee and shall give the receipt hereinafter provided for; and the acceptance by the local agent, or the officer acting for him, of the said application and of the fee shall constitute entry, and the receipt given to the applicant in the form D shall be a certificate of entry and shall entitle the recipient to take, occupy, use and cultivate the land entered for, and to hold possession thereof to the exclusion of any other person, and to bring and maintain actions for trespass committed on the said land; and the land shall not be liable to be taken in execution before the issue of letters patent therefor: Provided that occupancy, use and possession of land entered for as a homestead, shall be subject to the provisions of this Act or of any other Act affecting it, or of any regulations made thereunder.

Application to sub-agent.

3. Application may also be made in the same form to a sub-agent in a district in which the land is situate, who shall give an interim receipt in the form F, and shall forthwith forward the application and the fee to the local agent; but this application shall have no force or effect until it is accepted by the local agent or the officer acting for him, who shall deal with it in the order of its receipt and as if it were made direct; and his acceptance thereof shall, as aforesaid, constitute entry, and his receipt in the form E shall be, as aforesaid, the certificate of entry and shall convey the same rights as if the application were made direct:

Provided that, at the request and expense of the applicant, the sub-agent shall by telegraph advise the local agent or the officer acting for him of the receipt of his application; and on receiving the advice the local agent or the officer acting for him shall, if the applicant has provided for its being done at his expense, acknowledge the advice by telegraph, and shall hold for the applicant the land applied for during a period of time sufficient to admit of the receiving of the application, and the

application, if received within that period, shall be regarded as received at the time of the receipt of the advice by the local agent:

Provided further that, if a sub-agent has received an application for homestead entry for a quarter-section he shall not accept another application for the same quarter-section from any other person until the first application has been dealt with by the agent.

Personal application.

4. Every application for entry shall be made by the applicant in person, unless otherwise provided by regulations made by the Governor in Council.

Improvements prior to entry.

5. A person making entry for a homestead, a pre-emption, or a purchased homestead, shall declare what improvements, if any, there are upon the land for which he applies; and should he fail to make such declaration his entry shall be liable to cancellation in the discretion of the Minister.

Homestead for sole use of entrant.

6. An entry for a homestead, a pre-emption, or a purchased homestead shall be for the sole use and benefit of the entrant, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever, and the violation of this provision shall render the entry liable to cancellation in the discretion of the Minister.

Abstract from records on payment of fee.

7. The local agent or the officer acting for him shall furnish over his signature to any person who applies therefor and pays him a fee of twenty-five cents, an abstract from his records showing whether the quarter-section mentioned or referred to in an application is available for entry or not; if the land applied for is not available, the name of the entrant and the date on which he obtained entry shall be shown on the abstract, as well as, where the records show any transactions calling therefor, the date on which cancellation notice to the entrant in default is returnable, or the date on which the period of protection will expire, as the case may be.

Second homestead.

8. Except as otherwise provided in this Act, every person who has received or receives, or has become or becomes entitled to letters patent for a homestead by the performance of homestead duties, with or without payment of purchase money, or by the location of scrip thereon, shall be deemed to have exhausted his homestead right and shall not be entitled to obtain another entry for a free homestead: Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained or had become entitled to letters patent for a homestead, shall be permitted to make a second entry for a homestead. R.S. 55, s. 144, *part*.

Explanatory Note.—Section 109, chapter 55, Revised Statutes, provides that entry can be made on a certain form. Section 115, chapter 55, R.S., provides that an affidavit shall be made on certain forms; and upon filing the same the agent or his senior assistant shall issue a receipt which shall be a certificate of entry and convey right to possession. Section 111, chapter 55, R.S., provides that "entry" shall entitle the holder to hold against others.

There is no provision now as to where or when entry is to be made. An agent or senior assistant may take an entry anywhere at any time. This leaves the door open to abuses. It is, therefore, provided by subsection 1 that entry shall be made at the land office within certain hours.

Under the law as it stands the entrant must ascertain who is the agent or senior assistant. The onus should not be on the settler to make sure that he is filing with a proper officer. It is considered that it is the duty of the administration to have an office open and to have the proper officers in charge. An important provision is also made for dealing with applications in the order of their receipt by the agent.

There is now no definition of what constitutes an entry. It is, therefore, proposed to supply the deficiency by subsection 2; and the receipt for the fee is made the evidence of entry, and it, instead of the formerly undefined entry, will entitle the entrant to hold against others and bring and maintain action for trespass. No proof other than the receipt will be required to show an entrant's rights.

From the words "was entitled" to the end of subsection 2 the provision is the same as that now in force. The proviso is a corollary of section 8 of the Bill.

Subsection 3 is new. It is thought that settlers should not be put to the loss of time and the expense and inconvenience incident to going to the land office of the district when there are sub-agents in charge of sub-divisions of such district and, therefore, it is provided that an application for entry may be made to a sub-agent, but, as a safeguard and to prevent complication, it is provided that entry should only be constituted by the act of the agent or the officer acting for him; the sub-agent is required, however, to forward the application and fee to the agent, forthwith, and the privilege is given the applicant of having his application wired to the local agent, and given precedence accordingly. Until such application has been disposed of by the agent, the sub-agent may not accept another application for the same land.

Subsection 4 is restrictive of the rights to allow entry by agent. Since 1881 there has been a provision admitting of such entry, but, under section 6 of chapter 16 of the Statutes of that year, the Minister could only authorize a person to act, in advance of their arrival, for immigrants or settlers or persons proposing to settle together. Subsection 3 of section 29, chapter 17, Statutes of 1883, empowered the Land Board as well as the Minister to grant such authority; but section 4, chapter 27, of the Statutes of 1886, removed the restrictions as to the persons for whom agency might be exercised and provided that " the Minister of the Interior or the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry or homestead and pre-emption entries on behalf of any person signing such requisition and desiring to obtain such entry or entries." The law has remained the same up to the present with two amendments. The first amendment was made by section 1 of chapter 24 of the Statutes of 1891, and provided that "any member" of the Land Board might grant the authority; and the other amendment was made by section 2 of chapter 29 of the Statutes of 1897, after the Land Board had practically ceased to exist, and it provided that " any person named for the purpose by the Minister may grant the authority."

It is thought that only in exceptional cases should the privilege be allowed of making entry by attorney or agent; and, therefore, subsection 4 confines to the Governor in Council the power to allow of such entry on cause being shown, and requires the entry to be made in accordance with forms more stringent than those in use.

Subsection 7 is new, and provides for the furnishing of an abstract of the standing of and dealings with any quarter-section applied for, on payment of a small fee.

Subsection 8 is new, and while merely declaratory, is for the purpose of making it clear that the law intends to give one man one homestead, no matter by what means he acquires title thereto.

The proviso in sub-section 8 is substantially the same as that in the law as it stands, and is designed to preserve an existing right to a second homestead.

By section 37, chapter 17, Statutes of 1883, it was provided that a person who obtained a patent for a homestead or certificate therefor might obtain another homestead. This provision was repealed by section 8, chapter 27, Statutes of 1886. This cut off those who had made entry for homestead under the Act of 1883 which made the provision as to second homestead; and therefore it was necessary by the Act of 1887, section 5, chapter 31, and by section 4, chapter 15, Statutes of 1892, to extend the privilege of second homestead to any person who, on the 2nd day of June, 1889, had obtained a patent or a certificate.

Disputes between applicants for same land.

12. The Minister shall settle in such manner as he deems best all disputes which arise between persons claiming the right to entry for a homestead for the same land.

2. When valuable improvements have been made on such land by any of the parties to the dispute, the Minister, if he decides that the land may be entered for as a homestead, may order such a division thereof as shall, so far as practicable, preserve his improvements to each of the parties to the dispute; and the Minister may, in his discretion, direct that the difference between the extent of the land so allotted to each of them and a quarter-section shall be made up from available land. R.S., c. 55, ss. 117 and 119, *part*.

Explanatory Note.—Subsection 1 leaves to the Minister the settlement of disputes between the contending entrants for homesteads. Section 118, chapter 55 of the Revised Statutes, which is the law now in force, provides that the one who first settled on the homestead shall be entitled to it unless the Minister deems it inexpedient in the public interest to entertain any application. It is only on inquiry that it can be ascertained, in the case of a dispute, who is the one entitled; and, if the land is open for entry, it cannot be inexpedient to entertain any application. It is thought that the provision for effecting a settlement should be broad.

In cases in which a division of the land has to be made the law at present restricts the Minister in making up the deficiency to "unoccupied land adjoining, if there is any such of the class open to homestead entry." It is considered that

a deficiency might properly be made up out of available land which was not adjoining. Therefore, in the proposed subsection 21 the Minister is simply confined to "available" land in making up such a deficiency. The description of the land as of the class open to entry is no longer necessary, for what land is so open has been already defined. The wording of the first four lines of the subsection has been changed from the wording of the present law to make the meaning clearer.

Time for perfecting entry.

13. Every entrant for a homestead shall be allowed six months from its date within which to perfect the entry, by taking, in his own person, possession of the land and beginning residence thereon; and, if the entry is not so perfected within that period, it shall be liable to cancellation:

Provided that, on satisfactory cause being shown for an entrant failing to perfect his entry within six months from the date thereof, the Minister may order that the entry shall be protected from cancellation for a further period of six months; but no entry which is not perfected within twelve months from the date thereof shall be protected from cancellation for any further period.

Proof as to performance of duties.

2. The Minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof, by declaration or otherwise, that he is duly performing his homestead duties in each year subsequent to the date of his entry.

Explanatory Note.—By subsection 14 of section 33, chapter 23, Statutes of 1872, it was provided that, if it were proved to the local agent that an entrant had relinquished his claim or had been absent more than six months, his right should be forfeited and he would not be allowed to make more than a second entry. By section 34, chapter 31, Statutes of 1879, it was provided that his entry would be liable to forfeiture if the entrant did not become a *bona fide* occupant within two months. By section 31, chapter 17, Statutes of 1883, it was enacted that a person who obtained entry should be allowed a period of six months within which to perfect the same, and that, if it were not perfected within that period, it should be void, but with the provisos that (*a*) a person who made entry before the 1st September in any year was to be allowed to the 1st of the following June to perfect the same, and (*b*) in the case of immigrants from elsewhere than the North American Continent the Governor in Council might extend the time to perfect the entry for twelve months. This provision was continued, and remained the same until 1901, when by section 2 of chapter 20 of the Statutes of that year the provisos were repealed and one substituted to the effect that the Minister might, because of illness or other causes preventing the perfecting of an entry, extend the time for a further term of six months, but that no extension was to be granted beyond twelve months.

It will be observed that the entry becomes automatically void at the expiration of six months if the extension be not given, and at the end of twelve months if the extension be granted. Under the constant practice of the department, however, the expressed stipulation as to the limit of extension has been ignored, and not a case can be found in which, after an extension was allowed, the entry was regarded as void if within the period of the extension it was not perfected, As a matter of fact, the department has acted in regard to such non-perfected entries as if they were perfected entries and has applied to them the provisions of section 140, chapter 55, of the Revised Statutes.

It is not considered advisable to have a provision under which an entry becomes automatically void, for a settler who had cause for an extension and was unable to obtain the same before the expiration of six months is liable to have the privilege of his entry taken from him before consideration can be given to his case; nor is it considered advisable that an entry should become automatically void at the expiration of the limited period of extension which the Minister for cause may allow. At the same time it is important that there should be a provision under which it will be possible to prevent homesteads being held by persons who do not show good faith by perfecting their entries within a reasonable time. It is, therefore, proposed under the new section to make an entry liable to cancellation if not perfected within six months; and that, for cause, the Minister may order the protecting of the entry from cancellation for six months further, with the stipulation that no entry which is not perfected shall be protected for more than twelve months. In the event of failure upon the part of the settler to perfect entry another person desiring the homestead will have to apply to move for cancellation.

Abandonment of entry.

3. A homesteader may, by permission of the Minister, abandon his entry and obtain authority to make another entry upon executing the prescribed declaration. If no cancellation proceedings are pending, the homesteader may abandon his homestead in favour of a father, mother, son, daughter, brother or sister, if eligible, subject to the Minister's approval.

Explanatory Note.—Subsection 3 is new, and provides legislative sanction for abandonment of a homestead in favour of relative, but only where no cancellation proceedings are pending, and subject to approval by the Minister.

Location of scrip.

14. Scrip may be located on land only at the land agency for the district within which the land to be located is situated; and no application for location of scrip shall be accepted by a sub-agent.

Cancellation of Entry.

Cancellation of entry for non-fulfilment of requirements.

15. If an entry for a homestead is granted through error, misrepresentation or fraud, the Minister may cancel the entry.

2. If an entrant for a homestead fails in any year to fulfil the requirements of this Act in respect to homesteads, or the requirements of the laws in force in respect thereto when the entry was obtained, the Minister may cancel the entry and all rights of the entrant in virtue thereof shall thereupon cease and determine: Provided that any subsequent entrant for the same land may be required by the Minister to pay in cash reasonable compensation for the improvements, if any, of the person whose entry is cancelled; and that the Minister may, in his discretion, pay to the latter the amount of such compensation, in whole or in part.

Compensation for improvements.

Explanatory Note.—Subsection 1 is new. The experience of the department shows that entries are sometimes granted in error for land not open to entry, or through misrepresentation to persons not entitled to entry; and it is the practice of the department to cancel such entries. There is no legal authority therefor, and this provision is designed to supply the deficiency.

Subsection 2 takes the place of section 173, chapter 55, of the Revised Statutes, —an elaborate provision setting forth the requirements, non-compliance with which would lead to forfeiture of homestead. Section 16 of this Bill sets forth briefly and clearly the requirements for securing homestead. It is, therefore, only necessary to provide, as is done in this section, for cancellation in the event of failure to comply with such requirements.

The law as it stands debars one whose right was forfeited from obtaining another entry for homestead except in the discretion of the Minister. As there is nothing in the nature of an offence in failure to comply with the requirements, there should be no punishment; and, therefore, in the present Bill, the bar is removed and the man whose entry has been cancelled for failure may obtain in the ordinary way another entry.

No provision is made in the law as it stands for compensation for improvements although it is the practice of the department to arrange for compensation. It is considered that the practice should have the force of law.

Cancellation for personation.

3. If the Minister is satisfied that an entry for a homestead has been obtained through personation he shall cancel the entry, and the person so obtaining entry shall not be eligible to obtain another entry, unless the Minister declares otherwise.

Explanatory Note.—This is a new provision. As personation in the making of entries is to be particularly guarded against, it is considered there should be special provision so that every one may be aware of the offence and the result of its commission, viz., ineligibility to obtain another entry. At the same time it is thought desirable to give power to the Minister to remove such ineligibility, for there might be a case in which there would not be an intention to defraud.

Proviso as to timber.

4. If entry is obtained for land which, though not reserved at the time, is ascertained to be valuable on account of merchantable timber upon it, the Minister may, within six months of its date, cancel the entry.

As to water supply and power, harbours and landing.

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

6. No entry shall be cancelled until the entrant has been compensated for any improvements made by him upon the land.

(*a*) In the case of an entry cancelled under subsection 4 of this section no compensation shall be made to the entrant for the value to the said person of the timber on the homestead.

(*b*) In the event of the failure of the entrant to agree to accept the amount allowed by the Minister as compensation, the amount shall be fixed by arbitration in the manner hereinafter provided.

Explanatory Note.—The old provision is contained in section 112, chapter 55, Revised Statutes. It provides that no person shall be entitled to entry for land valuable for timber or hay or for "land on which there is a stone or marble quarry or coal or other mineral having commercial value or whereon there is a water power" * * * "or for land which by reason of its position such as being the shore of an important harbour, bridge site, or canal site, or being either an actual or prospective railway terminal or station, it is in the public interest to withhold from such entry.

The changes made have for their object the bringing prominently forward of the fact that all unoccupied agricultural land is open for entry for homestead; the abolition of the prohibition of entering for lands containing "a stone or marble quarry" or minerals, for the reason that it is considered that if entry is made for land upon which it is afterwards discovered there is quarriable stone, the entrant should have what benefit may accrue therefrom, and that, as he only secures surface rights, he should not be debarred from entering for a homestead upon lands which may have minerals underlying them; to restrict the time within which an entry may be cancelled if it is discovered that the land has merchantable timber upon it, because it is thought that, if cancellation is not made before six months the entrant should be entitled to what he obtains; to admit of the cancellation of an entry for land necessary for the protection of a water supply or the development of a water power (but only so much of such land as may be actually required for the purpose) or for the purpose of a harbour or landing, and of compensation being paid for improvements made in the meantime; to make it clear that an entry does not convey any right to salt, natural gas, petroleum, coal or other minerals or any property in or exclusive right to water. The provision as to water is in accordance with the provisions of the Irrigation Act. The provision specifically reserving salt, natural gas and petroleum is new. It is considered to be in the public interest to reserve these as well as "coal and other minerals" which it is the practice to reserve. (See section 8.)

It is not considered fair to provide that entry may not be made for land which may become valuable for a "bridge site or canal site," or "a railway terminus or station." By subsequent provision in this Bill the Minister is given the authority to reserve in the public interest land which may become valuable for such purposes; but if such reservation is not made and an entry is obtained, and it is afterwards found that the land is required for the purposes specified, it is considered that the right of the entrant should be recognized to the extent to which he has a claim upon the land. The Minister is given discretionary power as to the allowance for compensation, and provision is made for arbitration where the amount so allowed is not accepted by the homesteader. There is no occasion for exempting an "actual" railway terminus or station, as the law does at present.

HOMESTEAD LETTERS-PATENT.

Requirements as to residence and cultivation.

16. Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, (*a*) to have held the homestead for his own exclusive use and benefit for three years from the date of entry, (*b*) to have resided thereon at least six months in each of three years from the date of entry, or the date of commencement of residence, (*c*) to have erected a habitable house thereon, (*d*) to have cultivated such an area of land in each year upon the homestead as is satisfactory to the Minister, and (*e*) to be a British subject.

Explanatory Notes.—The law at present provides (*a*) for an individual settler earning a homestead through residence and cultivation and the erection of a habitable house, (section 38, chapter 55, R.S.); (*b*) for a number of settlers earning homesteads while living in hamlets or engaging in co-operative farming, if the Minister allows of the same, (sections 121 and 122, chapter 55, R.S.); (*c*) by substituting cattle for cultivation (section 133, chapter 55, R.S.).

So many changes have been made from time to time by Acts and by regulations that it is difficult for a settler to ascertain just what the conditions are he has to fulfil. It is considered desirable to have briefly in the Act a statement of the duties necessary to secure a homestead. Experience shows, however, that it is not practicable to fix by statute an area of cultivation for each year, for the

reason that settlers upon scrubby land cannot and should not be expected to do cultivation to the extent that a settler can easily cultivate on the clear prairie. The amount of cultivation necessary has therefore been left to the judgment of the Minister, who, of course, will act upon the reports of the local agents and inspectors and take into consideration the conditions of the locality in which the homestead is situated.

The condition lettered "*a*" is new. It is in accord with the form of affidavit made with application for entry, and it is considered that it should be embodied in the Act as a condition requisite for obtaining patent, so that it may be clearly understood that homesteads are not to be held in whole or in part for any other than the entrant.

As far back as 1876 provision was made by section 9, chapter 19 of the Statutes of that year, for the Minister waiving the requirements for the securing of a homestead in the case of immigrants, such as Mennonites and Icelanders, settling in communities. The provision was varied by section 32, chapter 17 of the Statutes of 1883, so that the Minister might, in the case of not less than 20 settlers who desired, for the establishment of schools and churches and for social advantages, to settle together in a hamlet or village, dispense with the requirements as to residence upon a quarter-section. The enactment of 1883 is continued by section 121, chapter 55, R.S. It was amended in 1898 by section 3, chapter 31 of the Statutes of that year, by adding a subsection which admitted of homesteads being secured through co-operative farming and extended the hamlet privilege.

Settlement is now so far advanced in the Northwest that free homesteads should hereafter only be provided for the individual cultivator of the soil. The time is gone by for the making of special provisions in favour of those who desire to farm in separate communities either by settling in hamlets or through engaging in co-operative farming.

Settler obtaining entry before survey.

17. The period fixed by this Act for the performance of the requirements prescribed for obtaining letters patent for a homestead shall, in the case of an entrant for a homestead on lands occupied by him before survey thereof, be reckoned from the date upon which he entered into occupation of the land.

Explanatory Note.—This section is new, although it embodies the idea contained in section 124, chapter 55, R.S. That section provides that, in the case of a person who obtains entry for land occupied before survey, residence and cultivation shall date for three years back from the application for patent instead of forward from the making of entry as provided in the case of one who settled upon the land after survey. The new section makes it clear that the performance of the requirements to obtain patent may be reckoned from the date upon which a squatter entered into occupation of the land.

Residence in vicinity.

18. Permanent residence by an entrant upon a farm of an area of at least eighty acres, situate within a distance of nine miles from his homestead and owned solely and occupied by him, or permanent residence on a farm of that area and so situate, owned solely and occupied by his father, mother, son, daughter, brother or sister, and, in the event of the death of such owner or occupant, continued permanent residence on such farm shall be accepted as residence upon the homestead.

Explanatory Note.—The law at present provides that if a person lives with his father, or mother if the father is deceased, upon a farm in the vicinity of land for which he has made entry, he may meet the requirements for patent by residing with his father or mother, or in the event of their death by continuing such residence (section 131, chapter 55, R.S.), and that a settler who has his residence upon farm land in the vicinity of his homestead may meet the residence requirement by living upon such land (section 130, chapter 55, R.S.).

It is found necessary to make it clear that a settler should not only be living upon farming land in order to have the privilege of residence thereon while earning a homestead, but that the land should be occupied by him as a farm and to fix a reasonable distance, for the term "in the vicinity" is capable of rather wider extension than the interest of settlement warrants. The present provision is so worded as to bring out clearly what must be the intention of the present law in that respect and to prevent the privilege being extended to persons who are living on land at a great distance or not engaged in farming at all.

It is also considered that the privilege of residence off his homestead should not be confined to a son living with his parents or parent, but that any member of a family having residence in the vicinity should have a similar privilege of residence with the family while earning a homestead in the vicinity. This section is so framed as to thus extend the privilege.

Issue of patent after death of applicant.

19. In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor, his legal representative shall only be required to fulfil the conditions set forth in section 16 of this

Act as to the erection of a habitable house and as to cultivation in order to entitle him to obtain letters patent, after the expiration of three years from the date of the entry for the homestead; or the legal representative may assign the homestead to a person eligible to obtain a homestead entry; and the assignee shall, after (*a*) the expiration of three years from the date of entry for the homestead, (*b*) holding the homestead for his own exclusive use and benefit from the date of the assignment, and (*c*) completing the residence and cultivation requirements, as set forth in section 16 of this Act, in the same manner as the person who made the entry would have been required to complete them thereunder, be entitled to letters patent for the homestead. R.S., c. 55, s. 123, *part*.

Explanatory Note.—Section 123, chapter 55, R.S., provides *inter alia* for a legal representative completing requirements by residing on the land and cultivating it, etc. It has been the practice of the department to allow a legal representative to act by proxy, but the legal representative is not allowed to earn patent while living on land of his own even in the vicinity. Once provision is made for the legal representative saving from forfeiture the unearned homestead of a deceased entrant, we cannot in fairness make a restriction as to residence more stringent than would be applied to an entrant himself under section 16. But while it is fair to give the legal representative the privilege accorded by the proposed enactment, the important consideration from a public point of view is to secure the holding and the improvement of the land by one who holds and improves for himself. Under the law as it stands in respect to the assignment of homesteads the equity of a deceased entrant cannot be secured except by the completion of the duties by the representative. Legal representatives would in very many cases prefer assigning and winding up the estate. Through the recognition of assignments in such cases the object of our land policy will be more adequately met than by insisting on performance of requirements for patent by legal representatives. This section is framed accordingly.

Issue of patent if applicant becomes insane.

20. In the event of any person who obtained entry for a homestead becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the obtaining of letters patent therefor, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to do so, shall only be required to fulfil the conditions set forth in section 16 of this Act as to the erection of a habitable house and as to cultivation before the issue of letters patent: Provided that the letters patent shall not issue until the expiration of three years from the date of entry. R.S. 55, s. 136, *part*.

2. If it is shown to the satisfaction of the Governor in Council that an entrant has become, through physical disability, unable to comply with the residence requirements under this Act, such residence requirements may be dispensed with by order of the Governor in Council.

Explanatory Note.—Up to 1897 there was no such provision in regard to insane persons. The proposed section differs from the law as it now stands in these respects : The omission of the provision as to proof necessary for patent, because that is provided for in section 25; the elimination of the requirement of residence. It is difficult to secure residence on behalf of an insane person; and in most of such cases that requirement is not really met. The proviso is added to make clear that the homestead must be held three years.

The proviso (subsection 2) is new. There are cases of hardship in which it is inhumane to compel forfeiture of the homestead. For example, an immigrant recently lost his hands and feet after obtaining entry. He has no land of his own beyond the homestead, nor has he any relatives in the vicinity; and he must live with some one while directing the making of improvements and the doing of cultivation on his homestead. Under the law as it is the homestead cannot be held for him. In providing for such special cases, care has to be taken to guard against abuse of privilege; and therefore, the proviso requires that dispensation of residence requirements must be by Order in Council.

Extension of time in case of sickness, etc.

21. After entry for a homestead has been perfected by the entrant taking in his own person possession of the land and beginning residence thereon, the Minister may, in case of

calamity or of illness, vouched for by satisfactory evidence, or in the case of immigrant settlers returning to their native land to bring their families to their homesteads, or in other special cases, grant an extension of time during which the settler may be absent from his homestead, without prejudice to his right therein; but the time so granted shall not be counted as residence. R.S., c. 55, s. 140, *part.*

Explanatory Note.—This section admits of extensions of time in the case of perfected entries for the same causes as the law does at present; but, as stated in respect of section 13, the practice of the department has been to apply this provision of the present law to unperfected entries, although it appears to have been intended only to apply to perfected entries. There should be a difference in the treatment of persons who simply make entry and take no steps for perfecting it and those who actually take possession of the land and begin the performance of the duties requisite to securing letters patent. The new section, which is otherwise practically the same as the provision in the present law, is, therefore, so worded as to make it clear that it applies only to perfected entries.

Reckoning of residence of volunteer on active service.

22. Notwithstanding anything in this Act, the time during which an entrant is absent from his homestead while he is a member of a military force enrolled under the authority of the Minister of Militia and engaged as a member of that force in the suppression of an outbreak or insurrection in any part of the British Empire, or in the defence of the British Empire against a foreign power, or is a member of a company or contingent of Canadian volunteers enrolled under the authority of the Minister of Militia for active service, and also a period, not exceeding three months after his discharge as a member of the said force, company or contingent, to permit him to resume his residence upon his homestead, may be counted as residence upon his homestead, within the meaning of this Act. R.S., 55, s. 134, *part.*

Explanatory Note.—This enactment is the same as that made by section 134, c. 55, R.S., with the exception that "British Empire" is substituted for "Canada."

Issue of patent to disabled volunteer.

23. If it is established to the satisfaction of the Minister that an entrant, while on active service as a member of any such force, company or contingent, is so disabled by wounds received in battle, or because of illness resulting therefrom, or from any other cause, after his enrolment as a member of such force, company or contingent and up to the date of his discharge therefrom, that it is not possible for him, because of such wounds or illness, or other cause, to resume occupation of his homestead and complete the conditions of his entry therefor, the Minister may forthwith issue letters patent for the homestead in his favour. R.S. 55, s. 135, *part.*

Explanatory Note.—This is the same as the provision now in force.

Hamlets and co-operative farming.

24. Notwithstanding anything in this Act, any persons who previously thereto were allowed, under the provisions of section 121 of chapter 55 of the Revised Statutes, and section 3 of chapter 31 of the statutes of 1898, entries for homesteads acquirable while living in hamlets or while engaged in co-operative farming, or who, under the provisions of subsection 6 of section 133 of chapter 55 of the Revised Statutes, were allowed entries, subject to the substitution of cattle raising for cultivation, shall, on satisfactory proof of the fulfilment of the conditions imposed under the said provisions, be entitled to letters patent for their homesteads.

Explanatory Note.—This section is designed for the protection of persons who were allowed to make entries under the provisions of the law now in force as to hamlets, co-operative farming and the substitution of cattle for cultivation, which provisions it is proposed to repeal by this Bill.

Issue of patent three years after entry.

25. The entrant for a homestead, or, in the event of his death, his legal representative or his assignee, or, in the event of his becoming insane or mentally incapable, his guardian or committee or any person who, in the event of his death, would be his legal representative, may, after the expiration of the period fixed by this Act for the completion of the requirements for obtaining letters patent for a homestead, make application therefor; and upon proving to the satisfaction of the local agent, or the officer acting for him, that the said requirements have been fulfilled, if the proof is accepted by the Commissioner of Dominion Lands, the entrant, or, in the event of his death, his legal representative or his assignee shall be entitled to letters patent.

Proof.

2. Proof under this section shall be in the form of a sworn statement by the applicant, corroborated by the sworn statements of two disinterested parties resident in the vicinity, which statements shall be made before the local agent, or the officer acting for him, or such other person as is thereunto authorized by the Minister: Provided that, on any application for letters patent by the legal representative of the entrant, or by his assignee, or by the guardian or committee of an entrant who has become insane or mentally incapable, or by a person who in the event of such an insane entrant's death would be his legal representative, the Minister may receive proof of the facts in such manner as he sees fit to require, and, upon being satisfied that the claim has been proved, may allow the claim and cause letters patent to issue accordingly.

Settler must be British subject.

3. Letters patent for a homestead shall not issue to any person who is not a subject of His Majesty by birth or naturalization: Provided that, on completion of the requirements for the obtaining of letters patent for a homestead in accordance with the provisions of this Act, letters patent may issue to an alien entrant who has become insane or mentally incapable, or to an alien legal representative of an entrant who has died.

Proviso.

Explanatory Note.—This section takes the place of sections 123 and 126, chapter 55, R.S.

The law has been so frequently amended and the provision is so elaborate through setting forth the conditions for obtaining patent that it is exceedingly difficult for any one who has not become familiar with it through the actual work of administration to understand its provisions. The object of this section is to make it clear to the settler, who has the Act before him, just how to obtain patent. As the requirements for securing patent for homestead have been set forth in a preceding section of this Bill, this section simply provides that, after the expiration of the period fixed, application for patent may be made; and that upon proof that the requirements have been fulfilled, and the acceptance of the proof by the Commissioner of Dominion Lands, the applicant shall be entitled to patent.

The law at present provides that pending the issue of patent a certificate of recommendation therefor may issue. That provision has been struck out because the reason for continuing the practice no longer exists. The certificate was designed to protect an entrant during the considerable period that had to elapse, when the Dominion Lands Office was in Winnipeg, between the passing upon an application and the issue of patent at Ottawa. Now that the Commissioner of Dominion Lands has his office in the Department of the Interior only a short time need elapse between his passing an application for patent for a homestead and the issue of the same. The continuance of the old practice under the present conditions simply creates unnecessary work, and tends to delay the issue of the patent.

The law at present provides for a legal representative of a deceased entrant taking the steps necessary for the issue of patent. Under the proposed provision that privilege is extended to the legal representative of an insane person.

The law as it stands provides that, in the case of a person who died entitled to patent, the Minister may receive proof in such manner as he sees fit, because

a legal representative who may be outside of the country might not be in a position to make proof in the form required of the entrant himself. The same privilege is provided in subsection 2 of this section, without the qualification "entitled to such patent," which words are eliminated for the reason that the Bill, in accordance with the present law and practice, provides for the completion of the duties of an entrant who dies before the duties are completed. In such a case the Minister is debarred, according to the letter of the law, from varying the form of proof. A further amendment is made so as to allow of similar action in respect to proof by the legal representative of an insane person.

Under the law in force previous to the enactment of section 1, chapter 20 of the statutes of 1900, patent for homestead could only issue to a British subject. It was found, however, that there were cases where the person entitled to the patent had died leaving his legal representatives citizens of a foreign country, and it was considered inequitable that his estate should be denuded of the property to which before death he was equitably entitled. It was, therefore, provided in 1900 that patent might issue to legal representatives who were citizens of a foreign country; and that provision is continued by subsection 3 of this section in such a way as to make it consistent with the other provisions of the law which admit of the duties remaining unperformed at the time of the death of a person who had obtained entry for a homestead being completed by the legal representative.

There is a case before the Department at present of an immigrant who after he had fulfilled the requirements for obtaining patent and before becoming naturalized, became insane. Under the law patent cannot issue to him because he is mentally incapable of performing the act requisite to naturalization. It is a serious hardship to his family to be kept out of the property. Provision is made in subsection 3 so that in such a case patent may issue.

Section 129, chapter 55, R.S., is omitted. It requires that a settler shall notify the Commissioner of Dominion Lands six months in advance of his applying for patent and when making application prove that he has done so. This gives trouble to the settler and serves no good purpose for the department.

Forfeiture of right to homestead.

26. Failure on the part of an entrant for a homestead, to apply for letters patent therefor within a period of five years from the date of entry, shall render his right to his homestead liable to forfeiture on the order of the Minister. R.S., c. 55, s. 139, *part*.

Explanatory Note.—This continues the provision in the present law with this change: "On the order of the Minister" is substituted after the word "forfeiture" for the words "in the discretion of the Minister," because it is considered that there should be a declaration of forfeiture.

Pre-emption.

Rights to pre-emption.

27. A person who—

obtains entry for a homestead under this Act and continues to own and to reside upon the land included therein, and does not hold, or has not assigned his right to, or has not received patent for a pre-emption under this or any previous Act, or

has obtained entry for a homestead under the provisions of chapter 55 of the Revised Statutes, 1906, or any previous Act in that behalf, and continues to own the land included therein, and does not hold, or has not assigned his right to, or has not received patent for a pre-emption under this or any previous Act.

may pre-empt any available quarter-section lying alongside his homestead, or separated therefrom by only a road allowance, and, upon the payment of a fee of ten dollars, such quarter-section shall be entered in the books of the land office and in the returns of the agent as a pre-emption appertaining to the homestead; and the agent shall issue a receipt for the said fee in the form D; and upon—

(*a*) completing the requirements requisite to obtaining letters patent for his homestead;

(*b*) residing on his homestead or on the pre-emption for at least six months in each of six years subsequent to the date of entry for his homestead;

(*c*) cultivating, in addition to such cultivation as he may be required to make on his homestead, fifty acres either on his homestead or on the pre-emption, and

(*d*) paying for the pre-emption on the terms hereinafter set forth,

the entrant shall be entitled to letters patent for such pre-emption:

Provided that entry for a pre-emption may only be acquired within such townships as may be designated for that purpose by order of the Governor in Council within the following tract:— townships one to forty-four inclusive, bounded on the west by the west line of range twenty-one, west of the fourth principal meridian, and on the east by the line of the Minneapolis, St. Paul and Sault Ste. Marie Railway from the point where that railway crosses the international boundary to its junction with the main line of the Canadian Pacific Railway, thence westerly following the main line of the Canadian Pacific Railway until it crosses the third principal meridian, thence following the third principal meridian to the north line of township twenty-four, thence westerly along the said north line of township twenty-four to the South Saskatchewan River, thence down stream along the said South Saskatchewan River to the north line of township thirty-nine, thence westerly along the said north line of township thirty-nine, to the North Saskatchewan River, thence upstream along the said North Saskatchewan River to the north line of township forty-four: Provided also that this right to obtain entry for a pre-emption shall not apply to any township in which an area of eight square miles or more has been accepted by any railway company as part of its land grant; Proviso that pre-emption may not adjoin railway land.

Provided further that, when conditions obtaining in any township are such as to make the requirements of fifty acres of cultivation excessive, the Governor in Council may fix a lesser area in respect of that township

2. Application to pre-empt shall be in the form A, and shall be supported by affidavit in the form B; and the provisions of section 11 of this Act as to the time and place of making application for entry for a homestead, and as to the making of application to a sub-agent, shall, with necessary changes, apply to the making of an application to pre-empt; and when the application is made to a sub-agent he shall give an interim receipt for the fee in the form H. Application.

3. The price payable for land under this section shall be three dollars an acre, and such price shall be payable one-third on the expiration of three years from the date of the receipt for the pre-emption fee, and the balance in five equal annual instalments; and interest shall be payable at the rate of five per cent per annum at the end of each year from the date of the said receipt on the amount remaining unpaid at the time: Provided that, on the completion of the requirements under this section for obtaining letters patent for a pre-emption, payment in full may be made for the same and letters patent therefor may thereupon issue. Price.

4. An entrant for a pre-emption shall, pending the issue of letters patent, have the same rights in and to the land pre-empted as are conveyed by an entry for a homestead under this Rights of pre-emptor.

Act, and the agent's receipt for the fee in either of the forms D or E shall be a certificate of entry and evidence of such rights.

Application of homestead provisions.

5. The provisions contained in sections 7 and 8 of this Act as to what lands shall be open to homestead entry, in section 9 as to who shall be entitled to homestead entry, in section 11 as to application for homestead entry, in sections 13 and 15 as to the abandonment and cancellation of homestead entry, in sections 19 and 20 as to the issue of patent in the case of an entrant for a homestead dying or becoming insane or mentally incapable, and in section 25 as regards the issue of patent for the homestead, shall, with necessary changes, apply to a pre-emption for which entry has been obtained under the provisions of this section.

Conflicting applications.

6. In the event of two or more conflicting applications being received for entry for the same pre-emption, the priority of date of the homestead entry receipt shall govern, and the person holding the first homestead entry receipt shall have the first right to obtain entry for the pre-emption, provided his homestead entry is in good standing at the time; if his homestead entry is not in good standing, the person holding the next homestead entry receipt, whose entry is in good standing at the time, shall have the right to enter for the pre-emption.

Cancellation.

7. If an entrant for a pre-emption fails to fulfil in any year the requirements of this Act in respect to his homestead or his pre-emption, the Minister may cancel the pre-emption entry and, in his discretion, cause to be refunded any moneys paid on account thereof.

Forfeiture.

8. Failure on the part of an entrant for a pre-emption to apply for letters patent therefor within a period of eight years from the date of entry shall render his right thereto liable to forfeiture on the order of the Minister.

Explanatory Note.—This is a new provision.

By subsection 2 of section 8, chapter 19, statutes of 1874, it was provided that entry for a homestead would carry with it the right to purchase at the Government price an adjoining quarter-section. By section 39, chapter 17 of the statutes of 1883, it was enacted that the privilege of so purchasing should cease after the 1st January, 1885; but by subsequent enactments, and section 46 of chapter 54, Revised Statutes, 1886, the privilege was extended to 1890.

Conditions have changed since the policy was abandoned of providing that a quarter-section adjoining his homestead might be pre-empted by an entrant, and that a second homestead might be obtained.

Odd numbered sections were locked up in railway reserves and only even numbered sections were available for carrying out a system of free homesteads and pre-emptions. The railway land satisfied, in a measure, the need of a pre-emption system. Settlement, which was sparse, was then almost exclusively confined to districts in which such land was available, and a provision doubling the area that might be secured out of even numbered sections tended to make it more scattered.

The railway reserves are now being opened; odd numbered sections are to be made available for settlement; settlement is extending to localities in which no land can be secured but public lands; and, unless opportunity is afforded of securing at least double the area of a homestead for a farm, the better class of settlers will be kept out. There is not the same danger of scattering of settlement, but that has to be guarded against.

It is our policy to hold our public lands for actual settlers, and that policy and the changed conditions seem to make necessary a careful provision for land adjoining homesteads being acquirable on a plan which requires cultivation in addition to what is required to secure a homestead, as well as a reasonable payment. When there is railway land adjoining a homestead it is not advisable to give to the entrant the privilege of pre-empting a quarter-section lying alongside his homestead, for that would tend to scatter settlement.

This section is framed to meet the conditions described.

But the older settlers who did not exercise the old pre-emption privilege would not benefit by this provision. Adjoining most of their homesteads there are neither public nor railway lands. The difficulty in meeting their case is in guarding against large tracts in new settlements being held merely by cultivation, to the detriment of the settlers therein. This can only be done by requiring residence on the purchased quarter-section as well as cultivation, which makes the homestead provided for under section 28 somewhat of the nature of a second homestead. Where land can be secured within a radius of nine miles there is

not the same difficulty to be met and it is not necessary in the interest of the settlement to require residence other than on the homestead.

Section 28 has been framed accordingly.

Three dollars to-day for land is as cheap as one dollar in the days of the abrogated pre-emption policy; and that has been fixed by subsection 3 as the price.

The object of the other subsections is to make applicable to a pre-empted quarter-section the provisions of the law as to possession of a homestead and obtaining of letters patent therefor, and as to cancellation and forfeiture of a homestead.

Purchased Homestead.

28. Any person who—

obtains a homestead entry under the provisions of this Act, but, owing to the absence of available land adjoining his homestead, is prevented from exercising his right of pre-emption under the next preceding section, or, Entry for purchased homestead when land not available for pre-emption.

has obtained entry for a homestead under the provisions of chapter 55 of the Revised Statutes, 1906, or of any previous Act in that behalf, and is prevented from obtaining a pre-emption under the preceding section owing to the absence of available land adjoining his homestead, or

has obtained entry for a homestead prior to the passing of this Act for which he has received or become entitled to letters patent, or

has otherwise exhausted his right to entry for a free homestead under the provisions of this Act,

may, after the issue of patent for his homestead, or upon completing the requirements requisite to obtaining letters patent therefor to the satisfaction of the agent of Dominion Lands for the district, as provided by this Act, or by regulation or order made thereunder, obtain entry as a purchased homestead for any available quarter-section open for entry in the manner set forth in this section; and upon the payment of a fee of ten dollars, for which a receipt shall be issued in the form D, such quarter-section shall be entered in the books of the land office and in the returns of the agent as having been so entered by such person, and after he has— Certificate of entry and receipt.

(*a*) resided upon the quarter-section so entered for six months in each of the three years subsequent to the date of such entry,

(*b*) cultivated fifty acres thereon,

(*c*) erected a house of a value of at least three hundred dollars thereon, and

(*d*) paid for such land on the terms hereinafter set forth, he shall be entitled to letters patent for the land so entered for: Maximum area of cultivation in certain cases, may be fixed by Governor in Council.

Provided that entry for a purchased homestead may only be acquired within such townships as may be designated for that purpose by order of the Governor in Council within the following tract: townships one to forty-four inclusive, bounded on the west by the west line of range twenty-one, west of the fourth principal meridian, and on the east by the line of the Minneapolis, St. Paul and Sault Ste. Marie Railway from the point where that railway crosses the international boundary to its junction with the main line of the Canadian Pacific Railway, thence westerly following the main line of the Canadian Pacific Railway until it crosses the third principal meridian, thence following the third principal meridian to the north line of town-

ship twenty-four, thence westerly along the said north line of township twenty-four to the South Saskatchewan River, thence down stream along the said South Saskatchewan River to the north line of township thirty-nine, thence westerly along the said north line of township thirty-nine, to the North Saskatchewan River, thence up stream along the said North Saskatchewan River to the north line of township forty-four.

Provided that when the conditions obtaining in any township are such as to make the requirement of fifty acres of cultivation excessive, the Governor in Council may fix a lesser area in respect of that township.

Residence on homestead if within nine miles.

2. If the land entered under this section is situate within a distance of not more than nine miles from the entrant's homestead, residence upon the homestead may be accepted as residence on the quarter-section.

One purchased homestead only may be acquired.

3. No person who has received a patent for a purchased homestead under this section, shall be entitled to obtain another entry for a purchased homestead.

4. Application for entry for a purchased homestead shall be in the form A, and shall be supported by affidavit in the form B; and the provisions of section 11 of this Act as to the time and place of making application for entry for a homestead, and as to the making of the application to a sub-agent, shall, with necessary changes, apply to the making of an application for entry for a purchased homestead, and when the application is made to a sub-agent he shall give an interim receipt for the fee in the form F.

Price.

5. The price payable for land under this section shall be three dollars an acre, and such price shall be payable one-third at the time the entry is made and the balance in two equal annual instalments; and interest shall be payable at the rate of five per cent per annum at the end of each year from the date of the entry, on the amount remaining unpaid at the time.

Rights of entrant to purchased homestead.

6. An entrant for a purchased homestead shall, pending the issue of letters patent, have the same rights in and to the land so entered as are conveyed by an entry for a homestead under this Act, and the agent's receipt for the fee in either of the forms D or E shall be a certificate of entry and the evidence of such rights.

Certain clauses made applicable.

7. The provisions contained in sections 7 and 8 of this Act as to what lands shall be open to homestead entry, in section 9 as to who shall be entitled to homestead entry, in section 10 as to settlement before survey, in sections 11, 12, 13 and 15 as to the application for, the perfecting, the abandonment and the cancellation of homestead entry, in section 17 as to residence before survey, in sections 19 and 20 as regards the issue of patent in the case of a person who has obtained a homestead entry dying or becoming insane or mentally incapable, in section 21 as to leave of absence from a homestead in case of illness, and in section 25 as regards the issue of patent for a homestead, shall, with necessary changes, apply to a purchased homestead for which entry has been obtained under the provisions of this section.

Cancellation.

8. If an entrant for a purchased homestead fails to fulfil in any year the requirements of this Act in respect thereof, the Minister may cancel the entry and in his discretion cause to be refunded any moneys paid on account thereof.

9. Failure on the part of an entrant for a purchased homestead to apply for letters patent therefor within a period of five years from the date of entry shall render his right thereto liable to forfeiture on the order of the Minister. Forfeiture.

10. An entrant for a purchased homestead before the issue of patent for his free homestead who fails to secure patent for his free homestead, shall thereby forfeit his entry for a purchased homestead. Forfeiture.

Explanatory Note.—This provision is new and is intended to permit homesteaders who have exhausted their right to a free homestead to acquire another homestead by fulfilling the same settlement conditions and paying the same price as in the case of a pre-emption entry.

Charges against Homesteads.

29. Except in so far as provision is hereinafter made respecting advances of seed grain or any indebtedness to the Crown, no charge of any nature may be created upon a homestead, a purchased homestead or a pre-emption; but any charge heretofore created under the provisions of section 145 of chapter 55 of the Revised Statutes, 1906, or of the corresponding provisions of any previous act respecting Dominion lands shall continue to be recoverable in the manner provided by said chapter 55. No charges but existing ones recognized against homesteads.

Explanatory Note.—The first provision for the recognition of charges against homesteads was made by section 15, chapter 19 of the statutes of 1874, and was to the effect that the expenses incurred by any persons in bringing immigrants to the country and placing them on land should, on acknowledgment, be a charge against the homestead. An amendment was made by section 35, chapter 19, statutes of 1876, providing that in the case of a settler attempting to evade liability by obtaining another homestead the charge should be a charge on the other homestead. The provision respecting charges was omitted from the Consolidated Act of 1879, evidently by an oversight, for it was re-enacted by section 10, chapter 16 of the statutes of 1881. By section 38, chapter 17 of the statutes of 1883, it was provided that a person making an advance which would constitute a charge should be authorized thereto by the Minister; and it was further provided that, in the event of the settler who obtained an advance forfeiting his homestead, the person who made the advance should be treated as if he were the one who obtained the entry, or, if the settler had acquired the right to receive a patent, the advance should be regarded as a statutory mortgage on the homestead. By section 9, chapter 27 of the statutes of 1886, which enactment is embodied in section 145, chapter 55, Revised Statutes, the plan was elaborated, and it was provided that it should be a condition of the issue of patent to the person making the advance that he should put an actual settler upon the land within two years. By section 4, chapter 27 of the statutes of 1889, the provision was amended so as to provide that when a charge had been acknowledged and certified it should have force and effect notwithstanding departure from the conditions of the said section 44. By section 10, chapter 24 of the statutes of 1891, a further amendment was made to the effect that the provisions of section 44, as previously amended, might be applied by any person interested to any lands affected by advances made under any Act in that behalf. By section 11 of the same Act provision was made for the transfer of a charge in the event of a new homestead having been obtained by a settler to whom advances had been made. A further amendment was made by section 16, chapter 29 of the statutes of 1897, whereby it was provided that in the event of the impossibility of obtaining an affidavit of the execution of the acknowledgment of the charge, the certificate of the local agent as to the same being upon record would be accepted in lieu thereof.

It is considered that the time has come for ending the system under which advances are recognized as a charge upon homesteads. The country is settling so rapidly as to make unnecessary such special provisions for assisted immigration. And the system is open to abuses through persons who make advances not at all commensurate with the value of the homestead, obtaining possession of the land through failure of the homesteader to repay a small advance.

This section simply provides that charges created previous to its enactment are recoverable; and admits of charges in the future only being made on account of indebtedness to the Crown.

30. In any case in which any settler or purchaser is entitled to the issue of letters patent for any land to which this Act applies, but the issue of the letters patent is delayed because of the liability of the settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mort- Issue of patent to settler or purchaser indebted to the Crown.

gagor on a mortgage in favour of the Crown or of the Minister, for a sum due or payable in respect of an advance of seed grain, or because of any other indebtedness to the Crown, the Minister may cause the letters patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situate, with a certificate signed by him or his deputy, or by some other person named by him for the purpose, setting forth the particulars of the liability or indebtedness, including the total amount thereof, with the rate of interest to be paid thereon, the names of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar, when registering the letters patent for the land, shall make the necessary entries respecting the said indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law. R.S. 55, s. 207.

Explanatory Note.—This provision is the same as that in the present law, and is designed to protect the Crown in connection with any advance of seed grain or any other indebtedness to the Crown.

Assignment of Homesteads.

Assignments.

31. Except as hereinbefore otherwise provided, every assignment or transfer of a homestead or a purchased homestead or any part thereof, or of a pre-emption, or any part thereof and every agreement to assign or transfer a homestead or a purchased homestead or any part thereof, or pre-emption or any part thereof, after letters patent issue, made or entered into before the issue of the letters patent, shall, unless the Minister otherwise declares, be null and void; and, unless the Minister otherwise declares, the person so assigning or transferring, or making an agreement to assign or transfer, shall, on the order of the Minister, forfeit his homestead, or his purchased homestead or his pre-emption, as thecase may be, or if the Minister so ordering all or any of them. R.S. 55, s. 142.

2. Any person who receives consideration for abandoning a homestead, or who pays consideration for such abandonment, shall forfeit the right of homestead entry, at the Minister's discretion.

Explanatory Note.—Up to 1889 the law was that every assignment or agreement to assign a homestead or pre-emption right was null and void, and that the person so assigning forfeited his right and should not be permitted to make another entry for a homestead.

By section 3, chapter 27, statutes of 1889, it was provided that the assignment or agreement should not be *ipso facto* null and void, nor should there be any forfeiture, but that the Minister might declare the same null and void and forfeiture to accrue.

By section 5, chapter 29, statutes of 1897, it was provided that every assignment and agreement would be null and void and that forfeiture would follow unless the Minister otherwise declared.

The proposed provision differs from present law in these respects: The proviso authorizing assignments after the issue of certificates has been omitted, because it is proposed, as already explained, to do away with the issuing to entrants of certificates pending issue of patent. The words "except as hereinbefore otherwise provided" are inserted to cover assignments under section 16, and the provision has been made to cover pre-emptions and purchased homesteads. The words "and shall not be permitted to make another homestead entry" after the word "land" in the last line have been omitted, because it is considered that forfeiture is sufficient punishment and that the offence would not warrant the cutting off of the right to make another entry.

Subsection 2 is new, and provides the necessary penalty for abandonment of a homestead for consideration, as against both parties to the transaction.

Sale of Agricultural Lands.

32. Agricultural lands shall only be open for purchase under regulations made by the Governor in Council; and there shall be no sale to one person under such regulations of an area of land in excess of one section, without a special order of the Governor in Council: Provided, however, that the Minister may sell a fractional quarter-section, with or without homestead conditions, at a rate not to be less than three dollars per acre. Sale or lease.

Explanatory Note.—This provision takes the place of section 100, chapter 55, Revised Statutes; but the law is now so worded that it would appear that Dominion lands are held for sale, whereas the policy of the Government is to primarily hold undisposed of land for homesteading and only to sell under special circumstances. The proposed section is so framed as to make clear the public policy respecting the sale of land. The term "ordinary sale" in the present law is apt to mislead; therefore, it has been omitted. The provision fixing the minimum price at $1.00 an acre has also been omitted.

Grazing, Hay and Marsh Lands.

33. Lands suitable for grazing but not adapted for agriculture, or hay or marsh lands, may be sold or leased under regulations made by the Governor in Council. Sale or lease.

Explanatory Note.—Section 50, chapter 54, R.S., 1886, provided that the Governor in Council might grant grazing leases subject to cancellation two years after notice. Section 6, chapter 29, statutes of 1897 [See R.S., c. 55, s. 163], substituted a new provision to the effect that when authorized by the Governor in Council the Minister might grant leases for grazing purposes in accordance with regulations authorized from time to time. By section 5, chapter 20, statutes of 1901, the requirement of the authorization of the Governor in Council was struck out, as the lease only issued under regulations. [See R.S., c. 55, s. 163.]

The provision as to hay lands is in s. 164, c. 55, R.S. This provides for a settler in the vicinity securing from the Minister a lease of hay lands with a proviso that the same was not to prevent sale or settlement.

There is no provision as to marsh lands, although there have been leases of the same.

The new provision requires that the disposal of hay lands and marsh lands shall be under regulations as well as the disposal of grazing lands, but as to grazing lands, it is stipulated that they are to be lands not adapted for agriculture. In the law as it stands any unoccupied land may be leased for grazing purposes.

Irrigation.

34. Lands unsuitable for cultivation without the aid of irrigation, or lands required in connection with any system of irrigation, may be sold or leased in such manner and under such terms and conditions as are fixed by the Governor in Council, and subject to the provisions of *The Irrigation Act*. Sale or lease.

Explanatory Note.—Section 105, chapter 55, Revised Statutes, provides for the withdrawal from "settlement under the homestead provisions" of land unsuited for cultivation without irrigation, and for the same being disposed of on terms and conditions fixed by the Governor in Council.

In this Act the provision as to withdrawal is in a general reserving clause under the heading of "Administration." This section is the same in effect as that portion of section 105 which deals with disposal of land for irrigation except that the disposal is made subject to the provisions of the Irrigation Act.

Water Power.

35. Land required for the development of any water power shall only be sold or leased under regulations made by the Governor in Council. Sale or lease.

2. Subject to rights which exist or may be created under *The Irrigation Act*, the Governor in Council may make regulations: Development of water power.

(*a*) for the diversion, taking or use of water for power purposes, and the granting of the right to divert, take and use water for such purposes, provided that it shall be a condition of the diversion or taking of water that it shall be returned to the channel through which it would have flowed if there had been no such diversion or taking, in such manner as not to lessen the volume of water in the said channel; (*b*) for the construction on or through Dominion or other lands of sluices, races, dams or other works necessary in connection with such diversion, taking or use of water; (*c*) for the transmission, distribution, sale and use of power and energy generated therefrom; (*d*) for the damming of and diversion of any stream, watercourse, lake or other body of water for the purpose of storing water to augment or increase the flow of water for power purposes during dry season; (*e*) for fixing the fees, charges, rents, royalties or dues to be paid for the use of water for power purposes, and the rates to be charged for power or energy derived therefrom.

3. Any person who under such regulations is authorized to divert, take or use water for power purposes, or to construct works in connection with the diversion, taking or use of water for such purposes, shall for the purposes of his undertaking have the powers conferred by *The Railway Act* upon railway companies, including those for the acquisition and taking of the requisite lands, so far as such powers are applicable to the undertaking and are not inconsistent with the provisions of this Act or the regulations thereunder, or with the authority given to such person under such regulations,—the provisions of the said Railway Act giving such powers being taken for the purposes of this section to refer to the undertaking of such person where in that Act they refer to the railway of the railway company concerned.

4. All maps, plans and books of reference shewing lands other than Crown land necessary to be acquired by any such person for right of way or other purposes in connection with his undertaking shall be signed and certified correct by a duly qualified Dominion Land surveyor.

5. Such maps, plans and books of reference shall be prepared in duplicate, and one copy thereof shall be filed in the office of the Minister at Ottawa, and the other shall be registered in the land titles office for the registration district within which the lands affected are situated.

6. The Minister, or such officer as he designates, shall in case of dispute be the sole and final judge as to the area of land which may be taken by any person without the consent of the owner for any purpose in connection with any water power undertaking.

Explanatory Note.—This takes the place of that part of section 103, chapter 55, R.S., which provides *inter alia* for the sale of land which "includes a water power." This provision is made broader and clearer by the use of the words in the first line. And instead of the land being disposed of by Order in Council it is required that there should be regulations. There is no statutory provision at present as to the power itself. Subsection 2 is designed to supply the deficiency.

Lands for other Purposes.

Sale or lease.

36. Lands reserved for the protection of any water supply, for the purpose of a harbour, landing, bridge site or railway ter-

minus or station, or for a townsite, shall only be disposed of on such terms and subject to such conditions as the Governor in Council fixes in each case.

Explanatory Note.—This section is new. Section 112, chapter 55, R.S., provides *inter alia* for withholding from entry as a homestead land on the shore of a harbour or land valuable for a bridge site, canal site or railway terminus or station. Section 219, chapter 55, Revised Statutes, provides for entry or sale of land bordering upon the course of a water supply being made subject to conditions for the protection thereof. Section 107, chapter 55, Revised Statutes, provides that the Minister may have lands laid out in town or village lots and dispose of the same "either by private sale" for such price as he sees fit, or "by public auction" at an upset price, and that when land withdrawn for such subdivision adjoins railway land a partnership may be arranged with the company.

This provision is designed to provide in simpler form for such sales under conditions to be fixed by Order in Council. It is not necessary to make provision as to a canal site.

Mineral Lands.

37. Lands containing salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals may be sold or leased under regulations made by the Governor in Council: and these regulations may provide for the disposal of mining rights underneath lands acquired or held as agricultural, grazing or hay lands, or any other lands held as to the surface only, but provision shall be made for the protection and compensation of the holders of the surface rights, in so far as they may be affected under these regulations. Sale or lease.

Explanatory Note.—The law as it stands (R.S., c. 55, s. 112), withdraws from the operations of the provisions for entry for homesteads land containing coal or other minerals. As the provisions respecting entries are now made to apply only to the surface, there is not, as has been previously stated, reason for excluding from entry land underneath which there may be minerals. And, therefore, in the new provision that prohibition is omitted.

In the law as it stands it is provided that land containing "coal or other minerals" may be disposed of on terms and conditions fixed by the Governor in Council. It is thought that the enactment should definitely cover the leading minerals; and, therefore, in the proposed section it is provided that lands containing petroleum, coal, gold, silver, copper, iron or other minerals may be sold or leased under regulations made by the Governor in Council.

Although it has been the practice to give under regulations the right to mine underneath the surface acquired for agricultural or other surface purposes, there has been no provision in the law authorizing such regulations. The proposed section, therefore, authorizes the making of regulations for the disposal of mining rights underneath land acquired or held as to the surface, with the stipulation that provision has to be made for the protection and compensation of the holder of the surface rights.

Quarriable Stone.

38. Land containing quarriable stone may be sold or leased under regulations made by the Governor in Council. Sale or lease.

Explanatory Note.—This takes the place of the provision in s. 103, c. 55, R.S., which provides for sale of a "stone quarry."

School Lands.

39. Sections eleven and twenty-nine in every surveyed township in Manitoba, Saskatchewan and Alberta are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the provisions of this Act which relate to entry for homestead, purchased homestead, pre-emption or sale: and no right to obtain entry for homestead or purchased Sections 11 and 29 in each township set apart.

homestead or pre-emption or to purchase shall be recognized in connection with the said sections, or any part of them: Provided that any person who is proved to the satisfaction of the Minister to have *bona fide* settled and made improvements upon any such section before the commencement of the survey thereof, may be granted an entry for a homestead for the land so occupied by him, not in excess of a quarter-section, and may be allowed to pre-empt an additional quarter-section of ordinary Dominion lands, other than school lands, if there is any such land available adjoining the quarter-section of school land for which he enters, under the provisions of section 27 of this Act: but an area of available land equal to that which may be entered for as a homestead shall be set apart as school lands, and notice thereof shall be published in the *Canada Gazette*. R.S., c. 55, s. 88.

Explanatory Note.—The proposed section is to take the place of section 88, chapter 55, Revised Statutes.

In the first part of the section the provinces of Manitoba, Saskatchewan and Alberta are named instead of having the provision apply "throughout the extent of Dominion lands," as it is considered inexpedient to make it necessary to set apart school sections in any lands which may be surveyed in the territory beyond these provinces.

Instead of describing in the proviso the area to which a settler before survey on a school section may be granted a homestead by the words "one hundred and sixty acres," the term quarter-section is used, as sometimes a quarter-section may be slightly in excess of one hundred and sixty acres, and the term has been used for that reason throughout the Act instead of one hundred and sixty acres. The land which may be granted to such a settler is simply described as "agricultural" land instead of "the class open" to entry; and the restriction that the land to be set apart in lieu thereof shall be in the same township has been removed, because there are cases in which there is no available land in the township. The term "available land" is substituted for "unclaimed lands." The words "the Minister shall select" are omitted, and it is simply provided that the land shall be set apart as school lands.

Exchange of school lands.

2. Notwithstanding anything in this Act, the Governor in Council may authorize the Minister to include in any block of land sold or to be sold to any person for the purpose of irrigation, or in any lands which have been or which may be set aside for the purpose of an Indian or other public reserve, or have been or may be reserved for any other purpose which the Minister considers to be in the public interest, lands which under the provisions of this Act are school lands, or lands which upon survey will become school lands; but no such block of lands so sold or to be sold for the purpose of irrigation, or lands so set aside and reserved or to be set aside and reserved for any of the purposes aforesaid, shall include school lands, or lands which upon survey shall become school lands, until other Dominion lands of equal area and value, as nearly as may be, have been selected in lieu thereof; and when other Dominion lands have been so selected and have been designated by the Minister as "School lands" they shall thereafter be and become school lands and be dealt with in the same manner as ordinary school lands are dealt with under the provisions of this Act.

Provided that if it is established to the satisfaction of the Minister, either by Report or Order of the Lieutenant Governor in Council for the province in which any section, half-section or quarter-section of school lands is situate, or by the request in writing over the signature of the Minister or Deputy Minister of the Department which has charge of education in such province, that it is desirable to take or reserve out of such section, half-section or quarter-section of school lands a small portion thereof as a site for a school and for purposes properly connected there-

with, the Minister may, forthwith, sell to the board of school trustees for the district for which the same is required, at a minimum price of ten dollars per acre, such portion of school lands, in no case to exceed an area of two acres, which must front on a road allowance, at such price as he may consider fair and reasonable, and may forthwith, upon payment of such price, cause letters-patent to be issued for the small portion of school lands so required as a site for a school and for purposes properly connected therewith.

Explanatory Note.—The necessity for this amendment has already arisen in several important instances, as for example, in the case of the reserve of the George Gordon Band of Indians, which contains certain school land, namely, a portion of section 29, in township 26, and range 17, west of the 2nd meridian; in the case of the White Bear Indian reserve which contains certain school lands, namely, part of section 11, in township 10, range 2, and part of section 11, in township 10, range 3, both west of the 2nd meridian, and in the case of the Canadian North-west Irrigation Company, the grant to which includes both school lands and Hudson's Bay Company's lands.

Chapter 4 of 56 Victoria (1893), contains similar provisions for the granting of blocks of land which include school lands and Hudson's Bay Company's lands, to railway companies in connection with the respective land grants to such companies.

Sale by public auction.

40. All sales of school lands shall be by public auction, and an upset price shall be fixed, from time to time, by the Governor in Council; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which they are situate. R.S., c. 55, s. 90.

Explanatory Note.—This is the same as the provision in the present law with these unimportant verbal changes: "by public auction" for "at public auction," and "to be fixed" for "shall be fixed."

Terms of payment.

41. Except as hereinafter provided, at least one-tenth of the purchase price of school lands shall be paid in cash at the time of sale, and the balance in nine equal consecutive annual instalments, with interest at the rate of five per cent per annum, which interest shall be paid with each instalment on the balance thereof from time to time remaining unpaid: Provided that, if the Minister considers that it will further the purposes for which school lands have been set apart under the provisions 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 he is hereby empowered to have any section or part of a section of school lands laid out, surveyed and shown on plan of survey; but he shall require that at least one-fifth of the purchase price thereof shall be paid in cash at the time of sale, and the balance in four equal consecutive annual instalments, with interest at the rate herein fixed and payable as herein specified. R.S., c. 55, s. 91.

Explanatory Note—This is substantially the same as the provision in the present law. The change is merely in the form.

Investment of purchase moneys.

42. All moneys from time to time realized from the sale of school lands shall be invested in securities of Canada to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province within which such lands are situate, towards the support of schools organized and carried on in accordance with the law of such province; and the moneys so paid shall be distributed for that purpose by the said government in such manner as it deems expedient. R.S., c. 55, s. 92.

Explanatory Note.—This provision is the same as in the present law except that the words "or territory" have been struck out as the territory referred to has been divided into the new provinces of Saskatchewan and Alberta, and there are no school lands beyond. It is also designed to avoid emphasizing the difference as to educational systems and to bring the section into conformity with the Alberta and Saskatchewan Acts.

Rights under Agreement of Sale or under Lease.

Rights of purchaser or lessee.

43. A receipt for a payment on account of the sale or lease of land shall, unless the sale or lease has been forfeited, revoked or cancelled, entitle the person to whom it was issued, to take, occupy and use the land described in the receipt and to hold possession thereof to the exclusion of any other person, and to bring and maintain actions for trespass committed on the said land; and the land shall not be liable to be taken in execution before the issue of letters patent therefor: Provided that occupancy, use and possession of such land shall be subject to the conditions of the sale or lease, and to the provisions of this Act or of any other Act affecting it or of any regulation made thereunder.

2. The sale or lease of land as agricultural, grazing, hay or marsh land, or of land for or in connection with irrigation, shall not convey any right to the salt, coal, petroleum, natural gas, gold, silver, copper, iron or other mineral; nor shall any sale, purchase or lease of land as agricultural, grazing, hay, marsh or mineral land or land for or in connection with irrigation, convey, unless it is expressly conveyed, any exclusive or other property or interest in, or any exclusive right or privilege with respect to, any lake, river, stream, or other body of water within or bordering on or passing through the land.

Explanatory Note.—Section 111, chapter 55, Revised Statutes, refers to both entry and pre-emption sale, but as the right of an entrant is defined in the homestead provisions of this Bill, it is unnecessary to refer again to entry. The new section is made to include lease as well as sale and makes the receipt convey the same right to the holder thereof as does the receipt issued to an entrant for a homestead.

Subsection 2 is new. The provision as to minerals is designed to make clear what it is the practice not to convey and to give legal sanction to that practice. The provision as to water is in accordance with section 7 of the Irrigation Act, chapter 61 of the Revised Statutes, 1906.

Hudson's Bay Company's Lands

Certain sections to be Hudson's Bay Co.'s lands.

44. In that portion of the territory surrendered to the Crown by the Hudson's Bay Company, which in the deed of surrender is described as being bounded "on the south by the United States boundary, on the west by the Rocky Mountains, on the north by the Northern branch of the Saskatchewan River, on the east by Lake Winnipeg, the Lake of the Woods and the waters connecting them," every fifth township, namely, those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession between the said southern and northern boundaries of the said territory, the whole of sections numbered eight and twenty-six, and in each and every of the other townships in the said territory, the whole of section numbered eight, and the south half and north-west quarter of section numbered twenty-six, except in the cases hereinafter provided for, shall be known and designated as the Hudson's Bay Company's lands: Provided that in the case of any township abutting on the northern bank of the Northern Branch of the Saskatchewan

River, the company as provided in such deed of surrender, may take its one-twentieth of any such township which shall not extend more than five miles inland from the river, but only in exchange for an equal quantity of lands to which the company is entitled and which abut on the southern bank of such river. R.S., c. 55, s. 81, *part*.

Explanatory Note.—The provision in the present law describes the territory in which the Hudson's Bay Company's lands are situate as "the fertile belt." This description is considered misleading; for a large part of the country beyond the tract thus described is as fertile as the so described tract. And it is not clear from the description given in section 81, chapter 55, Revised Statutes, to what extent of territory the provision as to lands to be reserved for the Company does apply. Instead, therefore, of the description now given, the proposed section embodies the description givn in the deed of surrender by the Company to the Crown, and in a proviso defines what right the Company has north of the northern branch of the Saskatchewan River, as set forth in the said deed.

In fractional townships.

45. The company's one-twentieth of the lands in fractional townships shall be satisfied out of one or other or both, as the case may be, of the sections numbered eight and twenty-six as above, in such fractional townships, and the allotment thereof shall be effected by the Minister and the said company, or by some person by both of them duly authorized. R.S., c. 55, s. 82.

Explanatory Note.—This is the same as the provision in the present law.

Selection instead of land already settled.

46. If, when the survey of a township is effected, the sections so allotted, or any of them, or any portion of them, are found to have been *bona fide* settled on, the company may, if it foregoes its right to the sections settled upon as aforesaid, or to any one or more of such sections, select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied. R.S., c. 55, s. 83.

Explanatory Note.—Under the law as it stands the Company may, if it foregoes its right to sections settled upon before survey, select land in lieu thereof, but it is stipulated that the land must be *bona fide* settled on "under the authority of any Order in Council or of this Act." The provision is the same as that in the present law with the exception that the words above quoted are struck out so as to make the provision clearly apply to he cause of a *bona fide* settler before survey, who, of course, could have no such authority for going upon the land. The law simply provides for the recognition of a limited prior right on the part of a squatter; it does not authorize settlement upon land before survey.

Hudson's Bay Co.'s lands not included in timber limits.

47. The lands to which the company is entitled, as in this Act hereinbefore provided, which are situate in any township withdrawn from settlement and sale and held as timber lands or as a forest reserve, shall not be included in any timber limit or berth, or in such forest reserve, but shall be the property of the company. R.S., c. 55, s. 84.

Explanatory Note.—This section is substantially the same as the provision in the present law, merely the form being changed.

Revenue from timber limits in unsurveyed lands.

48. One-twentieth of the revenue derived from any timber berths in any unsurveyed portion of the territory described in section 44 of this Act shall be annually accounted for and paid to the company until the said territory is surveyed in whole or in part into townships, when such accounting for and payment shall wholly cease or be diminished as the townships are surveyed and the company receives its one-twentieth interest in the lands in such townships out of sections eight and twenty-six as herein provided. R.S., c. 55, s. 85.

Explanatory Note.—This is practically the same as the provision in the present law, except that the territory described as the "fertile belt" is designated the "territory described in section 44." The other changes are merely in the form and to make the purport of the section clear.

As to lands found denuded of timber.

49. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by a licensee, to the extent of one-half or more, the company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township. R.S., c. 55, s. 86.

Explanatory Note.—This is the same provision as is in the present law.

Title to land to pass to Hudson's Bay Co.

50. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the company is entitled as aforesaid, and to vest them in the company, without the issue of letters patent for such lands; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth, as hereinbefore provided, returns thereof shall be made in due course by the local agent or agents, to the Minister, and letters patent shall issue therefor accordingly. R.S., c. 55, s. 87, *part*.

Explanatory Note.—This differs from the provision in the present law in these respects: The words "hereinbefore provided" in the tenth line are substituted for words "in townships other than above as provided in said clauses 2 and 3 of this clause;" and "Minister" is substituted for "Dominion Lands Office." The term "Dominion Lands Office" remained in the law through an oversight, from the time when the administration of Dominion lands was under a branch of the Department of State.

Disposal of Timber.

Timber Berths.

Regulations for disposal.

51. The Governor in Council may make regulations for the disposal by public competition of the right to cut timber on berths to be defined in the public notice of such competition; Provided that (*a*) no berth shall exceed an area of twenty-five square miles; (*b*) no berth shall be awarded except to the person who offers the highest bonus or bid therefor; and (*c*) no offer by tender shall be accepted unless accompanied by the full amount of the bonus.

Explanatory Note.—This provision takes the place of sections 168 *et seq.*, chapter 55, Revised Statutes. Under the law as it stands it is required that timber districts shall be declared and that leases of timber berths shall only be granted within such districts; that the Minister may set apart tracts of land in any timber district, dividing them into berths not exceeding fifty square miles each; that such berths may then be disposed of under regulations of the Governor in Council; that leases of the right to cut timber thereon may be granted under regulations by the Governor in Council; that the Governor in Council may order that leases of the right to cut timber on certain timber berths defined in the order shall be offered at public auction; that he may authorize the lease of the right to cut on a berth to the sole applicant therefor and fix the bonus to be paid by him; and that if one or more persons apply for the right to cut timber, the Minister may be authorized to invite tenders.

The necessity for defining timber districts within which timber berths may be disposed of does not exist; indeed, such practice was never followed by the Department. Despite the clear provision in the law, timber berths when applied for were disposed of irrespective thereof. The requirement as to timber districts has, therefore, been eliminated. The law as it stands authorizes the lease of the right to cut timber to the sole applicant therefor. If the policy of the Department had been based in recent years upon that provision, mostly all the timber would have been disposed of without public competition; but the policy is, where application is made for a timber berth, to put the berth up to public competition and award it, irrespective of the first application, to the person offering the highest bonus.

It is desirable that the practice of the Department and the law should be consistent with each other; and as it is deemed wise to continue the practice, it is proposed by this section to make the law accord with it.

The maximum area of a berth has been reduced from fifty to twenty-five square miles, it being considered that the smaller area would induce greater competition, and accruing benefit to the consumer, by allowing the smaller lumbermen to obtain a share of the business within range of their capital.

Issue of license.

52. The person to whom a timber berth is awarded under the next preceding section shall be granted a license therefor, which license shall describe the land upon which the timber may be cut, the kind of timber to be cut, and the dimension thereof, and shall, during its continuance, vest in the licensee all rights of property whatsoever in all trees or timber of the kind and dimension described therein cut within the limits of the berth, whether such trees and timber are cut by his authority or by any person without his consent; and such license shall entitle the licensee to seize in replevin, revendication or otherwise, as his property, such timber where it is found in the possession of any unauthorized person, and also to bring any action or suit against any person unlawfully in possession of such timber, and to prosecute all persons cutting timber of any kind in trespass, or entering without authority upon the berth covered by the license, to conviction and punishment, and to recover damages, if any; and all proceedings pending at the expiration of any such license may be continued and completed as if the license had not expired. R.S., c. 55, s. 173.

Explanatory Note.—This provision differs from that in the present law as follows: It provides for the issue of a license to the person to whom the berth is awarded; the words "license and licensee" are substituted for the words "lease and lessee," and instead of the words "his lease" there is used the term "the berth covered by the license;" and proprietary rights are confined to the sort of timber the license covers, the law now going further than our licenses. As the law now stands, there is no provision as to trespass other than that of cutting. The words "or entering without authority" have been inserted after "trespass" in the fifteenth line to give the licensee protection against all trespassers.

Duration of license.

53. The license shall be for a term not exceeding one year, but shall be renewable from year to year while there is on the berth timber of the kind and dimension described in the license, in sufficient quantity to make it commercially valuable, such renewal being subject to the payment of such dues and to such terms and conditions as are fixed by the regulations in force at the time the renewal is made. The Minister shall be the judge as to whether the terms and conditions of the license and the provisions of this Act and of the regulations made hereunder respecting timber berths have been fulfilled.

Explanatory Note.—This provision takes the place of section 171, chapter 55, Revised Statutes, which provides that a lease shall be for a term not exceeding one year, and that the lessee shall not have any claim to renewal unless the same is provided for in the Order in Council or in the conditions of sale.

The practice of the Department very properly is to renew leases or licenses when the conditions thereof and the terms of the regulations are complied with, and to make such renewals subject to any changes made as to dues and so forth between the time of the issue of the original lease or license and its renewal.

It is considered that there should be a statutory guarantee of the renewability of a license. The new provision provides accordingly and makes it clear that renewals are subject to the regulations in force at the time they are made.

"License" is substituted for "lease," as the instrument conveying the right to cut is designated a license and the one to whom it issues a licensee; "dues" for "ground rent, royalties and dues," as "dues" is defined to include all these; and instead of describing the timber simply as "merchantable" it is definitely described as of the kind and dimension mentioned in the license, and the licensee's right of renewal is restricted to such length of time as there may be such timber in sufficient quantity to make it, in the judgment of the Minister, commercially valuable.

Further conditions of license.

54. The license shall, in addition to such other provisions as are contained in the regulations or in the conditions under which the berth was disposed of, contain provisions binding the licensee—

Erection of saw mills.

(*a*) to erect and have in operation in connection with the berth, within one year from the date upon which he is ordered so to do by the Minister, a saw mill or saw mills capable of cutting in twenty-four hours one thousand feet board measure for every two and a half square miles of the berth, and to keep such mill or mills in operation for at least six months in each year of the continuance of his license;

Payment of ground rent and royalty.

(*b*) to pay in advance, in addition to the bonus or bid, such annual ground rent as is fixed by the regulations, and, in addition thereto, to pay in cash, at each time of making the returns prescribed in paragraph "*d*" of this section, such dues as are fixed by the regulations;

Accounts to be kept.

(*c*) to keep correct books of account of his business, and to submit them for the inspection of any authorized agent of the Minister whenever required;

Returns to be made at stated times.

(*d*) to make to the timber agent of the district, monthly, or at such other intervals of time as they are required of him by regulations made under this Act or by the Minister, returns sworn to by him or by his agent or employee cognizant of the facts, with all the details of his timber operations, in such form and manner as the regulations provide;

Preventing waste.

(*e*) to prevent any unnecessary waste of timber in the process of cutting it, and to prevent all avoidable destruction of growing trees which have not yet attained the dimensions described in the license;

Precautions against fire.

(*f*) to exercise strict and constant supervision to prevent the origin and spread of fire; and to comply during the term of the license and of any renewal thereof, with all regulations made in that respect by the Governor in Council, and with all laws or regulations in that respect in force in the province or territory in which the berth is situate. R.S., c. 55, s. 174, *part.*

Explanatory Note.—This provision takes the place of section 174, chapter 55, Revised Statutes.

In the introductory paragraph "license" is substituted for "lease," and "regulations" for "Order in Council," because an Order is not issued in each case; and "conditions under which the berth was disposed of" for "conditions of sale or tender under which it [the lease] was obtained."

Paragraph "a" is changed to accord with the practice of the Department and with the provision in the license issued. The law as it is requires that a mill should be in operation within a time prescribed in the license. It is thought better to use the terms of the license and to require that the same shall be in operation within a year after notice. The substitution of the "manufactory of wood goods" for a fixed quantity of lumber is no longer provided for.

Paragraph "b" is so changed as to make the ground rent, instead of it being absolutely at $5.00, such amount as may be provided by the regulations, and so as to admit of the dues being fixed by regulations instead of being absolutely made five per cent; and "dues" is substituted for "royalty," because "dues" is by its definition the more inclusive term.

In paragraph "e" there is substituted "all avoidable" in its second line for "when it can be avoided," and after the word "attained" in its third line the words "the dimension described in the license" for the words "a size fitting them to be used for merchantable timber."

Paragraph "f" is so amended as to make it clear that the laws and regulations of any province or territory respecting fire are to be complied with as well as regulations made by the Governor in Council, and that compliance shall be during the term of the license and of any renewal.

Error in survey, etc.

55. If, in consequence of any incorrectness in survey or other error or cause whatsoever, a license is found to cover land covered by another license of prior date, or any land sold, granted, leased, or lawfully set apart for any other purpose under this Act, the later license shall be void in so far as it interferes with any such previous lease, license, sale, grant or setting apart. R.S., c. 55, s. 175, *part.*

Explanatory Note.—This provision is the same as in the present law, except that in the second line the word "license" is substituted for "lease" and the word "cover" for "comprise," and in the third line the words "covered by" for "included in," and "license" is inserted after "lease" in the sixth line.

Reservation of rights of Crown to minerals, etc.

56. Every license of a timber berth shall be subject to the provisions of this Act, or of any other Act, or of any regulations made thereunder, dealing with or affecting the disposal of quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals within or under lands within the boundaries of such berth; and in and by virtue of any grant, lease or permit issued under regulations made as aforesaid, the grantee, lessee or permittee shall have the right to secure, use and hold possession of such land as is described in the grant, lease or permit for quarrying stone, for the boring and operating of any salt, oil, or natural gas wells, or for the working of any mines, and the right to open any roads necessary in connection with such works: Provided that the licensee of the berth shall be paid by the grantee, lessee or permittee the value of all timber cut, damaged or destroyed in making such roads, or in boring or operating any salt, oil or gas wells, or in working any quarries or mines, or as a consequence, directly or indirectly, of any such operation or work.

Prospecting.

2. Every license of a timber berth shall be subject to the right of the Minister to permit prospecting on the berth for quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals; but the licensee shall be notified of every such permission, and shall be entitled to compensation from the prospector for any timber cut, damaged or destroyed by the prospector or as a consequence of his prospecting of the berth.

Retroactive provision.

3. The provisions of this section shall apply to all timber berths heretofore disposed of under any Act respecting Dominion lands, as if they had been contained in that Act when it was passed. R S , c. 55, s. 176, *part*.

Explanatory Note.—This provision differs from the present law in the following respects: The word "license" is substituted for the word "lease" and the term "covered by the license" substituted for the word "leased," the words "disposed of" for the word "granted." Petroleum, natural gas and salt, and quarriable stone are included as among the things which may be dealt with by the Governor in Council notwithstanding the license; and a comprehensive statement is made of other minerals which may likewise be disposed of. It is provided that land within the boundaries of the berth may be occupied for the purpose of boring and operating oil or salt wells and the quarrying of stone as well as for the work of mining. The word "necessarily" has been omitted before "cut" in the fifteenth line of the section and the words "damaged or destroyed" inserted thereafter, and the words "or as a consequence directly or indirectly of any such operation or work" inserted in the seventeenth line, so that payment shall not be confined to merely what is necessarily cut.

Subsection 2 is new. When the mineral rights are reserved it is necessary to admit of prospecting, unless they are to be dormant, inoperative and ineffective during the term of the license.

Settlement within timber berths.

57. When any portion of a timber berth has not upon it timber in sufficient quantity to make it commercially valuable of the kind and dimensions described in the license, the Minister may declare that portion fit for settlement and withdraw it from the berth and from the operation of the license covering it: Provided that no withdrawal shall be made unless the licensee or his agent has had one year's notice thereof, or unless the Minister is satisfied that the withdrawal can be made without injuriously interfering with the operations of the licensee

on the berth; and that, upon any such withdrawal, the ground rent shall be reduced in proportion to the area withdrawn.

Explanatory Note.—This is a new provision and is designed to legalize the practice of the Department under which settlement is allowed within timber berths, and while legalizing the practice to provide a reasonable safeguard for the licensee.

As to forest reserves.

58. Licenses issued under the authority of this Act, for timber berths which are located within the boundaries of any reserve established by *The Dominion Forest Reserves Act*, chapter 56 of the Revised Statutes, 1906, or by any Act subsequent thereto which sets apart forest reserves, shall be subject to any provisions contained in that Act, or in regulations made thereunder, providing for the protection of game, the prevention of fires, and the preservation and reproduction of timber: Provided that, when any portion of such a timber berth has not upon it timber in merchantable quantity of the kind and dimension described in the license, the Minister may withdraw that portion from the license, notwithstanding anything in this Act or any other Act or in any regulation made thereunder; and upon such withdrawal the ground rent shall be reduced in proportion to the area withdrawn.

Explanatory Note.—This is a new provision. As licenses to cut timber are issued under this Act, it is necessary to provide hereunder for the withdrawal for reforestization purposes of portions of berths within Forest Reserves when such portions are devoid of the merchantable timber described in the license, and for subjecting licenses of such berths to the provisions of the Forest Reserve laws.

Permits to cut Timber.

Permits to cut timber.

59. The Governor in Council may make regulations for the issue of permits to cut timber—

(*a*) to actual settlers, for use for building purposes on their farms or for fuel for themselves;

(*b*) to persons engaged in explorations, in scientific pursuits or in prospecting;

(*c*) to steamboat owners, for use on their steamboats;

(*d*) for the construction of boats;

(*e*) in connection with quarrying or mining, or salt, oil or gas boring operations;

(*f*) for the construction of railways, bridges, churches, schools and public buildings, or any public works;

(*g*) for sale as cordwood.

2. The Governor in Council may make regulations for the issue of—

(*a*) permits to owners of mills who are not the owners of a timber berth under license, to cut timber upon Dominion lands in the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territories, of an area in each case not exceeding one square mile, inclusive of the mill site, upon payment in advance of a fee to be fixed by the regulations;

(*b*) permits to cut timber as cordwood, fence posts or telegraph poles, or for mining purposes, over tracts of land in each case not exceeding one-quarter of a square mile, upon payment in advance of a fee to be fixed by the regulations:

Provided that no person shall be granted more than one permit at a time; that a permit shall not be transferable; that it shall not be for a longer period than one year, and shall only

be renewable for one year thereafter; and that for a renewal there shall be payable the fee fixed by the regulations.

3. The permittee shall be required to make such returns, at such time, and in such form as are required by the regulations, to pay such dues as are thereby fixed, and to comply with all the terms and conditions thereby prescribed as well as conditions prescribed by paragraphs (*e*) and (*f*) of section 54 of this Act.

Explanatory Note.—It has been the practice of the Department to issue permits to cut timber; but there has been no statutory authority therefor, and the practice being undefined, it has not always been clear where the system of permits ended and the system of leases of timber berths began.

The granting of permits without competition was first authorized by Order in Council of 13th January, 1873, which Order covered the cases of settlers who had no wood lots. Permits to other persons were afterwards authorized by Orders in Council of the 20th March, 1878, and of 10th October, 1881.

It is thought desirable to continue the permit system, but to legalize it, and, in so doing, to make clear its scope.

Subsection 1 covers the system of non-competitive permits now in force, but makes clearer its scope.

Subsection 2 is new. In the interest of the settler it is important that a supply of cheap lumber should be easily available. The small mill-owner cuts lumber for a restricted local market, and to put up to competition the small areas required would be merely a waste of time and money. The provision that such a permit shall only run for one year and be only renewable for another will induce the permittee to cut all the merchantable timber on the area within that time and thus prevent the same being locked up while settlers are in need of lumber. In dealing with cordwood it is found advisable in some cases to restrict the area to be cut over, and provision to that end is made in paragraph "*b*." There is no special provision at present as to cutting over defined areas under permit fence posts, or telegraph poles, for which there is a demand in certain localities, that would warrant the setting aside of small areas for a limited period under permit, and provision is made accordingly. It is found that in the public interest it is in certain cases more desirable to restrict the area over which timber may be cut for mining purposes, and this is provided for by paragraph "*b*."

Forfeiture and Recovery of Dues.

Forfeiture of license or permit.

60. Every license or permit shall be liable to forfeiture on the order of the Minister, for violation of any one of the conditions to which it is subject or for any fraudulent return.

2. Before making an order for forfeiture the Minister shall cause written notice to be given to the licensee or permittee that it is his intention so to do unless within thirty days after service of such notice the licensee or permittee shows cause to the contrary as hereinafter provided.

3. Service of such notice may be effected by mailing the same, duly registered, to the address or the last known address of the licensee or permittee, and in such case shall be deemed to have been made upon the day on which the notice reached the said address or in due course of mail should have done so.

4. The licensee or permittee may within the said period of thirty days apply by a petition to the judge designated in section 99 of this Act for an order declaring that there is no ground or cause for the forfeiture of his license or permit.

5. Upon the filing of such petition the judge shall appoint a time and place for the hearing thereof and shall give directions for the service upon the Minister and upon any other persons interested of a copy of the petition and of a notice of the time and place so fixed.

6. At such time and place, or at any time and place to which an adjournment is duly had, the judge shall hear and dispose of the matter of the petition in a summary way, and by his order in the case shall determine whether or not there is ground or cause for the forfeiture of the license or permit, and if he finds in the affirmative what such ground or cause is.

7. The order of the judge shall be subject to appeal by either side in like manner as any other decision of such judge.

8. Pending the final disposal of the petition the Minister shall not exercise the power of forfeiture.

Explanatory Note.—This takes the place of section 177, chapter 55, R.S., which provides that a lease shall be so liable to forfeiture and further provides that "in such case the Minister may, without any action, suit or other proceeding, and without compensation to the lessee, cancel the same and make a new lease or disposition of the limit described therein to any other person, at any time during the term of the lease so cancelled; but that the Minister may, if he sees fit, refrain from cancelling such lease for non-payment of dues, and may enforce payment of such dues in the manner by this Act provided."

If a lessee violates conditions other than those dealing with dues, there is not under the law as it stands any means of protecting the public interest except by arbitrary and unappealable forfeiture of what in most cases is a valuable vested interest. The course is so drastic it has never been acted upon. The form of license provided by the regulations and in use purports to amend the law in this way:—The words of the section are quoted in full and there is added: "Provided further that if the Minister shall decide to exercise the powers of cancellation conferred by this subsection he shall give the licensee three months notice in writing, by mailing the same to the last known place of address of the licensee, and by publishing the said notice not less than once a week during three months in a newspaper published in the provinces of Manitoba and British Columbia, and publishing said notice also in each issue of the official Gazette during a period of three months. If the licensee, within one month after the expiration of the last publication, as aforesaid, disputes the existence of any cause sufficient under this subsection to warrant the cancellation of his license, the question of fact involved shall be referred by the Minister to the Exchequer Court of Canada for report. The report of such court shall be appealable in like manner as any other decision of the said court. If the violations of the regulations refers merely to payment of money, the court may relieve from forfeiture on payment of double the amount found to be due, and costs. Upon the final report from the court being received, the Minister may preceed in accordance with such finding under this subsection."

This procedure is too cumbersome. If a license is to be forfeited, there is no need of advertising the fact for three months in public print, and requiring that proposed executive action should be delayed for four months and then on demand referred to the Exchequer Court for approval or non-approval. Reasonable protection should be given; and it is considered that such protection is given by providing that the forfeiture may be contested in the courts under the provisions of section 99 of this Act, which have been framed so as to clearly apply. It is not considered that the Minister should be free to make disposition of a forfeited berth to any person, as the law now provides. That provision is omitted from the proposed amendment, and when a berth is forfeited the timber thereon becomes timber on undisposed of Dominion Lands and has to be disposed of by competition as already provided.

Lien of Crown for dues.

61. All dues on timber cut within any timber berth or under any permit, which are not paid at the time when they become due, shall bear interest at the rate of five per cent per annum until paid, and shall be a lien on any timber cut within the berth or under the permit; and in case of non-payment, whether, in consequence thereof, the license of the berth or the permit has or has not been cancelled, the timber agent or other person authorized thereto may, with the sanction of the Minister, seize so much of the timber cut on the berth or under the permit as will, in his opinion, be sufficient to secure the payment of the dues, the interest thereon, and the expenses of seizure and sale, and may detain the timber as security for payment; and if payment is not made within three months after the seizure, he may, with the sanction of the Minister, sell the timber by public auction, and after deducting the sum due, the interest thereon and the expenses aforesaid, he shall pay over the balance, if any, to the licensee or permittee, if the timber was in his possession at the time of seizure, or if it was not, to the person who had possession thereof at that time: Provided that, if a bid is not made at the auction, amounting to the sum equal to the claim against the licensee, the timber may be disposed of at private sale. R.S., c. 55, s. 178, *part*.

Explanatory Note.—The following are the respects in which this provision differs from that in the present law. The words "license" and "licensee" are substituted for the words "lease" and "lessee;" and the provision has been made to apply to permit holders. In the provision as it stands in the law the term "rents, royalties and other dues" is used in the first line and later on the term "such rent or royalty." In this section the term "dues" has been substituted for the reason already stated.

Six per cent is the interest fixed in the law as it stands, but it has been changed to five per cent to make it conform to the provision of the law fixing five per cent as the interest payable on debts due to the Crown.

A proviso is added to the effect that if no bid is made at the auction of a sum equal to the claim against the licensee, the timber may be disposed of at private sale. This is necessray for the reason that it often occurs that owing to local sympathy with the person who cut the timber, no bids are made and no disposal by auction is possible. The law now admits of sale in no other way, and so nothing can be done.

Timber liable for dues.

62. All timber cut under license or permit shall be liable for the payment of the dues thereon, whenever and wherever the said timber, or any part of it, is found, whether it is or is not converted into deals, boards or any other manufacture of wood; and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain it wherever it is found, until the dues thereon are paid or secured, as provided in the next preceding section. R.S., c. 55, s. 179, *part.*

Explanatory Note.—This provision is the same as in the present law with the exception that the words "license or permit" are substituted for the word "lease," and the word "Crown" is struck out before "dues" as unnecessary and the word "section" is substituted for "clause."

Enforcement of payment in case of removal out of Canada.

63. If the payment of the dues on any timber has been evaded by any licensee or permittee or other person, by the removal of the timber or the products thereof out of Canada, or otherwise, the amount of dues so evaded and any expenses incurred in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on any timber berth by the licensee or cut under permit by the permittee or by authority of the licensee or permittee, and may be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner hereinbefore provided; or the amount due of which payment has been evaded may be recovered by action or suit, in the name of the Minister or his agent, in any court of competent jurisdiction. R.S., c. 55, s. 180, *part.*

Explanatory Note.—This provision is the same as that in the present law, with the usual verbal changes to make it consistent with the other provisions of this Bill, and its extension to holders of permits.

Notes may be taken without affecting lien.

64. The Minister may take or authorize the taking of promissory notes for any money due, as aforesaid, or in his discretion, of bonds for not less than double the amount of any dues, and the penalties and costs incurred or to be incurred, and may, if it is under seizure, then release any timber upon which the debt would be leviable; but the taking of such notes or bonds shall not affect the right to enforce payment of the debt, and the debt shall be a lien on any timber cut by the licensee or permittee or by his authority, if the sums for which or to secure which the notes or bonds are given are not paid when due. R.S , c. 55, s. 181, *part.*

Explanatory Note.—This provision is the same as that in the present law, with the usual changes to make it consistent with the other provisions of this Bill, and its extension to holders of permits.

Liability of Persons Cutting Timber without Authority.

Cutting timber without authority.

65. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber on Dominion lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away

any timber so cut, he shall not acquire any right to such timber or any claim for remuneration for cutting it, preparing it for market, or conveying it to or towards market; and when the timber has been removed out of the reach of the timber officers, or it is otherwise found impossible to seize it, the said person shall incur a penalty not exceeding three dollars for each tree which, or any part of which, he is proved to have cut or removed or carried away, or assisted to cut or remove or carry away, or employed or induced any other person to cut or carry away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty; and in all cases the burden of proof of authority to do the thing charged shall lie on the person charged; and the averment of the person seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary. R.S., c. 55, s. 185.

Explanatory Note.—This provision is the same as that in the present law except that the words "in addition to the loss of his labour and disbursements" have been omitted after the word "shall" in the tenth line as unnecessary.

Seizure of timber.

66. Whenever any timber agent or officer receives satisfactory information, supported by affidavit or statutory declaration made before a justice of the peace or before any other competent officer or person, that any timber has been cut without authority on Dominion lands, or if any timber officer or agent, from other sources of information or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized the timber so reported or known to be cut, wherever it is found, and place it under proper custody until the matter is decided by competent authority. R.S., c. 55, s. 186, *part*.

Explanatory Note.—This provision is the same as that in the present law, with the usual verbal changes and the admission of the use of a solemn declaration in the place of an affidavit.

If the timber has been mixed with other timber.

67. If the timber reported or known to have been cut without authority has been made up with other timber into a crib, dram or raft, or in any other manner has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority from the other timber, the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, unless the holder separates, to the satisfaction of the timber agent, the timber cut without authority from the other. R.S., c. 55, s. 187, *part*.

Explanatory Note.—This provision is substantially the same as that in the present law.

Seizure in case of doubt as to authority.

68. Whenever any timber agent or other officer or agent is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to dues on the whole or any part thereof, he may inquire of the persons in possession or in charge of such timber, as to when and where it was cut; and if no satisfactory explanation, on oath or otherwise, as he requires, is given to him, he may seize and detain such timber until proof is made to the satisfaction of the Minister, or of such timber agent or officer, that such timber was not cut without authority, and is not liable, either in whole or in part, to dues

of any kind; and if such proof is not made within thirty days after the seizure, the timber may be dealt with as timber cut without authority, or on which the dues have not been paid, according to the circumstances of the case; and the dues thereon may be recovered as hereinbefore provided. R.S., c. 55, s. 188, *part*.

Explanatory Note.—This provision is substantially the same as that in the present law.

Release of timber on security being given.

69. If any timber, or any product thereof, is seized under the provisions of this Act by any timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security to his satisfaction, for the full value thereof, or, in his discretion, of a satisfactory bond for payment of double the amount of all dues and the penalties and costs incurred or imposed thereon, as the case may be. R.S., c. 55, s. 189, *part*.

Explanatory Note.—This provision is substantially the same as that in the present law.

Disposal of seized timber.

70. All timber seized under this Act shall be deemed to be forfeited, unless the owner thereof or the person from whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer or to the timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure; and if, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court is against him, or if the claimant fails to duly prosecute such proceedings in the opinion of the judge before whom such case is tried, (who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted,) the timber may be confiscated and may, after thirty days' notice posted up at the place where it is confiscated, be sold by public auction, by order of the Minister.

2. The Minister may, if he sees cause for so doing, instead of confiscating timber cut without authority on Dominion lands, impose a penalty which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell the timber by public auction, and may, in his discretion, retain the whole proceeds of the sale, or the amount of the penalty and costs only.

3. In the event of there being no bid for timber put up at public auction under this section the Minister may dispose thereof by private sale. R.S., c. 55, ss. 190 and 191, *part*.

Explanatory Note.—Subsection 1 differs from the provision in the present law in these respects: The words "on behalf of the Crown" after the word "Act" in the first line, "anything to the contrary herein enacted notwithstanding" after the word "instituted" in the thirteenth line, and "for the benefit of the Crown" in the last line have been eliminated because unnecessary, and the words "by public auction" have been inserted in the last line but one. Subsection 2 is unchanged.

Subsection 3 has been added to meet circumstances similar to those referred to in a preceding note.

Burden of proof.

71. Whenever any timber is seized for non-payment of dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any question arises as to whether the dues have been paid on the timber,

or as to whether the timber was cut on other than Dominion lands, the burden of proving payment, or of proving on what land the timber was cut, shall lie on the owner or claimant of the timber. R.S., c. 55, s. 192, *part.*

Explanatory Note.—This provision is the same as that in the present law, except that the words "any part" and "aforesaid" in describing Dominion lands and the words "and not on the officer or the person instituting such prosecution," which now follow the word "timber" in the last line, are omitted, as they are unnecessary, and that the words "as to" are inserted before "whether" in the fourth and fifth lines.

Officer seizing may call in assistance.

72. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized. R.S., c. 55, s. 193.

Explanatory Note.—This provision is the same as in the present law.

SLIDES AND STREAMS AND LAKE FRONTS.

Right to slides not included.

73. No sale, grant or lease of or entry for any Dominion land shall give or convey any right or title to any slide, dam, pier or boom, or other such work previously constructed on the land, or on any stream passing through or beside it, for the purpose of facilitating the descent of timber or saw-logs, unless it is expressly set forth in the letters patent or other instrument establishing the sale, grant, lease or entry that the slide, dam, pier or boom, or other work, is included in the sale, grant, lease or entry. R.S., c. 55, s. 182, *part.*

Explanatory Note.—The changes are: the insertion of the words "lease or entry for" after the words "grant of," in the first line; the insertion of the word "such" before "work" in the third and eighth lines; the substitution of the term "set forth" for the word "mentioned," in the sixth line; and the word "instrument," in the sixth line, for the word "document;" the insertion of the words "lease or entry" after "grant," in the seventh line; and the substitution of the words "included in such sale, grant, lease or entry," in the last line, for the words "intended to be thereby sold or granted." The provision is thus made clearer and more comprehensive.

Unimpeded use of streams and lakes not affected.

74. The unimpeded use of slides, dams, piers, booms and other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using them and keeping them in repair, shall not, in any way be interrupted or obstructed by or in virtue of any sale, grant or lease of or entry for Dominion lands made subsequently to the construction of the said works. R.S., c. 55, s. 183, *part.*

Explanatory Note.—This provision is the same as that in the present law, except that the word "unimpeded" is substituted for the word "free" in the first line, and that it is made to apply to leases and entries.

Unimpeded use of slides not affected.

75. The unimpeded use for the floating of saw-logs or other timber, of all streams and lakes necessary for the descent thereof from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or beside the land on either side and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads as, owing to natural obstacles, are necessary to taking out timber from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted and shall not be affected or obstructed by or in virtue of any sale, grant or lease of or entry for the said lands. R.S., c. 55, s. 185, *part.*

Explanatory Note.—This provision is the same as that in the present law, except that the word "unimpeded" is substituted for the word "free" in the first line, and that it is made to apply to leases and entries.

POWERS OF THE GOVERNOR IN COUNCIL.

Powers of Governor in Council.

76. The Governor in Council may—

(*a*) withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or may be reserved for Indians;

(*b*) grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title;

(*c*) 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 the said territory or tract at the date of such extinguishment, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of the said lands, provided that an area not more than equal to a quarter-section shall be so granted to any one person unless there has been cultivation of more than that area;

(*d*) set apart and appropriate lands for the sites of places of public worship, burial grounds, schools and benevolent institutions, and for other public purposes, and, at any time before the issue of letters patent therefor, alter or revoke such appropriations; and make free grants for the purposes aforesaid, of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent;

(*e*) withdraw from disposal under this Act any tract or tracts of land, provided that the reason for withdrawal shall be set forth in the order effecting the withdrawal;

(*f*) authorize an exchange of lands with any province, corporation or person, provided the reason for such exchange shall be set forth in the order;

(*g*) in connection with any question in respect to Dominion lands, authorize any person or persons to summon before him or them, any person, by subpœna issued by him or them, examine such person under oath, and compel the production of papers and writings before him or them; and if any person duly summoned neglects or refuses to appear at the time and place specified in the subpœna, legally served upon him, or refuses to give evidence or to produce the papers or writings demanded of him, the person or persons so authorized may, by warrant, under his or their hand or hands, cause such person, so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a term not exceeding fourteen days;

(*h*) appoint a Commissioner of Dominion Lands, a Deputy Commissioner and local agents, and define the duties of such Commissioner, Deputy Commissioner and local agents;

(*i*) provide that any statement or return required by this Act or by any regulations made under it shall be verified on oath;

(*j*) provide for the taking of the oath of allegiance and of the oath of office by any person employed in connection with the administration, management, sale or settlement of Dominion lands;

(*k*) make such orders as are deemed necessary to carry out the provisions of this Act, according to their true intent, or to meet any cases which arise, and for which no provision is made

in this Act; and further make any regulations which are considered necessary to give the provisions of this section full effect. R.S., c. 55, s. 6.

(*l*) In case an entrant for a homestead who has faithfully and to the best of his ability endeavoured to perform the duties required of him, but who, for some unpreventable cause or physical incapacity, has failed to complete those duties, or who, through some technicality, is held to have failed in fulfilling the requirements of this Act, but yet has a moral or equitable claim entitling him to consideration, order the sale of the homestead to the said entrant at a price not less than one dollar per acre.

Explanatory Note.—The powers of the Governor in Council are now defined by section 6, chapter 55, Revised Statutes.

In the proposed section paragraph "a" is the same as paragraph "a" of section 6.

Paragraph "b" is the same as paragraph "f" in section 4, c. 16 of 1899.

Paragraph "c" takes the place of paragraph "g" in that section, but the words "at the date of such extinguishment" are substituted for the words "on the first day of January, 1899, and who are at that time," so as to make the provision apply to any future extinguishments of Indian title, the present provision having been framed expressly to meet the case of treaty 8, made in 1899; and the stipulation that the free grant shall not exceed a quarter-section has been qualified by the words "unless there has been cultivation of more than that area," which are the same as are used in paragraph "h" of said section 6.

Paragraph "d" takes the place of section 196, chapter 55, Revised Statutes, the words "market places, jails, court houses and squares" being omitted, because included in the term "public purposes," and the word "such" before the word "lands" in the first line, and these words immediately following the said word "lands"—"as he deems expedient," are omitted as unnecessary.

Paragraph "e" is new. For the purposes of administration it is sometimes necessary to withdraw tracts from settlement or disposal. This provision is designed to provide a legal means of doing so, and a safeguard in requiring cause to be shown.

Paragraph "f" is new. Section 5 of chapter 55, Revised Statutes, provides for exchanges with Manitoba. Other exchanges have been and may have to be made. Legal authority and a safeguard are provided by this paragraph. (*See note to section 6 of this Act.*)

Paragraph "g" takes the place of section 215, chapter 55, Revised Statutes. The law at present provides that the Dominion Lands Board, or any member thereof, or any person specially authorized by the Governor in Council may summon any person for the purpose of an investigation; but it is not specified that the inquiry must be in connection with Dominion lands. That omission has been rectified in paragraph "h." As the Dominion Lands Board has ceased to exist, there is no longer reason that the provision should continue for the board or any member thereof having such authority, and, therefore, the same has been omitted.

Paragraph "h" takes the place of section 12, chapter 55, Revised Statutes. That section also provides for the appointment of "The Inspector of Dominion Lands Agencies" and "The Superintendent of Mines;" but it is not considered necessary to provide by statute for the appointment by Order in Council of officers other than the Commissioner and his Deputy, and the local agents. The provision in this paragraph for defining the duties of the officers is new.

Paragraph "i" takes the place of paragraph "k," section 6, c. 55, R.S., and of section 214 of chapter 55, Revised Statutes. The latter provision enabled the Minister also to require statements on oath.

Paragraph "j" takes the place of section 15, chapter 55, Revised Statutes; but the proposed enactment is in simpler form and provides for the Governor in Council taking action to have the oaths taken.

Paragraph "k" is the same as paragraph "i" of section 6.

Paragraph "l" is new, and is required to give legislative sanction for equitably adjusting cases which arise from time to time for which no specific provision is made in the law, but for which it is most desirable the Minister should have the authority to extend such relief as the peculiar circumstances would seem to warrant.

The following paragraphs of section 6 have been omitted:—

Paragraph "b" which provides for the reserving of land for general railway construction, because the policy of granting land for railway construction further than the state is committed to undertaken work has been discontinued.

Paragraph "c" in which provision was made for the granting of a land subsidy in aid of the construction of a railway to Hudson's Bay. The subsidy to be earned under this section was allotted to the Winnipeg and Hudson's Bay Railway and Steamboat Company, which afterwards became, by amalgamation with other roads, the Canadian Northern Railway Company. The right of the latter Company to earn land under this section has now been fully satisfied and there is therefore no necessity for continuing the provision referred to.

Paragraph "d" which provides for the granting of land to promoters of drainage works, because the policy has been discontinued.

Paragraph "e" which provides for the granting of land to a person establishng a school of instruction for farming, for the same reason.

Paragraph "h" which provides for dealing with old settlers' claims outside Manitoba, because there is now no occasion for it.

Paragraph "j" which makes a general provision for the imposition of penalties, because it is not considered necessary or advisable that such general authority should be given in addition to the specific provisions made in this Act for the imposition of penalties.

Regulations to be published and laid before Parliament.

77. Every regulation made by the Governor in Council, in virtue of the provisions of this Act, and every order made by the Governor in Council authorizing the sale of any land or the granting of any interest therein, shall have force and effect only after it has been published for four consecutive weeks in the *Canada Gazette*, and all such orders or regulations shall be laid before both Houses of Parliament, within the first fifteen days of the session next after the date thereof, and such regulations shall remain in force until the day immediately succeeding the day of prorogation of that session of Parliament, and no longer, unless during that session they are approved by resolution of both Houses of Parliament. R.S., c. 55, s. 8, *part*.

Explanatory Note.—Section 8, chapter 5, Revised Statutes, provides that every "order or regulation" made under the Act shall unless otherwise provided have force and effect only after four successive weeks' publication in the *Canada Gazette*.

In the present Bill the proposed provision is so framed as to provide for the publication of every regulation, and of every order made authorizing the sale of land or the granting of any interest therein, and for the laying of the same before Parliament. The words "unless herein otherwise specially provided" have been omitted so as to make it clear that every regulation and every order as aforesaid shall be published. Such regulations are to have interim effect only until the close of the said session of Parliament, unless approved by both Houses at such session.

Validation of certain unpublished regulations.

78. Notwithstanding anything contained in any Act relating to Dominion lands, the omission to publish any order or regulation made by the Governor in Council under the provisions of any such Act prior to the twenty-third day of July, one thousand eight hundred and ninety-four, or to publish such order or regulation in any prescribed manner, shall not be held to invalidate it or anything done thereunder. R.S., c. 55, s. 9.

Explanatory Note.—This provision takes the place of section 9, chapter 55, of the Revised Statutes, and is designed to remove doubt as to the validity of any order or regulation not gazetted owing to the neglect of the Department to comply with the provisions of the law between the time of its enactment and the 23rd July, 1894. It is only changed in form.

ADMINISTRATION.

Administration.

79. The Minister shall have the administration and management of all lands of the Dominion to which this Act applies, including school lands; and he may appoint such officers as are required for the purposes of such administration and management and whose appointment is not provided for by the Civil Service Act or by paragraph (*i*) of section 76 of this Act, and may define their duties. R.S., c. 55, s. 11, *part*.

Explanatory Note.—This provision takes the place of section 11, chapter 55, Revised Statutes. The following are the changes made: Instead of describing the lands as "Dominion lands" they are described as "all lands of the Dominion to which this Act applies, including school lands." The provision in section 11, requiring that the administration should be effected through a branch known as the Dominion Lands office has been omitted. This provision is merely a continuance without reason of a provision made in the Act of 1872 when there was no Department of the Interior and the Secretary of State had charge of Interior matters, and it was, therefore, then provided that the administration and management of Dominion Lands should be through such office. The provision as to appointing officers and defining their duties is new, and is designed to legalize the practice which obtains.

Reservation of certain lands.

80. The Minister may set aside and reserve from entry for homestead or purchased homestead or pre-emption, or from sale

as agricultural lands, any lands which he considers to be unsuited for cultivation without the aid of irrigation, or to be required in connection with any system of irrigation, or any marsh lands, or lands suitable for grazing but not adapted to agriculture, or lands valuable on account of the hay or timber, quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron, or other minerals thereon or therein, or for the protection of ponds, lakes or other water supplies, or for the purposes of a water power, harbour, landing or townsite: Provided that the Minister may, at any time, on being satisfied that there is no longer reason for continuing the reservation of any lands so reserved, remove the reservation and declare the land open to entry for homestead or purchased homestead or pre-emption or for sale as agricultural lands.

Removal of reservation.

Explanatory Note.—This provision takes the place of sections 93, 103, 104, 105 and 219, chapter 55, Revised Statutes, and section 5, chapter 20, of the Statutes of 1901, which provide for reserving—

(*a*) "land including a water power, harbour or stone quarry,"

(*b*) land to be laid out into townsites.

(*c*) for making an entry for, or sale of land bordering upon a coulee or ravine utilized or utilizable for the storage of water, subject to a condition that would prevent the pollution of the water.

(*d*) for reserving land requiring irrigation for agricultural purposes.

The proposed section is designed to make clear the purposes for which land may he reserved by the Minister. It is considered that when the interest of the public requires land to be reserved for the reasons set forth in the section the power should be with the Minister so that prompt action may be taken, with the proviso that if it is afterwards ascertained that reason for continuing the reservation no longer exists, the same may be removed and the land declared open. Provision for disposing of land so reserved is made in preceding sections.

The provision as to the reservation of land valuable on account of salt or petroleum is not specifically in the present law. An ampler statement of minerals is given.

Instead of the term "ordinary sale" there is used the term "sale as agricultural land," because there is no "ordinary" sale in the proper sense of the word. All sales must be by regulation of the Governor in Council.

Execution of leases and licenses.

81. The Minister may execute on behalf of the Crown all leases and licenses issued under the provisions of this Act

Explanatory Note.—This is a new provision and is designed to legalize the practice under which leases and licenses in connection with Dominion lands are executed.

Fees for copies of maps and documents.

82. The Minister may establish a tariff of fees for all copies of maps, plans, field notes, documents, papers or other records of the Department of the Interior, and for the registration of assignments therein, and these fees shall be deposited to the credit of the Receiver General on account of Dominion lands R.S., c. 55, s. 10, *part*.

Explanatory Note.—Under the law as it stands a tariff of fees can only be established by the Governor in Council. It is considered that such a duty should appertain to the Minister; and the new provision is framed accordingly.

Forms may be varied by Minister.

83. The Minister may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may, from time to time, adopt or cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form is not set forth in the Schedule: Provided that every form shall be in accordance with the provisions of this Act.

Explanatory Note.—This provision takes the place of section 11, chapter 29, of the Statutes of 1897, which makes action by the Governor in Council necessary. There is no good reason for having Council pass on such a detail; and in the new provision that requirement is omitted.

Employees of Department not to purchase

84. No employee of or under the Department of the Interior shall purchase any Dominion lands except on or under authority of an order of the Governor in Council nor shall he locate any

land warrant or scrip, or act as an agent of any person in that behalf, and any employee violating this subsection shall be liable to summary dismissal on the order of the Minister; but his dismissal shall not affect the right which any person may have to bring against him any civil or criminal action. R.S., c. 55, s. 14, *part*. Dominion lands.

2. No officer employed in a Dominion lands agency or as homestead inspector shall acquire land under homestead entry.

Explanatory Note.—This provision is the same in effect as that contained in the present law, but the proposed section is confined to the purchase of land and the location of warrants or scrip, and another section deals with the giving of information. It is new in so far as it provides for the penalty of dismissal. It is considered that when such a provision is made in the law it should be provided that its violation may be followed by dismissal, so that the gravity of the offence may be apparent to all employees.

Subsection 2 is new; it explains itself.

85. No employee of or under the Department of the Interior shall disclose to any person, except with the authority of the Minister, any discovery made by him or by any other employee of the said department, or disclose any information of which he is possessed in relation to Dominion lands: and any employee violating this section shall be liable to summary dismissal on the order of the Minister; but his dismissal shall not affect the right which any person may have to bring against him any civil or criminal action. R.S , c. 55, s. 14, *part*. Nor give information without authority of Minister.

Explanatory Note.—This provision embodies that portion of section 14, chapter 55, Revised Statutes, which deals with the giving of information. It is new in so far as it provides a penalty. The reason therefor is given in the preceding note.

REGISTRATION OF ASSIGNMENTS.

86. The Minister shall cause to be kept in the Department of the Interior books for registering, at the option of the persons interested, assignments of any right or interest acquired under the provisions of this Act or subsisting at the time of the passing of this Act, which the assignor is not prohibited from assigning or agreeing to assign, by any provision of this Act, or by the terms of the lease, license, permit, conveyance or other instrument by which he has acquired that right or interest; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but no assignment shall be registered unless it is unconditional and unless its execution has been proved to the satisfaction of the Minister: Provided that in no case shall the registration of any assignment relating to undescribed Dominion lands be held to make it incumbent on the Minister to provide for the future granting of any land or right under that assignment. R.S., c. 55, s. 197, *part*. Registration.

Explanatory Note.—This provision is similar to that of the present law, but it has been made clear that an assignment must be unconditional. In the law as it stands, while it is stipulated that an assignment shall be unconditional, it is also provided that "all conditions upon which the right depends shall be performed or dispensed with by the Minister before the assignment is registered." These words have been omitted. The proviso following is for the purpose of avoiding the possibility of the Government being called upon at some future date to implement a grant of undescribed lands or general rights, when no such lands or rights might at such date be still available.

PATENT LISTS.

87. The Minister shall cause the Registrar General of the province of British Columbia to be advised of the issue of letters Transmission of patent lists to Registrars.

patent for Dominion lands in that province; and he shall cause to be transmitted to the Registrar General of the province of Manitoba and to the Provincial Secretaries of the provinces of Saskatchewan and Alberta, lists of letters patent issued for Dominion lands in the respective provinces; and all letters patent issued for lands in the provinces of Saskatchewan and Alberta and in the North-west Territories and in the Yukon Territory shall be transmitted to the registrars of registration districts or divisions in which the lands are situated.

Explanatory Note.—The provision in the law at present covers the transmission of plans of townships as well as lists of letters patent. The part of the provision referring to plans is embodied in the Dominion Lands Surveys Act. The proposed provision takes the place of that part of the present provision dealing with transmission of lists of letters patent, and is so framed as to cover the practice which obtains.

INTEREST.

Rates of interest.

88. Whenever interest is payable under or by virtue of any regulation or order made or issued by the Governor in Council or the Minister under this Act, for or on account of the purchase money or rent of any Dominion lands, school lands, or mining, grazing or timber lands or claims, or for or on account of the purchase money or rent of any other lands or claims to which this Act relates, or for or on account of any other claim, matter or thing arising under any provision of this Act, the rate of such interest from the seventh day of July, 1900, shall be five per cent per annum, whether that interest is payable under the terms of any sealed or unsealed instrument or not. R.S., c. 55, s. 220.

Explanatory Note.—This provision is the same as that in the present law.

LETTERS PATENT.

Deputy Governor for signing patents.

89. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence of or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of the said Deputy Governor to such letters patent shall have the same force and effect as if they were signed by the Governor General. R.S , c. 55, s. 198, *part.*

Explanatory Note.—This provision is the same as the provision in the present law, except that the word "effect" is substituted after "and" in the fifth line for the word "virtue."

Preparation and signing of patents.

90. All letters patent under this Act shall be prepared in the Department of the Interior, and shall be signed by the Minister or the Deputy of the Minister, or by some other person thereunto specially authorized by the Governor in Council, and by the Governor General or the Deputy Governor appointed for the purpose, as hereinbefore provided, and shall then be transmitted to the Secretary of State of Canada, by whom, or by the Under Secretary of State, they shall be countersigned, and the Great Seal of Canada thereto caused to be affixed; and when so signed and sealed they shall be registered in the Department of the Interior by an officer of that department specially appointed for that purpose by the Registrar General. R.S., c. 55, s. 199, *part.*

Explanatory Note.—This provision differs from that in the present law in these respects: It is made to accord with the practice under which registration is after the signing and sealing; the term "letters patent" is substituted for "patent,"

as is done throughout the Act; the place of registration is named; and the officer to register is to be of the Department of the Interior.

Issue of patent after death of applicant.

91. In the event of letters patent issuing to or in the name of a person who is dead, they shall not be therefore void, but the title to the land thereby granted or intended to be granted shall vest in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in the province in which the land is situate, as if the letters patent had issued to or in the name of the deceased person during his lifetime. R.S., c. 55, s. 201.

Explanatory Note.—This provision is practically the same as that in the present law, the change being merely in the form.

Cancellation of patent issued in error.

92. If letters patent have issued to, or in the name of, a wrong person, or contain any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or if there is in them an omission of the conditions of the grant, the Minister may, there being no adverse claim, direct the defective letters patent to be cancelled and correct letters patent to be issued instead thereof, which correct letters patent shall relate back to the date of the letters patent so cancelled and have the same force and effect as if issued at the date of such cancelled letters patent. R.S., c. 55, s. 203, *part*.

Explanatory Note.—This provision is practically the same as the provision in the present law, the change being merely in the form.

Remedy in case of conflicting grants.

93. In all cases in which, through error, grants or letters patent have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land, inconsistent with each other, the Minister may order a new grant to the person thereby deprived, of land to a value equal to that of the original grant at the time of the grant; or he may, in case of sale, lease or license cause a refund to be made of any money paid on account of the sale, lease or license, with interest at the rate of five per cent per annum; or when the land has passed from the original holder, or has been improved before the discovery of the error, or when the original grant was a free grant, he may grant to the original holder such land as to him seems just and equitable under the circumstances; but no claim under this section shall be entertained unless it is preferred within one year after the discovery of the error. R.S., c. 55, s. 204, *part*.

Explanatory Note.—This provision differs from that in the present law in these respects: The words "grant to the original purchaser such" have been substituted for "assign" before the word "land" in the twelfth line of the section to make the meaning clearer; and after the said word "land" the words "or grant such amount of scrip for the purchase of Dominion lands" have been eliminated, because it is not proposed to continue the system of issuing scrip for such purposes. The provision has been made clearly to apply to leases. The law as it stands makes no provision for refund, under the circumstances stated, of payments made on account of a lease or license.

Voidance of patent issued through fraud.

94. Whenever letters patent, leases or other instruments respecting lands have issued through fraud, or improvidence, or in error, any court having competent jurisdiction in cases respecting real property in the province where the lands are situate may, upon action, bill or plaint respecting the lands, and upon hearing the parties interested, or upon default of the said parties after such notice of proceeding as the said court orders, decree or adjudge the letters patent, lease or other

instrument to be void; and upon the filing of the decree or adjudication in the Department of the Interior at Ottawa, the letters patent, lease or other instrument shall be void; and if the letters patent, lease or other instrument have been registered in the registry office or the land titles office for the district in which the land described in the letters patent, lease or other instrument is situate, and if such letters patent, lease or other instrument have been adjudged void at the suit of the Minister he shall cause a copy of the decree or adjudication, certified to be a copy as provided by section 96 of this Act, to be recorded forthwith in the said registry office or land titles office. R.S., c. 55, s. 205, *part*.

Explanatory Note.—This takes the place of section 205, chapter 55, Revised Statutes. It is changed so that registration of the decree shall be in the Department of the Interior where the letters patent, etc., are now registered by the clerk in charge of the Patent Branch who was appointed for the purpose by the Registrar General under section 85; and provision is made to the effect that the Minister shall have a certified copy of any decree recorded in the Registry Office or Land Titles Office of the district in which the land affected is situated, so that the same may be readily accessible.

Deficiency in quantity mentioned in patent.

95. Whenever, through error in survey or in the books or plans of a land office, any grant of land is found deficient, the Minister may order a free grant, equal in value, at the time the land was granted or sold, to the ascertained deficiency; or he may order the purchase money of so much land as is deficient, with interest thereon at the rate of five per cent per annum, from the time of the purchase thereof, to be paid back to the purchaser; but no claim respecting any such deficiency shall be entertained unless it is made within five years from the date of the letters patent, and unless the deficiency is equal to one-tenth of the whole quantity described therein as being contained in the lot or parcel of land granted. R.S., c. 55, s. 200.

Explanatory Note.—This provision is the same as that in the present law.

EVIDENCE.

Certified copies of certain documents to be evidence.

96. Copies of any records, documents, plans, books or papers belonging to or deposited in the Department of the Interior attested under the signature of the Minister, the Commissioner of Dominion Lands, the Deputy Commissioner, the Secretary of the Department of the Interior, or any chief clerk or officer thereunto authorized by the Minister, and of plans or documents in any Dominion lands office in the provinces of British Columbia, Manitoba, Saskatchewan or Alberta, or in the Northwest Territories, or in the Yukon Territory, attested, as aforesaid, or under the signature of the officer in charge of the office, shall be competent evidence in all cases in which the original documents, books, plans or papers would be evidence. R.S., c. 55, s. 211, *part*.

Explanatory Note.—This takes the place of section 211, chapter 55, Revised Statutes. The changes are: "The Department of the Interior" is substituted for "Dominion Lands Office," because it is in the Department of the Interior that the records are kept; and provision is made that the Commissioner of Dominion Lands may certify to such records instead of confining his authority so to do, as is done in the present law, to records in local offices. Provision is made that the Deputy Commissioner may also give the necessary certificate. "Secretary of Dominion Lands Board" is omitted, because the office does not exist. The names of the new provinces are inserted and British Columbia is included, because territory in that province is affected by the records; and the Yukon Territory is also included.

97. Lithographed or other copies of maps or plans purporting to be issued or published by the Department of the Interior, and to have a lithographed or copied signature of the Minister or of the Surveyor General thereto attached, shall be received in all courts and proceedings as *prima facie* evidence of the originals, and of the contents thereof. R.S., c. 55, s. 212. Lithographed copies, etc.

Explanatory Note.—This provision is the same as that in the present law, except that "Dominion Lands Office" is struck out for the reason already stated.

98. All affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits, or any notary public, or any Dominion lands agent or senior assistant or any sub-agent or homestead inspector, or any person specially authorized by this Act or by the Governor in Council to take or receive the same. R.S., c. 55, s. 213. Affidavits.

Explanatory Note.—This provision is the same as the provision in the present law except that "the Governor in Council" is substituted for "the Minister" because it is considered that the authority to take oaths, etc., should be given by the Governor in Council and not by the Minister.

SUMMARY PROCEEDINGS RESPECTING FORFEITURE AND TRESPASS.

99. When any settler, purchaser, lessee, licensee, permittee, or other person refuses or fails to cease using, possessing, or occupying any land which in the opinion of the Minister he is wrongfully or without lawful authority using, possessing or occupying, or refuses or fails to deliver up possession of any land after his right to use, possess or occupy it has been declared forfeited under the provisions of this Act, the Minister, or any officer or agent of the Department of the Interior authorized by the Minister for that purpose, may apply to the judge of a county court, if the land is in the province of British Columbia or Manitoba, and to the judge of a county court or the judge of the judicial district in which the land is situate, if the land is in the provinces of Saskatchewan or Alberta, and to a stipendiary magistrate if the land is in the Northwest Territories, and to a police magistrate or a judge of the Territorial Court, if the land is in the Yukon Territory, for a summons directed to the person who in the opinion of the Minister is wrongfully or without lawful authority using or in possession or occupancy of such land, or who refuses or fails to deliver up possession after his right to use, possess or occupy it has been declared forfeited under the provisions of this Act, calling upon the said person forthwith to vacate or abandon, and cease using, possessing or occupying such land, or to deliver up possession thereof, as the case may be, or within thirty days after service of the said summons to show cause why an order or warrant should not be made for his removal from the said land, and to compel him to vacate or abandon it, and to cease using, possessing or occupying it, or to deliver up possession of it, as the case may be; and if, upon the return of the summons, it appears that he has not removed from, vacated or abandoned the said land, or ceased using, possessing or occupying it, or delivered up possession of it, as the case may be, or if he does not show good cause to the contrary within the period limited Ejectment of person wrongfully in possession.

by the summons, the judge or the stipendiary or police magistrate shall, upon request made to him by the Minister, make an order or warrant for the said person's summary removal from the land, directing him to forthwith vacate and abandon it and to cease using, possessing or occupying it, and to deliver up possession of it in a case where his right to use, possess or occupy it has been declared forfeited under the provisions of this Act; and the said order or warrant shall be executed by the sheriff, bailiff, constable or other person to whom it is delivered for that purpose.

Execution of warrant.

2. The officer or person to whom the order or warrant is addressed shall forthwith remove the person named therein from the said land and also all persons, who as members of his family, or as his employees, servants or labourers, or as his tenants or their families, employees, servants or labourers, or otherwise under his authority or direction or permission, are using or occupying the said land; and in the execution of the order or warrant the officer or person to whom it is addressed shall have all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

Service of summons.

3. It shall be sufficient service of the summons if a copy thereof is left with a grown-up person found on the said land, and another copy is put up in some conspicuous place thereon, or, where no grown-up person is found on the land, if a copy is put up in each of two conspicuous places thereon. R.S., c. 55, ss. 208, 209, 210.

4. In a case of forfeiture, where the order or warrant directs any person who is not in possession or occupancy of the land to deliver up possession thereof, the order or warrant shall be sufficiently executed if a copy of it is left with any grown-up person on the said land and another copy is put up in some conspicuous place thereon, or, where no grown-up person is found on the land, if a copy is put up in each of two conspicuous places thereon, and the service of the order or warrant in the manner prescribed in the next preceding subsection shall confirm the forfeiture and make it irrevocable; but if, cause having been shown to the contrary, within the period limited in the summons for that purpose, the judge declines to make an order or warrant, the forfeiture shall thereupon be immediately cancelled by the Minister.

Explanatory Note.—This provision takes the place of sections 208, 209 and 210, chapter 55 of the Revised Statutes. In addition to the provisions made therein, it provides that proceedings may be taken, in the event of land being held after forfeiture of the right thereto, in such a way as to cover cases of forfeiture of timber licenses or permits or mining leases. It also provides that action may be taken in British Columbia or the Yukon. The requirement that there should be evidence on oath before application is made to a judge has been omitted as an unnecessary proceeding. After the word "court" in the fifth line the words "for the county in which the land is situated," have been omitted because unnecessary.

The inconvenience of having to go twice to a judge—once for a summons and a second time for a warrant—might be lessened by allowing the clerk of the court to issue a warrant in the court's name where no action is taken by the trespasser within the thirty days, on request of the Minister; of course, in case of the trespasser desiring to show cause, and his so notifying the court, the matter would have to be dealt with judicially and be decided upon by the judge.

Penalty for disobeying summons.

100. Any person remaining upon Dominion lands or returning thereto, or assuming any right of possession or occupancy or use thereof, after having been ordered to vacate them, under

the provisions of this Act, or after having been removed therefrom under an order or warrant, shall, upon summary conviction before a judge, stipendiary or police magistrate, or two or more justices of the peace, be liable to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the court. R.S., c. 55, s. 227.

Explanatory Note.—This section differs from the present law in that it provides for the alternative of imprisonment or for both penalty and imprisonment, and no minimum fine is stated, so that a judge or magistrate may be in a position to impose a small or nominal fine when the circumstances of the case warrant the same. In the law as it stands not less than $20.00 can be imposed as a fine nor more than $100.00. The maximum is increased because in the case, for instance, of a valuable timber berth being held the present fine is altogether too small.

Sale of timber to saw-mills, etc., before patent.

101. Any holder of an entry for a homestead or a purchased homestead who, previous to the issue of the letters patent, sells any of the timber on either his homestead, purchased homestead or pre-emption, to owners of sawmills or to any others than settlers for their own exclusive use, without having previously obtained permission so to do from the Minister, is guilty of a trespass and may be prosecuted therefor before a justice of the peace, and, upon summary conviction, shall be liable to a penalty not exceeding one hundred dollars, and the timber so sold shall be subject to seizure and confiscation in the manner hereinbefore provided. R.S., c. 55, s. 226.

Explanatory Note.—This provision takes the place of section 226, chapter 55, Revised Statutes. The changes are the addition of the words "purchased homestead or pre-emption", and the omission of the words "appurtenant wood lots." The policy of setting aside wood lots lapsed years ago, and, therefore, it is not desirable to continue the reference to wood lots in the law.

The law as it stands, in addition to providing a fine, provides for imprisonment for a term not exceeding six months, or for both penalty and imprisonment. Imprisonment is considered too severe for an entrant who offends under this section. The provision is, therefore, omitted and the punishment confined to the imposing of a fine.

Rights to timber berths.

102. All timber berths disposed of previous to the passing of this Act, shall be deemed to be and shall remain subject to the same obligations, terms and conditions as were in force relating thereto at the time of the passing of this Act, and nothing herein contained shall interfere with, prejudice or take away any rights granted, previous to the passing of this Act, to the holders of such berths,—which rights shall, nevertheless, be subject, at the date of each yearly renewal, to such changes in the regulations as are made from time to time.

Explanatory Note.—While it is intended under this provision, to preserve rights in existence at the date of the passing of this Act, it would seem expedient through the concluding portion of the section, to plainly limit such rights to those existing under the present statute and to prevent the granting of entirely new and extended rights, which would be the case if, in renewal of existing rights, which under Section 53, of this Act, will be now subject to changes in the regulations, the holders were exempted from the operation of such changes.

Repeal.

Repeal.

103. Chapter 55 of the Revised Statutes, 1906, is repealed.

Eliminated Provisions of Present Law.

Explanatory Note.—The following sections not referred to in the foregoing notes have been omitted:

Section 4 of chapter 55, R.S., which provides that the Act shall only apply to territory to which the "Indian title" has been extinguished, has been omitted, as it created a question as to whether the Act applied to the Yukon Territory

where no extinguishment of Indian title was ever effected, for the reason that the same policy was followed in regard to Indians there as was followed on the Pacific coast. The only object conceivable for the provision was the making of a statutory guarantee that the condition of the deed of surrender from the Hudson's Bay Company to the Dominion, which provided that the Indian claims should be extinguished within the tract ceded, would be carried out; but as the territory covered by the deed of surrender has been ceded by the Indians there is no longer reason on that score for perpetuating the section.

Section 219, chapter 55 of the Revised Statutes, which provides that the disposal of land bordering on a coulee utilized or utilizable for the storage of water may be made subject to conditions to prevent pollution, and which so reads as to bear the interpretation that after a sale has been made such condition could be imposed. The provision of section 8 of this Act as to entry for land necessary for the protection of a water supply and the provisions of section 35 as to disposal and of section 80 as to reservation of such land cover all that it is required to cover in this respect. It is not thought the Minister should have any right to impose conditions after a sale of land has been made.

Sections 94 to 99, chapter 55, Revised Statutes, which refer to military bounty scrip, as the occasion for the provision no longer continues; section 30, chapter 55, R.S., as to sale of town lots because sufficient provision is made by section 35; section 162, chapter 55, Revised Statutes, which provides that the rights of a discoverer of minerals previous to 1883 should remain notwithstanding any subsequent enactments, because there is no necessity for continuing the provision, any rights under it having been protected; sections 165 and 166, chapter 55, Revised Statutes, which refer to wood lots, which provision is discontinued because it lapsed into desuetude many years ago; section 8, chapter 55 Revised Statutes, which provides for construction of irrigation works on Dominion lands, because the ground is now covered by the Irrigation Act; section 161, chapter 55, Revised Statutes, which provides that no grant conveys the gold or silver, because before 1880, the law provided that there should be no reservation of gold, silver or other minerals and because patents issue with the reservations subject to which the entries or sales are made, which reservations have for many years covered much more than gold and silver, while the provision as it stands seems to imply that it is only gold and silver that are not conveyed with the land.

Sections 16 to 80, both inclusive, of chapter 55, R.S., because surveys of Dominion lands and the qualifications of surveyors are to be dealt with in a separate Act.

SCHEDULE.

Form A.

APPLICATION FOR ENTRY FOR A HOMESTEAD, A PRE-EMPTION OR A PURCHASED HOMESTEAD.

I, of , do hereby apply for an entry for a , under the provisions of Section in that behalf of the Dominion Lands Act, for the quarter-section of section number , in township , range , of the meridian.

(2) I am a British subject.

(3) I am a citizen (*or* subject, *as the case may be*) of , but I declare that it is my intention to become a British subject under the laws of Canada

[*Signature*

[*Place and date.*]

Note.—Strike out paragraph 2 if applicant is not a British subject. Strike out paragraph 3 if applicant is a British subject.

Form B.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR ENTRY FOR A HOMESTEAD, A PRE-EMPTION OR A PURCHASED HOMESTEAD.

I, , of , do solemnly swear (*or* affirm *as the case may be*), that I am over

eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is agricultural land and open to entry and that there is no person residing on the said land; that there are no improvements thereon; that this application is made for my exclusive use and benefit, with the intention of my residing upon and cultivating the said land, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever.

(2) That I have not heretofore obtained an entry for a homestead on Dominion lands.

(3) That I obtained entry for a homestead on the day of , 19 , for quarter-section of section , township , range , of the meridian, but forfeited (*or* abandoned, *as the case may be*) the same.

(4) That this application is made for my exclusive use and benefit, with the intention of my residing upon and cultivating the said land, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn to this day of 19 , before me at . } [*Signature.*]

Local Agent.

[*or* Sub-agent, *as the case may be.*]

Note.—Strike out paragraph 2 if applicant has already received homestead entry.

Form C.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR ENTRY FOR A HOMESTEAD, A PRE-EMPTION, OR A PURCHASED HOMESTEAD, BY A PERSON WHO HAS SETTLED AND MADE IMPROVEMENTS UPON LAND IN ADVANCE OF SURVEY.

I, , of , do solemnly swear (*or* affirm, *as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is agricultural land and open to entry for homestead; that I became a *bona fide* resident upon and began to cultivate the said land, before the same was surveyed; that I have since resided upon and cultivated the said land; that there is no other person residing on the said land; that no other person has improvements thereon; that this application is made for my exclusive use and benefit, with the intention of my residing upon and cultivating the said land, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever

Subscribed and sworn to this day of , 19 , before me at . } [*Signature.*]

Local Agent.

[*or* Sub-agent, *as the case may be.*]

Form D.

AGENT'S CERTIFICATE OF ENTRY FOR A HOMESTEAD, A PRE-EMPTION OR A PURCHASED HOMESTEAD, AND RECEIPT FOR FEE.

I hereby certify that , of , has in accordance with the provisions of the Dominion Lands Act, applied in the form , supported by affidavit in the form , as therein provided, for entry for the quarter-section of section , in township , range , of the meridian.

I hereby acknowledge the receipt from the said of the sum of ten dollars ($10.00), being the office fee payable with such application.

And I hereby certify that the said application has been allowed by me and that entry has been granted to the said for the said quarter-section as a , and that in virtue thereof the said is hereby vested in respect of such with the rights conferred by the provisions of the Dominion Lands Act respecting .

Local Agent.

Dominion Lands Office,
day of , 19 .

Form E.

AGENT'S CERTIFICATE OF ENTRY FOR A HOMESTEAD, A PRE-EMPTION, OR A PURCHASED HOMESTEAD, ON APPLICATION TO A SUB-AGENT AND HIS RECEIPT FOR FEE.

Having before me the application of , of , in the form of , supported by affidavit in the form , as provided in the Dominion Lands Act, made to the sub-agent at for entry for quarter-section of section , in township , range , of the meridian, as a , and the duplicate of the certificate issued to the said by the said sub-agent that such application has been made in accordance with the provisions of the said Act, I hereby certify that the said application has been allowed by me and entry for the said quarter-section as a has been granted, and that in virtue thereof the said is hereby vested in respect to such with the rights conferred by the provisions of the Dominion Lands Act respecting .

And I hereby acknowledge the receipt through the said sub-agent of the sum of ten dollars ($10.00) being the fee paid by the said .

Local Agent.

Dominion Lands Office,
day of , 1

Form F.

SUB-AGENT'S CERTIFICATE OF APPLICATION FOR ENTRY FOR A HOMESTEAD, A PRE-EMPTION OR A PURCHASED HOMESTEAD, AND RECEIPT FOR FEE.

I hereby certify that , of , has, in accordance with the provisions of the Dominion Lands Act, applied in the form , supported by affidavit in the form , as therein provided, for entry for quarter-section of section , in township , range , of the meridian, as a .

And I hereby acknowledge the receipt from the said of the sum of ten dollars ($10.00), being the office fee payable with such application, my acceptance of said fee being subject to the allowing of the entry by the local agent at , who, if entry be not allowed, will refund the amount to the said .

Sub-Agent.

[*Place and date.*]

Form G.

APPLICATION BY A MINOR FOR THE RESERVATION OF A HOMESTEAD.

I , of , do hereby apply, under the provisions of sub-section 3 of section 9 of the Dominion Lands Act, for the reservation of the quarter-section of section number , in township , range , of the meridian, for a period of twelve months from this date, with a view to my obtaining entry therefor as a homestead as soon as I attain the age of eighteen years.

I am in permanent residence on the quarter-section of section number , in township , range , of the meridian, now held under entry (*or, as the case may be*), owned and occupied, by, , my .

I am a British subject.

[*Signature.*]

[*Place and date.*]

Form H.

AFFIDAVIT BY RELATIVE IN SUPPORT OF AN APPLICATION FOR RESERVATION OF A HOMESTEAD ON BEHALF OF A MINOR.

I, , of , do solemnly declare (*or* affirm *as the case may be*) that the quarter-section of section number , in township , range , of meridian, in respect of which application is made by , to have reserved under the provisions of sub-section 3 of section 9 of the Dominion Lands Act, is agricultural land and open to homestead entry; that there is no person residing on the said land; that there are no improvements thereon; that the said application is made for the sole use and benefit of the said with a view to his obtaining entry for the said land as soon as he attains the age of eighteen years; that the said , who is my , has his permanent residence with me on the quarter-section of section number , in township , range , of the meridian, for which I hold entry (*or, as the case may be*, own and occupy); that the said will have attained the full age of eighteen years on the day of , 19 .

Subscribed and sworn to this day of , 19 , before me. } [*Signature.*]

Local Agent.
[*Or* Sub-agent *as the case may be.*]

Form I.

AGENT'S CERTIFICATE OF RESERVATION OF HOMESTEAD FOR A MINOR.

I hereby certify that , of , has, in accordance with the provisions of sub-section 3 of section 9 of the Dominion Lands Act, applied in the form D, supported by affidavit in the form E, as therein provided, for the reservation of quarter-section of section number , in township , range , of the meridian, with a view to his obtaining entry therefor as soon as he attains the full age of eighteen years.

I hereby certify that the said application has been allowed and that the said land is hereby reserved for a period of twelve months from this date for the purpose aforesaid, and subject to the conditions mentioned in paragraphs *a*, *b* and *c*, of the provisions above mentioned.

Dominion Lands Office at
day of ,
19 .

Local Agent.

No. 181.

4th Session. 10th Parliament, 7-8 Edward VII.. 1907-8

BILL.

An Act to consolidate and amend the Acts respecting the Public Lands of the Dominion.

First reading, May 29, 1908.

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

The references in italics are to sections of the Civil Service Act.

No. 189.] **BILL.** [1907-8

An Act to amend the Civil Service Act.

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

SHORT TITLE.

1. This Act may be cited as *The Civil Service Amendment Act, 1908.* (*Section* 1.)

Short title.

INTERPRETATION.

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

(*a*) "Commission" means the Civil Service Commission hereby constituted;

Definitions.

(*b*) "Deputy Head," for the purposes of the administration of this Act, includes the Clerks of both Houses and the Librarians of Parliament;

(*c*) "Head of a Department" includes the Speakers of both Houses. (*Section* 2.)

CONSTITUTION.

3. The Civil Service shall be divided into two divisions, namely,

Two divisions.

The Inside Service, which shall consist of that part of the service in or under the several departments of the Executive Government of Canada and in the office of the Auditor General, employed at the city of Ottawa, or at the experimental farm station or the Dominion astronomical observatory near Ottawa, and shall include the officers, clerks, and employees of both Houses of Parliament; and

Inside Service.

The Outside Service, which shall consist of the rest of the Civil Service. (*Section* 4.)

Outside Service.

4. Sections 5 to 28, both inclusive, and 30 to 42, both inclusive, of this Act apply only to the Inside Service.

Application to Inside Service.

2. As regards the Inside Service only, the following sections of *The Civil Service Act* are repealed: 4, 16 to 26, both inclusive, 32 to 37, both inclusive, 40, 41, 43, 46, 61 to 78, both inclusive, 80, 82, 84, 85, 90, 91, 94, 97, 98 and 99.

Application to Outside Service.

3. The Governor in Council may bring the whole or any part of the Outside Service under the same provisions of the law as the Inside Service. (*Section* 3.)

Classification of Inside Service.

5. The Inside Service under the Deputy Heads, excluding messengers, porters, sorters and packers, and such other appointments and employments in the lower grades as are determined by the Governor in Council, shall be divided into three divisions.

2. The First Division shall be divided into—

Subdivision A, consisting of officers having the rank of Deputy Heads but not being Deputy Heads administering Departments, Assistant Deputy Ministers, and the principal technical and administrative and executive officers;

Subdivision B, consisting of the lesser technical and administrative and executive officers, including the chief clerks now holding office.

3. The Second Division shall consist of certain other clerks, whose duties shall be such as to qualify them for holding positions in the first division. This division shall be divided into subdivisions A and B.

4. The Third Division shall consist of the other clerks in the Service whose duties are copying and routine work, under direct supervision, of less importance than that of the second division. This division shall be divided into subdivisions A and B. (*Sections* 61 *to* 78.)

Second and third divisions.

6. Clerks now holding the rank of first class shall be placed in subdivision A of the Second Division.

2. Clerks now holding the rank of senior second class shall be placed in subdivision B of the Second Division.

3. Clerks now holding the rank of junior second class shall be placed in subdivision A of the Third Division.

4. Third class clerks and temporary clerks paid out of Civil Government Contingencies shall be placed in subdivision B of the Third Division. (*Sections* 61 *to* 78.)

Application to present Inside Service.

7. Except as herein otherwise provided, all persons now employed in the Inside Service, including temporary clerks paid out of Civil Government Contingencies, shall, upon the coming into force of this Act, be classified according to their salaries under this Act.

Organization of departments.

8. As soon as practicable after the coming into force of the Act, the Head of each department shall cause the organization of his department to be determined and defined by Order in Council.

2. The Order in Council shall give the names of the several branches or divisions of the department, with the number and character of the offices, clerkships and other positions in each and the titles and salaries thereafter to pertain thereto.

3. After being so determined and defined, the organization of a department shall not be changed except by Order in Council.

4. Copies of such Orders in Council shall be sent to the Commission.

CIVIL SERVICE COMMISSION.

9. There shall be a Commission, to be called the Civil Service Commission, consisting of two members appointed by the Governor in Council. Civil Service Commission constituted.

2. The rank, standing, salary and tenure of office of each commissioner shall be those of a deputy head of a department. (*Section* 7.) Its duties.

10. The duties of the Commission shall be—

(*a*) to test and pass upon the qualifications of candidates for admission to the service;

(*b*) upon the request of the head of a department with the approval of the Governor in Council, to investigate and report upon the organization of the department, the conduct and efficiency of its officers, clerks and other employees, and any other matter relative to the department;

(*c*) such other duties as are assigned to it by the Governor in Council.

2. Such duties shall be performed in accordance with regulations made by the Commission and approved by the Governor in Council.

3. A commissioner shall not hold any other office or engage in any other employment. (*Section* 7.)

11. Each commissioner shall, before entering upon the duties of his office, take and subscribe, before the Clerk of the Privy Council, an oath that he will faithfully and honestly perform the duties devolving upon him as commissioner. (*Section* 106.) Oath of office

12. The present Civil Service examiners shall continue to hold office during pleasure, and shall be under the direction of the Commission. Civil Service Examiners.

2. Such further examiners as are deemed necessary may be appointed by the Governor in Council upon the recommendation of the Commission. (*Section* 7.)

APPOINTMENTS.

13. Except as herein otherwise provided, admission to the Inside Service shall be by competitive examination, which shall be of such a nature as will determine the qualifications of candidates for the particular positions to which they are to be appointed, and shall be held by the Commission from time to time in accordance with the regulations made by it and approved by the Governor in Council. (*Section* 16.) Competitive admission examinations.

14. No person shall be admitted to such an examination unless he is a natural-born or naturalized British subject, and has been a resident of Canada for at least three years, and is, at the time of the examination, of the full age of eighteen years and not more than thirty-five years. (*Section* 31.) Qualification of candidates.

15. Before holding any such examination the Commission shall require each head of a department to furnish it with the number of permanent officers or clerks likely to be required in his department within the next six months. Computation of number of vacancies.

2. On this basis, and having regard also to the requirement of the several departments for temporary services, a computation shall be made by the Commission of the number of competitors to be selected at the next ensuing examination.

3. If there remain from a previous examination successful competitors who have not received appointments, their number shall be deducted in making the computation. (*Section* 21.)

Notice of examinations.

16. Thereupon due notice of the examination shall be given by the Commission, stating the character and number of the positions to be competed for. (*Section* 28.)

List of successful competitors.

17. Immediately after the examination the Commission shall make out a list of the successful competitors thereat for each position, in the order of merit, up to the number computed in accordance with the next preceding section. (*Section* 29.)

Selections to fill vacancies.

18. From the said list the Commission, on the application of the Deputy Head, with the approval of the Head, of any department, shall supply the required clerks, whether for permanent or temporary duty.

2. The selections shall be, so far as practicable, in the order of the names on the list, but the Commission may select any person who in his examination shows special qualifications for any particular subject.

3. The Commission shall forthwith notify the Treasury Board and the Auditor General of the name and position in the Service of each clerk supplied to any Department and also of the rejection of any such clerk during his probationary term.

4. Assignment for temporary duty shall not prejudice the right to assignment for permanent duty.

5. No clerk supplied for temporary duty shall be so employed for more than six months in any year. (*Section* 32.)

Rejection during probation.

19. The Head of the department, on the report of the Deputy Head, may, at any time after two months from the date of assignment, and before the expiration of six months, reject any person assigned to his department.

2. The cause of the rejection shall be reported by the Deputy Head to the Commission, who shall thereupon select another person to take the place of the one rejected, and decide whether the latter shall be struck off the list or allowed a trial in another department. (*Sections* 34 *and* 36.)

Probationary service.

20. After a person so selected has served a probationary term of six months, he shall be deemed to be permanently accepted for the service. (*Section* 35.)

Professional and specially qualified officers.

21. If the Deputy Head reports that the knowledge and ability requisite for the position are wholly or in part professional, technical or otherwise peculiar, the Governor in Council, upon the recommendation of the Head of the department based on the report of the Deputy Head, may appoint a person to the position without examination and without reference to the age limit, provided the said person obtains from the Commission a certificate that he possesses the requisite knowledge and ability

and is duly qualified as to health, character and habits. (*Section* 37.)

Messengers, packers, &c.

22. Appointments to the positions of messenger, porter, sorter and packer, and to such other positions in the lower grades as are determined by the Governor in Council, may be made by the Governor in Council upon the recommendation of the Head of the department based on the report of the Deputy Head, and accompanied by a certificate of qualification from the Commission, given upon evidence satisfactory to it that the person applying for the appointment possesses the requisite knowledge and ability and is duly qualified as to age, health, character and habits. (*Section* 79.)

Temporary clerks.

23. When, from a temporary pressure of work, extra assistance in excess of those whose names are on the list of successful competitors is required in the Inside Service of any department, the Governor in Council may, upon the recommendation of the Head, based on the report of the Deputy Head of the department, that such extra assistance is required, authorizes the employment of such number of temporary clerks as are required to carry on the work of the department.

2. Every such clerk shall, however, before appointment obtain a certificate of qualification from the Commission, given upon evidence satisfactory to it that he possesses the requisite knowledge and ability and is duly qualified as to age, health, character and habits.

3. No such temporary clerk shall be employed for more than four months in any year. (*Section* 94.)

Transfer of employees at Ottawa to Inside Service.

24. Any person now employed at Ottawa or at the experimental farm station or the Dominion astronomical observatory, near Ottawa, in the public service, or in any part of the Outside Service to which the provisions of this Act relating to the Inside Service are made applicable, may be placed in the Inside Service by the Governor in Council upon the recommendation of the Head of the department based on the report of the Deputy Head.

Employment of those not transferred.

25. Any person now employed at Ottawa, or at the experimental farm station or the Dominion astronomical observatory near Ottawa, in the public service, and not so placed in the Inside Service may be continued in the service as a temporary clerk, and paid out of the appropriation from which he is now paid, until the close of the present fiscal year, but no longer.

PROMOTIONS.

Promotion by merit.

26. Promotion shall be made for merit by the Governor in Council upon the recommendation of the Head of the department, based on the report of the Deputy Head and accompanied by a certificate of qualification by the Commission to be given with or without examination, as is determined by the regulations of the Commission. (*Sections* 22, *and* 43 *et seq.*)

Promotion from Second Division to First.

27. Except as herein otherwise provided, vacancies in the first division shall be filled by promotions from the second division. (*Sections* 22, *and* 43 *et seq.*)

Promotion to Second Division.

28. Clerks in the third division shall be permitted to enter for the open competitive examination for the second division, after such term of service and under such other conditions as are determined by regulations made by the Governor in Council, on the recommendation of the Commission.

2. Clerks now holding the rank of junior second class clerks, and placed in the third division upon the coming into force of this Act, may, by the Governor in Council, upon the recommendation of the Head of the department, based on the report of the Deputy Head, be promoted from the third division to the second division without an open competitive examination. (*Sections* 22, *and* 43 *et seq.*)

SALARIES.

R.S., c. 16, new sections 53 to 57.

29. Sections 53 to 57 of *The Civil Service Act*, both inclusive, are repealed and the following are substituted therefor:—

Salary of Deputy Head.

"**53.** The salary of a Deputy Head administering a department shall be five thousand dollars per annum.

Salary of Deputy Minister of Justice.

"**54.** The Deputy Minister of Justice may, if at the time of his appointment he is a barrister of at least ten years' standing, be paid a salary of six thousand dollars per annum.

Salary of Deputy Minister of Finance.

"**55.** The Deputy Minister of Finance may, if at the time of his appointment he has been for at least ten years in the service of one or more of the chartered banks of Canada, as general manager or as manager of a branch, or in both capacities, be paid a salary of six thousand dollars per annum.

Salary of Deputy Minister of Railway and Canals.

"**56.** The Deputy Minister of Railways and Canals may, if he is also chief engineer of Railways and Canals and is at the time of his appointment a civil engineer of at least ten years' standing, be paid a salary of eight thousand dollars per annum.

Salary of Deputy Minister of Agriculture.

"**57.** The Deputy Minister of Agriculture may, if he is also Deputy Commissioner of Patents and is at the time of his appointment a barrister of at least ten years' standing, be paid a salary of six thousand dollars per annum."

Salaries in First Division.

30. In the first division, the minimum and maximum salaries shall be as follows:—

In subdivision A, $2,800 to $4,000;
In subdivision B, 2,100 to 2,800.
(*Sections 62 and 65.*)

Salaries in Second Division.

31. In the second division, the minimum and maximum salaries shall be as follows:—

In subdivision A, $1,600 to $2,100;
In subdivision B, 800 to 1,600.
(*Sections 67 and 69.*)

32. In the third division, the minimum and maximum salaries shall be as follows:— Salaries in Third Division.

In subdivision A, $900 to $1,200;

In subdivision B, 500 to 800.

(*Sections* 71 *and* 75.)

33. The salary of a temporary clerk shall be the minimum salary of the grade or division for which he has successfully competed: Provided that the salary of a temporary clerk employed under section 23 of this Act shall be the minimum salary of subdivision B of the third division. (*Section* 98.) Salaries of temporary clerks.

34. For the position of messenger, porter, sorter, packer, and such other positions in the lower grades as are determined by the Governor in Council, the minimum and maximum salaries shall be $500 and $700. (*Section* 80.) Salaries of messengers, porters, &c.

35. The salary on appointment shall be the minimum salary attached to the position: Provided that, in exceptional cases, a further sum, not exceeding $500, may be added to the said salary by the Governor in Council upon the recommendation of the head of the department, based on the report of the deputy head accompanied by the certificate of the Commission: Provided always that such salary shall not exceed the maximum salary of the subdivision to which the appointment is made. (*Section* 82.) Salary on appointment.

36. If a person, on his appointment or promotion to any office or position, is in receipt of a salary in the Service greater than the minimum salary of the office or position to which he is appointed or promoted, he may be appointed or promoted at the salary which he is then receiving if it does not exceed the maximum salary of the said office or position. (*Section* 84.) Salary on promotion.

37. Nothing in this Act shall be held to reduce the status of any clerk in the Service; and if the salary of any such clerk is less than the minimum salary of his subdivision under the provisions of this Act, his salary may forthwith be increased to such minimum. (*Section* 91.) Status preserved.

38. Any person transferred under section 24 of this Act may be placed in the Inside Service at a salary not exceeding that which he is receiving at the time, and the said salary shall determine his classification, notwithstanding anything to the contrary: Provided that where the amount of the salary is common to two subdivisions, the classification shall be determined by the Governor in Council. (*Sections* 61 *to* 78.) Salary on transfer from Outside Service.

39. Unless the official record, to be kept in the manner hereinafter set forth, shows him to be undeserving thereof, there may be given to every officer, clerk, or other employee, an annual increase of $50, until the maximum of his subdivision is reached. Annual increase.

2. In case of exceptional merit a further increase, not exceeding $50, may be given.

3. The said increase shall only be given by the Governor in Council upon the recommendation of the head of the department based on the report of the deputy head and accompanied by a certificate of merit from the Commission. (*Section* 85.)

No extra salary except by special vote.

40. No salary or additional remuneration beyond the regular salary of the office he holds shall be paid to any deputy head, officer, clerk, or employee in the Civil Service, or to any other person permanently employed in the public service, except by a special vote of Parliament, in which the name of the person who is to receive the remuneration shall be given; and no vote expressed to be made generally notwithstanding anything in *The Civil Service Act* shall be deemed sufficient to authorize the payment of any such additional salary or remuneration. (*Section* 90.)

GENERAL.

Private secretaries.

41. Any person chosen by a Minister to be his private secretary may, without examination and irrespective of age, be appointed for a period not exceeding one year, and paid as a clerk in subdivision B of the Second Division, and after one year's services as such secretary he shall be deemed to be permanently appointed to such rank. (*Section* 81.)

Record of employees.

42. A record of the conduct and efficiency of all officers, clerks and employees below the first division shall be kept in each department.

2. Such records shall be established by means of reports, to be furnished to the deputy head at least every three months by the chiefs of branches.

3. At the end of each year, and oftener if required by it, copies of these reports shall be sent to the Commission by the deputy head. (*Section* 105.)

Payment on death of employee.

43. If a person dies while in the public service, after having been at least two years therein, an amount equal to two months of his salary shall be paid to his widow or to such person as the Treasury Board determines.

Attempt to influence Commission.

44. Any person who directly or indirectly solicits or endeavours to influence a member of the Commission in favour of his appointment, promotion or increase of salary, shall be deemed to be unworthy of such appointment, promotion or increase, and it shall not be accorded him; and if he is employed in the Civil Service, he shall be liable to immediate dismissal. (*Section* 104.)

Administration of Act and report to Parliament.

45. The Secretary of State shall be charged with the administration of this Act and shall lay before Parliament, within fifteen days after the commencement of each session, a report of the proceedings of the Commission under this Act during the preceding year. (*Section* 7, *subsection* 7.)

Appropriation of moneys.

46. All sums of money voted by Parliament for the financial year ending on the thirty-first day of March, 1909, and applicable to the payment of the salaries or the increases to the salaries of

any persons in the public service, shall, in the event of the promotion of any such persons to higher divisions or grades, or on their transfer to other positions in the public service, or on their becoming entitled to, or being granted, increases of salary under the provisions of this Act, be applicable to the payment of the salaries or increases to the salaries of such persons so promoted or transferred, or becoming entitled to, or being granted, such increases; and during the said financial year there may be paid out of the Consolidated Revenue Fund of Canada such sums of money as have not been voted by Parliament but are required for the payment of such salaries and increases of salaries as are authorized by this Act.

No. 189.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

BILL.

An Act to amend the Civil Service Act.

First reading, June 17, 1908.

Mr. Fisher.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

Reprinted as amended in Committee of the Whole.

The references in italics are to sections of the Civil Service Act.

No. 189.] **BILL.** [1907-8

An Act to amend the Civil Service Act.

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

SHORT TITLE.

1. This Act may be cited as *The Civil Service Amendment Act,* 1908. (*Section* 1.) Short title.

INTERPRETATION.

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

(*a*) "Commission" means the Civil Service Commission hereby constituted;

(*b*) "Deputy Head," in addition to the officers mentioned in paragraph (*b*) of section 2 of *The Civil Service Act,* includes the Clerks of both Houses and the Librarians of Parliament;

(*c*) "Head of a Department," in addition to the Ministers mentioned in paragraph (*a*) of section 2 of *The Civil Service Act,* includes the Speakers of both Houses. (*Section* 2.)

CONSTITUTION.

3. The Civil Service shall be divided into two divisions, namely, Two divisions.

The Inside Service, which shall consist of that part of the service in or under the several departments of the Executive Government of Canada and in the offices of the Auditor General, the Clerk of the Privy Council, and the military secretary of the Governor General, employed at the city of Ottawa, and at the experimental farm station and the Dominion astronomical observatory near Ottawa, and shall include also the permanent officers, clerks, and employees of both Houses of Parliament and of the Library of Parliament; and Inside Service.

The Outside Service, which shall consist of the rest of the Civil Service. (*Section* 4.)

4. Sections 5 to 28, both inclusive, and 30 to 42, both inclusive, of this Act apply only to the Inside Service. Outside Service.

2. As regards the Inside Service only, the following sections and schedule of *The Civil Service Act* are repealed: 4, 16 to 26, Application to Inside Service.

both inclusive, 32 to 37, both inclusive, 40, 41, 43, 46, 61 to 78, both inclusive, 80, 82, 84, 85, 90, 91, 94, 97, 98 and 99, and schedule A.

Application to Outside Service.

3. The Governor in Council may, by Order in Council to be published in the *Canada Gazette*, bring the whole or any part of the Outside Service under the same provisions of the law as the Inside Service. (*Section* 3.)

Classification of Inside Service.

5. The Inside Service under the Deputy Heads, excluding messengers, porters, sorters and packers, and such other appointments and employments in the lower grades as are determined by the Governor in Council, shall be divided into three divisions.

2. The First Division shall be divided into—

Subdivision A, consisting of officers having the rank of Deputy Heads but not being Deputy Heads administering Departments, Assistant Deputy Ministers, and the principal technical and administrative and executive officers;

Subdivision B, consisting of the lesser technical and administrative and executive officers, including the chief clerks now holding office and not eligible for subdivision A.

3. The Second Division shall consist of certain other clerks, having technical, administrative, executive, or other duties which are of the same character as, but of less importance and responsibility than, those of the first division. This division shall be divided into subdivisions A and B.

4. The Third Division shall consist of the other clerks in the Service whose duties are copying and routine work, under direct supervision, of less importance than that of the second division. This division shall be divided into subdivisions A and B. (*Sections* 61 *to* 78.)

Second and third divisions.

6. Clerks now holding the rank of first class shall be placed in subdivision A of the Second Division.

2. Clerks now holding the rank of senior second class shall be placed in subdivision B of the Second Division.

3. Clerks now holding the rank of junior second class shall be placed in subdivision A of the Third Division.

4. Third class clerks and temporary clerks paid out of Civil Government Contingencies shall be placed in subdivision B of the Third Division. (*Sections* 61 *to* 78.)

Application to present Inside Service.

7. Except as herein otherwise provided, all persons now employed in the first or inside departmental division, as defined by paragraph (*a*) of section 4 of *The Civil Service Act*, including temporary clerks paid out of Civil Government Contingencies, shall, upon the coming into force of this Act, be classified according to their salaries under this Act.

Organization of departments.

8. As soon as practicable after the coming into force of the Act, the Head of each department shall cause the organization of his department to be determined and defined by Order in Council.

2. The Order in Council shall give the names of the several branches of the department, with the number and character of the offices, clerkships and other positions in each and the duties, titles and salaries thereafter to pertain thereto.

3. After being so determined and defined, the organization of a department shall not be changed except by Order in Council.

4. Copies of such Orders in Council shall be sent to the Commission.

CIVIL SERVICE COMMISSION.

Civil Service Commission constituted.

9. There shall be a Commission, to be called the Civil Service Commission, consisting of two members appointed by the Governor in Council.

2. The rank, standing and salary of each commissioner shall be those of a deputy head of a department; and each commissioner shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons. (*Section* 7.)

Its duties.

10. The duties of the Commission shall be—

(*a*) to test and pass upon the qualifications of candidates for admission to the service, and for promotion in the service, and to issue certificates with respect thereto where required under this Act or regulations made thereunder;

(*b*) of its own motion to investigate and report upon the violation of any of the provisions of *The Civil Service Act* or of this Act or of any regulation made under either of the said Acts, and upon the request of the head of a department with the approval of the Governor in Council, to investigate and report upon the organization of the department, the conduct and efficiency of its officers, clerks and other employees, and any other matter relative to the department; and in connection with, and for the purposes of, any such investigation the Governor in Council may invest the commission with all or any of the powers vested in a commissioner appointed under Part II. of *The Inquiries Act;*

(*c*) such other duties as are assigned to it by the Governor in Council.

2. Such duties shall be performed in accordance with regulations made by the Commission and approved by the Governor in Council.

3. A commissioner shall not hold any other office or engage in any other employment. (*Section* 7.)

Civil Service examiners and examinations.

11. The present Civil Service Examiners shall continue to hold office during pleasure, and shall be under the direction of the Commission.

2. The powers of the Civil Service examiners as a board under sections 7 to 15, both inclusive, of *The Civil Service Act* shall be vested in, and may be exercised by, the Commission; and for the purposes of the said sections, either member of the Commission may exercise any function or power vested by the said sections in the chairman of the board.

3 The said sections shall, so far as they are applicable and with the necessary modifications, apply to examinations under this Act.

4. Such further examiners as are deemed necessary may be appointed by the Commission. (*Section* 7.)

Oath of office

12. Each commissioner shall, before entering upon the duties of his office, take and subscribe, before the Clerk of the Privy Council, an oath that he will faithfully and honestly perform the duties devolving upon him as commissioner. (*Section* 106.)

APPOINTMENTS.

Competitive admission examinations.

13. Except as herein otherwise provided, admission to the Inside Service shall be by competitive examination, which shall be of such a nature as will determine the qualifications of candidates for the particular positions to which they are to be appointed, and shall be held by the Commission from time to time in accordance with the regulations made by it and approved by the Governor in Council. (*Section* 16.)

Qualification of candidates.

14. No person shall be admitted to such an examination unless he is a natural-born or naturalized British subject, and has been a resident of Canada for at least three years, and is, at the time of the examination, of the full age of eighteen years and not more than thirty-five years, and presents the required certificates as to health, character, and habits. (*Section 31.*)

Computation of number of vacancies.

15. Before holding any such examination the Commission shall require each head of a department to furnish it with the number of additional permanent officers or clerks likely to be required in his department within the next six months.

2. On this basis, and having regard also to the requirement of the several departments for temporary services, a computation shall be made by the Commission of the number of competitors to be selected at the next ensuing examination.

3. If there remain from a previous examination successful competitors who have not received appointments, their number shall be deducted in making the computation, and their names, in the order of merit, shall be placed at the top of the list to be prepared in accordance with section 17 of this Act. (*Section* 21.)

Notice of examinations.

16. Thereupon due notice of the examination shall be given by the Commission, stating the character and number of the positions to be competed for. (*Section* 28.)

List of successful competitors.

17. Immediately after the examination the Commission shall make out a list of the successful competitors thereat for each position, in the order of merit, up to the number computed in accordance with section 15. (*Section* 29.)

Selections to fill vacancies.

18. From the said list the Commission, on the application of the Deputy Head, with the approval of the Head, of any department, shall supply the required clerks, whether for permanent or temporary duty.

2. The selections shall be, so far as practicable, in the order of the names on the list, but the Commission may select any person who in his examination shows special qualifications for any particular subject.

3. The Commission shall forthwith notify the Treasury Board and the Auditor General of the name and position in the Service of each clerk supplied to any Department and also of the rejection of any such clerk during his probationary term.

4. Assignment for temporary duty shall not prejudice the right to assignment for permanent duty.

5. No clerk supplied for temporary duty shall be so employed for more than six months in any year. (*Section* 32.)

Rejection during probation.

19. The Head of the Department, on the report in writing of the Deputy Head, may, at any time after two months from the date of assignment, and before the expiration of six months, reject any person assigned to his department.

2. The cause of the rejection shall be reported by the Deputy Head to the Commission, who shall thereupon select another person to take the place of the one rejected, and decide whether the latter shall be struck off the list or allowed a trial in another department. (*Sections* 34 *and* 36.)

Probationary service.

20. After a person so selected has served a probationary term of six months, he shall be deemed to be permanently accepted for the service. (*Section* 35.)

Professional and specially qualified officers.

21. If the Deputy Head reports that the knowledge and ability requisite for the position are wholly or in part professional, technical or otherwise peculiar, the Governor in Council, upon the recommendation of the Head of the department based on the report of the Deputy Head, may appoint a person to the position without examination and without reference to the age limit, provided the said person obtains from the Commission a certificate, given upon evidence satisfactory to it, that he possesses the requisite knowledge and ability and is duly qualified as to health, character and habits. (*Section* 37.)

Messengers, packers, &c.

22. Appointments to the positions of messenger, porter, sorter and packer, and to such other positions in the lower grades as are determined by the Governor in Council, may be made by the Governor in Council upon the recommendation of the Head of the department based on the report in writing of the Deputy Head, and accompanied by a certificate of qualification from the Commission, given upon evidence satisfactory to it that the person applying for the appointment possesses the requisite knowledge and ability and is duly qualified as to age, health, character and habits. (*Section* 79.)

Temporary clerks.

23. When, from a temporary pressure of work, extra assistance in excess of those whose names are on the list of successful competitors is required in the Inside Service of any department, the Governor in Council may, upon the recommendation of the Head, based on the report of the Deputy Head of the department, that such extra assistance is required, authorize the employment of such number of temporary clerks as are required to carry on the work of the department.

2. Every such clerk shall, however, before appointment obtain a certificate of qualification from the Commission, given upon evidence satisfactory to it that he possesses the requisite knowledge and ability and is duly qualified as to age, health, character and habits.

3. No such temporary clerk shall be employed for more than four months in any year. (*Section* 94.)

Transfer of employees at Ottawa to Inside Service.

24. Any person now employed at Ottawa or at the experimental farm station or the Dominion astronomical observatory, near Ottawa, in the public service, or in any part of the Outside Service to which the provisions of this Act relating to the Inside Service are made applicable, may be placed in the Inside Service by the Governor in Council upon the recommendation of the Head of the department based on the report of the Deputy Head.

Employment of those not transferred.

25. Any person now employed at Ottawa, or at the experimental farm station or the Dominion astronomical observatory near Ottawa, in the public service, and not so placed in the Inside Service may be continued in the service as a temporary clerk, and paid out of the appropriation from which he is now paid, until the close of the present fiscal year, but no longer.

PROMOTIONS.

Promotion by merit.

26. Promotion, other than from the third to the second division, shall be made for merit by the Governor in Council upon the recommendation of the Head of the department, based on the report in writing of the Deputy Head and accompanied by a certificate of qualification by the Commission to be given with or without examination, as is determined by the regulations of the Commission. (*Sections* 22, *and* 43 *et seq.*)

Promotion from Second Division to First.

27. Except as herein otherwise provided, vacancies in the first division shall be filled by promotions from the second division. (*Sections* 22, *and* 43 *et seq.*)

Promotion to Second Division.

28. Clerks in the third division shall be permitted to enter for the open competitive examination for the second division, after such term of service and under such other conditions as are determined by regulations made by the Governor in Council, on the recommendation of the Commission.

2. Any person placed in the third division upon the coming into force of this Act, may, by the Governor in Council, upon the recommendation of the Head of the department, based on the report of the Deputy Head, and accompanied by a certificate of qualification by the Commission, to be given with or without examination, as is determined by the regulations of the Commission, be promoted from the third division to the second division without an open competitive examination. (*Sections* 22, *and* 43 *et seq.*)

SALARIES.

Salary of Deputy Head.

29. The salary of a Deputy Head administering a department, and of the Clerks of the Senate and the House of Commons,

and of each of the Librarians of Parliament, shall be five thousand dollars per annum.

2. Sections 53 to 57 of *The Civil Service Act*, both inclusive, are repealed. R.S., c. 16, sections 53 to 57 repealed.

30. In the first division, the minimum and maximum salaries shall be as follows:— Salaries in First Division.

In subdivision A, $2,800 to $4,000;
In subdivision B, 2,100 to 2,800.
(*Sections 62 and* 55.)

31. In the second division, the minimum and maximum salaries shall be as follows:— Salaries in Second Division.

In subdivision A, $1,600 to $2,100;
In subdivision B, 800 to 1,600.
(*Sections 67 and* 69.)

32. In the third division, the minimum and maximum salaries shall be as follows:— Salaries in Third Division.

In subdivision A, $900 to $1,200;
In subdivision B, 500 to 800.
(*Sections* 71 *and* 75.)

33. The salary of a temporary clerk shall be the minimum salary of the grade or division for which he has successfully competed: Provided that the salary of a temporary clerk employed under section 23 of this Act shall be the minimum salary of subdivision B of the third division. (*Section* 98.) Salaries of temporary clerks.

34. For the position of messenger, porter, sorter, packer, and such other positions in the lower grades as are determined by the Governor in Council, the minimum and maximum salaries shall be $500 and $800, and, unless the official record, to be kept as hereinafter provided, shows him to be undeserving thereof, there may be given to every person holding such a position an annual increase of fifty dollars until the maximum is reached. Salaries of messengers, porters, &c.

2. Every person now holding such a position in the service, whether permanent or temporary, shall be continued in the like position under this Act at his present salary with the same tenure of office as if appointed the said position under this Act and shall be eligible for annual increase as in this section provided. (*Section* 80.)

35. The salary on appointment shall be the minimum salary attached to the position: Provided that, in case the qualifications required for the performance of the duties of a position are of an exceptional character, a further sum, not exceeding $500, may be added to the said salary by the Governor in Council upon the recommendation of the head of the department, based on the report of the deputy head accompanied by the certificate of the Commission that the person proposed to be appointed possesses the qualifications required for the performance of the duties of the said position: Provided always that such salary shall not exceed the maximum salary of the subdivision to which the appointment is made. (*Section* 82.) Salary on appointment.

Salary on promotion.

36. If a person, on his appointment or promotion to any office or position, is in receipt of a salary in the Service greater than the minimum salary of the office or position to which he is appointed or promoted, he may be appointed or promoted at the salary which he is then receiving if it does not exceed the maximum salary of the said office or position. (*Section* 84.)

Status preserved.

37. Nothing in this Act shall be held to reduce the status of any officer, clerk or employee in the Service; and if the salary of any such officer, clerk or employee is less than the minimum salary of his subdivision or position under the provisions of this Act, his salary may forthwith be increased to such minimum. (*Section* 91.)

Salary on transfer from Outside Service.

38. Any person transferred under section 24 of this Act may be placed in the Inside Service at a salary not exceeding that which he is receiving at the time, and the said salary shall determine his classification, notwithstanding anything to the contrary: Provided that where the amount of the salary is common to two subdivisions, the classification shall be determined by the Governor in Council. (*Sections* 61 *to* 78.)

Annual increase.

39. There may be given to every officer in the first division an annual increase of one hundred dollars, until the maximum of his subdivision is reached.

2. Unless the official record, to be kept in the manner hereinafter set forth, shows him to be undeserving thereof, there may be given to every officer, clerk, or other employee in any subdivision of the second or third divisions an annual increase of $50, until the maximum of his subdivision is reached.

3. In case of exceptional merit a further increase, not exceeding $50, may be given in the second and third divisions.

4. The said increase shall only be authorized by the Governor in Council upon the recommendation of the head of the department based on the report of the deputy head and, in the case of officers, clerks, and other employees of the second and third divisions to whom a further increase is recommended, accompanied by a certificate of merit from the Commission. (*Section* 85.)

No extra salary except by special vote.

40. No salary or additional remuneration beyond the regular salary of the office he holds shall be paid to any deputy head, officer, clerk, or employee in the Civil Service, or to any other person permanently employed in the public service, except by a special vote of Parliament, in which the name of the person who is to receive the remuneration shall be given; and no vote expressed to be made generally "notwithstanding anything in *The Civil Service Act*" shall be deemed sufficient to authorize the payment of any such additional salary or remuneration. (*Section* 90.)

GENERAL.

Private secretaries.

41. Any person chosen by a Minister to be his private secretary may, without examination and irrespective of age, be appointed for a period not exceeding one year, and paid as a

clerk in subdivision B of the Second Division, and after one year's services as such secretary he shall be deemed to be appointed to such rank. (*Section* 81.)

Record of employees.

42. A record of the conduct and efficiency of all officers, clerks and employees below the first division shall be kept in each department.

2. Such records shall be established by means of reports, to be furnished to the deputy head at least every three months by the chiefs of branches.

3. At the end of each year, and oftener if required by it, copies of these reports shall be sent to the Commission by the deputy head.

4. Such reports, if adverse or unfavourable, shall be shown to the persons respecting whom they are made. (*Section* 105.)

Payment on death of employee.

43. If a person dies while in the public service, after having been at least two years therein, an amount equal to two months of his salary shall be paid to his widow or to such person as the Treasury Board determines.

Attempt to influence Commission.

44. No person shall, directly or indirectly, solicit or endeavour to influence a member of the Commission with respect to the appointment of any person to the Service, or with respect to the promotion of, or an increase of salary to, any officer, clerk, or employee in the Service.

2. Any person who, directly or indirectly, solicits or endeavours to influence a member of the Commission in favour of his appointment, promotion or increase of salary, shall be deemed to be unworthy of such appointment, promotion or increase, and it shall not be accorded him; and if he is employed in the Civil Service, he shall be liable to immediate dismissal. (*Section* 104.)

Administration of Act and report to Parliament.

45. The Secretary of State shall be charged with the administration of this Act and shall lay before Parliament, within fifteen days after the commencement of each session, a report of the proceedings of the Commission under this Act during the preceding year. (*Section* 7, *subsection* 7.)

Appropriation of moneys.

46. All sums of money voted by Parliament for the financial year ending on the thirty-first day of March, 1909, and applicable to the payment of the salaries or the increases to the salaries of any persons in the public service, shall, in the event of the promotion of any such persons to higher divisions or grades, or on their transfer to other positions in the public service, or on their becoming entitled to, or being granted, increases of salary under the provisions of this Act, be applicable to the payment of the salaries or increases to the salaries of such persons so promoted or transferred, or becoming entitled to, or being granted, such increases; and during the said financial year there may be paid out of the Consolidated Revenue Fund of Canada such sums of money as have not been voted by Parliament but are required for the payment of such salaries and increases of salaries as are authorized by this Act.

No. 189.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Civil Service Act.

Reprinted as amended in Committee of the Whole.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 191.] **BILL.** [1907-8

An Act respecting the payment of bounties on lead contained in lead-bearing ores mined in Canada.

Preamble.

1903, c. 31; 1904, cc. 20 and 21.

WHEREAS under the provisions of an Act passed on the 24th day of October, 1903, being chapter 31 of the Acts of 1903, payment of a bounty on lead contained in lead-bearing ores mined in Canada, not to exceed five hundred thousand dollars in any fiscal year, was authorized to be paid until the thirtieth day of June, 1908; and whereas the total amount of bounty paid thereunder up to the thirty-first day of March, 1908, was six hundred and sixty-six thousand nine hundred and twenty-two dollars, and it is estimated that a further amount of forty-five thousand dollars will be payable on or before the thirtieth day of June, 1908, leaving unexpended about one million seven hundred and eighty-eight thousand and seventy-eight dollars of the total amount authorized to be paid under the provisions of the said chapter 31: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Bounties on lead refined in Canada.

Reduction if price of pig lead rises.

1. The Governor in Council may authorize the payment of a bounty of seventy-five cents per one hundred pounds on lead contained in lead-bearing ores mined in Canada, on and after the first day of July, 1908, such bounty to be paid to the producer or vendor of such ores: Provided that when it appears to the satisfaction of the Minister charged with the administration of this Act that the standard price of pig lead in London, England, exceeds fourteen pounds ten shillings sterling per ton of two thousand two hundred and forty pounds, such bounty shall be reduced by the amount of such excess.

Limitation of amount.

2. The total amount of bounty payable under the provisions of chapter 31 of the Acts of 1903, and of this Act, shall not exceed two million five hundred thousand dollars.

Mode of payment.

2. Payment of the said bounty may be made from time to time to the extent of sixty per cent upon smelter returns showing that the ore has been delivered for smelting at a smelter in Canada. The remaining forty per cent may be paid at the close of the fiscal year, upon evidence that all such ore has been smelted in Canada.

Bounty on lead in ore exported.

3. If at any time it appears to the satisfaction of the Governor in Council that the charges for transportation and treatment of lead ores in Canada are excessive, or that there is any discrimination which prevents the smelting of such ores in Canada on

fair and reasonable terms, the Governor in Council may authorize the payment of bounty, at such reduced rates as he deems just, on the lead contained in such ores mined in Canada and exported for treatment abroad.

Bounty when ore is not smelted.

4. If at any time it appears to the satisfaction of the Governor in Council that products of lead are manufactured in Canada direct from lead ores mined in Canada without the intervention of the smelting process, the Governor in Council may make such provision as he deems equitable to extend the benefits of this Act to the producers of such ores.

Duration of Act.

5. The bounties payable under the provisions of this Act shall cease and determine on the thirtieth day of June, one thousand nine hundred and thirteen.

Regulations.

6. The Governor in Council may make regulations for carrying out the intention of this Act.

No. 191.

4th Session, 10th Parliament, 7-8 Edw

BILL.

An Act respecting the paymen on lead contained in lead- mined in Canada.

First reading, June 19,

MR.

OTTAWA
Printed by S. E. Dawso
Printer to the King's most Excelle
1907-8

No. 193.] **BILL.** [1907-8

An Act to amend the Timber Marking Act.

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

1. Section 2 of *The Timber Marking Act* is amended by striking out the word "and" in the fourth line, and inserting after the word "Quebec", in the said line, the words "and New Brunswick". R.S., c. 72, sec. 2 amended.

2. Section 11 of the said Act is amended by striking out the word "and" in the third line, and inserting after the word "Quebec", in the fourth line, the words "and New Brunswick". Sec. 11 amended.

No. 193.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Timber Marking Act.

First reading, June 23, 1908.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 194.[**BILL.** [1907-8

An Act to amend the Customs Act.

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

1. Section 21 of *The Customs Act*, chapter 48 of the Revised Statutes, 1906, is amended by adding thereto the following subsection: R.S., c. 48, s. 21 amended.

"2. The said conductor shall, at the time of making his report, if required by the officer, produce to him the way bills of all goods on board his train or true copies thereof." Production of way bills.

2. The said Act is amended by inserting the following section immediately after section 69: New sec. 70.

"**70.** The equipments or any part thereof, including boats purchased or supplied in a foreign country for, or the expenses of repairs made in a foreign country upon, a vessel intended to be employed, or which is thereafter employed, in the coasting trade of Canada, shall, on the arrival of the vessel in any port of Canada, if arriving within one year after the repairs have been made or the equipments have been purchased or supplied, be liable to entry and the payment of duty on the cost thereof in the foreign country at the following rates: (*a*) on the expenses of repairs, twenty-five per cent *ad valorem*; (*b*) on equipments, including boats, the same rate of duty as if the articles were imported into Canada in the ordinary course. Duty on equipment and repairs of coasting vessels.

"2. If the owner or master of the vessel wilfully and knowingly neglects or fails to report, make entry and pay duties as by this section required, the vessel, with her tackle, apparel and furniture, shall be seized and forfeited. Penalty.

"3. If, however, the owner or master of the vessel furnishes good and sufficient evidence that the vessel, while in the regular course of her voyage, was compelled by stress of weather or casualty to put into a foreign port to make the said repairs, to secure the safety of the vessel and enable her to reach her port of destination, the Minister of Customs may authorize the refund of the duties on the repairs, and the vessel shall not be liable to forfeiture under the next preceding subsection." Exception.

3. Officers of Customs examining baggage, inspectors of Customs and their assistants, and other duly accredited officials of the Department of Customs, with their baggage and their equipment, shall, at all times when it is so required by the Minister of Customs, be carried free of charge on any steamship Free carriage of officers of Customs.

or steamboat navigating the waters of Canada, and on any railway in Canada, provided such railway, steamboat or steamship participates in the transportation of goods in bond under Customs manifests in Canada.

No 194.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Customs Act.

First reading, June 25, 1908.

Mr. PATERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 199.] **BILL.** [1907-8

An Act to provide for the payment of Bounties on Crude Petroleum.

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

1. This Act may be cited as *The Petroleum Bounty Act*, 1908. Short title.

2. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of a bounty of one and one-half cent per imperial gallon on all crude petroleum, having a specific gravity not less than .8235 at 60 degrees by Fahrenheit's thermometer produced from wells in Canada or from shales or other substances mined in Canada on and after the day on which this Act comes into force,—the said bounty to be paid to the producer of the petroleum, or to such other person interested as the Governor in Council by regulation approves. Bounty on petroleum.

3. The Minister of Trade and Commerce shall be charged with the administration of this Act, and may, subject to the approval of the Governor in Council, make such regulations as he deems necessary respecting the payment of the said bounties. Administration and regulations.

4. *The Petroleum Bounty Act*, 1904, chapter 28 of the statutes of 1904, is repealed. Repeal.

No. 199.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to provide for the payment of Bounties on Crude Petroleum.

First reading, July 8, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 200.] **BILL.** [1907-8

An Act respecting the Salary of the Superintendent of Insurance.

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

1. Subsection 1 of section 34 of *The Insurance Act*, chapter 34 of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:— R. S., c. 34, s. 34 amended.

"**34.** The Governor in Council may appoint an officer, to be called the Superintendent of Insurance, who shall have the rank of a deputy head of a department, provided that the possession of such rank shall not be deemed to confer the office of deputy head upon the Superintendent nor affect the administration of the department to which he is attached; and such officer shall be paid such salary, not exceeding five thousand dollars per annum, as the Governor in Council may, from time to time, fix and determine." Superintendent's rank and salary.

No. 200.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

BILL.

An Act respecting the Salary of the Superintendent of Insurance.

First reading, July 8, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 201.] **BILL.** [1907-8

An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian Press.

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

Grant for British cable service for Canadian press.

1. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of the sums hereinafter mentioned for the purpose of maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press—

(*a*) For the period from the first day of July, 1908, to the thirty-first day of March, 1909, both days inclusive, a sum not exceeding nine thousand dollars;

(*b*) For the fiscal year terminating the thirty-first day of March, 1910, a sum not exceeding twelve thousand dollars;

(*c*) For the period from the first day of April, 1910, to the thirtieth day of June, 1910, both days inclusive, a sum not exceeding three thousand dollars.

Mode of payment.

Service to be open to all newspapers, and one-half cost to be paid by those benefiting.

2. The said sums may be paid, at such times and in such manner as the Minister of Finance determines, to an association or committee representing the proprietors of such newspapers as associate themselves for the purpose of maintaining such service: Provided, however, that no payment shall be made under the authority of this Act until the Minister of Finance has satisfied himself that the benefits of the service are open, on fair and reasonable terms, to all newspapers published in Canada, and that not less than one-half of the cost of maintaining the service is paid by the proprietors of the newspapers participating in the benefits thereof.

Regulations.

3. The Governor in Council may make regulations for carrying out the purposes of this Act.

No. 201.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian Press.

First reading, July 8, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 202.] **BILL.** [1907-8

An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony, on the Souris branch, to Elmira.

HIS 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, with the authority of the Governor in Council, construct a branch line of railway from Harmony, on the Souris Branch of the Prince Edward Island Railway, to Elmira, in King's county.

No. 202.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony, on the Souris branch, to Elmira.

First reading, July 8, 1908.

MR. GRAHAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

No. 204.] **BILL.** [1907-8

An Act to amend chapter 38 of the statutes of 1907 in amendment of the Railway Act.

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

1. Section 7 of chapter 38 of the statutes of 1907, intituled *An Act to amend the Railway Act*, is repealed. 1907, c. 38, s. 7 repealed.

No. 204.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend chapter 38 of the statutes of 1907 in amendment of the Railway Act.

First reading, July 10, 1908.

MR. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's Most Excellent Majesty
1907-8.

No. 205.] **BILL.** [1907-8

An Act to prohibit the importation, manufacture and sale of Opium for other than medicinal purposes.

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

Importation and sale of opium prohibited.

1. Every person is guilty of an indictable offence and liable to imprisonment for three years, or to a penalty not exceeding one thousand dollars and not less than dollars, or to both, who imports for other than medicinal purposes, under regulations to be established by the Department of Customs, any crude opium or powdered opium, or who manufactures, sells, or offers for sale, or has in his possession for sale, for other than medicinal purposes, any crude opium or powdered opium, or who imports, manufactures, sells, or offers for sale, or has in his possession for sale opium prepared for smoking.

No. 205.

4th Session. 10th Parliament. 7-8 Edward VII., 1907-8

BILL.

An Act to prohibit the importation, manufacture and sale of Opium for other than medicinal purposes.

First reading, July 10, 1908.

MR. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 206.] **BILL.** [1907-8

An Act to amend the Judges' Act.

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

1. Section 16 of *The Judges' Act*, chapter 138 of the Revised Statutes, 1906, is amended by striking out the paragraph relating to the judges of the county courts and district courts of the province of Ontario and substituting therefor the following:— R. S., c. 138, sec. 16 amended.

"*Ontario.*

"The Judge of the County Court of the County of York, $3,500 per annum; Judges of county and district courts.

"Sixty-nine other judges and junior judges of county courts and district courts, each $2,500 per annum during the first three years of service, and after three years of service, each $3,000 per annum."

2. The said section is further amended by striking out the paragraph relating to the judges of the county courts of the province of Manitoba and substituting therefor the following:— Section 16 further amended.

"*Manitoba.*

"Eight county court judges, each $2,500 per annum during the first three years of service, and after three years of service, each $3,000 per annum." Judges of county courts.

3. Sections 21, 22 and 23 of the said Act are repealed, and the following are substituted therefor:— New sections 21, 22 and 23.

"**21.** If any chief commissioner or assistant chief commissioner of the Board of Railway Commissioners for Canada, having been at the time of his appointment as such chief commissioner or assistant chief commissioner a judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of any superior court in Canada, or having resigned his office as such judge for the purpose of accepting appointment as such chief commissioner or assistant chief commissioner, has continued in office as judge of one or more of such courts and in the said office of chief commissioner or assistant chief commissioner for periods amounting together to twelve years or upwards, or has become afflicted with a permanent infirmity disabling him from the due execution of his office, and if such chief commissioner or assistant chief commissioner resigns his office, Pension of chief or assistant chief of Board of Railway Commissioners, if previously a judge.

or if his term of office, or any renewed term of office, has expired, His Majesty may, by letters patent under the Great Seal, reciting such periods of office or such permanent infirmity, grant to such chief commissioner or assistant chief commissioner an annuity equal to two-thirds of the salary of the judicial office which he held at the time of his appointment as such chief commissioner or assistant chief commissioner, or which he resigned for the purpose of accepting such appointment, to commence immediately after his so ceasing to hold office as such chief commissioner or assistant chief commissioner, and to continue thenceforth during his natural life."

Pension in certain cases equal to salary of judicial office.

"**22.** If any such chief commissioner or assistant chief commissioner of the Board of Railway Commissioners resigns his office or completes his terms of service, original or renewed, therein, having, in either such case,—

"(*a*) attained the age of seventy-five years, and continued in office as such judge and in the said office of chief commissioner or assistant chief commissioner for periods amounting together to twenty years or upwards; or,

(*b*) attained the age of seventy years, and continued in office as such judge and in the said office of chief commissioner or assistant chief commissioner for periods amounting together to twenty-five years or upwards; or,

"(*c*) continued in office as such judge and in the said office of chief commissioner or assistant chief commissioner for periods amounting together to thirty years or upwards;

His Majesty may, by letters patent under the Great Seal, reciting such period of service, and, in cases (*a*) and (*b*), such chief commissioner's or assistant chief commissioner's age, grant to him an annuity, payable as aforesaid, equal to the salary of the judicial office which he held at the time of his appointment as such chief commissioner or assistant chief commissioner, or which he resigned for the purpose of accepting such appointment, to commence immediately after his resignation as chief commissioner or assistant chief commissioner, and to continue thenceforth during his natural life."

If judicial salary was increased after he ceased to be judge.

"**23.** If, between the date of the appointment of any such chief commissioner or assistant chief commissioner, or of his resignation of his office as such judge and the date of his resignation of, or retirement from, the office of chief commissioner or assistant chief commissioner, the salary attached to the judicial office which he held at the time of his appointment, or which he resigned for the purpose of accepting appointment as such chief commissioner or assistant chief commissioner, has been increased, the annuity to be granted to him under this Act may be increased in the same proportion."

No. 206.

4th Session, 10th Parliament, 7-8 Edw

BILL.

An Act to amend the Ju

First reading, July 10,

MR. AYI

OTTAWA
Printed by S. E. DAWS
Printer to the King's most Excell
1907-8.

No. 209.] **BILL.** [1907-8

An Act to amend the Canada Shipping Act.

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

R. S., c. 113, new s. 958.

1. Section 958 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:—

Reciprocity in coasting trade.

"**958.** The Governor in Council may, from time to time,—

(*a*) by Order in Council declare that the foregoing provisions of this Part shall not, while such Order in Council is in force, apply, either throughout Canada or in any specified waters of Canada, to the ships or vessels, or to any specified, ascertained or ascertainable class or number of the ships or vessels, of any foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods or passengers from one port or place to another in such country; and

(*b*) revoke or vary such Order in Council."

Commencement of Act.

2. This Act shall not come into force until His Majesty's pleasure thereon has been signified by publication in the *Canada Gazette*.

No. 209.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Canada Shipping Act.

First reading, July 11, 1908.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 210.] **BILL.** [1907-8

An Act to amend the Northwest Territories Act.

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

R.S., c. 62, s. 33 repealed.

1. Section 33 of *The Northwest Territories Act*, chapter 62 of the Revised Statutes, 1906, is hereby repealed.

Jurisdiction of courts of adjoining provinces.

2. The superior courts of the provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, respectively, shall have and exercise in civil matters the like jurisdiction and powers with respect to persons and property in that portion of the North-west Territories which lies west of the eightieth meridian of west longitude, and with respect to actions, suits and proceedings affecting them, as they have with respect to persons and property within the territorial limits of their ordinary jurisdiction, and to actions, suits and proceedings affecting them.

Exercise of jurisdiction.

3. The jurisdiction hereby conferred may be exercised by any such court within the province in which its ordinary jurisdiction is exercised, and the procedure and practice of the court in the exercise of its ordinary jurisdiction shall, so far as applicable and except as hereinafter provided, apply to and in connection with the exercise of the jurisdiction so conferred.

Service of writ of summons.

4. In any such action, suit or proceeding the writ of summons or other initiatory proceeding shall not be served outside of the territorial limits of the ordinary jurisdiction of the court without leave of the court or of a judge thereof.

2. Such leave shall not be granted unless it is made to appear by affidavit that the plaintiff or claimant has a good cause of action upon the merits of the case—the grounds for such statement being set forth—nor if the court or judge is of opinion that the action, suit or proceeding ought not to be taken in the province in which the claimant or plaintiff is seeking to proceed, nor if in the opinion of the court or judge the action, suit or proceeding may be prosecuted more conveniently or with less expense in another province.

3. The court or judge may, in the order granting leave, limit a time for appearance and impose or prescribe such other conditions as are deemed reasonable or proper.

Alteration of procedure by courts.

5. From time to time as occasion requires, upon its appearing that the ordinary procedure or practice of the court is inapplicable to any such action, suit or proceeding, or that as applied thereto it would be inconvenient, the court or a judge thereof may make orders varying such procedure or practice with respect to such action, suit or proceeding.

No. 210.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Northwest Territories Act.

First reading, July 11, 1908.

MR. AYLESWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 211.] **BILL.** [1907-8

An Act to amend the Act of the present session intituled An Act respecting the Dominion Guarantee Company, Limited.

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

Act amended.

1. Section 3 of the Act mentioned in the preamble is amended by adding thereto the following subsection:—

Mortgage of property mentioned in agreement.

2. If it should hereafter be deemed necessary in the interests of the Company to mortgage or hypothecate the real property described in the said agreement for the purpose of raising money to repay the moneys loaned under and secured by the said agreement, or any portion thereof, the Company may mortgage or hypothecate the said property or any portion thereof for such purpose, and may, for the purpose of raising money to pay off any mortgage or hypothec thus created or any succeeding mortgage or hypothec created for a like purpose, mortgage or hypothecate the said property or any portion thereof: Provided, however, that no mortgage or hypothec made or created under the authority of this subsection shall be so made to secure a sum larger than $55,000.

No. 211.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act to amend the Act of the present session intituled An Act respecting the Dominion Guarantee Company, Limited.

First reading, July 13, 1908.

MR. PRINGLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 212.] **BILL.** [1907-8

An Act to amend the Criminal Code and to repeal section 415 of the Railway Act.

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

1. The Criminal Code, chapter 146 of the Revised Statutes, 1906, is hereby amended in the manner hereinafter set forth. R.S., c. 146. amended.

2. The French version of section 10 is amended by substituting *"dix-septième"* for *"septième"* in the second line, and by substituting *"sept"* for *"huit"* in the same line. Sec. 10 amended.

3. The French version of paragraph (*c*) of section 259 is amended by inserting after *"haut"* in the third line the words *"il a l'intention de porter à une personne des coups ou blessures qu'il sait être de nature à causer la mort,"* and by substituting *"erreur"* for *"maladresse"* in the same line. Sec. 259 amended.

4. The French version of section 260 is amended by adding after *"légale"* in the fifth line, the words *"de meurtre, de viol, de rapt, de vol."* Sec. 260.

5. Subsection 2 of section 335 is repealed, and the following is substituted therefor:— Sec. 335.

"2. An offer, printed or marked by the manufacturer upon any wrapper, box or receptacle, in which goods are sold, of a premium or reward for the return of such wrapper, box or receptacle, or a recognizable part thereof, to the manufacturer, is not a trading stamp within the meaning of this Part."

Note.—It has been pointed out that many manufacturers, particularly manufacturers of grocery supplies, put their goods up in packages or boxes so large that the return of the whole box or receptacle is impracticable. The words "or a recognizable part thereof, to the manufacturer" are new, the last three words being inserted to make the meaning more clear.

6. The following section is inserted immediately after section 405:— New Sec. 405A.

"**405A.** Every one is guilty of an indictable offence and liable to one year's imprisonment who, in incurring any debt or liability, obtains credit under false pretences, or by means of any fraud."

Note.—Obtaining credit on false pretences. This is new, although it was adopted in England in 1869 (*see* 32-33 Vic., c. 62, s. 13). It is called for chiefly in the interest of hotels and boarding-house keepers. In the case of R. *vs* Jones, 14 Times Law Reports, 79, it was held that the jury rightly found the defendant guilty of an offence under this section, as he had obtained credit for a meal at a estaurant not having the money to pay for it.

r

Sec. 499.

7. Section 499 is amended by inserting after the word "indictment" in the first and second lines the word "or."

Note.—Corrects a clerical or printer's error.

Sec. 699.

8. Section 699 is amended by inserting the word "such" after the word any"" in the fourth line thereof.

Note.—Corrects a clerical or printer's error.

Sec. 749.

9. Subsection 2 of section 749 is repealed.

Note.—This is the section providing for appeal from summary convictions and orders. Subsection 2 makes special provision for appeals in the district of Nipissing, and under it appeals from that district were formerly to the General Sessions for the county of Renfrew. This provision is now effete, the district having become the provisional judicial district of Nipissing with its own court of General Sessions, and with its own division courts. The subsection should therefore be repealed.

Sec. 781.

10. Section 781 is amended by striking out "(*g*), (*h*) or (*i*)" in the second line thereof, and substituting "or (*g*)."

Note.—Correct a clerical or printer's error. There are no paragraphs (*h*) and (*i*).

Sec. 783.

11. Section 783 is amended by striking out the words "before him" in the ninth line thereof.

Note.—To correct a clerical or printer's error.

Sec. 956.

12. Subsection 1 of section 956 is amended by striking out the words "or special" in the last line of the first subsection thereof.

Note.—The words to be struck out appear to have been inserted through an error of the printer.

Sec. 987.

13. Section 987 is repealed and the following is substituted therefor:—

"**987.** Whenever, on the trial of a person charged with making an agreement for the sale or purchase of shares, goods, wares or merchandise in the manner set forth in section two hundred and thirty-one, it is established that the person so charged has made or signed any such contract or agreement of sale or purchase, or has acted, aided or abetted in the making or signing thereof, the burden of proof of the bona fide intention to acquire or to sell such shares, goods, wares or merchandise, or to deliver or to receive delivery thereof, as the case may be, shall rest upon the person so charged.

Note.—This is to correct a clerical or printer's error, the word "shares" having been omitted where it occurs in the 8th line.

Sec. 1120.

14. Section 1120 is amended by inserting after the word "custody" in the eighth line the words "or any other judge or justice."

Note.—Corrects a clerical or printer's error.

R.S., c. 37, sec. 415 repealed.

15. Section 415 of *The Railway Act* is repealed.

No. 212.

4th Session, 10th Parliament, 7-8 Edwa

BILL.

An Act to amend the Crimina to repeal section 415 of t Act.

First reading, July 14, 1

MR. AYLE

OTTAWA
Printed by S. E. Dawso
Printer to the King's most Excelle
1907-8.

No. 213.] **BILL.** [1907-8

An Act respecting aid for the extension of the Edmonton, Yukon and Pacific Railway.

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

Government guarantee of bonds.

1. The Government of Canada may aid and assist the construction of a line of railway of the Edmonton, Yukon and Pacific Railway Company, hereinafter called "the Company," from a point on the Company's line of railway, or on the line of railway of the Edmonton and Slave Lake Railway Company, at or near Edmonton or Strathcona, in the province of Alberta, thence, in a generally western direction, to the coal areas, situated at or near the Brazeau river and the headwaters of the McLeod river, for a distance not exceeding one hundred and fifty miles, by guaranteeing the principal and interest of the bonds, debentures, debenture stocks or other securities, hereinafter called "securities," secured as hereinafter mentioned, of the said Company, or of its successors by amalgamation as hereinafter provided, to the extent of thirteen thousand dollars per mile for the first fifty miles of the line so aided, and, for the remainder of the said line, to the amount of twenty-five thousand dollars per mile, not exceeding in all one hundred and fifty miles, the interest upon the said securities to be at the rate of three and one-half per cent per annum, payable half-yearly, the principal to be payable in fifty years from the passing of this Act.

Security by first lien on line aided.

2. The said securities so guaranteed shall be secured by a deed or deeds of trust, by way of mortgage or charge, to a trustee or trustees, approved of by the Governor in Council, and such deed or deeds of trust shall respectively grant a first mortgage or charge upon the said line of railway so aided, and the right of way, station grounds, or other real estate and interest therein, buildings and other structures and improvements, rolling stock and equipment, plant, machinery, tools, supplies, materials, and other personal properties, present and future, acquired for the purposes of the said line so aided, and in connection with operating, repairing and maintaining it, and the tolls, incomes and revenues of the Company arising and to arise from the said line, and the rights, privileges, franchises and powers of the Company now or hereafter held with respect to and in connection with the said line and the operation, maintenance and repair thereof.

Lien on other lines and property of Company.

3. The deed or deeds of trust shall also create a mortgage, or charge, upon all other lines of railway and properties of the Company, and upon all the property and franchises, tolls, incomes and revenues connected therewith, to rank thereon next after the bonds, debentures, debenture stocks or other securities theretofore issued by the Company, and next after any existing deed or deeds of trust by way of mortgage or charge securing them: Provided always that, with respect to lines of railway or parts thereof now constructed and in operation, for the mileage of which no bonds, debentures, debenture stock or other securities have yet been issued, the Company may issue first mortgage securities at a rate not exceeding twenty thousand dollars per mile, and may secure them by deed or deeds of trust by way of first mortgage or charge, having priority over the mortgage or charge created by the deed or deeds of trust hereinbefore mentioned.

Forms of deeds, &c.

4. The kind of securities to be guaranteed as aforesaid and the forms thereof, and the form and terms of the deed or deeds of trust securing them, and the times and manner of the issue of securities and the disposition of the moneys to be raised thereon, by sale, pledge, or otherwise, pending the expenditure of such moneys for the purposes of the line of railway so aided, and the forms and manner of guarantee, shall be such as the Governor in Council approves of, and such terms, provisions and conditions may be included in such deed or deeds of trust as the Governor in Council deems expedient or necessary.

Signature of guarantee.

5. The said guarantee shall be signed by the Minister of Finance or such officer as is designated by the Governor in Council to sign it; and upon being so signed the Government shall become liable as guarantor for the payment of the principal and interest of the securities so guaranteed according to the tenor thereof, and the said payment shall form a charge upon the Consolidated Revenue Fund.

Tolls.

6. The rates and tolls charged by the Company upon any of its lines shall not in any case be higher than the rates or tolls fixed in the contract to be made between the Government of Canada and the Company under this Act.

7. Any moneys paid by the Government of Canada under any guarantee herein provided for, shall be held to be paid in discharge of the liability of the Government and not in discharge of the liability of the Company under the securities so guaranteed, or under any deed of trust securing them, and the moneys so paid shall be held to be still secured by the said securities and deed of trust, and the Government shall be subrogated in and to all the rights of the holders of such securities, the interest upon or the principal of which has been paid by the Government, and the Government shall, with respect to all moneys so paid, be in all respects in the position of security holders with respect to whose securities default has been made in payment to the extent of the moneys paid by the Government.

8. The guarantee of securities, as herein provided, for the said line of railway shall not be given until the Edmonton, Yukon and Pacific Railway Company and the Canadian Northern Railway Company have amalgamated into one Company under the name of the Canadian Northern Railway Company, nor until the amalgamated Company, as successor by such amalgamation, has become, as maker of the securities, liable for the payment of the principal and interest of the securities so to be guaranteed with respect to such line of railway. Amalgamation with Canadian Northern Railway Company a condition precedent to guarantee of securities.

9. The decision of the Governor in Council as to the length of the mileage of the said line of railway so to be aided, shall, for the purposes of this Act, be final. Mileage.

10. The books of the Company shall at all times be open for inspection for and on behalf of the Government by any person named in that behalf by the Governor in Council or the Minister of Finance. Inspection of books of Company.

No. 213.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting aid for the extension of the Edmonton, Yukon and Pacific Railway.

First reading, July 16, 1908.

MR. GRAHAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 214.] **BILL.** [1907-8

An Act respecting certain aid for the extension of the Canadian Northern Railway.

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

Government guarantee of bonds.

1. The Government of Canada may aid and assist the construction of the lines of railway, set out in the schedule hereto, of the Canadian Northern Railway Company, hereinafter called "the Company," by guaranteeing the principal and interest of the bonds, debentures, debenture stock or other securities, hereinafter called "securities," of the said Company, to the extent of thirteen thousand dollars per mile of the said lines of railway so aided, respectively, interest on the said securities to be at the rate of three and one-half per cent per annum, payable half yearly, and the principal to be payable in fifty years from the passing of this Act.

Security by first lien on lines aided.

2. The said securities so guaranteed shall be secured by one or more deeds of trust, by way of mortgage or charge, to a trustee or trustees, approved of by the Governor in Council, and such deed or deeds of trust shall respectively grant a first mortgage or charge upon the line or lines of railway included therein, and the rights of way, station grounds and other real estate and interests therein, buildings and other structures and improvements, rolling stock and equipment, plant, machinery, tools, supplies, materials and other personal properties, present and future, acquired for the purposes of the said lines so aided, and in connection with operating, repairing and maintaining them, and the tolls, incomes, and revenues of the Company arising and to arise from the said lines and the rights, privileges, franchises and powers of the Company now or hereafter held with respect to and in connection with the said lines and the operation, maintenance and repair thereof.

Lien on other lines and property of Company.

3. The said deed or deeds of trust shall also create a mortgage or charge, next after the charges existing thereon, upon all the lines and branch lines of railway of the Company now in operation and upon all the property and franchises connected therewith, and upon all the tolls, incomes and revenues derived therefrom by the Company, and also next after any bonds, debentures, debenture stock or other securities heretofore issued or hereafter to be issued by the Company to raise the moneys required from time to time to meet the expenditures

heretofore made or hereafter to be made for and in connection with the Company's yard and freight terminals in Winnipeg, and the expenditures under the agreement respecting Winnipeg terminals, set out in chapter 52 of the statutes of Canada of 1907, made between the Company, the Grand Trunk Pacific Railway Company, and His Majesty the King, and after the deeds of trust, mortgages, pledges and charges heretofore given or hereafter to be given to secure them: Provided always that, with respect to lines or parts thereof now constructed and in operation, for the mileage of which no bonds, debentures, debenture stock or other securities have yet been issued, the Company may issue first mortgage securities at a rate not exceeding fifteen thousand dollars per mile, and may secure them by deed or deeds of trust by way of first mortgage or charge, having priority over the mortgage or charge to be created by the deed or deeds of trust hereinbefore mentioned.

Proviso; issue of bonds on existing lines.

Forms of deeds, &c.

4. The kind of securities to be guaranteed as herein provided and the forms thereof, and the form and terms of the deed or deeds of trust securing them, and the times and manner of the issue of securities and the disposition of the moneys to be raised thereon, by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the lines of railway respectively so aided, and the forms and manner of guarantee, shall be such as the Governor in Council approves of, and such terms, provisions and conditions may be included in such deed or deeds of trust as the Governor in Council deems expedient or necessary.

Signature of guarantee.

5. The said guarantee shall be signed by the Minister of Finance or such officer as is designated by the Governor in Council to sign it, and upon being so signed the Government shall become liable as guarantor for the payment of the principal and interest of the securities so guaranteed according to the tenor thereof, and the said payment shall form a charge upon the Consolidated Revenue Fund.

Tolls.

6. The rates and tolls charged by the Company upon any of its lines shall not in any case be higher than the rates or tolls fixed in the contract to be made between the Government of Canada and the Company under this Act.

Rights of Government as to securities.

7. Any money paid by the Government of Canada, under any guarantee herein provided for, shall be held to be paid in discharge of the liability of the Government and not in discharge of the liability of the Company under the securities guaranteed or under any deed of trust securing them, and the moneys so paid shall be held to be still secured by the said securities and deed of trust and the Government shall be subrogated in and to all the rights of the holders of such securities, the interest upon or the principal of which has been paid by the Government, and the Government shall with respect to all moneys so paid be in all respects in the position of security

holders with respect to whose securities default has been made in payment to the extent of the moneys paid by the Government.

Mileage.

8. The decision of the Governor in Council as to the length of the mileage of any of the said lines of railway shall, for the purposes of this Act, be final.

Inspection of books of Company.

9. The books of the Company shall at all times be open to inspection for and on behalf of the Government by any person named in that behalf by the Governor in Council or the Minister of Finance.

SCHEDULE.

Lines referred to in Section 1.

1. A line of railway from or from near Regina, in the province of Saskatchewan, to the westerly boundary of Manitoba, there connecting with the Company's line to Brandon, not exceeding one hundred and fifty-two miles.

2. A line of railway from or from near Saskatoon, in the province of Saskatchewan, thence running in a southerly and westerly direction towards Calgary, not exceeding one hundred and seventy-five miles.

3. A line of railway from or from near Prince Albert, in the province of Saskatchewan, by way of North Battleford and Battleford Junction, to or near to Battleford, excluding, however, the mileage between North Battleford and Battleford Junction, the distance, exclusive of the last-mentioned mileage not exceeding one hundred and thirty-two miles.

4. A line of railway from the Thunder Hill line of the Company's railway at or near the westerly boundary of the province of Manitoba, running in a generally westerly direction towards Rosthern, a distance not exceeding one hundred miles.

5. An extension of the Rossburn line from the western boundary of the province of Manitoba, in a northwesterly direction, a distance not exceeding fifty miles.

No. 214.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

BILL.

An Act respecting certain aid for the extension of the Canadian Northern Railway.

First reading, July 16, 1908.

MR. GRAHAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

No. 215.] **BILL.** [1907-8

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

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

Subsidies for railways.

1. 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:—

Revotes.

1. To the Kettle River Valley Railway Company, for a line of railway from a point at or near Grand Forks to a point fifty miles up the North Fork, and East or West Fork of the North Fork, of Kettle River, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 39; not exceeding 50 miles.

2. For a line of railway from Owen Sound, in the Province of Ontario, to Meaford, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 18; not exceeding 30 miles.

3. For a line of railway from Sharbot Lake or Bathurst Station, in the province of Ontario, or between these points, via Lanark Village, to Carleton Place, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 7; not exceeding 41 miles.

4. To the Nipigon Railway Company, for the following lines of railway:—

(*a*) from a point at or near Nipigon Station on the line of the Canadian Pacific Railway to Nipigon Lake; not exceeding 30 miles;

(*b*) from a point on Nipigon Bay of Lake Superior to a point on the west of Lake Helen on the line of the Nipigon Railway; not exceeding 3½ miles;

(*c*) from a point on the line of the Nipigon Railway at or near the crossing of the Fraser River to a point on Lake Jesse, by way of Cameron's Falls; not exceeding 1½ mile;

(*d*) from a point on the north shore of Lake Nipigon northerly; not exceeding 45 miles;

the said subsidies to the said lines being granted in lieu of the subsidies granted by chapter 43 of 1906, section 1, item 10; not exceeding in all 80 miles.

5. To the Manitoulin and North Shore Railway Company (or to the Canada Central Railway Company with the consent of the Manitoulin and North Shore Railway Company, and subject to the approval of the Governor in Council), for the following lines of railway:—

(*a*) from a point on the said line of railway, between Little Current and Sudbury, westerly towards the Algoma Central and Hudson Bay Railway; not exceeding 100 miles;

(*b*) from Little Current thence crossing the Canadian Pacific Railway, at or near Stanley, and thence to Sudbury, not exceeding 64 miles.

(*c*) from a point at or near Sudbury, northerly, not exceeding 30 miles; the said subsidies being granted in lieu of the subsidies granted by chapter 43 of 1906, section 1, item 1; not exceeding in all 194 miles.

6. To the Ontario, Northern and Timagami Railway Company for a line of railway from a point at or near Sturgeon Falls, in a northwesterly direction, to a point on the westerly shore of Lake Timagami, in the District of Nipissing, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 28; not exceeding 50 miles.

7. For a line of railway from a point at or near Baptiste, easterly to a point at or near Renfrew, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 24; not exceeding 75 miles.

8. To the Bracebridge and Trading Lake Railway Company, for a railway in Bracebridge, in Muskoka, to a point at or near Baysville, Ontario, in lieu of the subsidy granted by chapter 34 of 1904, section 2, item 1, for 15 miles; not exceeding 16 miles.

9. To the Quebec and Lake St. John Railway Company, for a line of railway from Roberval westward towards James Bay, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 12; not exceeding 100 miles.

10. To the Matane and Gaspe Railway Company, for a line of railway from a point at or near Ste. Flavie, on the Intercolonial Railway, to Matane, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 44, for 30 miles; not exceeding 38 miles.

11. To the Canadian Northern Quebec Railway Company, for a line of railway from a point at or near Arundel to a point in the municipality of the united townships of Preston and Hartwell, not exceeding 30 miles; and for a line of railway connecting its Montfort and Gatineau line with the main line at St. Jerome, not exceeding 15.2 miles; in lieu of the subsidies granted to the Great Northern Railway of Canada by chapter 43 of 1906, section 1, item 36; not exceeding in all 45.2 miles.

12. To the Canadian Northern Quebec Railway Company, for a line of railway from, or from near, Garneau Junction to Quebec, with a branch to or towards the Quebec Bridge, in lieu of the subsidy granted to the Great Northern Railway of Canada by chapter 43 of 1906, section 1, item 37, for 70 miles; not exceeding 83 miles.

13. To the Atlantic, Quebec and Western Railway Company, for a line of railway from a point at or near Causapscal, on the Intercolonial Railway, to Edmundston, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 9, for a line between the points above mentioned; not exceeding 160 miles.

14. For a line of railway from Yamaska to a point in the County of Lotbinière, in lieu of the subsidy granted by chapter 57 of 1903, section 2, item 12, not exceeding 70 miles; and for a line of railway from Mount Johnson to St. Gregoire Station, in lieu of the subsidy granted to the United Counties Railway Company by chapter 7 of 1899, section 2, item 16, for 1 mile, not exceeding $1\frac{1}{2}$ mile; and not exceeding in all $71\frac{1}{2}$ miles.

15. To the International Railway Company of New Brunswick, for a line of railway from the western end of the twenty miles of its railway, as already constructed from Campbellton, to a point on the St. John River between Grand Falls and Edmundston, in lieu of the subsidies granted by chapter 57 of 1903, section 2, items 14 and 59 respectively; not exceeding 90 miles.

16. For a line of railway from Brazil Lake, on the Dominion Atlantic Railway, to Kemptville, Nova Scotia, in lieu of the subsidy granted by chapter 8 of 1900, section 2, ietm 30; not exceeding 11 miles.

17. To the Inverness Railway and Coal Company, for a line of railway from Cheticamp to a point on the line already built between Broad Cove and Point Tupper, in lieu of the subsidy granted by chapter 57, of 1903, section 2, item 24, for 37 miles; not exceeding 37 miles.

18. To the Margaree Coal and Railway Company, for a line of railway from a point at or near Orangedale, on the Intercolonial Railway, thence via the east side of Lake Ainslie and Ste. Rosa, to Chimney Corner Cove, not exceeding 46 miles; and from a point on the Intercolonial Railway between Orangedale and Point Tupper to Caribou Cove on Inhabitant's Bay or River, not exceeding 4 miles; in lieu of the subsidy granted by chapter 40 of 1907, section 1, item 21, for 38 miles; not exceeding in all 50 miles.

19. To the Lotbinière and Megantic Railway Company, for a line of railway to extend its railway southerly from a point at or near Lyster, in Megantic County, to or towards a point at or nar Lime Ridge, in the township of Dudswell, not exceeding 50 miles; and for a line of railway from a point on its line in the township of Inverness, to a point at or near the bridge over the St. Lawrence at or near Quebec, not exceeding 30 miles; in lieu of the subsidies granted by chapter 43 of 1906, section 1, items 3 and 20, respectively; not exceeding in all 80 miles.

20. To the Cape Breton Railway Company, Limited, for a line of railway from Port Hawkesbury or Point Tupper, on the Strait of Canso, Nove Scotia, to St. Peter's, in lieu of the subsidy

granted by chapter 7, of 1899, section 2, item 6, for 30 miles; not exceeding 31 miles.

21. For a line of railway from a point on the Intercolonial Railway at or near Dartmouth, in the County of Halifax, to a point at or near Deans Settlement, in the County of Halifax, in lieu in part of the subsidy granted by chapter 43, of 1906, section 1, item 5; not exceeding 80 miles.

22. For a line of railway from a point at or near Deans Settlement, in the County of Halifax, to a point at or near Melrose, in the County of Guysborough, in lieu in part of the subsidy granted by chapter 43, of 1906, section 1, item 5; not exceeding 52 miles.

23. For a line of railway from a point at or near New Glasgow, in the County of Pictou, to a point at or near Melrose, in the County of Guysborough, and from the said point at or near Melrose to Guysborough, in the County of Guysborough, with branch line to Country Harbour, in the County of Guysborough, in lieu in part of the subsidy granted by chapter 43, of 1906, section 1, item 5; not exceeding in all 116 miles.

24. To the Ha Ha Bay Railway Company, for a line of railway from a point at or near Jonquières Village to Baie des Ha Ha, via Laterrières Village, in lieu of the subsidy granted by chapter 43, of 1906, section 1, item 33, for 20 miles; not exceeding 24 miles.

25. To the Quebec and New Brunswick Railway Company, for a line of railway from Chaudiere Junction to a point at or near the International Boundary, in lieu of the subsidy granted by chapter 7 of 1901, section 2, item 2, for 45 miles; not exceeding 62 miles.

26. For a line of railway from a point at or near Ste. Agathe des Monts Station towards the township of Howard, in the County of Argenteuil, passing near Lake St. Joseph and St. Mary in a southerly direction, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 38; not exceeding i5 miles.

27. For a line of railway from Tusket Wedge to a point on the Halifax South western Railway at or near Riverdale Station; not exceeding 8 miles.

28. To the Halifax and Southwestern Railway Company, for a line of railway from Lunenburg to Bridgewater, via upper Lahave; not exceeding 12 miles.

29. To the Erie, London and Tillsonburg Railway Company, for a line of railway from Port Burwell to London; not exceeding 35 miles.

30. For a line of railway from a point at or near Centreville to Aylesford, or Kingston or Middleton, on the line of the Dominion Atlantic Railway; not exceeding 35 miles.

31. For a line of railway from a point on the Canadian Pacific Railway at or near Plaster Rock to Riley Brook; not exceeding 28 miles.

32. To the North Shore Railway Company, Limited (formerly the Beersville Coal and Railway Company), for a line of railway extending its present line from Beersville to Brown's Landing, not exceeding 7 miles; and for a branch line of rail-

way from its main line to Mount Carlyle, not exceeding 2½ miles; not exceeding in all 9½ miles.

33. To the York and Carleton Railway Company, for a line of railway from its present terminus to a point on the National Transcontinental Railway; not exceeding 9 miles.

34. To the Vancouver and Lulu Island Railway Company, for a line of railway from Eburn, on its main line, to New Westminster; not exceeding 9.65 miles.

35. To the Esquimalt and Nanaimo Railway Company, for a line of railway from a point near French Creek to the village of Sandwich, not exceeding 41 miles; and for a line of railway from the village of Sandwich to Campbell River, not exceeding 38 miles; not exceeding in all 79 miles.

36. For a line of railway from MacLeod, via Cardston, towards a point on the International Boundary west of range 21; not exceeding 45 miles.

37. To the Southern Central Pacific Railway Company for a line of railway from a point at or near Cowley, in Alberta, to a point on Highwood River; not exceeding 50 miles.

38. For a line of railway from a point at or near the town of Red Deer to a point on the North Saskatchewan River at or near Rocky Mountain House; not exceeding 70 miles.

39. To the Canadian Pacific Railway Company, for a line of railway from Winnipeg Beach northerly to Gimli, not exceeding 9½ miles; and for a line from Gimli to Riverton, not exceeding 25 miles; not exceeding in all 34½ miles.

40. To the Canadian Pacific Railway Company, for a line of railway from Moose Jaw, in a north-westerly direction; not exceeding 123 miles.

41. To the Eastern Townships Railway Company, for a line of railway from the Intercolonial Railway at St. Leonard's Junction to Dudswell; not exceeding 36 miles.

42. To the Quebec, Montreal and Southern Railway Company, for a line of railway from Noyan Junction to the international boundary, not exceeding 8 miles; and for a line of railway from St. Lambert to St. Constant, not exceeding 15 miles; not exceeding in all 23 miles.

43. To the Quebec and Lake St. John Railway Company, for the following lines of railway:—

(*a*) from Valcartier Station to St. Catherine; not exceeding 3.8 miles;

(*b*) from Valcartier Station towards Gosford; not exceeding 5½ miles;

(*c*) from the end of the 35th mile of the branch to La Tuque, on the River St. Maurice, to La Tuque Falls; not exceeding 5 miles;

(*d*) from La Tuque Falls to the mouth of the River Croche, not exceeding 5 miles;

(*e*) from point on La Tuque branch to the steamboat landing near La Tuque; not exceeding 1.6 miles;

not exceeding in all 20.9 miles.

44. To the Quebec and Lake St. John Railway Company, for a line of railway from Herbertville to St. Joseph d'Alma; not exceeding 10 miles.

45. To the St. Maurice Valley Railway Company, for a line of railway from Three Rivers to Grand Mere; not exceeding 28 miles.

46. For a line of railway from a point on the main line of the Great Northern Railway at or near St. Jerome to Charlemagne (Bout de L'Ille); not exceeding 22 miles.

47. To the North Eastern Railway Company, for a line of railway from a point east of Lake Temiskaming, at or near Villemarie, easterly; not exceeding 25 miles.

48. To the Canadian Northern Quebec Railway Company, for a line of railway from Montreal to Hawkesbury; not exceeding 65 miles.

49. For a line of railway from Montreal to a point on the National Transcontinental Railway; not exceeding 200 miles.

50. To the Quebec Central Railway Company, for an extension of its line of railway from St. George to or towards St. Justine; not exceeding 30 miles.

51. To the Maritime Coal Railway and Power Company, for a line of railway from Chignecto to a point on the Northumberland Straits, not exceeding 25 miles; and from Joggins Mines to a point on the Bay of Fundy, not exceeding 1 mile; not exceeding in all 26 miles.

52. For a line of railway from St. Peters, in the County of Richmond, by the south shore of Bras'd'Or Lake, to Sydney; not exceeding 60 miles.

53. To the Nipissing Central Railway Company, for a line of railway from a point on the Temiskaming and Northern Ontario Railway, at or near the town of New Liskeard, to a point in the township of Guigues, in the province of Quebec; not exceeding 13 miles.

54. To the Vancouver Island and Eastern Railway Company, for a line of railway from a point on the Esquimalt and Nanaimo Railway, near Campbell River, towards Fort George, on the line of the Grand Trunk Pacific Railway; not exceeding 100 miles.

55. To the Vancouver, Westminster and Yukon Railway Company, for a line of railway from Vancouver towards Fort George, on the line of the Grand Trunk Pacific Railway; not exceeding 100 miles.

56. For a line of railway around Death Rapid, British Columbia; not exceeding 4 miles.

57. To the Pacific Northern and Omineca Railway Company, for a line of railway from Kittimat to the Telkwa River; not exceeding 110 miles.

58. For a line of railway from Nicola to a point at or near Penticton; not exceeding 100 miles.

59. For a line of railway from Carmi to Penticton; not exceeding 50 miles.

60. To the St. Mary and Western Ontario Railway Company, for a line of railway from Woodstock to Exeter; not exceeding 45 miles.

61. To the Algoma Central and Hudson Bay Railway Company, for a line of railway from a point on the Canadian Pacific Railway northward towards the National Transcontinental Railway; not exceeding 50 miles.

62½. To the Grand Trunk Pacific Railway Company, for branch lines of railway from the line of the National Transcontinental Railway to Port Arthur and Fort William; not exceeding 220 miles.

63. To the Lac Seul, Rat Portage and Keewatin Railway Company, for a line of railway from a point at or near Kenora to the line of the National Transcontinental Railway; not exceeding 18 miles.

64. To the Burk's Falls and French River Railway Company, for a line of railway from Burk's Falls to French River; not exceeding 85 miles.

65. To the Thessalon and Northern Railway Company, for a line of railway from Thessalon, northerly; not exceeding 4 miles.

66. To the Canadian Northern Ontario Railway Company, for a line of railway from Sudbury Junction to Hutton Mines; not exceeding 30 miles.

67. To the Esquimalt and Nanaimo Railway Company, for a line of railway from Cowichan Bay to Cowichan Lake; not exceeding 24 miles.

68. To the Canadian Northern Quebec Railway Company, for a line of railway from Hawkesbury to Ottawa; not exceeding 60 miles.

69. For the following lines of railway:—

(*a*) from Westfield to St. John, not exceeding 14 miles;

(*b*) from Gagetown to Fredericton, not exceeding 40 miles;

(*c*) from a point between Centreville and Woodstock to a point at or near Grand Falls, not exceeding 55 miles.

70. To the Little Nation River Railway Company, for a line of railway from Papineauville on the Canadian Pacific Railway towards Lake Nominingue; not exceeding 30 miles.

71. To the L'Avenir and Melbourne Railway Company, for a line of railway from Melbourne to Drummondville; not exceeding 28 miles.

72. To the Quebec and Lake St. John Railway Company, for a line of railway from Chicoutimi south or southeast; not exceeding 5 miles.

Subsidies for bridges.

2. The Governor in Council may grant the subsidies hereinafter mentioned towards the construction and completion of the bridges also hereinafter mentioned, that is to say:—

1. Towards the construction and completion of a railway bridge and approaches over the Nicolet River at Nicolet, in lieu of the subsidy granted by chapter 40 of 1907, section 2, $15,000.

2. To the Canadian Pacific Railway Company (lessees of the Calgary and Edmonton Railway Compan), towards the construction and completion of a bridge over the Saskatchewan River connecting Strathcona and Edmonton, 15 per cent upon the amount expended thereon; not exceeding $100,000.

3. To the Quebec, Montreal and Southern Railway Company, towards the construction and completion of the following railway bridges:—

(*a*) bridge across the Gentilly River, $15,000;

(*b*) bridge across the Becancourt River, $30,000;

(*c*) bridge across the Richelieu River, $30,000.

4. To the Atlantic, Quebec and Western Railway Company, towards the construction and completion of the 26 railway bridges on its line of railway from Paspebiac to Gaspé, payable upon the completion of the said line of railway between the said points,$250,000.

5. To the Interprovincial Railway Bridge Company of New Brunswick, towards the construction and completion of a railway bridge over the Restigouche River from Campbellton to Mission Point, not exceeding $160,000.

6. To the Vancouver, Westminster and Yukon Railway Company, towards the construction and completion of a rail-bridge across Burrard Inlet.

"Cost" defined.

3. 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 nor the cost of 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 the Department of Railways and Canals, 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.

How subsidies shall be paid.

4. The subsidies hereby authorized towards the construction of any railway or bridge shall be payable out of the Consolidated Revenue Fund of Canada, and may, unless otherwise expressly provided in this Act, at the option of the Governor in Council, on the report of the Minister of Railways and Canals, be paid as follows:—

(*a*) Upon the completion of the work subsidized; or

(*b*) By instalments, on the completion of each ten-mile section of the railway, in the proportion which the cost of such completed section bears to that of the whole work undertaken; or

(*c*) Upon the progress estimates on the certificate of the Chief Engineer of the Department of Railways and Canals that in his opinion, having regard to the whole work undertaken and the aid granted, the progress made justifies the payment of a sum not less than thirty thousand dollars; or

(*d*) With respect to (*b*) and (*c*), part one way, part the other.

Conditions.

5. The subsidies hereinbefore authorized to be granted to companies named shall, if granted by the Governor in Council, be granted to such companies respectively; the other subsidies may be granted to such companies as establish to the satisfaction of the Governor in Council their ability to construct and complete the said railway and bridges respectively; all the lines and the bridge 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, 1908, and completed within a reasonable time, not to exceed four years from the said first day of August, to be fixed by the Governor in Council, and shall also be constructed according to descriptions, conditions and specifications approved by the Governor in Council on the report of the Minister of Railways and Canals, and specified in each case in a contract between the Company and the said Minister, which contract the Minister, with the approval of the Governor in Council, is hereby empowered to make. The location also of such subsidized lines and bridges 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 Board of Railway Commissioners for Canada 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 the railway and bridges so subsidized reasonable and proper facilities in exercising such running power, fair and reasonable traffic arrangements with connecting companies, and equal mileage rates between all such connecting railways; and the said Board shall have absolute control, at all times, over the rates and tolls to be levied and taken by any of the companies, or upon any of the railways and bridges hereby subsidized: Provided always that any decision of the said Board made under this section may be at any time varied, changed or rescinded by the Governor in Council, as he deems just and proper.

Transportation of Government supplies, etc.

7. Every company receiving a subsidy under this Act, its successors and assigns, and any person or company controlling or operating the railway or portion of railway subsidized under this Act, shall each year furnish to the Government of Canada transportation for men, supplies, materials and mails over the portion of the lines 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 Board of Railway Commissioners for Canada; 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 the subsidy received by the company under this Act.

Production of accounts.

8. As respects all railways and bridges for which subsidies are granted by this Act, the company at any time owning or operating any of the railways or bridges shall, when required, produce and exhibit to the Minister of Railways and Canals, or any person appointed by him, all books, accounts and vouchers showing the cost of constructing the railway or bridge, the cost of operating it, and the earnings thereof.

As to Canadian steel rails.

9. The Governor in Council may make it a condition of the grant of the subsidies herein provided that the company shall lay the railway with new steel rails and fastenings made in Canada and shall purchase all materials and supplies required for the construction of the railway and bridges, and the rolling stock for the first equipment of the railway, from Canadian producers, if such rails, fastenings, materials, supplies and equipment are procurable in Canada of suitable quality and upon terms as favourable as elsewhere, of which the Minister of Railways and Canals shall be the judge.

Mode of payemnt of certain railway subsidies.

10. Whenever a contract has been duly entered into with a company for the construction of any line of railway hereby subsidized, the Minister of Railways and Canals, at the request of the Company, and upon the report of the Chief Engineer of the Department of Railways and Canals, and his certificate that he has made careful examination of the surveys, plans and profile of the whole line so contracted for, and has duly considered the physical characteristics of the country to be traversed and the means of transport available for construction, naming the reasonable and probable cost of such construction, may, with the authorization of the Governor in Council, enter into a supplementary agreement, fixing definitely the maximum amount of the subsidy to be paid, based upon the said certificate of the Chief Engineer, and providing that the company shall be entitled to be paid, as the minimum, the ordinary subsidy of $3,200 per mile, together with sixty per cent of the difference between the amount so fixed and the said $3,200 per mile, if any; and the balance, forty per cent, shall be paid only on completion of the whole work subsidized, and in so far as the actual cost, as finally determined by the Governor in Council upon the recommendation of the Minister of Railways and Canals, and upon the report and certificate of the said Chief Engineer, entitles the company thereto: Provided always—

(*a*) that the estimated cost, as certified, is not less on the average than $18,000 per mile for the whole mileage subsidized;

(*b*) that no payment shall be made except upon a certificate of the Chief Engineer that the work done is up to the standard specified in the company's contract;

(*c*) that in no case s all the subsidy ex eed the sum of 6,400 per mile.

No. 215

4th Session, 10th Parliament, 7-8 Edward

BILL.

An Act to authorize the granting
sidies in aid of the construct
lines of railway therein ment

First reading, July 16, 19

Mr. G

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent
1907-8.

THE SENATE OF CANADA.

A.] **BILL.** [1907-8

An Act to amend The Railway Act, as respects the furnishing of intoxicating liquor to railway employees on duty.

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

1. Section 414 of *The Railway Act* is hereby repealed and the following is substituted therefor:—

"**414.** Every person who sells, gives or barters any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding five hundred dollars, or to imprisonment with or without hard labour, for a period not exceeding one year, or to both." Furnishing liquor to railway employees on duty. Penalty.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

A

An Act to amend The Railway Act, as respects the furnishing of intoxicating liquor to railway employees on duty.

Received and read a first time,

Wednesday, 22nd January, 1908.

Second reading,

Tuesday, 28th January, 1908.

Honourable Mr. McMULLEN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

B.] **BILL.** [1907-8

An Act respecting The Occidental Fire Insurance Company.

Preamble.

WHEREAS The Occidental Fire Insurance Company has by its petition represented that it was incorporated by an Act of the Legislature of the Province of Manitoba, chapter 65 of the statutes of 1902, and that it has since the day of A.D. 1902, carried on the business of fire insurance in the Province of Manitoba; and whereas the said Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Manitoba Statutes.

1902, c. 65; 1902, c. 66; 1905, c. 64.

Incorporation.

1. The shareholders of The Occidental Fire Insurance Company, hereinafter called "the old company," with such persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The Occidental Fire Insurance Company," hereinafter called "the new company."

Corporate name.

Capital.

Shares.

2. The capital stock of the new company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Shares allotted.

3. Each shareholder of the old company is hereby declared to be the holder of as many shares in the new company as he holds in the old company, but only the sums which have been or are hereafter paid by such shareholder on the issue of shares of the old company, shall be credited as paid on the shares of capital stock of the new company. The liability of a shareholder of the new company upon the said shares of the new company so held by him shall amount per share only to the difference between the sums so credited as paid upon each share and one hundred dollars.

Liability of shareholders.

Liability of shareholders of old company.

4. Nothing in this Act shall affect the liability of shareholders of the old company who have not paid the calls already made upon the shares of the old company to pay the said calls; and nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old company to the present

creditors or to the present policy-holders of the old company; provided, however, that any payment made upon the shares of the new company shall reduce the liability of the shareholders of the old company by the amount of such payment.

Proviso.

New company liable for old company's obligations.

5. The new company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old company; and any person having any claim, demand, right, cause of action or complaint against the old company, or to whom the old company is under any obligation, liability or contract, shall have the same rights or powers with respect thereto, and to the collecting and enforcement thereof from and against the new company, as such person has against the old company; Provided, however, that the shareholders of the new company shall not be individually liable under section 150 of *The Companies Act* in respect to their shares in the new company to such persons unless such persons abandon their rights in respect of their shares in the old company.

Proviso.

R.S., 1906, c. 79.

Property of old company vested in new company.

6. All the estate, rights, effects and properties, real, personal or mixed, of whatever kind and wheresoever situate, belonging to the old company which it may be or may become entitled to, shall be vested in the new company, subject to existing mortgages or liens, if any, upon due execution of an indenture in the form contained in the schedule to this Act or to the like effect.

Calls on shares.

7. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares of the new company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint; Provided that no call shall exceed twenty-five per cent, and that not less than thirty days' notice of any call shall be given.

Proviso, amount and notice.

Officers. Directors.

8. The president, vice-president and directors of the old company shall continue to be such in the new company until their successors are appointed; and all by-laws, rules and regulations of the old company not contrary to law or not inconsistent with this Act shall be the by-laws, rules and regulations of the new company until amended or repealed under the provisions of this Act.

By-laws.

Board of directors.

Qualification.

9. The affairs of the new company shall be managed by a board of not less than five or more than nine directors, a majority of whom shall be a quorum. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the new company and has paid all calls thereon and all liabilities incurred by him to the new company.

Head office.

10. The head office of the new company shall be in the Village of Wawanesa, in the Province of Manitoba, but local advisory sub-boards or agencies may be established and main-

tained either within Canada or elsewhere, in such manner as the directors may from time to time direct. Local agencies.

11. A general meeting of the new company shall be called once in each year at its head office, and at every such meeting a statement of the affairs of the new company shall be submitted by the directors. Special general meetings may be called in such manner as the by-laws prescribe. General meetings.

12. The new company may make and effect contracts of insurance, throughout Canada and elsewhere, with any person against damage by fire, windstorm or lightning in or to any house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations, and upon such modifications, restrictions and conditions as are agreed upon between the new company and the insured, and, generally, may carry on the business of fire insurance in all its branches and forms. Business powers.

2. The new company may also cause itself to be insured against any risk it may undertake in the course of its business.

3. The new company may also undertake the reinsurance of the risks of other companies.

13. The new company may acquire and hold real estate required in part or whole for the use and accommodation of the new company, and may sell, convey, mortgage, lease or otherwise dispose of the same and acquire other property in its place as may be deemed expedient; but the annual value of such property held in any province of Canada shall not exceed ten thousand dollars, except in the province of Manitoba where it shall not exceed twenty-five thousand dollars. Real estate.

14. Part II. of *The Companies Act*, except sections 125, 141 and 165 thereof, and except such provisions thereof as are inconsistent with *The Insurance Act* or with this Act, shall apply to the new company. Application of R.S., 1906, c. 79. R.S., 1906, c. 34.

15. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and of any amendments thereof. Application of R.S., 1906, c. 34.

16. The Company may invest its funds or any part thereof in any of the public securities of the Dominion of Canada or of any of the provinces thereof, or in the stock of any chartered bank, or in the bonds or debentures of any incorporated city, town, municipality or school district authorized to issue bonds or debentures, or in mortgages or liens upon real estate. Investment of funds.

17. This Act shall not take effect unless and until accepted and approved of by a vote of not less than two-thirds in value of the shareholders of the old company present or represented by proxy at a special general meeting of the old company duly called for the purpose of considering this Act; and, if so accepted and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said vote. Conditions of operation of Act.

Notice.

2. Notice of such acceptance and approval and of the day so fixed shall be published by the Company in *The Canada Gazette*.

SCHEDULE.

This indenture made the day of , 190 , between The Occidental Fire Insurance Company, incorporated by Act of the Legislature of the Province of Manitoba, of the first part, hereinafter called "the old company" and The Occidental Fire Insurance Company, incorporated by an Act of the Parliament of Canada, of the second part, hereinafter called "the new company."

Whereas the shareholders of the old company have accepted and approved of the new company's Act of Incorporation, being Chapter of the Statutes of Canada of 1907-8, intituled "An Act respecting the Occidental Fire Insurance Company," and by the resolutions of shareholders 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 the new company is authorized to acquire all the assets, rights, credits, effects and property, real personal and mixed, of the old company, and whereas the old company has agreed to convey the same to the new company;

Now this indenture witnesseth: That, in consideration of the said Act and of the shares in the capital stock of the new company which are hereby vested in the shareholders of the old company, and in consideration of the covenants by the new company hereineafter contained, the old company hereby grants, assigns, transfers and sets over unto the new company, its successors and assigns, for ever, all the assets, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old company or to which it is or may be or may become entitled. To have and to hold unto the new company, its successors and assigns, to and for its sole and only use; and the old company covenants with the new company to execute and deliver at the expense of the new company all such further and other separate and formal assurances, assignments, transfers and conveyances for registration purposes or otherwise, as may be required to vest in the new company, its successors and assigns, the full legal and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And in consideration of the foregoing the new company covenants with the old company, its successors and assigns, that it shall and will discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old company is now liable, or which it should pay, discharge, carry out or perform, and the new company shall and will indemnify and save harmless the old company in respect thereof.

4th Session, 10th Parliament, 7-8 Edward VII,

THE SENATE OF CANADA

BILL.

B

An Act respecting The Occidental Insurance Company.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. Watts

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majest
1907-8

THE SENATE OF CANADA.

C.] **BILL.** [1907-8

An Act to incorporate The Standard Accident and Guarantee Company.

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

1. Francis Joseph Lightbourn, insurance agent, Francis McPhillips, journalist, Henry Ferguson Darrell, stockbroker, Edmund Tucker Lightbourn, estate and insurance agent, Rupert G. Muntz, accountant, Harry Guy Ord, clerk, and Frank J. J. Stark, insurance agent, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company are hereby incorporated under the name of "The Standard Accident and Guarantee Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario, or some other place in Canada as a majority of the directors select. Head office.

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

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

Shares.

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

Increase of capital.

First general meeting.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the said city of Toronto at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than seven nor more than twenty directors, who shall thereafter manage the affairs of the Company, and a majority of whom shall be a quorum.

Election of directors.

Qualification of directors.

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

Special meetings.

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

Notice.

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

Calls.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent and not less than thirty days notice shall be given of any call. Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Commencement of business.

8. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until two hundred and fifty thousand dollars of the capital stock have been subscribed and ninety thousand dollars have been paid in cash into the funds of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred

and fifty thousand dollars of the capital stock have been subscribed and thirty-five thousand dollars have been paid in cash into the funds of the Company: Provided further that in case the business of accident and sickness insurance has not been so taken up, the Company may commence the business of guarantee insurance when one hundred and seventy-five thousand dollars of the capital stock have been subscribed and sixty thousand dollars have been paid in cash into the funds of the Company.

Accident and sickness insurance.

9. The Company may make and effect contracts of insurance with any person against any accident or casualty, of whatever nature or from whatever cause arising, to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or, in the case of death from any accident or casualty not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon, and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen 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, and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*. R.S., 1906, c. 34.

Guarantee insurance.

10. The Company may make and effect contracts—

(*a*) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise;

(*b*) guaranteeing the due performance and discharge by receivers, officials and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents of their respective duties and obligations;

(*c*) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person.

2. The Company may carry on, generally, the business of guarantee insurance as defined by *The Insurance Act*. R.S., 1906, c. 34.

Reinsurance.

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

Holding of real property limited.

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

R.S. 1906, c. 34 to apply.

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*.

Application of R.S., 1906, c. 79.

14. Notwithstanding anything contained in *The Companies Act*, Part II. thereof, except sections 141 and 165, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

C

An Act to incorporate The Standard Accident and Guarantee Company.

Received and read a first time, Wednesday, January 29, 1908.

Second reading, Friday, January 31, 1908.

Honourable Mr. KERR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

D.] **BILL.** [1907-8

An Act respecting The Grand Trunk Railway Company of Canada.

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

Prov. of Canada, 1852, c. 37, s. 3, amended. Passenger fares and third class carriages.

1. Section 3 of chapter 37 of the statutes of the late Province of Canada, passed in the year 1852 (16 Victoria), is hereby amended by striking out all the words after "travelled" in line 7 thereof.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

D

An Act respecting The Grand Trunk Railway Company of Canada.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

E.] **BILL.** [1907-8

An Act respecting a certain Patent of Frederick C. Rehm, Elias Frank and Isidor Frank.

Preamble.

WHEREAS Frederick C. Rehm, Elias Frank and Isidor Frank, all of the city of Detroit, in the State of Michigan, one of the United States of America, have by their petition represented that they are the holders and owners of a certain patent, issued to the said Frederick C. Rehm, Elias Frank and Isidor Frank, under the Seal of the Patent Office, and numbered 63,842, dated the twelfth day of September, 1899, for new and useful improvements in knitting machines; and whereas they have prayed by their said petition that it be enacted as hereinafter set forth, and it is expedient to grant the prayer thereof: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend duration of patents.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the holders of the said patent petitions for certificates of payment of further fees and the usual fees for one or more terms for the said patent, and may grant and issue to such holders certificates of payment of further fees, provided for by *The Patent Act*, granting extensions of the term or duration of the said patent, in as full and ample a manner as if the application therefor had been duly made within the first six years from the date of issue of the said patent.

R.S., 1906, c. 69.

Certain rights saved. Proviso.

2. If any person, other than the licensees, has, in the period between the expiry of six years from the date of the said patent and the twenty-eighth day of November, 1907, commenced to manufacture, use and sell in Canada any of the patented inventions covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holders of such patent, has commenced the construction or manufacture of the said invention before the expiry of the patent.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

E

An Act respecting a certain Patent of Frederick C. Rehm, Elias Frank and Isidor Frank.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. BEITH.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

F.] **BILL.** [1907-8

An Act respecting The St. Clair and Erie Ship Canal Company.

Preamble.

1899, c. 128, 1900, c. 119, 1902, c. 98, 1904, c. 122, 1906, c. 158.

WHEREAS the St. Clair and Erie Ship Canal Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction of undertaking extended.

1. The St. Clair and Erie Ship Canal Company may commence the construction of its undertaking, and expend ten per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said undertaking and put it in operation within five years after the passing of this Act; and if the said undertaking is not so commenced and such expenditure is not so made, or if the said undertaking is not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said undertaking as then remains uncompleted.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

F

An Act respecting The St. Clair and Erie Ship Canal Company.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. LOUGHEED.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

G.] **BILL.** [1907-8

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

1893, c. 84.
1899, c. 110.

1893, c. 84, s. 8.
Holdings of real estate.

1. Section 8 of chapter 84 of the Statutes of 1893 is amended by substituting for the word "three" in the second line thereof the word "five."

1893, c. 84, s. 11.
Board of directors.

2. Section 11 of the said Act is amended by substituting for the word "eighteen" in the third line thereof the word "twenty-six."

Storage and safe deposit of property.

3. The Company may construct or lease, and may maintain and operate, suitable buildings and structures for the reception and storage of personal property of every kind and nature, and may act as agents, consignees and bailees thereof, and may take all kinds of personal property for deposit and safe-keeping on such terms as may be agreed upon.

Executive Committee.

4. The directors from time to time may, by by-law, delegate such of their powers as they see fit to an executive committee consisting of the president, the vice-president and not less than four other members of the board of directors.

New Brunswick Board.

5. The directors from time to time may, by by-law, delegate such of their powers as they see fit to a committee to be called "The New Brunswick Board," to consist of the vice-president at St. John, in the province of New Brunswick, and of not less than two nor more than three other members of the board of directors.

4th Session. 10th Parliament. 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

G

An Act respecting the Eastern Trust Company.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. MacKeen.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

H.] **BILL.** [1907-8

An Act to incorporate the Dominion Lumbering and Power Development 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Ralph Locke, of the town of Westmount, in the province of Quebec, manufacturer; Raoul Lacroix, architect, and Francis Samuel Mackay, notary public, both of the city of Montreal, in the province of Quebec, and A. B. Mackay, of the city of Hamilton, in the province of Ontario, vessel owner, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dominion Lumbering and Power Development 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, three of whom shall form a quorum, and they shall have all the powers conferred upon directors by Part II of *The Companies Act* and by this Act.

R.S., 1906. c. 79.

Capital stock.

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

Shares.

Increase of capital stock.

4. The directors may, at any time after the whole of the capital stock of the Company has been subscribed and fifty per cent paid in thereon, make a by-law for increasing the capital stock of the Company to any amount which they consider requisite for the due carrying out of the objects of the Company.

Requisites of by-law.

2. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which they shall be allotted, and in default of its so doing, the control of such allotment shall vest absolutely in the directors.

3. No by-law for increasing the capital stock of the Company shall have any force whatsoever until it is approved, by the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the Company, at a special general meeting of the Company duly called for considering it

Head office.

5. 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 is from time to time determined by by-law

First general meeting.

6. So soon as twenty-five per cent of the capital stock has been subscribed and ten per cent has been paid up on the stock so subscribed and has been deposited in some chartered bank in Canada to the credit of the Company, the provisional directors, or any five of them, may call a general meeting of the shareholders of the Company to be held at the city of Toronto

Business.

at such time as the said provisional directors determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining any other business specified in the notice calling such meeting; and notice in writing, signed by the provisional directors calling such

Notice.

meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than fifteen days previously shall be deemed sufficient notice of such meeting.

Proxies.

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

Annual general meeting.

7. The annual general meeting of the Company shall be held on the second Monday in May in each year, or on such other day in each year as the directors from time to time determine by by-law.

Directors.

8. 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, and a majority of whom shall form a quorum.

Powers of Company.

9. The Company may,—

Lumber business.

(*a*) carry on, throughout Canada and elsewhere, the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and all other business incident thereto or connected therewith;

Manufactures of wood.

(*b*) carry on, throughout Canada and elsewhere, the business in all its branches, of manufacturing pulpwood, pulp and paper, and all other business incident thereto; and also the business of general merchants, general manufacturers, millers, common carriers, wharfingers and warehousemen;

General merchants, &c.

Vessels.

(*c*) construct, charter, acquire and navigate steam and other vessels between any port and place in Canada, and any other port or place in Canada or elsewhere;

Factories and mills.

(*d*) erect, acquire and operate saw-mills and factories of all kinds, elevators, flour mills, woollen mills, cotton mills and paper mills; and buy, deal in and dispose

of the products of the said mills and factories in any form, and acquire materials of all kinds necessary for the manufacture of such products;

(*e*) carry on the business of farming and stock raising; Farming, &c.

(*f*) acquire and operate mines and mineral and mining rights, and smelt, reduce, refine, amalgamate or otherwise manufacture and treat metals, minerals and ores, and dispose thereof, and generally carry on the business of manufacturing therefrom; Mining.

(*g*) manufacture calcium carbide and other chemicals, and erect such factories and works as are necessary for such purposes; Manufacture of chemicals.

(*h*) produce, manufacture, supply and dispose of electricity for the purposes of light, heat and motive power and any other purposes for which the same may be used, and construct, erect, maintain and operate works, poles and all other appliances necessary or useful for the production, sale and distribution of electricity for the purposes of light, heat or power to or from any places in Canada; provided that the Company shall not exercise the powers granted by this paragraph for the purpose of selling or disposing of electricity for the purposes of light, heat and power, or any other purposes for which electricity may be used, until it has first obtained the consent and approval of the municipal council of the city, town, village or other local municipality or district within which the powers hereby given are to be exercised by the Company,—such consent to be by by-law, and to be on such terms and conditions as such by-law provides; Production and supply of electricity. Consent of municipality affected.

(*i*) acquire, lease and dispose of timber berths, timber licenses, land, water-powers, hydraulic properties, buildings, docks, wharfs, carts, vehicles, goods, wares, merchandise and such other property, real or personal, as is deemed necessary or useful in connection with any of the works or operations which the Company is authorized to carry on; Acquisition of property.

(*j*) acquire, hold, deal with and dispose of shares of any other company, any of whose powers are within the scope of those of the Company; Shares of other companies.

(*k*) acquire, lease and dispose of patent rights, letters patent of invention, processes and options to facilitate the carrying out of any of the objects of the Company; Patent rights.

(*l*) acquire any business within any of the objects of the Company, and lands, properties, privileges, rights and contracts appertaining thereto; and let or sublet any property, and sell or otherwise dispose of any business, property or undertaking of the Company; Acquisition, &c., of other undertakings.

(*m*) construct, acquire and maintain, or aid and subscribe towards the construction, acquisition and maintenance of, roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, bridges, ditches and similar works; and construct, charter or employ vessels, roads and tramways for the purposes afore- Construction, acquisition, &c., of facilities for doing business.

said, and for transporting the products of the said mills, factories, mines and works to any place in Canada or elsewhere, and for bringing and conveying to the properties of the Company all materials required thereat;

Telegraph and telephone lines.

(*n*) for the purposes of its undertaking only, construct, operate and dispose of telegraph lines and telephone lines;

Connections with railways.

(*o*) for the purposes of its undertaking only, construct, maintain and operate all such railway sidings, tramways, switches or spur lines, not exceeding ten miles in length, as are necessary to connect any property of the Company with the factories and mills of the Company or with any line of railway, or with any harbour, wharf, dock or other shipping point.

Issue of paid-up stock for certain purposes.

10. The directors may, by by-law, make and issue as paid-up stock, shares of the capital stock of the Company in payment of and for any business, franchise, undertaking, property, right, power, privilege, letters patent or any interest therein, contract, real estate, timber limits, stocks, assets and other property, which it may lawfully acquire, and may allot and hand over such shares to any person or to any company or to the shareholders of any company, and the Company may pay for any such property, right, power, privilege, letters patent, contract, real estate, timber limits, stock, assets and other property, either wholly or partly in paid-up shares or wholly or partly in bonds or debentures as the directors deem proper; and any such issue or allotment of stock shall be binding upon the Company and shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon; provided that any allotment and issue of stock under the authority of this section shall be approved of by the holders of at least two-thirds in value of the stock of the Company previously issued and held at the date of such issue or allotment.

Issue of bonds, &c., for acquisition of vessels and property.

11. The Company, if first authorized by a resolution passed at a special general meeting of its shareholders duly called for that 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 or for the acquisition of any vessels or other property which the Company is authorized to acquire, but such bonds or debentures shall not exceed in amount the value of such vessels or property.

Mortgage as security.

2. For the purpose of securing the issue of such bonds the Company may 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 of by a resolution passed at the special general meeting of shareholders mentioned in the preceding subsection.

Form and provisions.

Contents of mortgage deed.

3. The said mortgages shall be made to the trustees appointed for that purpose at the said special general meeting, and may contain provisions establishing the amount secured upon the vessels or class of vessels or 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.

Charge on tolls and revenues.

4. The Company may charge and bind the tolls and revenues of the vessels or class of vessels, or 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 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.

Effect of mortgage.

Ranking of bonds.

12. 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 of each such issue 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.

Further borrowing powers.

13. In addition to the amounts which the Company, from time to time may borrow, secured or unsecured as aforesaid, the Company may borrow on current account or on promissory notes or other negotiable instruments, such further sums as the directors decide are required for the operations of the Company or for the acquisition of its properties or assets.

Power to receive aid in works, etc.

14. The Company may receive as aid in the construction or carrying on of any of the works or operations authorized by this Act, any lands, properties, franchises, sums of money or debentures, and may alienate and dispose thereof in promoting any of the affairs, businesses, and operations of the Company; and the Company may receive exemptions from taxation and all other exemptions granted by municipal or other authority by by-law, resolution or otherwise which may, by by-law, be granted by such municipality.

Power to expropriate lands for certain works.

15. Lands actually acquired for the construction, maintenance and operation of the transmission lines or conduits of the Company, may be taken and acquired by the Company, and to this end, after the plan of such work and the lands required therefor has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition shall, so far as they are applicable thereto, and *mutatis mutandis*, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner, *mutatis mutandis*, apply to the valuation and payment of the compensation for, or damages to lands, arising out of such taking and acquisition, or the construction, maintenance and operation of the works and undertaking of

R.S., 1906, c. 37.

the Company, or the exercise of any of the powers of the Company.

R.S., 1906, c. 79.

16. Sections 141 and 168 of *The Companies Act* shall not apply to the Company.

Application of certain Provincial laws relating to electricity.

17. The Company and its undertaking shall be subject to such provisions of any general Act now or hereafter passed by the legislature of the province of Ontario or of the province of Quebec, as the case may be, as provide, in the interest of public health or safety, for the control and regulation of the transmission, distribution or supply of electricity in any form.

4th Session, 10th Parliament, 7-8 Edward

THE SENATE OF CANA

BILL.

H

An Act to incorporate The Lumbering and Power De Company.

Received and read a first time, W January 29, 190 .

Second reading, Friday, Januar

Honourable Mr.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent
1907-8

Reprinted as amended and reported, May 13, 1908, by the Standing Committee of the Senate on Railways, Telegraphs and Harbours.

THE SENATE OF CANADA.

H.] **BILL.** [1907-8

An Act to incorporate the Dominion Power Development 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. Ralph Locke, of the town of Westmount, in the province of Quebec, manufacturer; Raoul Lacroix, architect, and Francis Samuel Mackay, notary public, both of the city of Montreal, in the province of Quebec, Charles Albert Davies, of the city of Toronto, and A. B. Mackay, of the city of Hamilton, in the province of Ontario, vessel owner, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dominion Power Development Company," hereinafter called "the Company."

Objects and general powers.

2. For the purposes of obtaining, developing, improving or generating water-power, using water-power by any means of application, converting water-power into electricity, heat, light or any other form of energy, storing water-power, compressed air, electricity, heat, light or any other form of energy, and of transmitting, supplying and disposing of the same by any means for use in any manner at any places in the province of Ontario or in the province of Quebec, the Company may—

Acquisition of lands and waters.

(*a*) acquire lands, easements, privileges, water and water-rights at any places in the said provinces;

Lands and works.

(*b*) acquire all necessary lands, easements, privileges and other rights for the acquisition, construction, erection, maintenance, use, operation and management of, and acquire, construct, erect, maintain, use operate and manage, all necessary works, structures, buildings, machinery, plant, appliances, instruments and devices, erect poles, sink wells and lay pipes, cables, wires and other conductors;

Telegraph and telephone lines.

(*c*) construct, maintain and operate telegraph lines and telephone lines;

Patents, etc.

(*d*) acquire patent rights, letters patent of invention, processes, options and other such rights and privileges, and again dispose thereof;

Incidentals.

(*e*) do all other things necessary for or incidental to the purposes and objects aforesaid.

Plans to be deposited.

3. Plans of all works to be constructed under the powers conferred by this Act, showing dimensions and quantities in each part thereof, shall be filed by the Company in the Department of Public Works at Ottawa; and forthwith thereafter the Company shall give public notice of such deposit, in at least one daily paper published in or adjacent to the locality in which the works are situated, for two consecutive weeks, stating the date, hour and place at which an application will be made to the Governor in Council for his approval to be given to such plans; and the Governor in Council, after hearing such application and determining all matters in relation thereto then brought before him by any person interested, may approve of such plans, and until such approval the Company shall have no authority to proceed with the construction of such works or any of them.

Notice of application for approval.

Approval by Governor in Council.

Power to expropriate lands.

4. Lands or easements actually required for the construction, maintenance and operation of any means of transmission of compressed air, electricity, heat, light or any other form of energy, may be taken and acquired by the Company; and, to this end, after a plan of any such lands or easements required has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition shall, so far as they are applicable thereto, and *mutatis mutandis*, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner, *mutatis mutandis*, apply to the valuation and payment of the compensation for, or of any damage to lands, arising out of such taking and acquisition for the purposes aforesaid, or out of the construction, maintenance and operation of such means of transmission.

Application of R.S., c. 37.

2. Section 247 of *The Railway Act* shall apply to the Company and to any work authorized by this Act.

Application of certain Provincial Acts.

5. The provisions of any general Act of the Legislature of the province of Ontario or of the province of Quebec, now or at any time hereinafter in force, shall, in so far as such provisions are not inconsistent with *The Electricity Inspection Act*, 1907, *The Electricity and Fluid Exportation Act*, or any other general Act relating to the transmission and distribution of electricity hereafter passed by the Parliament of Canada, apply to the works and operations of the Company.

1907, c. 14. 1907, c. 16.

Acquisition of, and amalgamation with other companies.

6. The Company may acquire and operate the works of any company having powers wholly or in part similar to the powers of the Company; and may acquire the capital stock, bonds, rights, franchises, powers, privileges or properties of any such company; and may enter into agreements for an amalgamation with any such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that any 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. Approval of shareholders.

7. The Company may receive as aid in the construction or carrying on of any of the works or operations authorized by this Act, any lands, properties, franchises, sums of money or debentures, and may alienate and dispose thereof in promoting any of the affairs, businesses and operations of the Company; and the Company may receive exemptions from taxation and all other exemptions granted by municipal or other authority by by-law, resolution or otherwise. Power to receive aid in works, etc.

8. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company, three of whom shall form a quorum, and they shall have all the powers conferred upon directors by Part II of *The Companies Act* and by this Act. Provisional directors. R.S., 1906. c. 79.

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

10. Sections 47, 48, 49 and 51 to 57, both inclusive, of *The Companies Act* shall apply to the Company. Preference stock. Increase of capital, etc., etc.

11. 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 is from time to time determined by by-law Head office.

12. So soon as twenty-five per cent of the capital stock has been subscribed and ten per cent has been paid up on the stock so subscribed and has been deposited in some chartered bank in Canada to the credit of the Company, the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company to be held at the city of Toronto at such time as the said provisional directors determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining any other business specified in the notice calling such meeting; and notice in writing, signed by not less than two of the provisional directors calling such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than fifteen days previously shall be deemed sufficient notice of such meeting. First general meeting. Business. Notice.

2. Only shareholders eligible to vote may hold proxies at any meeting of the Company. Proxies.

13. The annual general meeting of the Company shall be held on the first Tuesday 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.

Directors.

14. 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.

Borrowing powers.

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

Borrowing.

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

Amount.

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

Bonds, etc.

(*c*) issue bonds, debentures or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;

Mortgages.

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

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

R.S., 1906, c. 79.

16. Sections 141, 165 and 168 of *The Companies Act* shall not apply to the Company.

SECOND REPRINT.

4th Session, 10th Parliament, 7-8 Edward VI

THE SENATE OF CANAD

BILL.

H

An Act to incorporate The D
Power Development Compar

Reprinted as amended and re
May 13, 1908, by The Com
on Railways, Telegraph
Harbours.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent M
1907-8.

THE SENATE OF CANADA.

I.] **BILL.** [1907-8

An Act to incorporate The Manufacturers' Mutual Liability Insurance Company.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that they be incorporated as a company for the purpose of carrying on the business of accident insurance on the mutual principle, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Peleg Howland, manufacturer, George Gillies, manufacturer, James Bicknell, King's Counsel, all of the city of Toronto, in the province of Ontario; James Pringle Steadman, of the city of Hamilton, in the said province, William McMaster, manufacturer, of the city of Montreal, in the province of Quebec, together with such persons as become members in the company, are hereby incorporated under the name of "The Manufacturers' Mutual Liability Insurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, a majority of whom shall be a quorum, and may do generally whatever is necessary to organise the Company.

Head office.

Local boards and agencies.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario, and the directors may appoint local advisory boards and establish agencies for carrying on the business of the Company at any other place in Canada.

Business powers.

4. The Company may, on the mutual principle, insure and indemnify its members against claims by or on behalf of any other person for loss or damage by personal injuries or death.

Rights and obligations of members.

5. Every subscriber for insurance in the Company, whose application has been accepted by the Company, shall upon such acceptance become a member of the Company and remain such member while his policy is in force, and shall be holden to pay an equitable proportion of all losses, and shall be entitled to an equitable proportion of all profits during the continuance of his policy.

By-laws, &c.

6. The board of directors may, from time to time, enact such by-laws, ordinances, rules and regulations as they may see fit and proper for the efficient carrying out of the objects contemplated by this Act, and as are not inconsistent with this Act, and may, from time to time, repeal, alter and amend the same.

Restrictions as to beginning issue of policies.

7. No policy of insurance shall be issued by the Company until applications have been made and accepted by at least persons who intend to become members thereof.

Directors.

8. The affairs of the Company shall be managed by a board of not less than seven, nor more than fifteen, directors, of whom a majority shall form a quorum. No person shall be a director unless he is a British subject domiciled in Canada.

General meetings.

9. After the organization of the Company and commencement of business a general meeting of the Company shall be called at its head office once in each year for the election of directors and for such other business as may be brought before the meeting; and special general or extraordinary meetings may at any time be called by any five of the directors, or by a requisition of ten members. Notice of such meeting shall be sufficiently given by printed or written notice to each of the members at least ten days before the day for which the meeting is called, and addressed to the address of the members respectively given in the books of the Company.

Representation of corporations which are members.

10. A corporation which becomes a member of the Company may, from time to time, authorize any person to represent it in such Company, and such representative shall have all the rights of an individual member.

R.S., 1906, c. 34 to apply.

11. 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.*

Application of R.S., 1906, c. 79.

R.S., 1906, c. 34.

12. Notwithstanding anything contained in *The Companies Act*, Part II thereof, except sections 125, 127, 134, 135, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 155, 156, 157, 158, 159, 161, 162, 163, 169, 170, 172, 175, 176, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

4th Session, 10th Parliament, 7-8 Edward VI

THE SENATE OF CANADA

BILL.

I

An Act to incorporate The Manufac
Mutual Liability Insurance Comp

Received and read a first time,

Thursday, January 30, 1908.

Second reading,

Wednesday, February 5, 1908.

Honourable Mr. Jo

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent M
1907-8.

THE SENATE OF CANADA.

J.] **BILL.** [1907-8

An Act to incorporate The Bank of Canada, London and Paris.

WHEREAS the persons hereinafter named have by their petition prayed that an Act be passed for the purpose of establishing a bank in the city of Montreal, in the province of Quebec, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The persons hereinafter named, together with such others as become shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of 'The Bank of Canada, London and Paris,' hereinafter called "the Bank." Incorporation. Corporate name.

2. The capital stock of the Bank shall be two million five hundred thousand dollars. Capital.

2. The capital stock may be issued either in sterling or in currency or in both, as the directors determine, and if any of the capital stock is issued in sterling it shall be at the rate of four dollars and eighty-six and two-thirds cents per pound sterling.

3. The chief office of the Bank shall be at the city of Montreal, in the province of Quebec. Chief office.

4. E. A. Baynes, capitalist, E. Evans, capitalist, both of the city of Montreal in the province of Quebec, George K. MacLeod, of the city of New York, U.S.A., capitalist, Frederick S. Wedderburn, capitalist, and James M. Scovil, merchant, both of the city of St. John, in the province of New Brunswick, shall be the provisional directors of the Bank. Provisional directors.

5. This Act shall, subject to the provisions of section sixteen of *The Bank Act*, remain in force until the first day of July, in the year one thousand nine hundred and eleven. Duration of charter.

R.S., 1906, c. 29, s. 16

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

J

An Act to incorporate The Bank of Canada, London and Paris.

Received and read a first time,

Tuesday, 4th February, 1908.

Second reading,

Thursday, 6th February, 1908.

Honourable Mr. De Veber.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

K.] **BILL.** [1907-8

An Act respecting The Western Alberta Railway Company.

Preamble.

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

1898, c. 90; 1900, c. 85; 1903, c. 200; 1905, c. 176.

Time for construction of railway extended.

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

1905, c. 176, s. 1.

Former time limit repealed.

2. Section 1 of chapter 176 of the statutes of 1905 is hereby repealed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

K

An Act respecting The Western Alberta Railway Company.

Received and read a first time,

Tuesday, 4th February, 1908.

Second reading,

Thursday, 6th February, 1908.

Honourable Mr. De Veber.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

L.] **BILL.** [1907-8

An Act to amend The Companies Act.

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

1. It is hereby declared that Part I of *The Companies Act*, Chapter 79 of *The Revised Statutes*, 1906, applies and was intended to apply to all companies incorporated under *The Companies Act*, 1902; and there is hereby added at the end of section 2 of the said chapter the following paragraph:— Declaration as to application of R. S., 1906, c. 79, Part I. 1902, c. 15.

"(*c*) all companies incorporated under *The Companies Act*, 1902."

2. Subsection 1 of section 69 of the said chapter is hereby amended by adding at the end of paragraph (*c*) thereof the following words:— R. S., 1906, c. 79, s. 69 amended.

"Provided that such bonds, debentures or other securities may be for sums not less than twenty pounds sterling, five hundred francs, or four hundred marks, or for sums not less than the nearest equivalent in round figures of other money to one hundred dollars in Canadian currency; and provided further that certificates of debenture stock, transferrable on a register only, may be issued for such amounts in Canadian currency, sterling, or other money, as the directors may determine." Issue of bonds in foreign currency. Debenture stock.

3. Section 76 of the said chapter is hereby repealed and the following substituted therefor:— R. S., 1906, c. 79, new s. 76.

"**76.** The company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its directors, or may change the company's chief place of business in Canada: Provided that no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two-thirds in value of the stock represented by the shareholders present at a special general meeting duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company has been deposited in the department of the Secretary of State and published in *The Canada Gazette*." By-laws for increase or decrease of number of directors and for change of chief place of business. When to be valid.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

L

An Act to amend The Companies Act.

Received and read a first time,

Thursday, 6th February, 1908.

Second reading,

Tuesday, 11th February, 1908.

Honourable Mr. SCOTT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

M.] **BILL.** [1907-8

An Act respecting The Trans-Canada Railway Company.

Preamble.

1895, c. 68; 1897, c. 65; 1902, c. 108; 1904, c. 136.

WHEREAS The Trans-Canada Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition, therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended.

1904, c. 136, s. 3.

1. The time granted to the Trans-Canada Railway Company, by chapter 136 of the statutes of 1904, for the expenditure of fifteen per cent of the amount of its capital stock upon the construction of its railway, is hereby extended to a date not exceeding two years after the passing of this Act, and the delay for the completion of the works upon the said railway is hereby extended to eight years from the passing of this Act.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

M

An Act respecting The Trans-Canada Railway Company.

Received and read a first time,

Thursday, 6th February, 1908.

Second reading,

Tuesday, 11th February, 1908.

Honourable Mr. CHOQUETTE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

N.] **BILL.** [1907-8

An Act respecting The Windsor, Chatham and London Railway Company.

Preamble.
1906, c. 183.

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

Time for construction under *The Railway Act 1903*, c. 58, s. 117, extended.

1. The construction of the railway of The Windsor, Chatham and London Railway Company may be commenced, and fifteen per cent of the capital stock expended thereon, within two years after the passing of this Act; and the said railway may be completed and put in operation within five years after the passing of this Act; and if the said railway be not commenced and such expenditure be not made, or if the said railway is not completed and put in operation, within the said respective periods, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

N

An Act respecting The Windsor, Chatham and London Railway Company.

Received and read a first time,

Thursday, February 6, 1908.

Second reading,

Tuesday, February 11, 1908.

Honourable Mr. COFFEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

O.] **BILL.** [1907-8

An Act to incorporate The Saskatchewan Power Company, Limited.

Preamble.

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

Incorporation.

1. Fred. Engen, James F. Cairns, William C. Sutherland, James Clinkskill, James Straton and Archibald P. McNab, all of the city of Saskatoon, in the province of Saskatchewan, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Saskatchewan Power Company, Limited," hereinafter called "the Company."

Corporate name.

Power to build dams.

2. The Company may locate, erect and maintain in the South Saskatchewan River, within a distance of twenty-five miles from the city of Saskatoon, in the province of Saskatchewan, a dam or dams for the purpose of holding reserves of water on the said river: Provided, that in the construction of such dam or dams, an opening or openings, with the necessary slides and gates sufficient for the safe transmission of square timber, saw-logs or lumber, whether loose or in rafts, and for the passage of boats, shall be maintained free of charge for the use of all persons who may desire to transmit square timber, saw-logs or lumber, loose or in rafts, or for the passage of boats.

Proviso, as to passage of timber and boats.

Entry on and taking of lands.

3. The Company may enter upon, take and hold such lands as are necessary for the location, erection or maintenance of its dams; and may, with its agents and teams, pass and repass over the shores of the said river, for such purposes and for the operation and management of its dams; but the Company shall make compensation therefor, as provided in case of damage to lands taken in laying out railways under *The Railway Act;* and the Company may also remove rocks and make other necessary improvements in the said river, subject to the approval of the Governor in Council, on giving one month's notice in *The Canada Gazette* of its intention to apply for such approval.

R.S., 1906, c. 37.

Power to do various businesses.

4. The Company may carry on the business of millers and the general business of merchants in flour, meal and other

milling products, including flax and the products thereof, and the business of elevating and storing wheat and all other grain and the products thereof, and the business of baking flour, meal and breadstuffs.

Hotels.

5. The Company may also, for the purposes of its business hereinbefore mentioned and in connection therewith, own or manage hotels or boarding houses.

Development and supply of power, heat and light.

Promotion of companies.

6. The Company may carry on the business of a power and electric heating and lighting company; may generate, transmit, use and dispose of water powers, water power franchises and privileges, and the necessary real and personal estate and property; may contract with persons, firms, municipalities and corporations for supplying them with electricity; may promote the formation of companies which will require electricity as a motive power in connection with their business.

Range of operations.

2. The operations of the Company may be carried on throughout the Dominion of Canada and elsewhere.

Vessels.

7. The Company may construct, charter and employ vessels for the purposes aforesaid, and for the purpose of transporting the produce of the mills and works to any place within Canada or elsewhere.

Acquisition of other like businesses.

Disposal of Company's business and franchises.

8. The Company may purchase or otherwise acquire any business within the objects of the Company, and any lands, property, privileges, rights, contracts, and liabilities appertaining to the same; and may let or sub-let any property of the Company; and may sell or otherwise dispose of the business, property or undertaking of the Company, or any part thereof, for such considerations as the Company may think fit, and in particular for shares, debentures or securities of any other Company having objects altogether or in part similar to those of the Company.

Limitation as to 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.

Borrowing powers.

10. The directors, if authorized by a by-law for that purpose, passed and approved 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 an annual or special general meeting duly called for the purpose of considering such by-law, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, annd secure the repayment of any of the moneys so borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by mortgage, pledge, hypothecation or charge of or on any or all of the assets and property of the Company.

Issue of debentures.

11. So soon as one hundred thousand dollars of the capital stock of the Company have been subscribed for and issued, and twenty per cent has been paid up thereon, the directors of the

Company, under the authority of the shareholders given at any annual or general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the company are present in person or represented by proxy, may also from time to time create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one hundred dollars each, signed by the president, or other presiding officer, under the seal of the Company, and countersigned by the secretary, and payable to bearer or order: and the directors may deliver the said debentures for the purposes set forth in this Act: and the directors may sell, or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of of the Company: Provided that the total amount of debentures at any time outstanding and of moneys borrowed under the next preceding section shall not exceed in amount seventy-five per cent of the paid-up capital stock of the Company; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed: and such mortgage deed may give to the holders of the said debentures, or to the trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

Limitation of borrowing powers.

Security.

12. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed twenty per cent nor be made at less intervals than two months, and every share in the Company shall be deemed to have been issued and be held subject to the payment of the whole amount thereof in cash, except as herein otherwise provided.

Capital stock.

Calls.

13. Fred. Engen, James F. Cairns, William C. Sutherland, James Clinkskill, James Straton and Archibald P. McNab shall be the provisional directors of the Company, a majority of whom shall form a quorum.

Provisional directors.

14. The provisional directors may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and may withdraw the same for the purposes of the Company only; and they shall have and possess all the powers which are conferred upon directors by Part II of *The Companies' Act* and by this Act; and, until otherwise ordered by by-law or resolution, meetings of the provisional directors shall be held at Saskatoon, in the province of Saskatchewan, at such times as they determine; notice in writing, signed by at least three of the provisional directors calling any such meeting, with the date and place of holding the same, mailed by registered letter to the address of each of the other directors not less than six days previous to the date of such meeting, shall be deemed sufficient notice of such meeting.

Powers of provisional directors.

R.S., 1906, c. 79.

Meetings.

Notice.

First general meeting of Company.

15. At any time within three months after the passing of this Act the provisional directors, or any two of them, shall call a general meeting of the shareholders of the Company to be held at the city of Saskatoon at such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by two or more of the provisional directors calling any such meeting, with the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

Notice.

Qualification of directors.

16. No person shall be elected a director unless he holds at least ten shares of the capital stock of the Company, absolutely in his own right, and is not in arrears in respect of any call thereon, and the directors of the Company may act notwithstanding any vacancy in their number: Provided that, if the number falls below three, the directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum.

Head office.

17. The head office of the Company shall be in the city of Saskatoon, in the province of Saskatchewan.

Annual general meeting.

18. The annual meeting of the shareholders shall be held on the second Wednesday in March in each year, at the head office of the Company, or at such other place in Canada as may be determined by by-law.

R.S., 1906, c. 79, s. 141, as to calls on stock.

19. Section 141 of *The Companies' Act* shall not apply to the Company.

Duration of time.

21. The powers granted by sections 2 to 8, both inclusive, of this Act shall expire by non-user during three consecutive years, or if the Company does not go into actual operation within two years from the passing of this Act.

4th Session, 10th Parliament, 7-8 Edward VI

THE SENATE OF CANAD

BILL.

An Act to incorporate The Saskat
Power Company, Limited.

Received and read a first time,
Friday, February 7, 1908.
Second reading,
Wednesday, February 12, 1908.

Honourable Mr. D

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Ma
1907-8.

THE SENATE OF CANADA.

P.] **BILL.** [1907-8

An Act respecting The Quebec and New Brunswick Railway Company.

WHEREAS The Quebec and New Brunswick Railway Company, hereinafter called "the Company," has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1900, c. 75. 1903, c. 176.

1. The time limited, by chapter 176 of the statutes of 1903, for the construction and completion of the railway described in section 7 of chapter 75 of the statutes of 1900, as amended by section 3 of this Act, is hereby extended for five years from the passing of this Act; and if the said railway is not completed and put in operation within that period, then the powers of construction granted to the Company shall cease and be null and void with respect to so much of the said railway as then remains uncompleted. Time for construction extended. 1900, c. 75, s. 10. 1903, c. 176, s. 1.

2. Section 10 of chapter 75 of the statutes of 1900 and chapter 176 of the statutes of 1903 are hereby repealed. Repeal of present time limits.

3. Section 7 of chapter 75 of the statutes of 1900 is hereby amended by inserting, after the word "junction" in the eighth line thereof, the words "or a point on the Grand Trunk Pacific Railway in the valley of the river St. Francis." 1900, c. 75, s. 7 amended. Line of railway.

4. Section 7 of the said chapter 75 is hereby further amended by adding thereto the following subsections:— 1900, c. 75, s. 7, further amended.

"2. The Company may also lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from the said point, at or near St. Charles Junction, or St. Anselme, or Chaudière Junction aforesaid, to a point on the boundary line between the province of Quebec and the State of Maine in the United States of America, in the thirteenth township of the said State of Maine. Additional line of railway authorized.

"3. The Company may, at the said point on the International boundary line, make connections between the Company's railway and any railways in the State of Maine, owned, controlled or operated by any railway company authorized to make such connections; and may, subject to the approval of the Board of Connections with railways in State of Maine.

Power for agreements respecting such railways.

Railway Commissioners of Canada, enter into any agreement for the lease of such railways or of any portions thereof necessary to effect the purpose aforesaid, or for the obtaining of running rights over such railways or portions thereof; and may construct, aid in the construction of, and when constructed, maintain and operate such railways or portions thereof as part of the continuous line of the Company's railway.

1900, c. 75, s. 9 amended.

Agreements with other companies.

5. Section 9 of the said chapter 75 is hereby amended by inserting in the third line thereof after the word "Canada," the words "or the Grand Trunk Pacific Railway Company or any other railway company."

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

P

An Act respecting The Quebec and New Brunswick Railway Company.

Received and read a first time,

Tuesday, 11th February, 1908.

Second reading,

Thursday, 13th February, 1908.

Honourable Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

Q.] **BILL.** [1907-8

An Act to incorporate The London and Lancashire Guarantee and Accident Company of Canada.

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

1. Alfred Wright, Thomas Hammond Hall, Albert Edward Blogg, Greenhow Banks, all of the city of Toronto, in the province of Ontario, and Thomas F. Dobbin, 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 London and Lancashire Guarantee and Accident Company of Canada." Incorporation. Corporate name.

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

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

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

4. The capital stock of the Company shall be five hundred thousand dollars divided into shares of fifty dollars each. Capital stock.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding one million dollars; but the stock shall not be increased until a resolution of the board of directors authorizing Increase of capital.

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.

First general meeting.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Toronto, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty directors, who shall thereafter manage the affairs of the Company and a majority of whom shall be a quorum.

Election of directors.

Qualification of directors.

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

General meetings.

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

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

Calls on stock.

8. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint, and any notice of call may be effectually given by sending the notice by registered letter, post paid to the last-known address of each shareholder: Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

When business may be commenced.

9. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until two hundred thousand dollars of the capital stock have been subscribed and ninety thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and fifty thousand dollars have been paid in cash into the funds of the Company: Provided further that, in case the business of

accident and sickness insurance has not so been taken up, the Company may commence the business of guarantee and contingency insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and seventy-five thousand dollars have been paid in cash into the funds of the Company.

Accident and sickness insurance.

10. The Company may make and effect contracts of insurance against any accident or casualty, of whatever nature or from whatever cause arising, to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or any other disability not caused from accident or old age; 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; and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*.

R.S., 1906, c. 34.

Guarantee insurance.

11. The Company may make and effect contracts—

(*a*) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise;

(*b*) guaranteeing the due performance and discharge by receivers, official and other liquidators, special managers, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents, of their respective duties and obligations;

(*c*) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person.

2. The Company may carry on, generally, the business of guarantee insurance as defined by *The Insurance Act*.

R.S., 1906, c. 34.

Accident and transportation insurance of property.

12. The Company may also make contracts insuring the owner of personal property, other than plate-glass or other glass, against accidental damage or loss total or partial to such property, *in situ* or in transit, by reason of any cause whatsoever except loss directly or indirectly by fire or by the perils of navigation.

Power to hold real property limited.

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

Re-insurance.

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

Power to amalgamate with other companies.

R.S., 1906, c. 34.

15. The Company shall have power to amalgamate with any other company or companies duly authorized by law to carry on all or any descriptions of insurance business authorized by *The Insurance Act*; and may also sell and dispose of the whole or any portion of its own business to any company or companies duly authorized to transact business in the Dominion of Canada.

R.S., 1906, c. 34 to apply.

16. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

Application of R.S., 1906, c. 79.

R.S., 1906, c. 34.

17. Notwithstanding anything contained in *The Companies Act*, Part II thereof, except sections 120, 121, 122, 125, 141, 158 and 165, shall apply to the Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

4th Session, 1 th Parliament, 7-8 Edward VII

THE SENATE OF CANADA

BILL.

Q

An Act to incorporate The Londo Lancashire Guarantee and Ac Company of Canada.

Received and read a first time,

Tuesday, February 11, 1908.

Second reading,

Thursday, February 13, 1908.

Honourable Mr. Ross (Middles

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Maj
1907-8.

THE SENATE OF CANADA.

R.] **BILL.** [1907-8

An Act respecting the Manitoulin and North Shore Railway Company.

WHEREAS The Manitoulin and North Shore Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:— Preamble. 1900, c. 64; 1901, c. 74; 1902, c. 72; 1903, c. 148; 1905, c. 120; 1906, c. 123; 1907, c. 106.

1. The lines of railway described in sections 1 and 2 of chapter 148 of the statutes of 1903, as amended by section 1 of chapter 106 of the statutes of 1907, and in section 7 of chapter 64 of the statutes of 1900, except those portions described in sections 2 and 3 of this Act, may be commenced within two years and completed 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 thereof as then remains uncompleted. Extension of time for construction of certain lines. 1907, c. 106, s. 2 amended.

2. That part of the railway of The Manitoulin and North Shore Railway Company described in section 7 of chapter 64 of the statutes of 1900, lying between Sudbury and Little Current, may be commenced within two years after the passing of this Act; but, if the construction of the said part of the railway is not commenced at the harbour of Little Current and one hundred and fifty thousand dollars are not expended thereon within the said two years, and if the said part of the railway is not completed within three years after the passing of this Act, the powers granted for such construction shall cease and be null and void as respects so much of the said part of the railway as then remains uncompleted. Extension of time for construction, Sudbury to Little Current. 1906, c. 123, s. 1 amended.

3. That part of the said railway described in section 7 of chapter 64 of the statutes of 1900, lying between Meaford and Owen Sound, may be commenced within two years after the passing of this Act; but, if the construction of the said part of the railway is not commenced, and one hundred and fifty thousand dollars are not expended thereon within the said two years, and if the said part of the railway is not completed within three years after the passing of this Act, the powers Extension of time for construction, Meaford to Owen Sound. 1906, c. 123, s. 2 amended.

granted for such construction shall cease and be null and void as respects so much of the said part of the railway as then remains uncompleted.

Repeal, 1906, c. 123, ss. 1, 2. 1907, c. 106, s. 2.

4. Sections 1 and 2 of chapter 123 of the statutes of 1906, and section 2 of chapter 106 of the statutes of 1907 are repealed.

4th Session, 1 :h Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

R

An Act respecting The Manitoulin and North Shore Railway Company.

Received and read a first time,

Wednesday, February 12, 1908.

Second reading,

Friday, February 14, 1908.

Honourable MR. KERR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

S.] **BILL.** [1907-8

An Act respecting The Pacific and Atlantic Railway Company.

WHEREAS The Pacific and Atlantic Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Ontario Statutes. 1886, c. 76; 1900, c. 120; 1902, c. 89; 1905, c. 104. Statutes of Canada, 1906, c. 138.

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

2. Section 2 of chapter 138 of the statutes of 1906 is repealed. 1906, c. 138, s. 2 repealed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

S

An Act respecting The Pacific and Atlantic Railway Company.

Received and read a first time,

Wednesday, February 12, 1908.

Second reading,

Friday, February 14, 1908.

Honourable MR. KERR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

T.] **BILL.** [1907-8

An Act respecting The Atlantic, Quebec and Western Railway Company.

WHEREAS The Atlantic, Quebec 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Quebec— 1901, c. 63. Canada— 1903, c. 81. 1904, c. 46. 1905, c. 59. 1906, c. 59. 1907, c. 63.

1. Section 7 of chapter 63 of the statutes of 1907 is hereby repealed. 1907, c. 63, s. 7, repealed.

Bond issue.

2. Notwithstanding anything in the said Act, hereinafter called "the Act of 1907," section 10 of chapter 81 of the statutes of 1903, hereinafter called "the Act of 1903," and the resolutions of the Company as to the exercise of the powers conferred by the said section, shall be deemed to have remained, and shall continue, of full force and effect. 1903, c. 81, s. 10, revived.

Confirmation of securities issued thereunder.

3. In addition to the bonds, debentures or other securities which the Company was and is authorized to issue by section 10 of the Act of 1903, the Company may issue, in respect of the railways by that Act authorized, bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the said railways, but only in proportion to the length thereof constructed or under contract to be constructed, and subject to such charges as have been lawfully created in favour of the holders of bonds, debentures and other securities issued under the Act of 1903. Limit of issue in respect of lines authorized by 1903, c. 81.

4. The Company may issue bonds, debentures or other securities to the extent of forty-five thousand dollars per mile of the railways which the Company is authorized, by the Act of 1907, to construct or to acquire; but such bonds, debentures or other securities may be issued only in proportion to the length constructed or under contract to be constructed of the said railways; and any bonds, debentures or other securities issued, under the authority of this section, in respect of the Metapedia section, shall be subject to any charge created to secure any bonds, debentures or other securities, or perpetual or terminal debenture stock, issued under the authority of Limit of issue in respect of lines authorized by 1907, c. 63.

section 4B added to the Act of 1903 by section 2 of the Act of 1907, and so that no greater sum than forty-five thousand dollars in all per mile of the Metapedia section shall be charged thereon.

1903, c. 81, ss. 10A, 10B, repealed. Consolidated bonds, etc.

5. Sections 10A and 10B added to the Act of 1903 by section 8 of the Act of 1907, are hereby repealed.

New provision as to issue of consolidated bonds and of debenture stock. Applicable to all lines. "Consolidated securities."

6. The directors may, from time to time, subject to the provisions of *The Railway Act*, create and issue consolidated bonds or perpetual or terminable debenture stock (all of which are hereinafter in this Act referred to as "consolidated securities") to the extent in all of forty-five thousand dollars per mile, constructed or under contract to be constructed, of the railways which the Company has authority to construct or to acquire, and such consolidated securities may be issued:—

Purposes for which issue may be made. "Sectional securities."

(i.) In exchange for bonds, debentures, or other securities issued pursuant to the powers contained in the Act of 1903 or in the Act of 1907 (all of which last mentioned bonds or other securities are hereafter in this Act referred to as "sectional securities"); or

(ii.) for the purpose of the redemption of any sectional securities; or

(iii.) in lieu of sectional securities authorized but not issued.

How sectional securities are to be dealt with, when exchanged or redeemed.

2. When any sectional securities have been exchanged or redeemed as aforesaid, such sectional securities shall be registered by the Company in the name of trustees, hereinafter called "the Trustees," and shall not be sold or re-issued; and such sectional securities shall not be considered as forming part of the outstanding bonds, debentures or other securities issued by the Company; but the share or participation to which such sectional securities before being exchanged or redeemed were entitled in the mortgage privilege or charge upon the section of the railway to which such sectional securities apply, shall thenceforth belong to and inure in favour of the Trustees, upon trust to be applied by them as may be directed by the Company.

Surrender and cancellation

So soon as the whole of the sectional securities charged on any of the said railways have been exchanged for consolidated securities or redeemed, such sectional securities shall be surrendered to the Company for cancellation.

4th Session, 10th Parliament, 7-8 Edward VII.

THE SENATE OF CANADA.

BILL.

T

An Act respecting The Atlantic, Q and Western Railway Company

Received and read a first time,

Tuesday, 18th February, 1908.

Second reading,

Friday, 21st February, 1908.

Honourable Mr. Fis

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Maje
1907-8.

THE SENATE OF CANADA.

U.] **BILL.** [1907-8

An Act to change the name and head-office of The Anglo-Canadian Insurance Company.

Preamble. 1906, c. 57.

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

Corporate name changed. 1906, c. 57, s. 1.

1. The name of the Anglo-Canadian Insurance Company is hereby changed to "The National Union Insurance Company."

Head office changed. 1906, c. 57, s. 5.

2. The head office of the Company shall hereafter be in the city of Toronto, in the province of Ontario, instead of the city of Montreal, in the province of Quebec.

Existing rights saved.

3. Nothing in this Act contained shall be held to impair, alter or affect in any way any power, right, obligation or liability of the Company: and any suit, action or proceeding now pending by or against the Company may be continued and completed, and any judgment, decree or order now existing in favour of or against the Company may be enforced, as if this Act had not been passed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

U

An Act to change the name and head-office of The Anglo-Canadian Insurance Company.

Received and read a first time,

Tuesday, February 18, 1908.

Second reading,

Friday, February 21, 1908.

Honourable Mr. CASGRAIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

V.] **BILL.** [1907-8

An Act respecting The Dominion Guarantee Company, Limited.

WHEREAS the Dominion Guarantee Company, Limited, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1893, c. 78. 1894, c. 121. 1901, c. 95. 1903, c. 113.

1. Section 11 of chapter 78 of the Statutes of 1893 is hereby amended by substituting, in the second line thereof, for the words "in Canada" the words "of Canada." 1893, c. 78, s. 11. Investment of funds.

2. If the mortgage or hypothecation of any real property lawfully acquired or held by the Company is necessary or requisite for the carrying on of any of the undertakings of the Company, the Company may mortgage or hypothecate such property. Power to mortgage property.

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

(*a*) borrow money upon the credit of the Company; Borrowing.

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

(*c*) issue bonds, debentures or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient; Bonds, etc.

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

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

4. Paragraph (*a*) of section 1 of chapter 121 of the Statutes of 1894 is hereby repealed and the following paragraph substituted therefor:— 1894, c. 121 s. 1, para (*a*).

Powers for protection of property.

"(*a*) At any place in Canada where the Company sees fit so to do, for the purpose of protecting property against fire and burglary,—

Alarm system.

"(i.) construct, install, equip, maintain, and operate by electrical or any other means, whether inside or outside of buildings, any system of detection, alarm or communication, by electric wires or otherwise;

Patrol service.

"(ii.) establish, equip, maintain and operate services of patrol and watch by persons wearing either uniform or ordinary clothing;

Manufacture of plant, &c.

"(iii.) manufacture, acquire, and dispose of all plant, equipment, implements, instruments, articles, devices and things necessary or expedient for such systems and services."

Agreement confirmed.

5. The agreement entered into by the Company with The Gresham Life Assurance Company of London, England, as set forth in the Schedule of this Act, is hereby ratified and confirmed.

SCHEDULE.

Before Mtre. Herbert Meredith Marler, the undersigned Public Notary for the province of Quebec, residing and practising at the city of Montreal, appeared the Gresham Life Assurance Society of London, England, a body politic and corporate, duly incorporated and having its chief place of business at the city of London, in England, herein acting by William Hanson, of the city of Montreal, financial agent, its duly authorized representative, the said Gresham Life Assurance Society of London, England, being hereinafter called "the Lender," of the one part.

And The Dominion Guarantee Company, Limited, a body politic and corporate, duly incorporated and having its chief place of business at the city of Montreal, herein acting by Frederick W. Evans, of the town of Westmount, the president the said Company, and by William John Kirby of the same place, the secretary thereof, both hereunto duly authorized in virtue of a resolution passed at a meeting of the shareholders of the Company held on the twentieth day of April, nineteen hundred and six, whereof a copy certified true is hereunto annexed after being signed for identification by the parties hereto in the presence of the said notary, the said Dominion Guarantee Company, Limited, being hereinafter called "the Borrower," of the other part,

Who declared unto the said notary:—

That whereas the said Dominion Guarantee Company, Limited, formerly the Dominion Burglary Guarantee Company, Limited, was incorporated by Act of the Parliament of Canada under chapter LXXVIII of the Statutes of 1893, and amendments thereto.

And whereas the subscribed capital stock of the said Company is two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

And whereas at a special general meeting of the shareholders of the said Company duly called and held on the twentieth

day of April last, 1906, at which meeting there were present or represented by proxy shareholders representing more than two-thirds of the subscribed capital stock of the Company, a by-law was passed whereby the directors of the Company were authorized to borrow a sum not exceeding fifty-five thousand dollars for such time and at such rate of interest as they might determine, and as security therefor to hypothecate in favour of the person or persons lending the money the immovable property of the Company situated at the south-east corner of St. James street and St. Michael's lane, in the city of Montreal, known as part of lot nine hundred and five on the official plan and book of reference of the St. Antoine ward of the city of Montreal, with the buildings thereon erected. And the president and secretary of the Company were authorized and empowered to sign and execute the deed of loan on behalf of the Company.

As the whole will appear upon reference to a copy of..... said by-law which is hereunto annexed, marked "A" signed *ne varietur* by the parties hereto in the presence of the said notary.

And whereas the present deed is given for the purpose to securing the said loan and conforms in all respects to the draft submitted to the meeting:

Now, therefore, these presents and I, the said notary, witness and the parties have agreed as follows:—

The Lender hath this day loaned to the Borrower the sum of fifty thousand dollars which it acknowledges to have received.

The Borrower obliges itself to repay the Lender the said sum of fifty thousand dollars on the first day of May, nineteen hundred and twelve, but not before that date, without the express consent in writing of the Lender.

And until actual repayment of the said sum of fifty thousand dollars the Borrower obliges itself to pay the Lender interest thereon at the rate of four and one-half per centum per annum, to be computed from this date and payable half yearly, on the first day of November and May in each year, whereof the first payment for the period from this date will become due on the first day of November next. With interest on all over-due interest at the same rate.

The additional clauses and conditions annexed to these presents after being signed by the parties hereto in the presence of said notary, shall be held to form part hereof, and shall be as binding upon the parties as if the same had been herein inserted at full length.

HYPOTHEC.

To secure the repayment of the said sum of fifty thousand dollars and interest the Borrower hereby hypothecates in favour of the Lender to the extent of the said sum of fifty thousand dollars and interest the following property which it declares to belong absolutely to it and be free and clear of all encumbrances:—

A lot of land fronting on St. James street in the city of Montreal, forming part of the lot known and designated as lot number nine hundred and five (905) on the official plan and book of reference of the St. Antoine ward of the city of Montreal,

containing thirty-eight feet six inches in width in front, thirty-seven feet one inch in rear, by a depth of seventy-five feet three inches, in the north-east side line and eighty feet eleven inches in the south-west side line, and a superficial area of two thousand nine hundred and thirty-seven square feet, English measure, and more or less, without warranty as to precise measurement. Bounded in front by St. James street, in rear by a covered passage forming part of the said lot number nine hundred and five, giving access to official lot number nine hundred and six (906), and on the north-east side by the said official lot number nine hundred and six (906), and on the south-west side by St. Michael lane. With the buildings thereon erected the north-east gable wall whereof is mitoyen with the adjoining premises.

With all the Borrower's rights in the piece of land forming the residue of the said lot number nine hundred and five, measuring about nine feet, French measure, in width, which was set apart as a passage for the exclusive use of the said lot number nine hundred and six, the Borrower having the right to build over the same as set forth in the deed of sale from Dame Marguerite Viger to Eliza Margaret Easton, executed before Z. J. Truteau and colleague notaries, on the fourteenth of March, eighteen hundred and thirty-two, but without any warranty on the part of the Borrower in respect of such rights. *Procès Verbal* showing the division line between the said lot and the said official lot number nine hundred and six, made by W. McLea Walbank and J. E. Vanier, land surveyors, with a plan of said property bearing date the eighth day of October, eighteen hundred and ninety, is annexed to the deed of sale from David S. Leach *et al* to Samuel Hamilton Ewing and Andrew Stuart Ewing before John Fair, notary, on the seventeenth of October, eighteen hundred and ninety.

In the event of the said property or any part thereof being sold at forced sale before the complete reimbursement of this loan, or dealt with in any way which will require the Lender to receive its claim judicially, the Lender will be entitled to receive, and the Borrower now obliges itself to pay an indemnity of five per cent upon and in addition to the amount of the loan then due in principal, interest and accessories.

And to secure the payment to the Lender of the indemnity above stipulated, interest on all overdue interest at the same rate, and any insurance premiums, registration fees, or other sums which may be expended by the Lender by reason of this loan, or to preserve the hypothec hereby created and for the fulfilment of all the conditions of the loan, the Borrower specially hypothecates the said property in favour of the Lender for the further sum of five thousand dollars.

DECLARATION OF THE BORROWER.

The Borrower makes the following declarations which are stipulated as essential to this loan and which it covenants to be true in all respects:

1. That the said property belongs absolutely to it and is free and clear of all encumbrances.

2. That it will as soon as possible obtain such legislation as will in the opinion of the solicitor of the Lender ratify the present deed of loan, or enable the Company to execute on demand as it hereby agrees to execute on demand, all such further instruments as in the opinion of the Lender may be requisite or necessary to more fully secure the present loan.

And hereto intervened Frederick W. Evans, of the town of Westmount, insurance agent, Benjamin Tooke, manufacturer, Herbert B. Ames, member of the Dominion Parliament, George G. Foster, advocate and King's Counsel, Joseph M. Fortier, manufacturer, William Hanson, financial agent, and Frederick W. Fairman, financial agent, the last six all of the city of Montreal, who having taken communication of this deed, declared themselves therewith content and voluntarily bound and obliged themselves as sureties for and with the Borrower, for the repayment of the said loan, the interest thereon and fulfilment of all the terms and conditions herein expressed, renouncing the benefits of division and discussion and obliging themselves to make of the whole their own personal affair in case of any default on the part of the Borrower.

The Lender agrees as soon as the Company is authorized to execute such further instruments as in the opinion of the Lender's solicitor are sufficient to ratify the present deed or to enable the Company to execute such further deed as may be required to legally secure the present loan and the hypothec granted to secure the same, that it will then release the said intervening parties from their obligations hereunder.

Whereof, Acte.:

Executed at the city of Montreal this thirteenth day of April, nineteen hundred and seven, and of record in the office of the undersigned notary under the number seven thousand four hundred and seven, and after due reading hereof the parties signed in the presence of the said notary.

(Signed) THE GRESHAM LIFE ASSURANCE SOCIETY OF LONDON, ENGLAND, by William Hanson.
FRED. W. EVANS, President.
W. J. KIRBY, Secretary.
FRED. W. EVANS.
WILLIAM HANSON.
H. B. AMES.
B. TOOKE.
J. M. FORTIER.
F. W. FAIRMAN.
GEO. G. FOSTER.
H. M. MARLER, N.P.

A true copy of the original hereof remaining of record in my office. One marginal note good.

H. M. MARLER, N.P.

ADDITIONAL CLAUSES AND CONDITIONS subject to which the foregoing deed of loan executed before Mtre.-Herbert M. Marler, the undersigned Public Notary, and bearing date the thirteenth day of April, nineteen hundred and seven, from the Gresham Life Assurance Society of London, England, (hereinafter styled the Lender) to the Dominion Guarantee Company, Limited,

(hereinafter styled the Borrower) has been made and which are to form part of said deed as fully as if the same had been therein inserted in full length:—

1. The payments of capital and interest shall be made at the office in the city of Montreal, of the Bank of Montreal.

2. The Borrower will pay all municipal taxes on the property described in said Deed of Loan, and exhibit the receipts therefor to the Lender before the first of November next ensuing after the same became due.

3. In case of default on the part of the Borrower to pay any interest payment within fifteen days after maturity; or to pay taxes and exhibit the receipts therefor, as above stipulated; or to keep in force the insurance hereinafter agreed on; or should the Borrower permit to be registered against said property any memorial which might give rise to a lien for work done or materials furnished; the Lender may if it choose, exact the amount of this Loan, with all interest then accrued; and this without any demand or notice being necessary.

4. The Borrower will, at its cost, furnish the Lender with a registered copy of any deed or mutation of the property described in said deed within thirty days after execution thereof.

5. The Borrower will pay all fees, legal and notarial, in respect of this loan, and all registration fees, and for the renewal of such registration when necessary, and the notice of address.

6. The Borrower will insure and keep insured against Loss by Fire with an Insurance Company approved of by the Lender, the buildings erected on the property described in said deed for an amount equal to the sum loaned, and will transfer to the Lender the policy of such insurance and the indemnity which may become due thereunder, and deliver to the Lender the receipts for the renewal of such insurance as they mature, the whole as additional security for the said Loan and until repayment thereof; and should the Borrower fail to comply with this agreement in any respect, the Lender will have the right to insure at the cost of the Borrower.

7. In the event of any tax being imposed by legislative or municipal authority upon hypothecary debts, or the income therefrom, the Borrower binds and obliges itself, to pay such tax in order that the Lender may receive the amount of this Loan and the interest thereon without deduction or abatement of any kind.

8. All quittances and other instruments to which the Lender may be required to become a party shall be executed before the Notary of the Lender and at the Borrower's expense.

(Signed) WILLIAM HANSON for tne Gresham Life Assurance Society.
WILLIAM HANSON.
H. B. AMES.
B. TOOKE.
FRED. W. EVANS, President.
W. J. KIRBY, Secretary.
F. W. EVANS.
J. M. FORTIER.
GEORGE G. FOSTER
F. W. FAIRMAN.
H. M. MARLER, N.P.

A true copy. H. M. MARLER, N.P.

REGISTRY OFFICE FOR THE REGISTRAEION DIVISION OF MONTREAL WEST.

I certify that this document was entered and registered at full length in the Registry Office for the Registration Division of Montreal West, in Reg. B, 253, page 216, at eleven o'clock in the forenoon, of the seventeenth day of April, nineteen hundred and seven, under the number one hundred and forty-three thousand eight hundred and seventy-nine.

W. WATTS,
Registrar.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

V

An Act respecting The Dominion Guarantee Company, Limited.

Received and read a first time,

Tuesday, 18th February, 1908.

Second reading,

Friday, 21st February, 1908.

Honourable Mr. BAKER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

W.] **BILL.** [1907-8

An Act to amend The Naturalization Act.

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

1. Section 54 of *The Naturalization Act*, chapter 77 of *The Revised Statutes*, 1906, is hereby amended by striking out paragraph (*h*) therein, and substituting the following paragraph:— R.S., c. 77, s. 54, new para. (*h*).

"(*h*) In Saskatchewan or Alberta with the Clerk of the Supreme Court of the province or of any District Court in the judicial district in which the alien resides." Where the oath required shall be filed of Record.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

W

An Act to amend The Naturalization Act.

Received and read a first time,

Wednesday, February 19, 1908.

Second reading,

Tuesday, February 25, 1908.

Honourable Mr. SCOTT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

X.] **BILL.** [1907-8

An Act to incorporate The Ontario and Michigan Power Company.

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

1. Thomas Sturgis, of the city of New York, in the state of New York, one of the United States of America; J. C. Hunter, of the city of Duluth, in the state of Minnesota, one of the United States of America; Herman Finger, of the city of Port Arthur, in the province of Ontario; A. W. Fraser and Thomas A. Burgen, both 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 Ontario and Michigan Power Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

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

6. The annual meeting of the shareholders shall be held on the first Monday in June in each year, or at such other date as may be fixed by by-law of the Company. Annual meeting.

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

8. For the purposes of obtaining, developing, improving or generating water-power, using water-power by any means

of application, converting water-power into electricity, heat, light or any other form of energy, storing water-power, gas, compressed air, electricity, heat, light or any other form of energy, and of transmitting and supplying the same by any means for use in any manner at any place in Canada, or in Isle Royale or in any place in the United States of America, the Company may—

(*a*) acquire lands, easements, privileges, water and water-rights at any one place on each of the following rivers, namely, the Pigeon river in the province of Ontario and the state of Michigan, the Nepigon river and the Sturgeon river, both in the district of Thunder Bay in the said province;

(*b*) acquire such lands, easements, privileges, water and water-rights as are necessary for establishing, maintaining and operating systems for the storage, control and regulation of the water in any lake whose waters flow into any of the said rivers, and in any streams or other watercourses conveying such discharge, and in each of the said rivers between the points of confluence of such streams or other watercourses therewith and the place selected under paragraph (*a*) of this section;

(*c*) at any place in the district of Thunder Bay, Isle Royale, or the state of Michigan, bore for natural gas, manufacture gas, and collect and store natural and manufactured gas, and transmit to and use the same at any place in Canada or the United States, for any of the purposes aforesaid;

(*d*) acquire all necessary lands, easements, privileges and other rights, and acquire, construct, erect, maintain, use, operate and manage all necessary works, structures, buildings, machinery, plant, appliances, instruments and devices, erect poles, sink wells, and lay pipes, cables, wires and other conductors and do all other things necessary for or incidental to the purposes and objects aforesaid.

Telegraph and telephone lines.

R. S., c. 37.

9. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject, to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls.

2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R. S., c. 126.

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

Jurisdiction of Railway Board as to storage of and use of water.

10. No work for the storage, control or regulation of water shall be commenced until the plans and specifications relating thereto have been approved by the Board of Railway Commissioners for Canada, and the said Board shall, in addition to any other regulation, fix and determine to what level the

water in any lake or any portion of a river or stream or other watercourse may be raised or lowered by the Company, and the minimum quantity of flow of water that shall be vented from time to time; also the maximum flow or quantity of water that shall be vented for power purposes, and the time or times during each year the minimum flow of water shall be increased, having regard to the wants of the Company or of any other company or person using water for power or other purposes upon any of the said rivers or lakes; and the said Board shall also fix and determine what compensation, if any, shall be made to the Company by any other company or individual using water for power purposes upon any or either of the said rivers who may be benefited by the works of the Company.

Agreements with municipalities.

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

Consent of municipalities generally.

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

Special provision as to certain cities.

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

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

Settlement of disputes.

15. In case of any dispute as to the price for power or electrical or other energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the International boundary line, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which the same shall be furnished for use, or as to the exercise of any of the powers by this Act conferred, such dispute shall, notwithstanding the provisions of section 17 of *The Railway Act*, be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

R.S., 1906, c. 37.

Application of 1907, c. 14 and 1907, c. 16.

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

17. The provisions of any general Act of the Legislature of any province of Canada, now, or at any time hereafter in force in so far as the same provides in the interests of public health or safety for the regulation of the transmission and distribution of electricity in any form shall apply to the works and operations of the Company.

Limitation of time for construction.

18. The construction of the works of the Company shall be commenced within three years and completed within six years from the passing of this Act, otherwise the powers hereby granted shall cease and become null and void as respects so much of the said works as then remains uncompleted.

Issue of securities.

19. The Company may issue bonds, debentures or other securities to an amount not exceeding three million dollars.

R.S., 1906, c. 37 to apply.

20. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and to its undertaking.

"Company."

2. Whenever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated.

"Railway."

3. Whenever in *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or to the Company, mean any work authorized by this Act.

"Lands."

4. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege or easement required by the Company for carrying out the undertaking authorized by this Act.

R.S., 1906, c. 79.

21. *The Companies Act* shall not apply to the Company.

4th Session, 10th Parliament, 7-8 Edward VII

THE SENATE OF CANADA

BILL.

X

An Act to incorporate The Ontario Michigan Power Company.

Received and read a first time,

Thursday, 20th February, 1908.

Second reading,

Tuesday, 25th February, 1908.

Honourable MR. WATSON.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

Y.] **BILL.** [1907-8

An Act respecting The Grand Trunk Pacific Branch Lines Company.

WHEREAS the Grand Trunk Pacific Branch Lines Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1906, c. 99.

1. The Grand Trunk Pacific Branch Lines Company may commence the construction of the lines of railway authorized by section 11 of chapter 99 of the statutes of 1906, within two years after the passing of this Act, and may complete the said lines of railway and put them in operation within five years after the passing of this Act; and if the said lines of railway are not so commenced, or if the said lines of railway are not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted. Extension of time for construction.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

Y

An Act respecting The Grand Trunk Pacific Branch Lines Company.

Received and read a first time,

Tuesday, February 25, 1908.

Second reading,

Thursday, February 27, 1908.

Honourable Mr. WATSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

Z.] 1907-8

An Act relating to the Water-Carriage of Goods.

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

1. This Act may be cited as *The Water-Carriage of Goods Act*, 1908. Short title.

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

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

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

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

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

4. Where any bill of lading or document contains any clause, covenant or agreement whereby— Certain clauses prohibited in bill of lading.

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

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

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

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

Construction and jurisdiction.

5. All parties to any bill of lading or document relating to the carriage of goods from any place in Canada to any place outside Canada shall be deemed to have intended to contract according to the laws in force at the place of shipment, and any stipulation or agreement to the contrary, or purporting to oust or lessen the jurisdiction of any court in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Implied warranty in bills of lading.

6. In every bill of lading with respect to goods a warranty shall be implied that the ship shall be, at the beginning of the voyage, seaworthy in all respects and properly manned, equipped and supplied.

Implied clause.

2. In every bill of lading with respect to goods, unless the contrary intention appears, a clause shall be implied whereby, if the ship is at the beginning of the voyage seaworthy in all respects and properly manned, equipped and supplied, neither the ship nor the owner, charterer, master, or agent, shall be responsible for damage to or loss of the goods resulting from—

(*a*) faults or errors in navigation,

(*b*) perils of the sea or navigable waters,

(*c*) acts of God or the King's enemies,

(*d*) the inherent defect, quality or vice of the goods,

(*e*) the insufficiency of package of the goods,

(*f*) the seizure of the goods under legal process,

(*g*) any act of omission of the shipper or owner of the goods, his agent or representative,

(*h*) saving or attempting to save life or property at sea,

(*i*) any deviation in saving or attempting to save life or property at sea.

Bill of lading to be issued to shipper.

Contents.

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

Effect as evidence.

Notice to consignees.

8. Every owner, charterer, master or agent of any ship carrying goods shall, on the arrival of the ship at the port at which any goods are to be delivered, forthwith notify the consignees of such goods of such arrival.

Penalties.

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

(*a*) inserts in any bill of lading or document any clause, covenant or agreement declared by this Act to be illegal; or

(*b*) makes, signs, or executes any bill of lading or document containing any clause, covenant or agreement declared by this Act to be illegal; or

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

(*d*) refuses or neglects to notify a consignee of the arrival of a ship at the port at which any goods carried by such ship are to be delivered;

is guilty of an indictable offence and liable to a fine not exceeding two thousand dollars, with costs of prosecution, and the ship may be libeled therefor in any Admiralty district in Canada within which the ship is found.

Disposal of penalty.

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

Commencement of Act.

10. This Act shall come into force on the first day of September, A.D. 1908.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

Z

An Act relating to the Water-Carriage of Goods.

Received and read a first time,

Wednesday, February 26, 1908.

Second reading,

Tuesday, March 3, 1908.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON.
Printer to the King's most Excellent Majesty
1907-8.

As amended, 7th and 14th May, 1908, and reported by The Senate Committee on Banking and Commerce.

THE SENATE OF CANADA.

Z.] **BILL.** [1907-8

An Act relating to the Water-Carriage of Goods.

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

1. This Act may be cited as *The Water-Carriage of Goods Act*, 1908. Short title.

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

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

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

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

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

4. Where any bill of lading or document contains any clause, covenant or agreement whereby— Certain clauses prohibited in bill of lading.

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

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

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to

care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided;

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

Express reference to be made to this Act.

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

Jurisdiction.

Responsibility for navigation and management.

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

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

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

Limit of liability as to value of goods.

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

Effect of declaration.

Bill of lading to be issued to shipper.

Contents.

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

Effect as evidence.

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

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

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

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

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

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

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

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

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

Penalty.

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

Shipper liable for damages.

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

15. This Act shall come into force on the first day of September, A.D. 1908. Commencement of Act.

FIRST REPRINT.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

THE SENATE OF CANADA.

BILL.

Z

An Act relating to the Water-Carriage of Goods.

Reprinted as amended 7th and 14th May, 1908, and reported by The Senate Committee on Banking and Commerce.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

AA.] **BILL.** [1907-8

An Act for the relief of Andrew Walker.

Preamble.

WHEREAS Andrew Walker, of Wychwood Park, county of York, in the province of Ontario, clerk, has by his petition alleged, in effect, that on the eleventh day of July, A.D. 1885, at East Mains, in the county of Midlothian, Scotland, he was lawfully married to Janet Macdonald of the said place, spinster; that his legal domicile is now in Canada; that at Penhold, then in the Northwest Territories, now in the Province of Alberta, in the year A.D. 1904, she committed adultery with one John Cross, and is now living with the said John Cross as his wife at the city of Winnipeg, in the province of Manitoba; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Andrew Walker and the said Janet Macdonald, 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 Andrew Walker may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Janet Macdonald had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

AA

An Act for the relief of Andrew Walker.

Received and read a first time,

Wednesday, February 26, 1908.

Second reading,

Friday, February 28, 1908.

Honourable Mr. FROST.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BB.] **BILL.** [1907-8

An Act to amend The Boards of Trade Act.

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

1. Section 4 of *The Boards of Trade Act*, chapter 124 of *The Revised Statutes*, 1906, is hereby amended by adding thereto the following subsection:— R.S., c. 124, s. 4, amended.

"2. Where the district is situate wholly or partly within a district for which there is an existing board of trade, the certificate shall be accompanied by a statutory declaration of two or more of the persons signing the same as to the facts in that regard and in regard to the population of the existing district, as well as that of the proposed new district and of the existing district as diminished by the proposed change, and as to any facts or considerations which made the establishment of the new board expedient." Certificate of formation of board of trade.

2. Section 5 of the said Act is hereby amended by adding thereto the following subsection:— S. 5 amended.

"2. In cases falling within subsection 2 of the next preceding section— Proceedings when certificate is forwarded to Secretary of State for registration.

"(*a*) the existing board of trade shall be afforded an opportunity to show cause against the proposed change;

"(*b*) the certificate shall be recorded only with the sanction and authority of the Governor in Council;

"(*c*) When the certificate is recorded members of the board of the existing district who reside in the new district shall cease to be members of that board, but only upon discharging any lawful liability which is standing upon the books of that board against them."

3. Upon application by the board of trade for any district under its corporate seal, signed by the president and secretary, and duly authorized by by-law of the corporation, the Governor in Council may change the boundaries of such district. Procedure to change boundaries of districts.

4. Upon its being made to appear that a board of trade has become incapable of exercising or has ceased to exercise its franchises, the Governor in Council may, upon and subject to such terms and conditions as he thinks just and proper, dissolve the board as a corporation. Dissolution of corporation.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

BB

An Act to amend The Boards of Trade Act.

Received and read a first time,

Friday, February 28, 1908.

Second reading,

Wednesday, March 11, 1908.

Honourable Mr. Scott.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

CC.] **BILL.** [1907-8

An Act to amend The Gold and Silver Marking Act.

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

1. Section 2 of Chapter 90 of *The Revised Statutes*, 1906, as enacted by Chapter 17 of the Statutes of 1907, is repealed and the following section is substituted therefor :— R.S., c. 90, s. 2: 1907, c. 17, s. 1, repealed.

"**2.** This Act shall come into force on the thirteenth day of March, nineteen hundred and nine." New date of coming into force.

2. The said Act shall be construed as if the day of its coming into force had been originally fixed as, and had always been, the said thirteenth day of March, nineteen hundred and nine, and it is, therefore, enacted and declared that the said Act has never, heretofore, gone into operation. Declaratory as to interpretation.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

CC

An Act to amend the Gold and Silver Marking Act.

Received and read a first time,

Tuesday, March 10, 1908.

Second reading,

Wednesday, March 11, 1908.

The Right Honourable
SIR RICHARD CARTWRIGHT, K.C.M.G.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

DD]. **BILL.** [1907-8

An Act respecting the Board of the Presbyterian College, Halifax.

WHEREAS the Board of the Presbyterian College, Halifax, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1902, c. 92.

1. Paragraph (*c*) of section 3 of chapter 92 of the statutes of 1902 is hereby repealed and the following substituted therefor:— 1902, c. 92, s. 3. Powers of the Board.

"(*c*) Receive, take over, hold, invest and manage any real or personal property, bequests, donations or devises which may be given, entrusted, bequeathed or devised to the Board, or to any scheme or fund of the Presbyterian Church in Canada, other than such schemes or funds of the said Church as are incorporated under any Act or Statute of any Province of Canada and the Widows' and Orphans' Fund, by any person, congregation, presbytery or firm, or by the Synod of the Maritime Provinces, or by the General Assembly of the Presbyterian Church in Canada, for or on behalf of any scheme or religious and educational object of the Presbyterian Church in Canada, eastern division." Receiving and dealing with property.

2. Subsection (*g*) of section 3 of the said Act is hereby amended by inserting, after the word "conveyances" in the second line thereof, the words "receipts, discharges and acquittances." Execution of deeds, etc.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

DD

An Act respecting the Board of the Presbyterian College, Halifax.

Received and read a first time,

Friday, March 13, 1908.

Second reading,

Wednesday, March 18, 1908.

Honourable Mr. McGregor.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

EE.] **BILL.** [1907-8

An Act respecting The Pontiac Central Railway Company.

Preamble.

WHEREAS the Pontiac Central Railway Company has by its petition represented that it was incorporated by chapter 85 of the statutes of 1907, of Quebec, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Quebec 1907, c. 85.

Declaratory.

1. The undertaking of The Pontiac Central Railway Company, hereinafter called "the Company," is declared to be a work for the general advantage of Canada.

R. S., c. 37.

2. All the provisions of *The Railway Act*, not inconsistent with the Act incorporating the Company or with this Act, shall apply to the Company.

Extension of railway authorized.

3. The Company may extend its line in a southerly direction to a point at or near the town of Brockville, Ontario, passing through the counties of Renfrew, Lanark and Leeds, and in a northerly direction along the valley of the Nottaway River, to a point at or near the East Main River, in the province of Quebec.

Issue of securities for railway.

4. The Company may issue bonds or debentures to the extent of thirty thousand dollars per mile of its railway.

Issue of securities for other purposes.

2. The Company may issue bonds or debentures for the construction or acquisition of vessels or other properties or works of any kind, other than the railway, which the Company is authorized to operate, but such bonds or debentures shall not exceed in amount the value of such vessels, properties or other works.

Land Grant Bonds.

3. The Company may issue "Land Grant Bonds" to the extent of two dollars per acre upon any land owned by the Company other than lands required for the purposes of its undertaking.

Denomination of securities.

4. The Company may issue its bonds or debentures in whole or in part in the denomination of dollars, pounds sterling, or francs.

Buildings on Company's lands.

5. The Company may grant or lease the right to erect, on lands belonging to the Company, warehouses, elevators, hotels, mills, manufacturing establishments or other buildings or works for the purpose of giving greater facilities to the public in doing business with the Company; and the buildings or works so erected shall not be bound by, nor be subject to, any mortgage or lien on the property of the Company without the written consent of the owner of such buildings or works.

Time for construction of railway limited.

6. If the construction of the railway is not commenced within two years, or if the railway is not finished within seven years, after the passing of this Act, the powers conferred on the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

4th Session, 10th Parliament, 7-8 Edward VII.,

THE SENATE OF CANADA.

BILL.

EE

An Act respecting The Pontiac Ce
Railway Company.

Received and read a first time,

Wednesday, March 18, 1908.

Second reading,

Tuesday, March 24, 1908.

Honourable Mr. CAMPBEL

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majest
1907-8.

THE SENATE OF CANADA.

FF]. **BILL.** [1907-8

An Act for the relief of Edith Maud Rosario Gammell.

Preamble.

WHEREAS Edith Maud Rosario Gammell, presently residing in the city of Toronto, in the province of Ontario, wife of Hector Hatch Gammell, of the city of Saskatoon, in the province of Saskatchewan, civil engineer, has by her petition alleged, in effect, that they were lawfully married on the eleventh day of September, A.D. 1894, at the parish church, in the parish of St. George, Hanover Square, in the county of London, England, she then being Edith Maud Rosario Hughes, spinster, of Weston-super-Mare, England; that the legal domicile of the said Hector Hatch Gammell was then in England; that in the month of October, A.D. 1905, he came to Canada and became domiciled, and is now domiciled in Canada; that at the city of Saskatoon, in the province of Saskatchewan, on or about the twenty-sixth day of May, A.D. 1907, he committed adultery with one Mrs. Cordery, of the said city of Saskatoon, at the said city of Saskatoon; that she has not connived at or condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Maud Rosario Hughes and Hector Hatch Gammell, 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 Edith Maud Rosario Hughes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hector Hatch Gammell had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

FF

An Act for the relief of Edith Maud Rosario Gammell.

Received and read a first time,

Thursday, March 19, 1908.

Second reading,

Tuesday, March 24, 1908.

Honourable Mr. JONES.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

GG.] [1907-8

An Act respecting The Northern Bank and The Crown Bank of Canada.

Preamble. 1903, c. 168. 1902, c. 57.

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

Change of Name. 1903, c. 168, s. 1, amended.

1. The name of The Northern Bank is hereby changed to "The Northern Crown Bank."

Ratification of clause 7 of agreement for merger.

2. The seventh clause of the agreement for merger between The Northern Bank and The Crown Bank of Canada in the words and figures following, that is to say:—

"7. In the event of the assets of either party to the agreement being found to bear a greater percentage of value in proportion to the amount of its paid-up capital stock than do the assets of the other party to the agreement, then said party shall be at liberty to declare a dividend to its shareholders to represent such excess percentage. Such dividend shall be applicable and be applied only in payment up of such shares of new stock of the amalgamated bank to be issued to raise its share capital to $3,000,000.00 (three million dollars) as the shareholder entitled to the dividend may be entitled to under the terms upon which the said issue of new shares shall hereafter be made,"

is hereby sanctioned and confirmed and made binding upon the said two banks and the shareholders of the said two banks respectively.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

THE SENATE OF CANADA.

BILL.

GG

An Act respecting The Northern Bank and The Crown Bank of Canada.

Received and read a first time,

Friday, 20th March, 1908.

Second reading,

Wednesday, 25th March, 1908.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

HH.] **BILL.** [1907-8

An Act to restrict the evils of Divorce.

WHEREAn it is in the interest of society that the evils of Divorce be restricted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The offending and guilty party to a marriage contract shall have no right to remarry in the Dominion of Canada after the obtention of a Bill of Divorce through the Parliament of Canada; and further if such party remarry outside the jurisdiction of the Parliament of Canada, such remarriage shall be considered, for all purposes, invalid and illegal; and such party remarried shall be considered a bigamist within the territory of Canada. Remarriage of guilty party invalid in Canada.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

HH

An Act to restrict the evils of Divorce.

Received and read a first time,

Tuesday, March 24, 1908.

Second reading,

Thursday, March 26, 1908.

Honourable Mr. CLORAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

II.] **BILL.** [1907-8

An Act respecting The Nipissing Central Railway Company.

WHEREAS The Nipissing 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 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows— Preamble. 1907, c. 112.

1. Section 1 of chapter 112 of the statutes of 1907 is hereby repealed and the following substituted therefor:— 1907, c. 112, new s. 1 substituted.

"**1.** James William Fitzpatrick and Francis R. Latchford, both of the city of Ottawa, in the province of Ontario, George Ferdinand Duncan, of the city of Portland, in the state of Maine, one of the United States, the Honourable David MacKeen of the city of Halifax, in the province of Nova Scotia, Arthur George Browning of the town of North Bay, Herbert L. Dunn of the city of Toronto, George Taylor of the town of New Liskeard, and Michael J. O'Brien, of the town of Renfrew, in the province of Ontario, and Carlos N. Stone, of the city of Cleveland, in the state of Ohio, one of the United States of America, together with such persons as become shareholders in the Company, are incorporated under the name of "The Nipissing Central Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

II

An Act respecting The Nipissing Central Railway Company.

Received and read a first time,

Friday, March 27, 1908.

Second reading,

Wednesday, April 1, 1908.

Honourable Mr. McGregor.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

JJ.] **BILL.** [1907-8

An Act for the relief of Edith May Gilmore.

Preamble.

WHEREAS Edith May Gilmore, presently residing at the city of Toronto, in the province of Ontario, wife of Alfred Robert William Gilmore, of the said city, commercial traveller, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of February, A.D. 1900, at the said city, she then being Edith May Yeaxlie, spinster; that the legal domicile of the said Alfred Robert William Gilmore was then and is now in Canada; that, at the city of Montreal, in the province of Quebec, in or about the month of July, A.D. 1905, he committed adultery with some woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith May Yeaxlie and Alfred Robert William Gilmore, 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 Edith May Gilmore may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alfred Robert William Gilmore had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

J.J

An Act for the relief of Edith May Gilmore.

Received and read a first time,

Tuesday, March 31, 1908.

Second reading,

Thursday, April 2, 1908.

Honourable Mr. PERLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

KK.] **BILL.** [1907-8

An Act to amend The Prisons and Reformatories Act, in so far as the same affects the Province of Nova Scotia.

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

1. The following paragraph is added to section 2 of chapter 148 of *The Revised Statutes of Canada*, 1906, intituled: "An Act respecting Public and Reformatory Prisons"— R.S., c. 148, s. 2 amended.

"(*e*) The provisions of Part I of this Act apply to all Canada." Application of Part I.

2. Subsection 5 of section 29 of the said chapter is repealed. S. 29 amended.

3. Section 90 of the said chapter is repealed and the following section is substituted therefor:— New s. 90.

"**90.** Whenever any boy, who is a Protestant and apparently under the age of sixteen years, is convicted in Nova Scotia of any offence, for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may order such boy to be detained in the Halifax Industrial School for any term not exceeding five years and not less than two years. Power to sentence Protestant boy to Halifax Industrial School. Term.

"2. The superintendent of the Industrial School may at any time notify the mayor, warden or other chief magistrate of any municipality that no prisoners, beyond those already under sentence in the school, will be received therein; and, after such notification, no boy shall be sentenced in such municipality to be detained in the Industrial School until notice has been received by such mayor, warden or chief magistrate, from the Superintendent, that prisoners will again be received in the school. Notice to municipal authorities as to receiving boys so sentenced.

"3. If any boy so sentenced and detained in the Industrial School has in the opinion of the Board of Directors so conducted himself during a term of six consecutive months by good behavior, diligence and industry as to warrant his being set at large and no longer detained in the school, and if the judge, stipendiary magistrate, justice or justices before whom such boy was convicted or the stipendiary magistrate or police court of the City of Halifax concur with the said board in recommending the issue of a license to such boy to be at large, then the Minister of Justice, or such person as he appoints to issue such licenses, Conditional release on license.

may issue a license to such boy to be at large in the province of Nova Scotia, or in such part thereof as is specified in the license.

Apprenticing of certain boys.

"4. If any respectable and trustworthy person is willing to undertake the charge of any boy over the age of twelve years, (sentenced under any statute of the Dominion) who has so conducted himself as mentioned in the next preceding subsection, as an apprentice to the trade or calling of such person, the Superintendent of the Industrial School may, with the consent of the parent or guardian of the boy and in the name of the Board of Directors of the School, bind the said boy to such person for any term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment.

Discharge on probation in such case.

"5. The said Board of Directors shall thereupon order that such boy shall be discharged from the said Industrial School on probation, to remain so discharged, provided his conduct during the residue of said term, from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly.

Wages.

"6. Any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit.

Revocation or alteration of license.

"7. The license mentioned in subsection 3 of this section may be revoked or altered at pleasure by the Minister of Justice, or by such person as he appoints under the provisions of such subsection.

Regulations as to license.

"8. The Minister of Justice may make such regulations as he sees fit as to the form of such licenses and conditions of enjoyment and forfeiture thereof, and for ascertaining that the conditions are duly complied with.

Arrest and remand if license is contravened or apprentice's conduct is bad.

"9. Upon information on oath that the holder of any such license has contravened any of the conditions thereof or that the conduct of any boy apprenticed and discharged on probation under the provisions of subsections 4 and 5 of this section has not continued to be good, the Police Court or Stipendiary Magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate, and, upon conviction of such contravention or proof of such discontinuance of good conduct, shall remand him to the Industrial School, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the court or magistrate seems proper.

Addition to term of sentence.

Application of by-laws, etc.

"10. All boys detained in the Halifax Industrial School shall be governed by the by-laws, rules and regulations of the institution, not inconsistent with this Act, made by the Board of Directors and approved by the Lieutenant Governor in Council of the province of Nova Scotia,

Expenses, how defrayed.

"11. The expense of conveying any boy committed to the Halifax Industrial School, to and from the school, shall be a charge upon the municipality in which such boy is convicted and shall be paid to the Superintendent of the School by the municipal treasurer on the certificate of the Attorney-General of Nova Scotia."

4. Section 93 of the said chapter is repealed and the following section is substituted therefor:— New s. 93.

"**93.** Whenever any boy who is a Roman Catholic and apparently under the age of sixteen years, is convicted in Nova Scotia of any offence for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may order such boy to be detained in Saint Patrick's Home at Halifax for any term not exceeding five years and not less than two years. Power to sentence Roman Catholic boy to Saint Patrick's Home at Halifax.

2. The expense of conveying any boy committed to Saint Patrick's Home, to and from the Home, shall be a charge upon the municipality in which such boy is convicted, and shall be paid to the Director of the Home by the municipal treasurer on the certificate of the Attorney-General of Nova Scotia." Expenses, how defrayed.

5. Section 97 of the said chapter is amended by adding thereto the following subsections:— S. 97 amended.

"5. If any respectable and trustworthy person, being a Roman Catholic, is willing to undertake the charge of any boy over the age of twelve years, committed to Saint Patrick's Home, (under any statute of the Dominion) who has in the opinion of the Director or Superintendent of such Home so conducted himself during a term of six consecutive months, by good behaviour, diligence and industry, as to warrant his being set at large, as an apprentice to the trade or calling of such person, the Director of the Home may, with the consent of the parent or guardian of the boy, bind the said boy to such person for any term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment. Apprenticing of certain boys.

"6. The said Director shall thereupon order that such boy shall be discharged from the said Home on probation, to remain so discharged, provided his conduct, during the residue of said term from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly. Discharge on probation in such case.

"7. Any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit. Wages.

"8. Upon information on oath that the conduct of any boy apprenticed and discharged under the provisions of subsections 5 and 6 of this section has not continued to be good, the Police Court or Stipendiary Magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate and upon proof of such discontinuance of good conduct, shall remand him to Saint Patrick's Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the court or magistrate seems proper. Arrest and remand if apprentice's conduct is bad. Addition to term of sentence.

"9. All boys detained in Saint Patrick's Home shall be governed by the by-laws, rules and regulations of the institution, not inconsistent with this Act, made by the Director and approved by the Lieutenant Governor in Council of Nova Scotia." Application of by-laws, etc.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

KK

An Act to amend The Prisons and Reformatories Act, in so far as the same affects the Province of Nova Scotia.

Received and read a first time,

Tuesday, April 7, 1908.

Second reading,

Thursday, April 9, 1908.

Honourable Mr. POWER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

LL]. **BILL.** [1907-8

An Act respecting The Phœnix Assurance Company, Limited.

Preamble.

WHEREAS the Phœnix Assurance Company, Limited, hereinafter referred to as "the Company," is a company duly incorporated under the laws of the United Kingdom of Great Britain and Ireland, and is by its memorandum and articles of association authorized among other things to carry on the business of fire and life assurance; and whereas the Company has been for many years and now is carrying on the business of fire insurance in Canada; and whereas The Pelican and British Empire Life Office, hereinafter referred to as "the Life Office," is also a company duly incorporated under the laws of the said United Kingdom, and is by its memorandum and articles of association authorized among other things to carry on the business of life insurance; and whereas the Life Office has been for many years and now is carrying on the business of life insurance in Canada; and whereas by agreement duly ratified by Order of the High Court of Justice for England under the provisions of the Imperial statute in that behalf, the Life Office has agreed to transfer to the Company the undertaking and business of the Life Office, which transfer the Company has agreed to accept; and whereas it is desirable that the Company should be empowered to continue the existing business of the Life Office in Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Authority to take over business of The Pelican and British Empire Life Office.

1. The Company may, notwithstanding anything in *The Insurance Act* contained, in addition to its fire insurance business,—

(*a*) take over and carry on as part of its own business the existing business of the Life Office in Canada;

Obtaining license.

(*b*) obtain a license for that purpose in addition to a license to carry on fire insurance business.

Life insurance business and fire insurance business to be kept separate.

2. The Company shall keep its life insurance business and its funds attributable thereto separate and distinct from its fire insurance business and the funds attributable thereto, in a manner satisfactory to the Superintendent of Insurance and to the Treasury Board, and shall comply with the requirements of sections 14 to 20, both inclusive, of *The Insurance Act* in respect of each of the said branches of its business respectively, as fully as if the same were being carried on by two separate and distinct companies.

R. S., c. 34.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL

LL

An Act respecting The Phœnix Assurance Company, Limited.

Received and read a first time,

Tuesday, April 7, 1908.

Second reading,

Thursday, April 9, 1908.

Honourable Mr. Bostock.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

MM.] **BILL.** [1907-8

An Act to incorporate The Synod of the Diocese of Keewatin.

Preamble.

WHEREAS a petition has been presented from the Synod of the diocese of Keewatin, representing the bishop, clergy and laity of the Church of England or Protestant Episcopal Church within the said diocese, which is one of the dioceses of the Ecclesiastical province of the Church of England in Ruperts Land, and includes the eastern portion of the province of Manitoba, the western portion of the province of Ontario adjacent thereto, and a portion of that part of the Northwest Territories which was formerly known as the District of Keewatin, lying north of and adjoining the said portions of the said two provinces, praying that the said Synod should be incorporated, and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The members of the Synod of the diocese of Keewatin, according to the constitution of the said Synod, as set forth in the schedule to this Act, together with all persons who become members of the said Synod, according to the said constitution as from time to time amended in accordance with this Act, are hereby constituted a corporation under the name of "The Synod of the Diocese of Keewatin" hereinafter called "the Synod."

Corporate name.

Constitution confirmed.

Amendment thereof.

2. The Synod shall be governed as provided by the said constitution, but the said constitution may from time to time be amended by the Synod in any manner not inconsistent with the provisionsof this Act or otherwise contrary to law.

By-laws.

3. The Synod may from time to time make by-laws for—

(*a*) the administration, management and control of the property, affairs and business of the Synod;

(*b*) the appointment, functions, duties and election of all officers, agents and servants of the Synod;

(*c*) the appointment of committees and their duties;

(*d*) the calling of meetings, regular or special, of the Synod or of committees;

(*e*) the fixing of the necessary quorum and procedure in all things at such meetings;

(*f*) generally for the carrying out of the objects and purposes of the Synod.

Power to acquire and hold property.

4. The Synod may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical and educational uses and purposes of the Church of England or Protestant Episcopal Church within the said diocese, or to, for, or in favour of the uses and purposes of any parish, mission, institution, college, school or hospital, connected with, or intended to be connected with, the Church of England or Protestant Episcopal Church in the said diocese.

Power to alienate, mortgage and convey real property.

5. The Synod may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Synod, whether simply by the way of investment for the uses and purposes aforesaid or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by the Synod for the uses and purposes aforesaid, in and upon any security by way of mortgage or otherwise, in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Synod or to any other corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Application of mortmain laws.

6. In regard to any real estate which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by sections 4 and 5 of this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the law of such province as to the acquisition and holding of lands by religious corporations.

Transfer of trust of property to the Synod.

7. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Synod to be held in such trust, if any.

Execution of deeds.

8. Any deed or other instrument relating to real estate vested in the Synod or to any interest in such real estate shall, if executed in the Northwest Territories, be deemed to be duly executed if there are affixed thereto the seal of the Synod and the signatures of the bishop of the Diocese of Keewatin or his commissary duly appointed, and of any officer of the Synod duly authorized for such purpose.

SCHEDULE.

The Constitution of the Synod of the Diocese of Keewatin.

1. The Synod shall consist of the Bishop of the Diocese; of the clergy of the same licensed to the cure of souls, or holding office in any college or school under the jurisdiction of the Bishop and not under ecclesiastical censure; and of lay-delegates as hereinafter provided; and the treasurer of the Synod and the Chancellor of the Diocese or until a Chancellor be appointed the legal adviser of the Synod. Clergymen who have been members of the Synod and who continue to hold the Bishop's License, though they may cease to have the cure of souls or to hold any other office may continue to attend the meetings of the Synod and to vote thereat.

2. The lay-delegates shall be male communicants of at least one year's standing; and one delegate must always be a member of the congregation represented. They must be of the full age of twenty-one years. They shall be elected during Easter week or if necessary afterwards, at a public meeting specially called for that purpose during divine service on the preceding Sunday. The voters shall consist of male communicants of the parish of at least six months' standing, and a majority of those present shall determine the choice but no person shall vote for the delegate or delegates of more than one congregation. The Incumbent or his assistant shall preside at the meeting, and in their absence the meeting shall elect a chairman from their own number.

The word "Communicant" shall mean "one who has communicated at least three times a year where he has had opportunity of so doing."

3. The Incumbent or Chairman shall furnish each delegate with a certificate as follows:—

Parish or Mission of.....
Congregation of.....Church
No. of Registered Communicants.....

I hereby certify that at a meeting of the Communicants of this Congregation held this day of 19 , Mr. was duly elected as a delegate to the Synod for the current year.

Signed.....Chairman.

One Clergyman and one Layman shall be appointed by the Synod to examine the certificates and report on them.

4. Each congregation recognized by the Bishop, duly organized by the election of Church Wardens and Vestrymen and having at least six registered communicants, shall be entitled to send one delegate; but two delegates may be sent if the number of registered communicants is over forty; and three if it is over one hundred; but no congregation shall send more than three delegates.

5. In the case of the death or resignation of a lay-delegate or his ceasing to be a member of the congregation by removal

from the neighborhood, or from any other cause, the Incumbent shall within one month after such vacancy proceed to a new election at a meeting of which notice shall have been given the previous Sunday during divine service.

6. The Synod shall meet annually, unless otherwise ordered by the Bishop and the time and place of meeting shall be fixed by the Bishop who shall also adjourn the Synod as he shall see fit.

7. A quorum of the Synod shall consist of at least one-fourth of the clergy of the diocese and one-fourth of the lay-delegates.

8. No resolution of the Synod shall pass into a law without the concurrence of the Bishop and a majority of the clergy and laity present, the vote of the clergy and laity to be taken collectively unless a vote by Orders is demanded by any member of the Synod before the question is put from the chair, when a majority of each order will be necessary to affirm the resolution.

9. A committee shall be appointed to be called the Executive Committee, to consist of the Bishop or his Commissary as President, the Dean and Archdeacon as vice-presidents, the Secretary and Treasurer of the Synod, three Clergymen and four Lay-delegates; five of the Executive Committee shall be a quorum; the Executive Committee shall take the management of the various Diocesan Funds under the direction of the Synod, carry out the decisions of that body, prepare business for the annual meeting of the Synod, and at such annual meeting give in a report of its proceedings.

10. No alteration in the Constitution shall take place unless the proposition has been approved at the meeting of the Synod by the Bishop and a majority of two-thirds of each Order present voting separately and afterwards confirmed by the Bishop and a like majority of each Order at the following meeting of the Synod. In the possible absence of the Bishop of the Diocese or any Commissary he may appoint the chair at any meeting of the Synod shall be taken by the highest dignitary in the Church of this Diocese who may be present.

4th Session, 10th Parliament, 7-8 Edward VII

THE SENATE OF CANADA

BILL.

MM

An Act to incorporate The Synod
Diocese of Keewatin.

Received and read a first time,

Tuesday, April 7, 1908

Second reading,

Thursday, April 9, 1908.

Honourable Mr. El

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Maje
1907-8.

THE SENATE OF CANADA.

NN.] **BILL.** [1907-8

An Act to amend the Canada Shipping Act.

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

1. Section 4 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 113, s. 4 amended.

"**4.** The Governor in Council may make regulations with respect to the manner in which ships belonging to His Majesty may be registered as British ships, and this Part, subject to any exceptions and modifications which may be made by Order in Council, shall apply to such ships registered in accordance with those regulations as if they were registered in accordance with this Part." Application of Part I.

2. Section 27 of the said Act is amended by adding thereto the following paragraphs:— S. 27 amended.

"(*e*) The Governor in Council may make regulations enabling the Minister of Marine and Fisheries to refuse the registry of any ship by the name by which it is proposed to register that ship if it is already the name of a registered British ship, or a name so similar thereto as to be calculated to deceive, and may by those regulations require notice to be given in such manner as is directed by the regulations before the name of the ship is marked on the ship, or before the name of the ship is entered in the register. Names of ships.

"(*f*) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Minister of Marine and Fisheries, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be."

3. The said Act is amended by inserting the following section immediately after section 75:— S. 75A added.

"**75A.** The Minister may refuse to admit to the examinations mentioned in the two preceding sections any person domiciled in Canada who is a subject or citizen of a country in which British subjects do not enjoy similar privileges in respect of such examinations." Examination of masters and mates.

S. 98A added.

4. The said Act is amended by inserting the following section immediately after section 98:—

Certified officers.

"**98A.** The four preceding sections shall apply also to British ships registered elsewhere than in Canada."

S. 100. Certified officers

5. Section 100 of the said Act is amended by inserting after the word "hire" in the third line thereof the words "or to steamers of not more than five tons gross tonnage."

S. 125A added.

6. The said Act is amended by inserting the following section immediately after section 125:—

Offences.

"**125A.** Sections 117 to 125, inclusive, shall apply also to British ships registered elsewhere than in Canada."

S. 141 amended.

7. Subsections 1 and 2 of section 141 of the said Act are repealed and the following are substituted therefor:—

Fees on engagement or discharge of seamen.

"**141.** Every shipping master or deputy shipping master shall be entitled to a fee of,—

(*a*) fifty cents on each engagement effected before him in any of the provinces under this Part, and,

(*b*) thirty cents on any discharge of a seaman effected before him in any of the said provinces.

In British Columbia.

"2. In the province of British Columbia every such shipping master and deputy shipping master may, until otherwise provided by the Governor in Council, take and receive from the master of any vessel any remuneration agreed upon between them, not exceeding ten dollars including the fee of fifty cents provided in paragraph (*a*) of subsection 1 of this section, for the hiring or supplying of any seaman by such shipping master or deputy shipping master, as the case may be, for such vessel."

S. 384. Tonnage duty.

8. Section 384 of the said Act is amended by striking out the word "two" in the fourth line of the said section and substituting therefor the words "one and one-half."

S. 477. Pilotage dues.

9. Sub-paragraph (v) of paragraph (*c*) of section 477 of the said Act is repealed.

S. 565. paragraphs (*i*), (*j*). Interpretation.

10. Paragraphs (*i*) and (*j*) of section 565 of the said Act are repealed and the following are substituted therefor:—

"(*i*) 'passenger' means any person carried on a steamboat other than the master and crew, the owner, his family and the servants connected with his household, and other than the guests of the owner of any steamboat used exclusively for pleasure, if such guests are carried on such steamboat without remuneration or any object of profit; and

"(*j*) 'passenger steamer' means any steamboat carrying passengers."

1907, c. 47 repealed.

11. Chapter 47 of the statutes of 1907 is repealed.

Ss. 566–568 repealed.

12. Sections 566, 567 and 568 of *The Canada Shipping Act* are repealed, and the following is enacted as section 566 of the said Act:—

New s. 566.

"**566.** The provisions of this Part shall apply to,—

"(*a*) steamboats belonging to His Majesty, only as regards

the annual inspection of their boilers, machinery and as regards their equipment as provided by the rules and regulations for the inspection of steamboats; Application of Part VII.

"(*b*) steam dredges, floating elevators and vessels of like kind, only as regards the yearly rate or duty, the annual inspection of their boilers and machinery and the obligation to carry life buoys with the necessary line attachment as required by the rules for inspection of steamboats;

"(*c*) Steam yachts of not more than five tons gross tonnage and vessels propelled by gas, fluid, naphtha or electric motors, only as regards the obligation to carry a life preserver for each person on board and one life buoy, and to take the precautions against fire in this Part imposed;

"(*d*) steam yachts over five tons gross tonnage, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life buoy, and as regards the precautions against fire in this Part imposed;

"(*e*) freight boats under one hundred and fifty tons gross tonnage, tug boats, and steamboats used exclusively for fishing purposes and under one hundred and fifty tons gross tonnage, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life buoy, and a boat or a raft as required by the rules for the inspection of steamboats, the obligation to have an engineer holding a certificate of competency, if the steamboat has an engine of over ten nominal horse-power if of the single cylinder type, and over twenty nominal horse-power if of the compound type, and as regards the precautions against fire in this Part imposed.

"2. Every steamboat mentioned in this section, other than vessels of not more than five tons gross tonnage, shall, if it carries passengers, be subject to the provisions of this Part applicable to passenger steamboats."

13. Section 591 of the said Act is repealed and the following is substituted therefor:— New s. 591.

"**591.** The master, owner or engineer of every steamboat, or the person in charge thereof, shall at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, report such occurrence to the inspector who issued the certificate." Report of injury to steamboat.

14. Section 598 of the said Act is repealed and the following is substituted therefor:— New s. 598.

"**598.** Every inspector of steamboats shall, whenever he visits and inspects any steamboat, satisfy himself that such steamboat is properly furnished with lights and such means of making fog signals, in pursuance of the rules prescribed by Part XIV of this Act, and is also provided with the proper certificated officers in charge as required by Parts II and VII, respectively; and he shall refuse to grant any certificate with respect to any steamboat which he finds is not so provided. Inspector to see that steamboats have proper lights.

Changes in certificated officers to be reported.

"2. In the event of any change in the proper certificated officers following the issuing of a certificate of inspection to a steamer, the owner, managing owner or agent shall forthwith report in writing, by registered post, such change to the inspector or inspectors who issued such certificate, with the name, grade, and number of the certificate held by the officer so appointed; and in the event of the owner, managing owner or agent not doing so, such vessel shall be deemed to be making a trip or voyage without a certificate of inspection."

S. 621. Wire tiller ropes and bell pulls.

15. Section 621 of the said Act is amended by striking out the word "passenger" in the first line thereof.

New s. 632.

16. Section 632 of the said Act is repealed and the following is substituted therefor:—

Temporary certificates to act as engineer.

"**632.** The Minister, upon the report of the inspector of boilers and machinery in whose district the steamboat is to run, may grant a temporary certificate to an applicant, sufficiently qualified by his knowledge of steamboat machinery and his experience as engineer on a steamboat, authorizing him to act as engineer on a steamboat carrying passengers, having an engine of not more than four nominal horse-power if of the single cylinder type, or fourteen nominal horse-power if of the compound type, which steamboat, and the limits within which he may act, shall be designated in the certificate."

S. 640 amended. Qualification of 3rd class engineer.

17. Paragraph (*c*) of subsection 3 of section 640 of the said Act is amended by inserting the words "or tug boat" after the word "steamboat" in the first line of the said paragraph.

New s. 641.

18. Subsection 1 of section 641 of the said Act is repealed and the following is substituted therefor:—

Engineer without certificate not to be employed.

"**641.** No person shall employ another as engineer, and no person shall serve as engineer, on any passenger steamboat, of whatever tonnage, or on any freight boat of over one hundred and fifty tons gross tonnage, or on any steamboat having an engine of over ten nominal horse-power, if of the single cylinder type, or over twenty nominal horse-power, if of the compound type, unless the person employed or serving as engineer holds a certificate of competency granted under this Part, or under the Acts of the United Kingdom, for the grade in which he is to be employed, or for a higher grade: Provided that, if a steamboat leaves a port with a complement of engineers and, on her voyage, is deprived of their services, or of the services of any of them, without the consent, fault or collusion of the master, owner or any one interested in the steamboat, the deficiency may be temporarily supplied until the steamboat reaches her port of destination, unless, in the meantime, engineers holding such certificates can be obtained."

Proviso: as to temporary supply of deficiency.

New s. 657.

19. Section 657 of the said Act is repealed and the following is substituted therefor:—

Omission to report injury to hull, machinery or boiler.

"**657.** In case the master, owner or engineer of any steamboat, or any person in charge thereof, omits, at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either

of the same is, in any material degree, injured, strained or weakened, to report such occurrence to the inspector who issued the certificate, the master shall be deemed guilty of misconduct and the owner of the steamboat shall be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars and costs; and if the injury is in respect to the boiler, machinery or any part thereof, the engineer shall be deemed guilty of negligence."

Penalty.

20. Section 666 of the said Act is repealed and the following is substituted therefor:—

New s. 666.

"**666.** Except in the case of a steamboat leaving port with a complement of engineers, being thereafter deprived of the service or the services of any such engineers without the consent, fault or collusion of the master, owner or any one interested in the steamboat, every person who employs another as engineer, or any person who serves as an engineer on any passenger steamboat of whatever tonnage or on any freight boat of over one hundred and fifty tons gross tonnage, or on any steamboat having an engine of over ten nominal horse-power, if of the single cylinder type, or over twenty nominal horse-power, if of the compound type, unless the person employed or serving as engineer holds a certificate of competency granted under this Part, or under the Acts of the United Kingdom, for the grade in which he is to be employed, or for a higher grade, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars and costs; but no person holding any temporary certificate, and no person who employs him as holding such certificate, shall be liable to such penalty if he is acting on the vessel and within the limits specified in the said certificate."

Engagement of unqualified engineer.

Service by unqualified person.

Penalty.

21. Section 714 of the said Act is repealed and the following is substituted therefor:—

New s. 714.

"**714.** No master of any sailing ship, when sailing on or after the first day of October or before the sixteenth day of March in any year, and no master of any steamship when sailing after the sixteenth day of October or before the sixteenth day of March in any year, on a voyage from any port or place in Canada to any port or place in the United Kingdom, or in the Continent of Europe north of Cape Finisterre in Spain, not being a port or place within the Mediterranean Sea, shall, during the voyage while within Canadian jurisdiction, carry any heavy or light wood goods as deck cargo, except under the conditions allowed under this section.

As to deck loads in winter.

Wood goods.

"2. The conditions under which heavy wood goods may be carried as deck cargo are as follows:—

Conditions.

Heavy wood goods.

"(*a*) that they must be carried only in covered spaces;

"(*b*) that they must be carried only in such class of ships as is approved for the purpose by the Governor in Council; and

"(*c*) that they must be loaded in accordance with the regulations made by the Governor in Council with respect to the loading thereof.

"3. The conditions under which light wood goods may be carried as deck cargo are as follows:—

Conditions.

Light wood goods.

"(*a*) each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and

"(*b*) the height above the deck to which the goods are carried must not exceed—

"(i) in the case of an uncovered space on a deck forming the top of a break, poop, or other permanent closed-in space on the upper deck, three feet above the top of that closed-in space;

"(ii) in the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least; and

"(iii) in the case of a covered space, the full height of that space; and

"(*c*) regulations may be made by the Governor in Council for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this subsection, and those regulations must be complied with on the ship.

Exemption from fine in certain events.

"4. A master or owner shall not be liable to any fine under this section in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended.

Interpretation.

"5. For the purposes of this section—

"heavy wood goods."

"(*a*) 'heavy wood goods' means—

"(i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

"(ii) any more than five spare spars or store spars, whether or not made, dressed and finally prepared for use;

"light wood goods."

"(*b*) 'light wood goods' means any deals, battens, or other light wood goods of any description;

"deck cargo."

"(*c*) 'deck cargo' means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage; and

"space."

"(*d*) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines inclosing a rectangular space sufficient to include the goods."

S. 724. Penalty for sailing with unlawful deck load.

22. Subsection 2 of section 724 of the said Act is amended by striking out the word "twelfth" in the fourth line of the said subsection and substituting therefor the word "sixteenth."

1906, c. 46, repealed. Deck loads.

23. Chapter 46 of the statutes of 1906 is repealed.

S. 732. Wrecks, &c. Interpretation.

24. Section 732 of *The Canada Shipping Act* is amended by adding thereto the following paragraph:—

"(*l*) 'certificate' includes license and branch license."

New s. 781.

25. Section 781 of the said Act is repealed and the following is substituted therefor:—

"**781.** The Minister may appoint any officer of the Government of Canada, or any judge of any court of record, or any local judge in admiralty of the Exchequer Court of Canada, or any stipendiary or police magistrate, to be a commissioner to hold formal investigations, or any formal investigation, and a commissioner shall for that purpose be a court." Commissioner for formal investigations. To be a court.

26. Section 782 of the said Act is repealed and the following is substituted therefor:— New s. 782.

"**782.** A court so appointed is authorized to hold a formal investigation upon one being ordered by the Minister in the following cases:— Duty of court of investigation

"(*a*) a shipping casualty;

"(*b*) where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default while serving on board any British ship on or near the coasts of Canada or in the course of a voyage to a port in Canada;

"(*c*) where a master, mate, pilot or engineer is charged with incompetency, misconduct or default while serving as an officer on board a British ship registered in Canada;

"(*d*) where a master, mate, pilot or engineer is charged with incompetency, misconduct or default while serving on board a British ship found in Canada;

"(*e*) where, in case of a collision, the master or certificated officer or pilot in charge of a vessel fails, without reasonable cause, to render to the other vessel, her master, crew and passengers, such assistance as is practicable and necessary to save them from any danger caused by the collision and to stay by the vessel until he has ascertained that she has no need of further assistance, and also to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which he belongs and also the names of the ports from which he comes and to which he is bound."

27. The said Act is amended by inserting the following section immediately after section 782:— S. 782A added.

"**782A.** It shall not be necessary to hold a preliminary investigation before a formal investigation is held." Preliminary investigation unnecessary.

28. Section 784 of the said Act is repealed and the following is substituted therefor:— New s. 784.

"**784.** A court holding a formal investigation into a shipping casualty shall hold it with two or more assessors to be selected for that purpose by the Minister. Such assessors shall have nautical, engineering, or special skill in the matter to be enquired into, and the court shall be the sole judge as to whether any assessor possesses the requisite skill." Assessors. Qualification.

29. Section 786 of the said Act is repealed and the following is substituted therefor:— New s. 786.

"**786.** Every commissioner and assessor, before entering upon his duties, shall take and subscribe the following oath:— Oaths of commissioners and assessors.

"I (A.B.) do swear (*or* solemnly affirm) that I will perform the duties of commissioner (*or* assessor) under the Canada Shipping Act, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God."

New s. 796.

30. Section 796 of the said Act is repealed and the following is substituted therefor:—

Court may require delivery of certificate.

"**796.** The court may at any time, either during or after a formal investigation, call upon any master, mate, pilot or engineer, to deliver his certificate to the court."

New s. 798.

31. Section 798 of the said Act is repealed and the following is substituted therefor:—

Copy of judgment to be given.

"**798.** The court shall, upon application being made therefor, furnish free of charge to any master, mate, pilot or engineer, whose certificate has been cancelled or suspended, or to his agent, a copy of the judgment of the court."

New s. 799.

32. Section 799 of the said Act is repealed and the following is substituted therefor:—

Judgment to be sent to Minister.

Also the certificate affected.

"**799.** The court shall in all cases send the judgment in the case, with the evidence, to the Minister, and if it determines to cancel or suspend any certificate, and the certificate has been delivered to the court, the certificate shall also be sent to the Minister."

S. 801 amended.

33. Subsection 3 of section 801 of the said Act is repealed and the following is substituted therefor:—

Cancellation or suspension of certificate.

"3. Unless the court holds the investigation with the assistance of at least two assessors, it shall not have power to cancel or suspend a certificate.

"4. A certificate shall not be cancelled or suspended under this section unless the holder of the certificate has had an opportunity of making a defence."

New s. 806.

34. Section 806 of the said Act is repealed and the following is substituted therefor:—

Re-hearing.

"**806.** The Minister may order the case to be reheard by the court by which the case was heard in the first instance, or may appoint another commissioner and select the same or other assessors to rehear the case."

S. 806A added.

35. The said Act is amended by inserting the following section immediately after section 806:—

No appeal beyond rehearing.

"**806A.** There shall be no appeal from any decision of a court holding any formal investigation under this Act, except to the Minister for a rehearing under the provisions of section 806.

Proceedings not to be quashed for want of form, &c., &c.

"2. No proceeding or judgment of a court in or upon any formal investigation shall be quashed or set aside for any want of form, nor shall any such proceeding or judgment be removed by *certiorari* or otherwise into any court; and no writ of prohibition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation, nor shall such proceeding or judgment be subject to any review except by the Minister as aforesaid."

New s. 820.

36. Section 820 of the said Act is repealed and the following is substituted therefor:—

Penalty for failure to deliver certificate.

"**820.** Every master, mate, pilot or engineer who fails to deliver his certificate to the court when so required, either during

or after a formal investigation, shall incur a penalty not exceeding two hundred dollars."

37. The schedule to the said Act is amended by adding thereto the following forms:— Schedule amended.

"FORM W.

"APPOINTMENT OF COMMISSIONER.

"In pursuance of the powers vested in me, I, the Honourable , Minister of Marine and Fisheries of Canada, do hereby appoint to be a commissioner for the purpose of holding a formal investigation into (*here describe the casualty to be investigated*).

"Dated at , this day of , 19 .

"Minister of Marine and Fisheries.

"FORM X.

"APPOINTMENT OF ASSESSOR.

"Under the provisions of *The Canada Shipping Act*, I, the Honourable , His Majesty's Minister of Marine and Fisheries of Canada, do hereby appoint , to be an assessor under the provisions of the said Act.

"Dated at , this day of , 19 .

"Minister of Marine and Fisheries."

38. Sections 4 and 6 of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Commencement of ss. 4 and 6.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

NN

An Act to amend the Canada Shipping Act.

Received and read a first time,

Tuesday, April 7, 1908.

Second reading,

Thursday, April 8, 1908.

Right Honourable
SIR RICHARD CARTWRIGHT, K.C.M.G.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

OO.] **BILL.** [1907-8

An Act to amend The Chinese Immigration Act.

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

1. Section 2 of *The Chinese Immigration Act*, chapter 95 of *The Revised Statutes*, is hereby amended by adding thereto the following as paragraph (*h*):— R.S., c. 95, s. 2.

"(*h*) "Minister" means the Minister of Trade and Commerce, or the member of His Majesty's Privy Council of Canada charged with the administration of this Act." Interpretation.

2. Paragraph (*c*) of subsection 1 of section 7 of the said Act is repealed and the following is substituted therefor:— S. 7, subs. 1, new para (*c*).

(*c*) (1) Merchants, their wives and minor children; Persons exempt from payment of entrance tax.
(2) The wives and minor children of clergymen;
(3) Tourists;
(4) Men of science;
(5) Students under seventeen years of age;
(6) (Subject to such regulations as may from time to time be made by the Governor in Council) duly certified teachers;

who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, or other similar documents issued by the Government or by a recognized official or representative of the government whose subjects they are, specifying their occupation and their object in coming into Canada.

3. Subsection 3 of section 7 is amended by inserting after the words "Chinese origin" in the first line thereof the words "under seventeen years of age." S. 7, subs. 3. Refund to students.

4. Section 19 of the said Act is hereby repealed and the following is substituted therefor:— New s. 19.

"**19.** Persons of Chinese origin may pass through Canada in transit from one port or place out of Canada to another port or place either in or out of Canada, without previous payment of the tax of five hundred dollars imposed by this Act: Provided that such passage is made in accordance with, and under such regulations as are made for the purpose by the Governor in Council." Conditions as to passage through Canada

New s. 27.

5. Section 27 of the said Act is hereby repealed and the following is substituted therefor:—

Erasion of Act by Chinese.

"**27.** Every person of Chinese origin who—

(*a*) lands or attempts to land in Canada without payment of the tax payable under this Act; or—

(*b*) wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of the tax by personating any other individual; or—

(*c*) wilfully makes use of or attempts to make use of any forged or fraudulent certificate or of a certificate issued to any other person for any purpose connected with this Act;

Penalty.

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars, or to both.

Deportation.

"2. Persons of Chinese origin shall, if guilty of an offence under the last preceding sub-section, in addition to the said penalties also be liable to deportation."

Enforcement of deportation.

6. In any case where a person of Chinese origin is liable to deportation under the provisions of this Act, such person may upon the order of the Minister be apprehended without further warrant by any immigration agent or other government officer, and may, by force if necessary, be compelled to return to or be taken on board a vessel or railway car and to leave Canada.

2. Every immigrant deported under this section shall be carried, by the same transportation company or companies which brought him into Canada, to the port from which he came to Canada, without receiving the usual payment for such carriage.

3. In case he was brought into Canada by a railway company such company shall similarly convey him or secure his conveyance from the municipality or locality whence he is to be deported to the country whence he was brought.

Penalty.

4. Every owner or master of a vessel and every railway company or person who refuses to take any such person on board such vessel or car shall incur a penalty not exceeding

Proviso.

five hundred dollars for each offence: Provided however that if the owner, master or crew of the vessel, or the officers and employees of the railway company, have not in any way aided or been parties to the violation of the law for which such person of Chinese origin is being deported, they shall not be obliged to convey such person unless the company is paid the reasonable passage money or fare for the transportation of such person.

4th Session, 10th Parliament, 7-8 Edward

THE SENATE OF CANA

BILL.

00

An Act to amend The Chinese Imm
Act.

Received and read a first time,

Wednesday, May 6, 1908.

Second reading,

Friday, May 8, 1908.

Right Honourable
Sir Richard Cartwright, G.C.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent M
1907-8.

THE SENATE OF CANADA.

PP.] **BILL.** [1907-8

An Act to amend The Railway Act as regards the preferential charge created by the issue of securities.

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

1. Section 138 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is hereby amended by striking out the words "property, assets" in the fifth line thereof. R.S., c. 37, s. 138. Mortgage security.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

PP

An Act to amend The Railway Act as regards the preferential charge created by the issue of securities.

Received and read a first time,

Wednesday, May 6, 1908.

Second reading,

Tuesday, May 12, 1908.

Honourable Mr. CASGRAIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

QQ.] **BILL.** [1907-8

An Act respecting Juvenile Delinquents.

WHEREAS it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts; Preamble.

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

1. This Act may be cited as *The Juvenile Delinquents Act*, 1908 Short title.

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

(*a*) "child" means a boy apparently or actually under the age of sixteen years, or a girl apparently or actually under the age of seventeen years. Child.

(*b*) "guardian" includes any person who has in law or in fact the custody or control of any child. Guardian.

(*c*) "juvenile delinquent" means any child who violates any provision of *The Criminal Code*, chapter 146 of *The Revised Statutes*, 1906, or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality for which punishment by imprisonment may be awarded; or who is liable by reason of any other act to be committed to an Industrial School or Juvenile Reformatory under the provisions of any Dominion or provincial Statute. Description of delinquents.

(*d*) "probation officer" means any probation officer for juvenile delinquents duly appointed under the provisions of any provincial statute. Probation Officer.

(*e*) "justice" has the same meaning as it has in the Criminal Code. Justice.

(*f*) "the court" or "the Juvenile Court" means any court duly established under any provincial statute for the purpose of dealing with juvenile delinquents or specially authorized by the Governor in Council or the Lieutenant Governor in Council to deal with juvenile delinquents. The Juvenile Court.

The Judge.

(*g*) "the judge" means the judge of a Juvenile Court seized of the case, or the justice, specially authorized by Dominion or provincial authority to deal with juvenile delinquents, seized of the case.

(*h*) "industrial school" means any industrial school or juvenile reformatory or other reformative institution or refuge for children duly approved by the Lieutenant Governor in Council in any province.

A delinquency.

3. The commission by a child of any of the acts enumerated in paragraph (*c*) of section 2 of this Act, shall constitute an offence to be known as a delinquency and shall be dealt with as hereinafter provided.

Courts jurisdiction.

4. The Juvenile Court shall have exclusive jurisdiction in cases of delinquency except as provided in section 7 of this Act.

Summary trials.

5. Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall, *mutatis mutandis*, and in so far as such provisions are applicable, be governed by the provisions of Part XV of *The Criminal Code*, whether or not the act constituting the offence charged would be in the case of an adult triable summarily; provided that whenever in such provisions the expression "justice" occurs, it shall be taken in the application of such provisions to proceedings under this Act to mean "judge of the Juvenile Court, or justice specially authorized by Dominion or provincial authority to deal with juvenile delinquents."

R.S., c. 146.

All cases to go to juvenile court.

6. When any child is arrested, with or without warrant, such child shall, instead of being taken before a justice, be taken before the Juvenile Court; and, if a child is taken before a justice, upon a summons or under a warrant or for any other reason, it shall be the duty of the justice to transfer the case to the Juvenile Court, and of the officer having the child in charge to take the child before that court, and in any such case the Juvenile Court shall hear and dispose of the case in the same manner as if such child had been brought before it upon information originally laid therein.

2. The provisions of this section shall not apply to any justice who is a judge of the Juvenile Court or who has power to act as such, under the provisions of any Act in force in the province.

Exceptional procedure when offence is indictable.

7. Where the act complained of is, under the provisions of *The Criminal Code* or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years, the court may, in its discretion, order the child to be proceeded against by indictment in the ordinary courts in accordance with the provisions of *The Criminal Code* in that behalf; but such course shall in no case be followed unless the court is of the opinion that the good of the child and the interest of the community demand it. The court may, in its discretion, at any time before any proceeding has been initiated against the child in the ordinary courts, rescind an order so made.

R.S., c. 146.

8. The trials of children shall take place without publicity and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose. Private trials.

2. Such trials may be held in the private office of the judge or in some other private room in the court house or municipal building, or in the detention home, or if no such room or place is available, then in the ordinary court room; provided that when held in the ordinary court room, an interval of half an hour must be allowed to elapse between the close of the trial or examination of any adult and the beginning of the trial of a child. Place of trials.

3. No report of the trial or other disposition of a charge against a child, in which the name of the child or of its parent or guardian is disclosed, shall, without the special leave of the judge, be published in any newspaper or other publication. Names not to be published.

9. Due notice of the hearing of any charge of delinquency shall be served on the parent or parents or the guardian of the child, or if there be neither parent or guardian, or if the residence of the parent or parents or guardian be unknown, then on some near relative living in the county, if any there be, whose whereabouts is known, and any person so served shall have the right to be present at the hearing. Notices to parents.

2. The judge may give directions as to the persons to be served under this section, and such directions shall be conclusive as to the sufficiency of any notice given in accordance therewith.

10. It shall be the duty of the clerk of the Juvenile Court to notify the probation officer or the chief probation officer, in advance, when any child is to be brought before the court. Duties of clerk.

11. Where a warrant has issued for the arrest of a child, or where a child has been arrested without warrant, in a county or district in which there is no detention home used exclusively for children, no incarceration of the child shall be made or had unless in the opinion of the judge of the court, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, such course is necessary in order to insure the attendance of such child in court. Where there is no detention home.

2. In order to avoid, if possible, such incarceration, the verbal or written promise of the person served with notice of the proceedings as aforesaid, or of any other proper person, to be responsible for the presence of such child when required, may be accepted; and in case such child fails to appear at such time or times as the court requires, the person or persons assuming responsibility as aforesaid, shall be deemed guilty of contempt of court, unless in the opinion of the court there is reasonable cause for such failure to appear. Promise to attend may be accepted.

12. No child, pending a hearing under the provisions of this Act, shall be held in confinement in any county or other gaol or other place in which adults are or may be imprisoned, but shall be detained at a detention home or shelter used exclusively for children or under other charge approved of by the judge or, A detention home.

in his absence, by the sheriff, or, in the absence of both the judge and the sheriff, by the mayor or other chief magistrate of the city, town, county or place.

Penalty.

2. Any officer or person violating the provisions of the next preceding subsection shall be liable on summary conviction before a Juvenile Court or a justice to a fine not exceeding one hundred dollars, or to imprisonment not exceeding thirty days, or to both fine and imprisonment.

Exception.

3. The provisions of this section shall not apply to a child as to when an order has been made pursuant to section 7 of this Act.

Exception.

4. The provisions of this section shall not apply to a child apparently over the age of fourteen years who, in the opinion of the judge or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up.

Bail may be accepted.

13. Pending the hearing of a charge of delinquency the court may accept bail for the appearance of the child charged at the trial as in the case of other accused persons.

Proceedings may be informal.

14. On the trial of a child the proceedings may, in the discretion of the judge, be as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice.

Oath may be dispensed with.

15. When in a proceeding before a Juvenile Court a child of tender years who is called as a witness does not, in the opinion of the judge, understand the nature of an oath, the evidence of such child may be received, though not given under oath, if in the opinion of the judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

2. No person shall be convicted upon the evidence of a child of tender years not under oath unless such evidence is corroborated in some material respect.

Release on probation.

16. In the case of a child proved to be a juvenile delinquent the court may adjourn the hearing from time to time for any definite or indefinite period; and may impose a fine not exceeding ten dollars, or may commit the child to the care or custody of a probation officer or of any other suitable person; or may allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required; or may cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court; or may commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the Lieutenant Governor in Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent of neglected children for the province, if one there be, duly appointed under the authority of any such Act; or may commit the child, if a boy, to an industrial school for

Guardianship.

boys, and if a girl, to an industrial school or refuge for girls, duly approved by the Lieutenant Governor in Council.

Support of child.

2. In every such case it shall be within the power of the court to make an order upon the parent or parents of the child, or upon the municipality to which it belongs, to contribute to its support such sum as the court may determine.

A ward of the court.

3. Every such child, whether allowed to remain at home or placed in a foster home, or committed to an institution, shall continue to be a ward of the court until it has been discharged as such ward by order of the court or has reached the age of twenty-one years; and the court may at any time during the period of wardship cause such child to be returned to the court for further or other proceedings, including discharge upon parole or release from an institution.

When returned for further proceedings.

4. When a child is returned to the court for further or other proceedings as in the last preceding subsection provided, the court may deal with the case on the report of the probation officer in whose care such child has been placed, or of the secretary of a children's aid society, or of the superintendent of neglected children, or of the superintendent of the industrial school or refuge or other institution, to which the child has been committed, without the necessity of hearing any further or other evidence.

The child's own good.

5. The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

Parent or guardian may be ordered to pay fine, etc.

17. Where a child is proved to have been guilty of an offence for the commission of which a fine, damages or costs might in the case of a adult be imposed, and the court is of the opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without any other action, the court shall order that the fine, damages or costs awarded be paid by the parent or guardian of the child, instead of by the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or otherwise.

Security by parent or guardian.

2. Where a child is charged with any offence the court may order its parent or guardian to give security for its good behavior.

Parent or guardian to be heard.

3. No order shall be made under this section without giving the parent or guardian an opportunity of being heard; but a parent or guardian who has been duly served with notice of the hearing pursuant to section 9 of this Act shall be deemed to have had such opportunity, notwithstanding the fact that he has failed to attend the hearing.

Recovery of fine, etc.

4. Any sum imposed and ordered to be paid by a parent or guardian under this section may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence in question.

Appeal.

5. A parent or guardian shall have the same right of appeal from an order made under the provisions of this section as if the order had been made on the conviction of the parent or guardian.

May be dealt with under provincial law.

18. Whenever an order has been made under the next preceding section, committing a child to a children's aid society, or to a superintendent of neglected children, the child may thereafter be dealt with under the law of the province in the same manner in all respects as if an order had been lawfully made in respect of a proceeding instituted under authority of a statute of the province.

Religion of child to be respected.

19. No Protestant child dealt with under this Act shall be committed to the care of any Roman Catholic children's aid society or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child dealt with under this Act be committed to the care of any Protestant children's aid society, or be placed in any Protestant family as its foster home; but this section shall not apply to the placing of children in a temporary home of shelter for children, established under the authority of a statute of the province, or, in a municipality where there is but one children's aid society, to such children's aid society.

Order to enforce preceding provision.

2. If a Protestant child is committed to the care of a Roman Catholic children's aid society or placed in a Roman Catholic family as its foster home or if a Roman Catholic child is committed to the care of a Protestant children's aid society or placed in a Protestant family as its foster home, contrary to the provisions of subsection 1 of this section, the court shall, on the application of any person in that behalf, make an order providing for the proper commitment or placing of the child as required by subsection 1 of this section.

Children not allowed to be in court.

20. No child, other than an infant in arms, shall be permitted to be present in court during the trial of any person charged with an offence or during any proceedings preliminary thereto, and if so present he shall be ordered to be removed unless he is the person charged with the alleged offence, or unless his presence is required, as a witness or otherwise, for the purposes of justice: Provided that this section shall not apply to messengers, clerks and other persons required to attend at any court for purposes connected with their employment.

Children undre twelve.

21. It shall not be lawful to commit a juvenile delinquent apparently under the age of twelve years to any industrial school or refuge, unless and until a attempt has been made to reform such child in its own home or in a foster home or in the charge of a children's aid society, or of a superintendent of neglected children, and unless the court finds that the best interests of the child and the welfare of the community require such commitment.

Children to be separated from adults.

22. No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

Exception.

2. This section shall not apply to a child who has been proceeded against under the provisions of section 7 of this Act.

Probation officer to investigate.

23. It shall be the duty of a probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as may be required; and to take such charge of any child, before or after trial, as may be directed by the court.

Powers of a constable.

24. Every probation officer duly appointed under the provisions of any provincial statute shall have in the discharge of his or her duties as such probation officer all the powers of a constable, and shall be protected from civil actions for anything done in *bona fide* exercise of the powers conferred by this Act.

Juvenile court committee.

25. There shall be in connection with the Juvenile Court a committee of citizens, serving without remuneration, to be known as "The Juvenile Court Committee."

Juvenile court committee, *ex officio.*

2. Where there is a children's aid society in a city or town in which this Act is in force, the committee of such society or a sub-committee thereof shall be the Juvenile Court Committee; and where there is both a Protestant and a Roman Catholic children's aid society then the committee of the Protestant children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Protestant children, and the committee of a Roman Catholic children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Roman Catholic children.

Appointment by court.

3. Where there is no children's aid society in a city or town in which this Act is in force the court shall appoint three or more persons to be the Juvenile Court Committee.

Probation officers

4. The court shall, with the concurrence of the Juvenile Court Committee, appoint suitable persons to act as probation officers.

Duties of committee.

26. It shall be the duty of The Juvenile Court Committee to meet as often as may be necessary and consult with the probation officers with regard to the cases of juvenile delinquents coming before the court, to offer, through the probation officers and otherwise, advice to the court as to the best mode of dealing with such cases, and, generally, to facilitate by every means in its power the reformation of juvenile delinquents.

Probation officers to confer with committee.

27. Every probation officer shall, as far as practicable, discuss each case and the recommendation proposed to be made with The Juvenile Court Committee before reporting to the court, and convey to the court the recommendation of the Committee.

Adults liable who contribute to delinquency.

28. Any person who knowingly or wilfully encourages, aids, causes, abets or connives at the commission by a child of a delinquency, or who knowingly or wilfully does any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian of the child, or who, being the parent or guardian of the child and being able to do so, wilfully neglects to do that which would directly tend to prevent a child's being or becoming a juvenile delinquent, or to remove the conditions which render

a child a juvenile delinquent, shall be liable on summary conviction before a Juvenile Court or a justice, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

May impose conditions.

2. The court or justice may impose conditions upon any person found guilty under this section, and suspend sentence subject to such conditions; and on proof at any time that such conditions have been violated may pass sentence under the original conviction.

No preliminary hearing.

Summary disposal.

29. Prosecutions for offences against any provision of *The Criminal Code* in respect of a child may be brought in the Juvenile Court without the necessity of a preliminary hearing before a justice, and may be summarily disposed of where the offence is triable summarily, or otherwise dealt with as in the case of a preliminary hearing before a justice.

Act to be liberally construed.

30. This Act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

Not to affect provincial statutes.

R.S., c. 146.

31. Nothing in this Act contained shall be construed as having the effect of repealing or over-riding any provision of any provincial statute relating to neglected or dependent children; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of *The Criminal Code* an indictable offence, comes within the provisions of a provincial statute relating to neglected or dependent children, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child.

Repeal of former law.

R.S., c. 146.

32. Whenever and so soon as this Act goes into force in any province, city or town, every provision of *The Criminal Code* or of any other Act of the Parliament of Canada inconsistent with the provisions of this Act shall stand repealed as regards such province, city or town.

When Act shall be enforced.

33. This Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of such province providing for the establishment of Juvenile Courts, or designating any existing courts as Juvenile Courts, and of detention homes for children, and for the appointment of probation officers for children and providing for the establishment of Juvenile Court Committees.

Any city or town may ask this law.

34. This Act may be put in force in any city or town by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 33 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act

have been provided in such city or town by the municipal council thereof or otherwise.

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city or town in which the Act is so put in force, or may appoint some other duly qualified person, to act as Juvenile Court Judge for such city or town, and the judge or justice or person so designated or appointed shall have and exercise in such city or town all the powers by this Act conferred on the Juvenile Court. Special appointment of judge.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

QQ

An Act respecting Juvenile Delinquents.

Received and read a first time,

Friday, May 8, 1908.

Second reading,

Wednesday, May 13, 1908.

Honourable Mr. BÉIQUE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

FIRST REPRINT.

Reprinted as amended by The Senate, on 3rd and 4th June, 1908, in Committee of the Whole House.

THE SENATE OF CANADA.

QQ.] **BILL.** [1907-8

An Act respecting Juvenile Delinquents.

WHEREAS it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts; Preamble.

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

1. This Act may be cited as *The Juvenile Delinquents Act*, 1908 Short title.

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

(*a*) "child" means a boy or girl apparently or actually under the age of sixteen years. Child.

(*b*) "guardian" includes any person who has in law or in fact the custody or control of any child. Guardian.

(*c*) "juvenile delinquent" means any child who violates any provision of *The Criminal Code*, chapter 146 of *The Revised Statutes*, 1906, or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality for which punishment by fine or imprisonment may be awarded; or, who is liable by reason of any other act to be committed to an Industrial School or Juvenile Reformatory under the provisions of any Dominion or provincial statute. Description of delinquents.

(*d*) "probation officer" means any probation officer for juvenile delinquents duly appointed under the provisions of any provincial statute or of this Act. Probation Officer.

(*e*) "justice" has the same meaning as it has in the Criminal Code. Justice.

(*f*) "the court" or "the Juvenile Court" means any court duly established under any provincial statute for the purpose of dealing with juvenile delinquents, or specially authorized by provincial statute, the Governor in Council, or the Lieutenant Governor in Council, to deal with juvenile delinquents. The Juvenile Court.

The Judge.

(*g*) "the judge" means the judge of a Juvenile Court seized of the case, or the justice, specially authorized by Dominion or provincial authority to deal with juvenile delinquents, seized of the case.

(*h*) "industrial school" means any industrial school or juvenile reformatory or other reformative institution or refuge for children duly approved by provincial statute or by the Lieutenant Governor in Council in any province.

A delinquency.

3. The commission by a child of any of the acts enumerated in paragraph (*c*) of section 2 of this Act, shall constitute an offence to be known as a delinquency and shall be dealt with as hereinafter provided.

Courts jurisdiction.

4. The Juvenile Court shall have exclusive jurisdiction in cases of delinquency except as provided in section 7 of this Act.

Summary trials.

5. Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall, *mutatis mutandis*, be governed by the provisions of Part XV of *The Criminal Code*, in so far as such provisions are applicable, whether or not the act constituting the offence charged would be in the case of an adult triable summarily; provided that whenever in such provisions the expression "justice" occurs, it shall be taken in the application of such provisions to proceedings under this Act to mean "judge of the Juvenile Court, or justice specially authorized by Dominion or provincial authority to deal with juvenile delinquents."

R.S., c. 146.

All cases to go to juvenile court.

6. When any child is arrested, with or without warrant, such child shall, instead of being taken before a justice, be taken before the Juvenile Court; and, if a child is taken before a justice, upon a summons or under a warrant or for any other reason, it shall be the duty of the justice to transfer the case to the Juvenile Court, and of the officer having the child in charge to take the child before that court, and in any such case the Juvenile Court shall hear and dispose of the case in the same manner as if such child had been brought before it upon information originally laid therein.

2. The provisions of the foregoing subsection shall not apply to any justice who is a judge of the Juvenile Court or who has power to act as such, under the provisions of any Act in force in the province.

Exceptional procedure when offence is indictable.

7. Where the act complained of is, under the provisions of *The Criminal Code* or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years, the court may, in its discretion, order the child to be proceeded against by indictment in the ordinary courts in accordance with the provisions of *The Criminal Code* in that behalf; but such course shall in no case be followed unless the court is of the opinion that the good of the child and the interest of the community demand it. The court may, in its discretion, at any time before any proceeding has been initiated against the child in the ordinary criminal courts, rescind an order so made.

R.S., c. 146.

8. Due notice of the hearing of any charge of delinquency shall be served on the parent or parents or the guardian of the child, or if there be neither parent or guardian, or if the residence of the parent or parents or guardian be unknown, then on some near relative living in the city, town or county, if any there be, whose whereabouts is known, and any person so served shall have the right to be present at the hearing. Notices to parents.

2. The judge may give directions as to the persons to be served under this section, and such directions shall be conclusive as to the sufficiency of any notice given in accordance therewith.

9. It shall be the duty of the clerk of the Juvenile Court to notify the probation officer or the chief probation officer, in advance, when any child is to be brought before the court for trial. Duties of clerk.

10. The trials of children shall take place without publicity and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose. Private trials.

2. Such trials may be held in the private office of the judge or in some other private room in the court house or municipal building, or in the detention home, or if no such room or place is available, then in the ordinary court room; provided that when held in the ordinary court room, an interval of half an hour must be allowed to elapse between the close of the trial or examination of any adult and the beginning of the trial of a child. Place of trials.

3. No report of the trial or other disposition of a charge against a child, in which the name of the child or of its parent or guardian is disclosed, shall, without the special leave of the judge, be published in any newspaper or other publication. Names not to be published.

11. No child, pending a hearing under the provisions of this Act, shall be held in confinement in any county or other gaol or other place in which adults are or may be imprisoned, but shall be detained at a detention home or shelter used exclusively for children or under other charge approved of by the judge or, in his absence, by the sheriff, or, in the absence of both the judge and the sheriff, by the mayor or other chief magistrate of the city, town, county or place. A detention home.

2. Any officer or person violating the provisions of the next preceding subsection shall be liable on summary conviction before a Juvenile Court or a justice to a fine not exceeding one hundred dollars, or to imprisonment not exceeding thirty days, or to both fine and imprisonment. Penalty.

3. The provisions of this section shall not apply to a child as to whom an order has been made pursuant to section 7 of this Act. Exception.

4. The provisions of this section shall not apply to a child apparently over the age of fourteen years who, in the opinion of the judge or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up. Exception.

Where there is no detention home.

12. Where a warrant has issued for the arrest of a child, or where a child has been arrested without warrant, in a county or district in which there is no detention home used exclusively for children, no incarceration of the child shall be made or had unless in the opinion of the judge of the court, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, such course is necessary in order to insure the attendance of such child in court.

Promise to attend may be accepted.

2. In order to avoid, if possible, such incarceration, the verbal or written promise of the person served with notice of the proceedings as aforesaid, or of any other proper person, to be responsible for the presence of such child when required, may be accepted; and in case such child fails to appear at such time or times as the court requires, the person or persons assuming responsibility as aforesaid, shall be deemed guilty of contempt of court, unless in the opinion of the court there is reasonable cause for such failure to appear.

Bail may be accepted.

13. Pending the hearing of a charge of delinquency the court may accept bail for the appearance of the child charged at the trial as in the case of other accused persons.

Proceedings may be informal.

14. On the trial of a child the proceedings may, in the discretion of the judge, be as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice.

Oath may be dispensed with.

15. When in a proceeding before a Juvenile Court a child of tender years who is called as a witness does not, in the opinion of the judge, understand the nature of an oath, the evidence of such child may be received, though not given under oath, if in the opinion of the judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

2. No person shall be convicted upon the evidence of a child of tender years not under oath unless such evidence is corroborated in some material respect.

Release on probation.

16. In the case of a child proved to be a juvenile delinquent the court may adjourn the hearing from time to time for any definite or indefinite period; and may impose a fine not exceeding ten dollars, or may commit the child to the care or custody of a probation officer or of any other suitable person; or may allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required; or may cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court; or may commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the Lieutenant Governor in Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent of neglected and dependent children for the province, if one there be, duly appointed under the authority

Guardianship.

of any such Act; or may commit the child to an industrial school.

Support of child.

2. In every such case it shall be within the power of the court to make an order upon the parent or parents of the child, or upon the municipality to which it belongs, to contribute to its support such sum as the court may determine.

A ward of the court.

3. Every such child, whether allowed to remain at home or placed in a foster home, or if he be in any way committed, shall continue to be a ward of the court until it has been discharged as such ward by order of the court or has reached the age of twenty-one years; and the court may at any time during the period of wardship cause such child to be returned to the court for further or other proceedings, including discharge upon parole or release from detention: Provided that in a province in which there is a superintendent of neglected and dependent children appointed under the authority of any provincial statute, no child shall be released by the judge from an industrial school without a report from such superintendent recommending such release.

When returned for further proceedings.

4. When a child is returned to the court for further or other proceedings as in the last preceding subsection provided, the court may deal with the case on the report of the probation officer in whose care such child has been placed, or of the secretary of a children's aid society, or of the superintendent of neglected and dependent children, or of the superintendent of the industrial school to which the child has been committed, without the necessity of hearing any further or other evidence.

The child's own good.

5. The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

May be dealt with under provincial law.

17. Whenever an order has been made under the next preceding section committing a child to a children's aid society, or to a superintendent of neglected and dependent children, or to an industrial school, if so ordered by the Secretary of the province, the child may thereafter be dealt with under the laws of the province in the same manner in all respects as if an order had been lawfully made in respect of a proceeding instituted under authority of a statute of the province; and from the date of the issuing of such order the child shall cease to be a ward of the court and, except for new offences, he shall not be further dealt with under the provisions of this Act. The order of the Provincial Secretary may be made in advance and to apply to all cases of commitment mentioned in this section.

Parent or guardian may be ordered to pay fine, etc.

18. Where a child is proved to have been guilty of an offence for the commission of which a fine, damages or costs might in the case of an adult be imposed, and the court is of the opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without any other action, the court shall order that the fine, damages or costs awarded be paid by the parent or guardian of the child, instead of by the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or otherwise.

Security by parent or guardian.

2. Where a child is charged with any offence the court may order its parent or guardian to give security for its good behaviour.

Parent or guardian to be heard.

3. No order shall be made under this section without giving the parent or guardian an opportunity of being heard; but a parent or guardian who has been duly served with notice of the hearing pursuant to section 9 of this Act shall be deemed to have had such opportunity, notwithstanding the fact that he has failed to attend the hearing.

Recovery of fine, etc.

4. Any sum imposed and ordered to be paid by a parent or guardian under this or the previous sections may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence in question.

Appeal.

5. A parent or guardian shall have the same right of appeal from an order made under the provisions of this section as if the order had been made on the conviction of the parent or guardian.

Religion of child to be respected.

19. No Protestant child dealt with under this Act shall be committed to the care of any Roman Catholic children's aid society or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child dealt with under this Act be committed to the care of any Protestant children's aid society, or be placed in any Protestant family as its foster home; but this section shall not apply to the placing of children in a temporary home of shelter for children, established under the authority of a statute of the province, or, in a municipality where there is but one children's aid society, to such children's aid society.

Order to enforce preceding provision.

2. If a Protestant child is committed to the care of a Roman Catholic children's aid society or placed in a Roman Catholic family as its foster home or if a Roman Catholic child is committed to the care of a Protestant children's aid society or placed in a Protestant family as its foster home, contrary to the provisions of subsection 1 of this section, the court shall, on the application of any person in that behalf, make an order providing for the proper commitment or placing of the child pursuant to subsection 1 of this section.

Children not allowed to be in court.

20. No child, other than an infant in arms, shall be permitted to be present in court during the trial of any person charged with an offence or during any proceedings preliminary thereto, and if so present he shall be ordered to be removed unless he is the person charged with the alleged offence, or unless his presence is required, as a witness or otherwise, for the purposes of justice: Provided that this section shall not apply to messengers, clerks and other persons required to attend at any court for purposes connected with their employment.

Children under twelve

21. It shall not be lawful to commit a juvenile delinquent apparently under the age of twelve years to any industrial school, unless and until an attempt has been made to reform such child in its own home or in a foster home or in the charge of a children's aid society, or of a superintendent of neglected and dependent children, and unless the court finds that the

best interests of the child and the welfare of the community require such commitment.

Children to be separated from adults.

22. No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

Exception.

2. This section shall not apply to a child who has been proceeded against under the provisions of section 7 of this Act.

Juvenile court committee.

23. There shall be in connection with the Juvenile Court a committee of citizens, serving without remuneration, to be known as "The Juvenile Court Committee."

Juvenile court committee, *ex officio*.

2. Where there is a children's aid society in a city or town in which this Act is in force, the committee of such society or a sub-committee thereof shall be the Juvenile Court Committee; and where there is both a Protestant and a Roman Catholic children's aid society then the committee of the Protestant children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Protestant children, and the committee of the Roman Catholic children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Roman Catholic children.

Appointment by court.

3. Where there is no children's aid society in a city or town in which this Act is in force the court shall appoint three or more persons to be the Juvenile Court Committee as regards Protestant children, and three or more other persons to be the Juvenile Court Committee as regards Roman Catholic children.

Duties of committee.

24. It shall be the duty of The Juvenile Court Committee to meet as often as may be necessary and consult with the probation officers with regard to the cases of juvenile delinquents coming before the court, to offer, through the probation officers and otherwise, advice to the court as to the best mode of dealing with such cases, and, generally, to facilitate by every means in its power the reformation of juvenile delinquents.

Probation officers

25. Wherever no probation officer has been appointed under provincial authority and remuneration for such has been provided by municipal grant, public subscription or otherwise, the court shall, with the concurrence of the Juvenile Court Committee, appoint one or more suitable persons as probation officers.

Powers of a constable.

26. Every probation officer duly appointed under the provisions of this Act or of any provincial statute shall have in the discharge of his or her duties as such probation officer all the powers of a constable, and shall be protected from civil actions for anything done in *bona fide* exercise of the powers conferred by this Act.

Probation officer to investigate.

27. It shall be the duty of a probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and

assistance as may be required; and to take such charge of any child, before or after trial, as may be directed by the court.

Probation officers to confer with committee.

28. Every probation officer shall, as far as practicable, discuss each case and the recommendation proposed to be made with The Juvenile Court Committee before reporting to the court, and convey to the court the recommendation of the Committee.

Adults liable who contribute to delinquency.

29. Any person who knowingly or wilfully encourages, aids, causes, abets or connives at the commission by a child of a delinquency, or who knowingly or wilfully does any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian of the child, or who, being the parent or guardian of the child and being able to do so, wilfully neglects to do that which would directly tend to prevent a child's being or becoming a juvenile delinquent, or to remove the conditions which render a child a juvenile delinquent, shall be liable on summary conviction before a Juvenile Court or a justice, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

May impose conditions.

2. The court or justice may impose conditions upon any person found guilty under this section, and suspend sentence subject to such conditions; and on proof at any time that such conditions have been violated may pass sentence on such person.

No preliminary hearing.

Summary disposal.

30. Prosecutions against adults for offences against any provisions of *The Criminal Code* in respect of a child may be brought in the Juvenile Court without the necessity of a preliminary hearing before a justice, and may be summarily disposed of where the offence is triable summarily, or otherwise dealt with as in the case of a preliminary hearing before a justice.

Act to be liberally construed.

31. This Act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

Not to affect provincial statutes.

R.S., c. 146.

32. Nothing in this Act contained shall be construed as having the effect of repealing or over-riding any provision of any provincial statute; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of *The Criminal Code* an indictable offence, comes within the provisions of a provincial statute, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child.

Repeal of former law.

R.S., c. 146.

33. Whenever and so soon as this Act goes into force in any province, city, town, or other portion of a province, every provision of *The Criminal Code* or of any other Act of the Parliament of Canada inconsistent with the provisions of this

Act shall stand repealed as regards such province, city, town, or other portion of a province.

When Act shall be enforced.

34. This Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of such province providing for the establishment of Juvenile Courts, or designating any existing courts as Juvenile Courts, and of detention homes for children.

Any city or town may ask for this law.

35. This Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 34 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.

Special appointment of judge.

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city, town, or other portion of a province, in which the Act is so put in force, or may appoint some other duly qualified person, to act as Juvenile Court Judge for such city, town, or other portion of a province, and the judge or justice or person so designated or appointed shall have and exercise in such city, town, or other portion of a province, all the powers by this Act conferred on the Juvenile Court.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

QQ

An Act respecting Juvenile Delinquents.

Reprinted as amended by The Senate, on 3rd and 4th June, 1908, in Committee of the Whole House.

Honourable Mr. BÉIQUE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

RR.] **BILL.** [1907-8

An Act for the relief of Catherine Ann Cannon.

Preamble.

WHEREAS Catherine Ann Cannon, presently residing at the city of Toronto, in the province of Ontario, wife of Joseph Promise Cannon of the said city, merchant, has by her petition alleged, in effect, that they were lawfully married on the first day of June, A.D.1898, at the said city, she then being Catherine Ann Sutherland, spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in or about the months of April and December, A.D. 1906, and at divers other times in that year, he committed adultery with one Evelyne Spencer; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Catherine Ann Cannon and Joseph Promise Cannon 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 Catherine Ann Cannon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Promise Cannon had not been solemnized.

THE SENATE OF CANADA.

BILL.

RR

An Act for the relief of Catherine Ann Cannon.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. BAIRD.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

SS.] **BILL.** [1907-8

An Act respecting The Lake Champlain and St. Lawrence Ship Canal Company.

Preamble. 1898, c. 107. 1902, c. 68. 1905, c. 116.

WHEREAS The Lake Champlain and St. Lawrence Ship Canal Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1905, c. 116. Limit of time for construction. Extension of time for construction.

1. Chapter 116 of the Statutes of 1905 is repealed.

2. The Lake Champlain and St. Lawrence Ship Canal Company may, within three years after the passing of this Act, commence the construction of the canal authorised by chapter 107 of the statutes of 1898, and expend fifty thousand dollars thereon, and may complete the said canal within seven years after the passing of this Act, and if the said canal is not commenced and the said expenditure is not made, or if the said canal is not completed, within the said periods respectively, the powers of construction conferred on the Company by Parliament shall cease and be null and void as respects so much of the said canal as then remains uncompleted.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

SS

An Act respecting The Lake Champlain and St. Lawrence Ship Canal Company.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

TT.] **BILL.** [1907-8

An Act respecting certain patents of The Genera Chemical Company.

Preamble.

WHEREAS the General Chemical Company of Phillipstown, in the state of New York, one of the United States of America, and Nichols Chemical Company, Limited, of Canada, have by their petition represented that the General Chemical Company is the holder and owner of certain patents issued under the seal of the Patent Office, namely, patent Number 79,480, dated the twenty-fourth day of February, 1903, for improvements in apparatus for the manufacture of sulphuric anhydride; patent Number 79,831, dated the twenty-fourth day of March, 1903, for improvements in methods of making sulphuric anhydride; patent Number 81,136, dated the twenty-sixth day of May, 1903, for improvements in processes of making sulphuric acid, and patent Number 84,903, dated the nineteenth day of January, 1904, for improvements in a process of making sulphuric acid; patent Number 92,803, dated the twenty-fifth day of April, 1905, for improvements in the manufacture of sulphuric anhydride and sulphuric acid and methods and apparatus to be employed therein: And whereas the said companies have prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Patents declared to have continued in force.

R.S.C., 1886, c. 61; 1903, c. 46; R.S., 1906, c. 69.

And to be still in force.

1. Notwithstanding anything in chapter 61 of *The Revised Statutes of Canada*, 1886, as amended by chapter 46 of the statutes of 1903, or in *The Patent Act*, chapter 69 of *The Revised Statutes of Canada*, 1906, or in the patents mentioned in the preamble, or any acts of the owners or licensees thereof from time to time, the said patents are declared not to have become null and void and not to have ceased and determined under paragraph (*b*) of section 4 of chapter 46 of the statutes of 1903, or paragraph (*b*) of section 38 of chapter 69 of *The Revised Statutes of Canada*, 1906, but to be valid and subsisting and to be in full force and effect.

Saving clause as to rights of

2. If within the period between the expiry of one year from the date of each of the said patents and the first day of May,

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

TT

An Act respecting certain patents of The General Chemical Company.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. KERR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

CORRECTED COPY.

THE SENATE OF CANADA.

TT.] **BILL.** [1907-8

An Act respecting certain patents of The General Chemical Company.

Preamble.

WHEREAS the General Chemical Company of Phillipstown, in the state of New York, one of the United States of America, and Nichols Chemical Company, Limited, of Canada, have by their petition represented that the General Chemical Company is the holder and owner of certain patents issued under the seal of the Patent Office, namely, patent Number 79,480, dated the twenty-fourth day of February, 1903, for improvements in apparatus for the manufacture of sulphuric anhydride; patent Number 79,831, dated the twenty-fourth day of March, 1903, for improvements in methods of making sulphuric anhydride; patent Number 81,136, dated the twenty-sixth day of May, 1903, for improvements in processes of making sulphuric acid, and patent Number 84,903, dated the nineteenth day of January, 1904, for improvements in a process of making sulphuric acid; patent Number 92,803, dated the twenty-fifth day of April, 1905, for improvements in the manufacture of sulphuric anhydride and sulphuric acid and methods and apparatus to be employed therein: And whereas the said companies have prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Patents declared to have continued in force.

R.S.C., 1886, c. 61; 1903, c. 46; R.S., 1906, c. 69.

And to be still in force.

1. Notwithstanding anything in chapter 61 of *The Revised Statutes of Canada*, 1886, as amended by chapter 46 of the statutes of 1903, or in *The Patent Act*, chapter 69 of *The Revised Statutes of Canada*, 1906, or in the patents mentioned in the preamble, or any acts of the owners or licensees thereof from time to time, the said patents are declared not to have become null and void and not to have ceased and determined under paragraph (*b*) of section 4 of chapter 46 of the statutes of 1903, or paragraph (*b*) of section 38 of chapter 69 of *The Revised Statutes of Canada*, 1906, but to be valid and subsisting and to be in full force and effect.

Saving clause as to rights of

2. If within the period between the expiry of one year from the date of each of the said patents and the first day of May,

persons who have commenced manufacture, use and sale.

1908, any person other than any licensee has commenced to manufacture, use and sell in Canada any of the patented inventions covered by any of the said patents respectively, such person may, if heretofore entitled so to do, continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holder of such patent, had commenced the construction and manufacture of, or used or sold, the said invention within the period of one year from the date of such patent.

Proviso.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

TT

An Act respecting certain patents of The General Chemical Company.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. KERR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

UU.] **BILL.** [1907-8

An Act for the relief of Ada Katurah Stewart Paulding.

Preamble.

WHEREAS Ada Katurah Stewart Paulding, presently residing in the city of Toronto, in the province of Ontario, wife of Frederick William Paulding, of the said city, clerk, has by her petition alleged, in effect, that they were lawfully married on the ninth day of June, A.D. 1906, at the city of New York, in the State of New York, one of the United States of America, she then being Ida Lemay; that the legal domicile of the said Frederick William Paulding was then and is now in Canada; that at the said city of Toronto, in the month of November, A.D. 1907, and for some time previous thereto, he committed adultery with one Hattie Campbell; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of the said petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ada Katurah Stewart Paulding and Frederick William Paulding, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ada Katurah Stewart Paulding may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick William Paulding had not been solemnized.

THE SENATE OF CANADA.

BILL.

UU

An Act for the relief of Ada Katurah Stewart Paulding.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

VV.] **BILL.** [1907-8

An Act for the relief of Mary Alexander.

WHEREAS Mary Alexander, presently residing at the city of Toronto, in the province of Ontario, wife of Edward E. Alexander, of the said city, labourer, has by her petition alleged, in effect, that they were lawfully married on the eighteenth day of March, A.D. 1901, at the said city, she then being Mary Mooney, spinster; that the legal domicile of the said Edward E. Alexander was then and is now in Canada; that at the said city of Toronto, on or about the fifteenth day of December, A.D. 1907, he was living in adultery with a certain Mrs. Meadows, and had been so living with and committed adultery with the said person at the said city at divers times before then; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said marriage between Mary Alexander and Edward E. Alexander, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Mary Alexander may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward E. Alexander had not been solemnized. Right to marry again.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

VV

An Act for the relief of Mary Alexander.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

WW.] **BILL.** [1907-8

An Act to amend The Canada Temperance Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 152.

1. Section 117 of *The Canada Temperance Act*, chapter 152 of *The Revised Statutes*, is hereby repealed and the following substituted therefor:— New s. 117.

"**117.** From the day on which this part comes into force and takes effect in any county or city, and for so long thereafter as, and while the same continues or is in force therein, no person shall, except as in this Part specially provided, by himself, his clerk, servant or agent,— Prohibition of dealings with liquor where Part II is in force.

"(*a*) expose or keep for sale, within such county or city, any intoxicating liquor; or, Offering for sale.

"(*b*) directly or indirectly on any pretense or upon any device, within any such county or city, sell or barter, or, in consideration of the purchase of any other property, give to any other person any intoxicating liquor; or, Sale, barter, gift.

"(*c*) send, ship, bring or carry or cause to be sent, shipped, brought, or carried to or into any such county or city, any intoxicating liquor; or, Sending and bringing.

"(*d*) deliver to any consignee or other person, or store, warehouse, or keep for delivery, any intoxicating liquor so sent, shipped, brought or carried. Delivery.

"2. Paragraphs (*c*) and (*d*) of this section shall not apply to any intoxicating liquor sent, shipped, brought or carried to any person or persons for his or their personal or family use, except it be so sent, shipped, brought or carried to be paid for in such county or city to the person delivering the same, his clerk, servant, or agent, or his master or principal, if the person delivering it is himself a servant or agent. Exceptions.

"3. No act done in violation of the provisions of this section shall be rendered lawful by reason of,— Certain licenses not to avail as against provisions of this Act.

"(*a*) any license issued to any distiller or brewer; or

"(*b*) any license for retailing on board any steamboat or other vessel, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors; or,

"(*c*) any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider or other vinous or spirituous liquors; or,

"(*d*) any license of any other description whatsoever."

New s. 127.

2. Section 127 of the said Act is hereby repealed and the following substituted therefor:—

Penalty for violation of Part II.

"**127.** Everyone who by himself, his clerk, servant or agent, in violation of Part II of this Act,—

"(*a*) exposes or keeps for sale, any intoxicating liquor; or,

"(*b*) directly or indirectly, on any pretense, 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; or,

"(*c*) sends, ships, brings or carries, or causes to be sent, shipped, brought or carried to or into any county or city any intoxicating liquor; or,

"(*d*) delivers to any consignee or other person, or stores, warehouses, or keeps for delivery any intoxicating liquor so sent, shipped, brought or carried;

shall, on summary conviction, be liable to a penalty for the first offence of not less than fifty dollars or imprisonment for a term not exceeding one month, with or without hard labour, and for a second offence, to a penalty of not less than one hundred dollars, or imprisonment for a term not exceeding two months with or without hard labour, and for a third and every subsequent offence, to imprisonment for a term not exceeding four months, with or without hard labour.

Punishment of accessory.

"2. Every one who, in violation of Part II of this Act, in the employment or on the premises of another,—

"(*a*) so exposes or keeps for sale any intoxicating liquor; or,

"(*b*) so sells, barters or gives any intoxicating liquor; or,

"(*c*) so sends, ships, brings or carries or causes to be sent, shipped, brought or carried any intoxicating liquor; or,

"(*d*) so delivers, stores, warehouses, or keeps any intoxicating liquor;

is equally guilty with the principal and shall on summary conviction be liable to the same penalty or punishment as the principal.

Forfeiture of intoxicant and package.

"3. All intoxicating liquors with respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind, in which such liquors are contained, shall be forfeited.

Where prosecution may be brought.

"4. Prosecutions for any offence under paragraph (*c*) of subsection 1 of this section, or under paragraph (*c*) of subsection 2 of this section, may be brought and carried on and a conviction had in the city, town, or other municipality, from which any intoxicating liquor is sent, shipped, brought or carried as aforesaid, or in the city, town or other municipality to, or into which, such intoxicating liquor is so sent, shipped, brought or carried."

3. Section 136 of the said Act is hereby repealed and the following substituted therefor:— New s. 136.

"**136.** If it is proved upon oath before any judge or the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is kept for sale in violation of Part II of this Act, or of *The Temperance Act of* 1864, or is stored, warehoused, or kept for delivery, in violation of Part II of this Act, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, such officer may grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, for such intoxicating liquor, and if the same or any part thereof is there found, to bring the same before him. Issue of search-warrant.

2. Any information under this section may be in form "Q" and any search warrant under this section may be in form "R." Form of information and of search-warrant.

4. Forms "Q" and "R" in the Schedule to the said Act are hereby repealed and the following substituted therefor:— New Forms Q. and R.

FORM "Q."

Information to obtain a search warrant.

CANADA,
Province of
District (or County, *or as the case may be*) of

The information of K. L. of in the said district (*or* county *or as the case may be*) of (yeoman) taken this day of in the year of Our Lord before me W. S. Esquire, one of His Majesty's Justices of the Peace in and for the said district (*or* county *or as the case may be*) of who saith that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is kept for sale (*or* is stored *or* is warehoused *or* is kept for delivery) in violation of Part II of *The Canada Temperance Act*, in the (dwellinghouse, etc.) of P. Q. of in the said district (*or* county *or as the case may be*) (*here add the cause of suspicion.*)

Wherefore he prays that a search warrant may be granted him to search the (dwellinghouse, etc.) of the said P. Q. as aforesaid for the said intoxicating liquor.

Sworn (*or* affirmed) on the day and year first abovementioned at in the said district (*or* county *or as the case may be*) of before me.

K. L. (Signature) W. S.

A justice of the peace in and for the said

FORM "R."

Form of Search Warrant.

CANADA,
Province of
District (*or* county, *or as the case may be*) of

To all or any of the constables or other peace officers in the district (*or* county *or as the case may be*) of .

Whereas K. L. of in the said district (*or* county *or as the case may be*) of (yeoman) hath this day made oath before the undersigned one of His Majesty's Justices of the Peace in and for the said district (*or* county *or as the case may be*) of that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is kept for sale (*or* is stored *or* is warehoused *or* is kept for delivery) in violation of Part II of *The Canada Temperance Act*, in the (dwellinghouse, etc.) of one P. Q. of in the said district (*or* county *or as the case may be*) of :

These are therefore, in the name of Our Sovereign Lord the King, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (dwellinghouse, etc.) of the said P. Q. and there diligently search for the said intoxicating liquor; and if the same, or any part thereof, shall be found upon such search, that you bring the intoxicating liquor so found, and also all barrels, cases, boxes, packages, and other receptacles of any kind whatever containing the same before me to be disposed of and dealt with according to law.

Given under my hand and seal at in the said district (*or* county *or* united counties *or as the case may be*) of this day of in the year of Our Lord.

(Seal) W. S.

A justice of the peace in and for the said

Construction of this Act as to effect.

5. This Act shall have and take effect from the passing thereof in every county and city in which Part II of *The Canada Temperance Act* is then in force, in the same manner and to the same extent as if it had formed a part of the said Act when Part II of the said Act was brought in force in such county or city.

4th Session, 10th Parliament, 7-8 Edw

THE SENATE OF CA

BILL.

WW

An Act to amend The Canada Act.

Received and read a first tim

Wednesday, May 13, 1

Second reading,

Friday, May 15, 1908.

Honourable Mr. M

OTTAWA
Printed by S. E. Dawso
Printer to the King's most Excell
1907-8

THE SENATE OF CANADA.

XX.] **BILL.** [1907-8

An Act to incorporate Traders' Life Insurance Company.

Preamble.

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

Incorporation.

1. T. Herbert Wark, Keith C. Balfour, Samuel A. Grant, Charles M. Hill, and George H. Rennie, all of the city of Toronto, in the province of Ontario, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "Traders' Life Insurance Company," hereinafter called the "Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act, together with such persons, not exceeding nine, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum, and they may forthwith open stock books, employ brokers or agents to procure subscriptions of stock in the Company upon such terms as may be reasonable or expedient, make calls on stock alloted by them, and receive payments thereon, and 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 only of the Company, all cheques to be signed by at least two of such provisional directors, and may do generally what is necessary to organize the Company.

Powers.

Capital stock.

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

Head office.

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

Local boards.

2. The directors may, from time to time, establish local advisory boards or agencies, either in Canada or elsewhere.

Election of shareholders' directors.

5. As soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of the amount paid into some chartered bank in Canada, the provisional directors may call a general meeting of the

shareholders of the Company at some place to be named in the city of Toronto, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect not more than nine directors hereinafter called "shareholders' directors."

Qualification.

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

Policy-holders' directors.

3. In addition to the shareholders' directors, there shall be elected by the policy holders at the first annual meeting after the commencement of business, and at each subsequent annual meeting, six directors, hereinafter called "policyholders'-directors," if there be policy-holders qualified as hereinafter mentioned and willing to act as such directors; but no shareholder shall be eligible as a policy-holders' director.

Qualification.

4. A participating policy-holder who is a male of the age of twenty-one years, whose policy or policies in force on his own life amount to five thousand dollars or upwards, exclusive of bonus additions or profits, and who has paid all premiums then due thereon, shall be eligible for election as a policy-holders' director.

Quorum.

5. At all meetings of the directors, a majority thereof shall be a quorum for the transaction of business.

President and Vice-Presidents.

6. The directors shall elect from among themselves a president of the Company and one or more vice-presidents.

Calls on stock.

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

Commencing business.

8. The Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of the capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act; provided that the amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Annual meeting.

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

Notice of annual meeting.

10. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior thereto, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situate, and such notice shall intimate that participating policy-holders may, in accordance with the provisions of this Act, vote for and elect six directors.

Voting.

11. At all general meetings of the Company, each shareholder present or represented by proxy, who has paid all calls due upon his shares in the capital stock of the Company, shall have one vote for each share held by him. Every proxy must be himself a shareholder entitled to vote.

Proxies.

Business of Company.

12. The Company may effect contracts of life insurance with any persons, and may grant, sell or purchase life annuities, grant endowments depending on the contingency of human life, and generally carry on the business of life insurance in all its branches and forms.

Real property.

13. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company; but the annual value of such property held in any province of Canada, shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars.

Distribution of profits.

14. The directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such 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 remains undivided upon the declaration of a participating policy dividend shall never be less than one-fifth of the dividend declared.

Participating policy-holders.

15. All persons who are actual holders of policies from the Company on their own lives for one thousand dollars or upwards, whether such persons are shareholders of the Company 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 Company and shall be entitled to attend and vote in person or by proxy at all general meetings of the Company, and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy; but policy-holders, as such, shall not be entitled to vote for the election of shareholders' directors.

2. A person holding a participating policy of one thousand dollars and upwards on his life, whether for the benefit of himself, or of others, shall be deemed a member of the Company.

Paid-up policies issued in certain cases.

16. Whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon and fails to pay any further premium or desires to surrender the policy, the premiums paid shall not be forfeited

but he shall be entitled to receive a paid-up and commuted policy for such sum as the directiors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as may occur; Provided that if such paid up and commuted policy or such cash payment is not demanded while such original policy is in force, or within twelve months after default has been made in payment of a premium thereon, the Company shall, without any demand therefor, either issue such paid-up or commuted policy, or pay to or place to the credit of the policy-holder such cash surrender value.

Loans to shareholders or policy-holders. R.S., c. 34.

17. The Company may make loans to its shareholders or policy-holders, not being shareholders' directors, on the securities mentioned in *The Insurance Act.*

Application of Insurance Acts.

18. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act,* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

Conflicting provisions.

m.S., c. 79.

R.S., c. 34.

19. Notwithstanding anything therein, Part II of *The Companies Act,* except sections 125, 141, 165 and 168 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act,* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

4th Session, 10th Parliament, 7-8 Edward

THE SENATE OF CANA

BILL.

XX

An Act to incorporate Trade Insurance Company.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. J

OTTAWA

Printed by S. E. Dawson

Printer to the King's most Excellent M

1907-8

THE SENATE OF CANADA.

YY]. **BILL.** [1907-8

An Act respecting The Crown Life Insurance Company.

Preamble. 1900, c. 97.

WHEREAS The Crown Life Insurance Company has by its petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition:

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

Power to approve of a certain agreement to cancel stocks, etc.

1. The Directors of The Crown Life Insurance Company, hereinafter called "The Company" may at any time, after being duly authorized by a resolution approved by the votes of shareholders representing at least two-thirds of all the subscribed stock of the Company at a special general meeting duly called for considering such resolution, pass a by-law,—

(*a*) approving of the agreement hereinafter mentioned;

(*b*) for cancelling so much of the subscribed stock or shares of the Company as is provided in the said agreement;

(*c*) for writing off the paid up capital stock of the Company, or off any share thereof so much thereof as is provided in the said agreement, and for subdividing shares so far as is necessary to give effect to such cancellation and writing off.

Contents of by-law.

2. Such by-law may declare the par value of the shares as so reduced and the number of shares so cancelled and written off and the number of shares and subdivided shares remaining uncancelled, and the amount paid up thereon.

As to subdivision of shares.

3. In the subdivision of any share the proportion between the amount which is paid and the amount which is unpaid on each subdividend share shall be the same as it was in the case of the existing share so subdivided.

Reduced capital stock.

4. The subscribed capital stock shall be reduced by the amount so cancelled which amount shall be available for subscription and issue at or over par as if such stock had not been previously subscribed or issued.

Confirmation of a certain agreement.

5. Upon the approval of the said resolution as aforesaid (as to which the certificate of the chairman of the shareholders' meeting hereinbefore mentioned shall be sufficient evidence) and upon the filing in the office of the Secretary of State of Canada a copy of an agreement bearing date the twenty-second day of April, 1908, made between The Crown Life Insurance Company and H. S. Strathy, of the city of Toronto, Canada, banker, acting in his own behalf and as a trustee for others, with a certificate, endorsed thereon or attached thereto, signed by the president and the secretary and stamped with the seal of the Company, certifying such copy to be a true copy, the said agreement shall be and is hereby confirmed and made valid, and shall in all courts and places be taken and held to be legal, valid and binding in all respects whatsoever as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act. The certificate of the chairman aforesaid shall also be filed in the office of the Secretary of State of Canada, and copies thereof and of the said agreement certified by the Secretary of State shall be sufficient evidence in all courts and places of the approval of the said resolution as aforesaid and of the said agreement and of all the terms thereof.

6. The Company may, upon the said resolution being approved as aforesaid, and the said copy of the said agreement being filed as aforesaid, do all such acts, matters and things as are requisite or necessary to carry into effect the terms and provisions of the said agreement; and the board of directors of the Company may likewise, upon the said resolution being approved and the said copy of the said agreement being filed as aforesaid, do all such acts, matters and things as are requisite or necessary to carry into effect the terms and provisions of the said agreement, and pursuant thereto to pass all by-laws and resolutions necessary to that end, without the same being submitted to the vote of the shareholders of the Company.

Loans to shareholders. R.S., c. 34.

7. The Company may make loans to such of its shareholders and policyholders as are not directors on the securities mentioned in *The Insurance Act*.

4th Session, 10th Parliament, 7-8 Edward VII.

THE SENATE OF CANADA

BILL.

YY

An Act respecting The Crown Insurance Company.

Received and read a first time,
Thursday, May 14, 1908.
Second reading,
Tuesday, May 19, 1908.

Honourable Mr. LOUGH

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majes
1907-8

THE SENATE OF CANADA.

ZZ.] **BILL.** [1907-8

An Act to amend The Manitoba Grain Act.

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

1. This Act may be cited as *The Manitoba Grain Inspection Act*, 1908. Short title.

2. Chapter 83 of the Revised Statutes of Canada, 1906, intituled: "*An Act respecting the Grain Trade in the Inspection District of Manitoba*," is by this Act amended in the manner hereinafter set forth. R.S., c. 83, amended.

3. The following paragraphs are added to section 2 as paragraphs (*i*), (*j*) and (*k*) thereof:— S. 2 amended. Definitions.

"(*i*) "eastern transfer elevator" means any elevator east of Fort William and Port Arthur which receives western grain for storage or re-shipment and which does that business for a compensation. "Eastern transfer elevator."

"(*j*) 'grain' means grain as defined in section 48 of *The Inspection and Sale Act*, that is to say, all kinds and varieties of grain the inspection of which is provided for by Part II of that Act. "Grain." R.S., c. 85.

"(*k*) 'western grain' means grain grown in the Manitoba inspection division." "Western grain."

4. Section 3 is repealed and the following substituted therefor:— New s. 3.

"**3.** This Act applies to the Manitoba Inspection Division, which consists of,— Application of Act.

(*a*) The provinces of Manitoba, Saskatchewan, Alberta and British Columbia; Inspection District of Manitoba.

(*b*) The Northwest Territories;

(*c*) That portion of the province of Ontario lying west of and including the existing district of Port Arthur;

and also applies to eastern transfer elevators in so far as respects dealing with western grain." Eastern transfer elevators.

5. Sections 10 to 16, both inclusive, are hereby repealed. ss. 10–16 repealed. Weighmasters.

6. The heading "Terminal Elevators and Warehouses," between sections 16 and 17, is struck out and the heading New heading.

"Public Terminal Elevators, Eastern Transfer Elevators, and Warehouses," is substituted therefor.

S. 16A added.

7. The following section is inserted, immediately before section 17, as section 16A:—

Interpretation.

"**16A.** In the following sections of this Act, from section 17 to section 44, both inclusive, unless the context otherwise requires,—

(*a*) "public terminal elevator" or "terminal elevator" includes "eastern transfer elevator";

(*b*) "terminal warehouse" includes "eastern transfer warehouse;"

(*c*) "public terminal warehouseman" or "terminal warehouseman" includes "eastern transfer warehouseman;"

(*d*) "grain" means "western grain."

S. 18 amended. Bond of licensee.

8. Section 18 is amended by adding at the end thereof the words "the amount of which shall not exceed the above maximum."

New s. 19.

9. Section 19 is repealed and the following substituted therefor:—

No discrimination.

"**19.** No discrimination shall be made between persons desiring to avail themselves of warehouse facilities.

What grain to be received in Manitoba Inspection Division.

"2. Every public terminal elevator warehouseman in the Manitoba Inspection Division shall receive for storage any grain tendered to him in a dry and suitable condition for warehousing, in the usual manner in which terminal elevators are accustomed to receive grain in the ordinary and usual course of business.

Inspection and grading thereof.

"3. Grain so received shall in all cases be inspected and graded by a duly authorized inspector and shall be stored with grain of a similar grade.

Weighing and cleaning.

"4. All grain billed to any public terminal elevator within the Manitoba Inspection Division shall not leave that inspection division without being officially weighed and cleaned, unless by the consent of the shipper.

What grain to be received by eastern transfer elevators.

"5. Every eastern transfer elevator warehouseman shall receive for storage western grain tendered him through the ordinary channels of transportation, in the usual manner in which eastern transfer elevators are accustomed to receive grain in the ordinary and usual course of business, and in such parcels or lots as are shipped.

Record to be kept.

"6. Every eastern transfer elevator warehouseman shall keep a true and correct record of each parcel or lot of grain received by him, noting the name of the boat and number of the hold from which taken, or the number of the car, the billed weight, the actual weight as weighed in by him and shortage or overage, the number of the bin in which stored, and in case of a transfer in the elevator the number of the bin to which transferred, the date of shipment out of elevator with the number of car or name of boat and number of hold; and in all cases where a certificate of grade accompanies a lot or parcel of grain the identity of such certificate with the lot or parcel of grain shall be preserved. He shall keep a correct record of the name of

the shipper, the party to be advised of the shipment and the consignee.

"7. The identity of each parcel or lot of western grain shipped to an eastern transfer elevator shall be preserved, except that different parcels or lots of the same grain may be binned together when there is not sufficient space in the elevator to keep the parcels or lots separate. Preservation of identity of grain.

"8. In no case, whether in a public terminal elevator in the Manitoba Inspection Division or in an eastern transfer elevator, shall grain of different grades be mixed together while in store. Grades not to be mixed.

"9. Every public terminal warehouseman in the Manitoba Inspection Division, shall clean all grain received by him on which the inspector has set dockage for cleaning, except all rejected grades, which shall be cleaned only upon the request of the owner. Duty to clean grain.

"10. Every public terminal warehouseman in the Manitoba Inspection Division shall pay or make allowance to the owner for all domestic grain of a commercial value in screenings, as set forth in section 135 of *The Inspection and Sale Act* as amended by chapter of the statutes of 1908, to the quantity assessed by the inspector. Allowance for screenings.

"11. Every public terminal warehouseman in the Manitoba Inspection Division shall insure against fire, with companies satisfactory to the Commissioner, and to an amount approved of by the Commissioner, all grain received, handled or stored by him." Insurance of grain.

10. Section 20 is amended by substituting for the words "railway shipping receipt," in the third line thereof, the words "shipping receipt, or bill of lading, or both, as the case may be." S. 20 amended. Warehouse receipts.

11. Section 29 is repealed and the following substituted therefor:— New s. 29.

"**29.** The owner, lessee, or manager of every public terminal elevator shall furnish, at such times and in such form and manner as the Commissioner prescribes, a statement, in writing and verified by the signature and statutory declaration of the owner, lessee or manager,— Statement of business done by elevator.

(*a*) in the case of a public terminal elevator in the Manitoba Inspection Division, as to the condition and management of so much of the business of such owner, lessee or manager as relates to such elevator; or,

(*b*) in the case of an eastern transfer elevator, as to the amount, condition and management of the business done in western grain by the elevator."

12. In the fourth line of section 30, after the word "warehouse" the following words are inserted:— S. 30 amended.

"and of the total amount of fire insurance thereon." Weekly statement.

13. In section 31, for the words "and handling," in the fourth line thereof, the words "handling and fire insurance" are substituted. S. 31 amended. Schedule of rates.

S. 32 amended. No discrimination to be made.

14. In section 32, for the words "or handling of grain," in the third line thereof, the words "handling or fire insurance of grain," are substituted.

S. 33 amended. Maximum rates.

15. In section 33, for the words "cleaning and handling of grain," in the first line thereof, the words "cleaning, handling and fire insurance of grain" are substituted.

New s. 35.

16. Section 35 is repealed and the following substituted therefor:—

Proceedings when grain deteriorates.

"**35.** In case a terminal warehouseman in the Manitoba inspection division considers that any portion of the grain in his elevator is out of condition or becoming so, he shall immediately consult the resident official grain inspector, or, in the absence of the inspector, his authorized deputy. The inspector or his deputy shall examine the grain in question, and, if he finds it to be out of condition or becoming so, and if he is of opinion that by re-elevating the grain it can be brought back into condition or its further deterioration can be prevented, he may order the warehouseman to re-elevate it for such purpose. The re-elevation shall be at the expense of the owner of the grain.

To whom notice is to be given. Terminal elevator.

"2. If it is found, after such examination, that the condition of the grain is such that its further deterioration cannot be prevented by re-elevation, or if after re-elevation it is still out of condition, the warehouseman shall immediately give written notice of the facts to the Commissioner and to the owner, if the owner's address is known.

To whom notice is to be given. Eastern transfer elevator.

"3. In case an eastern transfer warehouseman considers that any portion of the western grain in his elevator is out of condition or becoming so, he shall immediately give written notice of the facts both to the shipper of the grain and the party to be advised, and to any other interested party indicated upon the bill of lading or railway shipping receipt.

How notice to be given.

"4. In both cases the written notice shall be given by registered letter, and in the case of grain in an eastern transfer elevator a telegram of advice shall also be sent.

Public notice.

"5. In both cases public notice of the facts shall be given in the following manner,—

In elevator.

(*a*) by posting the notice in the elevator; and—

In grain exchange.

(*b*) by posting the notice in the Grain Exchange at Winnipeg, and, as regards grain in an eastern transfer elevator, also in the Grain Exchange at Toronto and the Grain Exchange at Montreal; and

Advertisement.

(*c*) by advertising the notice in each of the following places, in a daily newspaper printed and published at the place, namely, at—

(i) Winnipeg;

(ii) the place where the elevator is situated, if there be such a newspaper there;

(iii) and, as regards grain in an eastern transfer elevator, also in Toronto and in Montreal.

Particulars of notice.

"6. The written notice and the public notice shall state the following particulars:—

Condition.

(*a*) the actual condition of the grain as nearly as can be ascertained;

Quantity, etc.

(*b*) the quantity, kind and grade of the grain;

(*c*) the elevator in which the grain is stored; Elevator.

(*d*) the outstanding warehouse receipts, if any, upon which the grain will be delivered, stating the number and date of each receipt and, except as to grain previously declared or receipted for as being out of condition, the quantity, kind and grade of the grain covered by each receipt; or Warehouse receipts.

(*e*) if warehouse receipts have not been issued, then— When no warehouse receipts.

(i) the name of the person for whom the grain was stored;

(ii) the date when the grain was received;

(iii) the identification of the grain, which shall embrace therein as nearly as may be as great a quantity as is contained in the bin in which the grain is stored;

(iv) as regards grain in an eastern transfer elevator, the particulars of the bills of lading or railway shipping receipts;

"7. The telegram of advice shall state at least the particulars mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection 6 of this section, and that a letter has been mailed giving further particulars. Contents of telegram.

17. Section 36 is repealed and the following substituted therefor:— New s. 36.

"**36.** Upon request of the owner or other person entitled to delivery of the grain so found to be out of condition, and upon the return and cancellation of the warehouse receipts therefor, or the surrender of the original shipping receipts or bills of lading, duly endorsed, and upon payment of charges, the grain shall be delivered to the party entitled thereto. Delivery of deteriorated grain.

18. Section 38 is repealed and the following substituted therefor:— New s. 38.

"**38.** When the grain so declared out of condition has not been removed from store by the owner thereof within one month from the date of the notice of its being out of condition, if the warehouseman in whose elevator the grain is stored has given public notice as by this section required, such warehouseman may sell the grain at the expense and for the account of the owner. Power to warehouseman to sell deteriorated grain.

"2. If the proceeds of such sale are not sufficient to satisfy all charges accrued against the grain, the owner shall be liable to the warehouseman for any such deficiency. Owner liable for deficiency of proceeds.

"3. Public notice of the intended sale shall be given as follows:— Notice of sale.

(*a*) In all cases, by advertisement in a newspaper printed and published at the place where the elevator is situated, if there be such newspaper;

(*b*) When the elevator is situated in the Manitoba Inspection Division, by advertisement in a newspaper printed and published at Winnipeg, and by posting the notice in the Grain Exchange at Winnipeg; or

(*c*) When the elevator is an eastern transfer elevator, by advertisement in newspapers printed and published at Winnipeg, Toronto and Montreal respectively, and by posting the notice in the Grain Exchange at Toronto and the Grain Exchange at Montreal."

New s. 40.

19. Section 40 is repealed and the following substituted therefor:—

Delivery of special binned grain.

"**40.** Nothing contained in sections 34 to 39 of this Act, both inclusive, nor in sections 43 and 44 of this Act, shall be so construed as to permit any warehouseman to deliver any grain, stored in a special bin or by itself, to anyone but the owner of the lot."

S. 43 amended. Limitation of liability.

20. In the second line of section 43 the words "by fire or for any damage" are struck out.

S. 51 amended. Duties of warehouseman.

21. The following paragraph is added to section 51 as paragraph (*e*) thereof:—

"(*e*) at the time of delivery of any grain at his elevator or warehouse issue, in the form prescribed by the schedule to this Act, to the person delivering the grain either a cash purchase ticket, warehouse storage receipt, or storage receipt for special binned grain, dated the day the grain was received, for each individual load, lot or parcel of grain delivered at such elevator or warehouse.

S. 54 amended. Provision for failure to redeem cash purchase ticket.

22. The following subsection is added to section 54 as subsection 4 thereof:—

"4. In every case where grain has been delivered at any public country elevator or warehouse, and a cash purchase ticket issued therefor to the person from whom such grain was received by the warehouseman, and should his paying agent within twenty-four hours after demand by the holder, neglect or refuse to redeem such cash purchase ticket, the said holder may at once, upon surrender of such cash ticket, demand in exchange therefor a warehouse storage receipt bearing same date and place of issue, and for similar grade and net weight of grain as was shown on the cash purchase ticket aforesaid. Upon return of the said cash purchase ticket to the warehouseman, he shall at once issue in exchange therefor to the holder a warehouse storage receipt of same grade and quantity of grain as shown on the face of said surrendered cash purchase ticket."

S. 56 amended.

23. The following is added to subsection 1 of section 56:—

"In the case only of grain in special bin, should the storage receipts and lawful charges against the grain not be delivered or paid at the time of the billing of the car, the elevator operator may hold the bill of lading until the owner has surrendered the storage receipts therefor and paid all lawful storage charges due thereon: Provided that it shall be an offence under this Act for the elevator operator to sell or dispose of such bill of lading without the consent of the owner of the grain, the bill of lading to be made out in all cases in the name of the owner of the grain shipped."

S. 61 amended. Storage special bins. Sample to be preserved.

24. The following subsections are added to section 61 as subsections 2, 3 and 4 thereof:—

"2. In every case where grain is stored in any public country elevator or warehouse in a special bin the warehouseman shall draw a fair and proper sample, in the presence of the person delivering the grain, out of each hopper load as delivered,

and such sample shall be properly preserved in a suitable receptacle, which shall be numbered and sealed, until after such special binned grain has been shipped and inspected, and the owner thereof has notified the warehouseman that he is satisfied the identity of the grain has been preserved.

Provision and custody of receptacle for sample.

"3. The receptacle shall be provided by the warehouseman, and the sample shall be placed therein in the presence of the owner. The receptacle shall be secured by a padlock which the owner of the grain shall provide, and the key of which he shall retain. The warehouseman shall be the custodian of the receptacle and sample.

Use of sample to ascertain identity of grain.

"4. In case after the shipment has been inspected the owner is of the opinion that the identity of the grain has not been preserved, he shall notify the warehouseman in writing of the fact and both parties thereupon shall forward the sample, sealed, charges prepaid, to the Commissioner, who shall submit the sample to the chief inspector to be compared with the shipment. The decision given by the chief inspector in such cases shall be final and binding on both parties."

New s. 65.

25. Section 65 is repealed and the following substituted therefor:—

Sample of grain may be transmitted to Chief Inspector

"**65.** In case there is a disagreement between the purchaser or the person in the immediate charge of receiving the grain at such country elevator or warehouse and the person delivering the grain to such elevator or warehouse for sale, storage or shipment at the time of such delivery as to the proper grade or dockage for dirt or otherwise on any lot of grain delivered, a fair and proper sample shall be drawn in the presence of the person delivering the grain out of each hopper load as delivered, and at least three quarts from samples so taken shall be forwarded in a suitable sack properly tied and sealed, express charges prepaid, to the chief inspector of grain, and shall be accompanied by the request in writing of either or both of the parties aforesaid, that the chief inspector will examine the sample and report on the grade and dockage the said grain is in his opinion entitled to and would receive if shipped to the terminal points and subjected to official inspection."

New s. 66.

26. Section 66 is repealed and the following substituted therefor:—

Duty of Chief Inspector.

"**66.** It shall be the duty of the chief inspector, as soon as practicable, to examine and inspect such sample or samples of grain and to adjudge the proper grade and dockage to which it is, in his judgment, entitled, and which grain of like quality and character would receive if shipped to the terminal points in carload lots and subjected to official inspection."

New s. 67.

27. Section 67 is repealed and the following substituted therefor:—

Finding by Chief Inspector.

"**67.** As soon as the chief inspector has so examined, inspected and adjudged the grade and dockage he shall make out in writing a statement of his judgment and finding and shall transmit a copy thereof by mail to each of the parties to the disagreement, preserving the original together with the sample on file in his office.

"2. The judgment and finding of the chief inspector on all or any of the said matters shall be conclusive.

Payment to and final settlement with farmer.

"3. Where the disagreement as to the grade and dockage arises on the sale of the wheat by a farmer to such country elevator or warehouse, the farmer shall be paid on the basis of grade and dockage offered him by the elevator or warehouse, but the final settlement shall be made on the basis of grade and dockage given by the chief inspector."

New s. 69.

28. Section 69 is repealed and the following substituted therefor:—

Decision of Commissioner.

"**69.** In case the Commissioner finds the complaint and charge therein contained, or any part thereof, true, he shall give his decision in writing and shall at once serve a copy of such decision upon the person offending and against whom the such complaint was made and also serve a copy upon the owner of such country elevator or country warehouse; and the Commissioner shall direct such owner to make proper redress to the person injured, and to discharge the offending operator, who shall not be engaged as manager or assistant in any public country elevator for the period of one year from such discharge. Upon the failure of such owner to give such proper redress and discharge such operator the Commissioner shall cancel the license of the country elevator or warehouse. In case any other country elevator or warehouse employs an operator so discharged within the said period of one year the Commissioner shall order the dismissal of such operator, and in case of refusal to comply with the request of the Commissioner in this regard the Commissioner shall cancel the license of the said country elevator or warehouse.

Punishment of offender.

Influencing manager to give unjust weight or take unjust dockage.

"2. Every one who, being a grain dealer or a member of a firm dealing in grain or an authorized agent of any such dealer or firm, influences, or attempts to influence, in any manner, either by letter, circular or otherwise, any manager of any public country elevator to give unjust weights for or to take unjust dockage from any grain being received into such elevator, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five hundred dollars and not less than one hundred dollars."

Penalty.

S. 88 amended.

29. The following subsections are added to section 88 as subsections 2, 3, 4 and 5 thereof:—

Car-order-book.

Form.

"2. The car-order-book shall be in the form shown in form E in the Schedule to this Act.

Ordering of cars at flag-stations and sidings.

"3. In the case of a flag-station where grain is shipped or of a siding where grain is shipped, the Commissioner may require the railway company to provide a suitable person at that flag-station or that siding, from the fifteenth day of September to the fifteenth day of January following, to receive and deal with applications for cars for the shipment of grain from that flag-station or that siding; and such person shall be deemed to be the railway agent referred to in sections 88 to 99, both inclusive, of this Act.

Exception where less than certain quantity of

"4. If the railway company furnish the Commissioner with a sworn statement, showing to his satisfaction that during the previous year less than fifty thousand bushels of grain were

shipped from a flag-station or from a siding, subsection 3 of this section shall not apply to that flag-station or that siding. grain has been shipped in previous year.

"5. Every railway company which fails to comply with any requirement made by the Commissioner under subsection 3 of this section, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars and not less than five hundred dollars. Penalty on railway company for non-compliance.

"6. Every railway company shall supply car-order-books at all stations, flag stations and sidings where they are to be kept under this Act." Supply of car-order books.

30. Section 89 is repealed and the following substituted therefor:— New s. 89.

"**89.** An applicant may order a car or cars according to his requirements, of any of the standard sizes in use by the railway company, and in case he requires to order any special standard size of car shall have such size stated by the station agent in the car order book, and the railway company shall furnish the size ordered to such applicant in his turn as soon as a car of such specified capacity can be furnished by the railway company at the point on the siding designated by the applicant in the car order book. In the event of the railway company furnishing a car or cars at any station and such car or cars not being of the size required by the applicant first entitled thereto, such applicant shall not lose his priority but shall be entitled to the first car of the size designated which can be delivered at such station at such applicant's disposal as aforesaid." Application for cars.

31. Section 90 is hereby repealed and the following substituted therefor:— New s. 90.

"**90.** The applicant or his agent duly appointed in writing shall furnish to the railway agent the name of the applicant and the section, township and range in which the applicant resides, or other sufficient designation of his residence, for insertion in the car-order-book; and each car order shall be consecutively numbered in the car-order-book by the railway agent, who shall fill in with ink all particulars of the application except the applicant's signature, which shall be signed by the applicant or his agent duly appointed in writing. Orders for cars.

"2. An agent of the applicant shall be a resident in the vicinity of the shipping point, and if the car order is signed by the agent of the applicant the appointment shall be deposited with the railway agent."

32. Subsection 2 of section 92 is amended by substituting for the words "by writing the word *Cancelled* in the remarks column of the car-order-book" the words "by writing in ink across the face thereof, the word 'Cancelled' and his signature, and shall fill in thereon the date of cancellation." S. 92 amended. Cancellation of car order.

33. Section 93 is amended by inserting, after the word "enter" in the second line of subsection 1 thereof and in the first line of subsection 2 thereof, the words "in ink;" and by striking out of subsection 1 thereof the paragraph lettered (*b*). S. 93 amended. Entries in order book to be in ink.

S. 95.

34. Section 95 is repealed.

SS. 99A and 99B added.

35. The following sections are inserted, immediately after section 99, as sections 99A and 99B respectively:—

Equitable distribution of cars during car shortage.

"**99A.** The Commissioner shall have power in his discretion during a car shortage to direct the railroads to make an equitable distribution of empty grain cars to all stations in proportion to the amount of grain available for shipment from such stations, as shown by the respective order books.

Special powers to Commissioner to order supply of cars.

"**99B.** The Commissioner shall have power in his discretion to order cars to be supplied, contrary to the provisions of this Act, to elevators that are in danger of collapse, or in cases where the operator of any country elevator or warehouse reports in writing under oath that some portion of the grain in his elevator or warehouse is heated, and that in order to preserve the same it is necessary to ship such heated grain to the terminal elevator for treatment: Provided, however, that no relief shall be granted in such last mentioned cases as long as the warehouseman has plenty of room in his building for the re-handling of such grain.

Powers.

Report.

"2. Upon granting relief as aforesaid the Commissioner shall submit a report of the facts thereof in each case to the Minister."

New s. 107.

36. Section 107 is repealed and the following substituted therefor:—

Report and statement of sale by commission merchant.

"**107.** Whenever any grain commission merchant sells all or a portion of any grain consigned to him to be sold on commission, he shall within twenty-four hours of such sale report such sale to the consignor, and shall render to the consignor a true statement of such sale showing—

(*a*) what portion of the consignment has been sold;
(*b*) the price received therefor;
(*c*) the date when each sale was made;
(*d*) the name or names of the purchaser;
(*e*) the grade;
(*f*) the amount of advance;
(*g*) the terms and delivery of sale.

Form.

"2. The said report and statement shall be in the form F. in the schedule to this Act, and shall be signed by the grain commission merchant or by his duly appointed agent, and there shall be attached thereto vouchers for all charges and expenses paid or incurred."

S. 110 amended.

37. The following subsection is added to section 110 as subsection 2 thereof:—

Duties of track-buyer.

"2. Every person who buys grain on track in carload lots, shall keep a true and correct account in writing in proper books of all grain bought by him in such carload lots, and shall deliver to the vendor of each such carload lot of grain a grain purchase note, retaining himself a duplicate thereof; which note shall bear on its face the license season, the license number of such track buyer's license, the date and place of purchase, the name and address of such track buyer, the name and address of the vendor, the initial letter and number of the car purchased, the approximate number of bushels and kind of grain contained therein, and the purchase price per bushel in store at Fort

William, Port Arthur or other destination; such grain purchase note shall also express upon its face an acknowledgement of the receipt of the bill of lading issued by the railway company for such carload shipment, the amount of cash paid to the vendor in advance as part payment on account of such car lot purchase, also that the full balance of the purchase money shall be paid to the vendor immediately the purchaser shall have received the grade and weight certificates and the railway expense bill. Every such grain purchase note shall be signed by the track buyer or his duly appointed agent, and the vendor shall endorse his acceptance of the terms of the sale thereon as well as his receipt for payment of the money advanced him on account of such carload lot sale."

S. 111A added.

38. The following is inserted, under the heading "General Provisions" and immediately before section 112, as section 111A:—

Pooling of country elevators prohibited.

"**111A.** No person or corporation, or their agent, operating a public country elevator or warehouse, shall enter into any contract, agreement, understanding or combination with any other such person, corporation, or their agent, for the pooling or division of earnings or receipts of such public country elevators or warehouses, or divide with any other such person or corporation, or their agent, the gross or net earnings or receipts of such public country elevators or warehouses or any portion thereof.

Penalty.

2. The contravention of any provision of this section shall be an offence against this Act punishable, on summary conviction, by a fine not exceeding one thousand dollars and not less than five hundred dollars, for each offence.

S. 118A added.

39. The following section is inserted immediately after section 118, as section 118A:—

Loading lines for grain to be marked inside cars.

"**118A.** Every railway company shall place painted lines inside of each of its cars used for the carriage of grain, indicating the height to which the various kinds of grain can be loaded therein, and no car shall be loaded with any kind of grain above its appropriate line. The person loading any such car shall state in the bill of lading, prior to its being signed by the agent of the railway company, that the car is loaded to or below such line, and such agent before signing the bill, shall verify such statement. The bill of lading so signed shall be *prima facie* evidence of the loading, and no charges for loading in excess of the quantity so limited shall lie against such car. No railway company that fails to equip any car as aforesaid shall collect any charges for the transportation of grain in said car above the regular tariff rates for carload lots.

Statement as to loading.

Charges.

2. The contravention of any requirement of this section shall be an offence against this Act."

S. 125.

Penalty on unlicensed warehouseman.

40. Section 125 is amended by inserting, in the third line thereof, after the words "public terminal warehouseman" the words "or of an eastern transfer warehouseman."

SS. 133, 134 repealed. New s. 133. Offences in connection with applications for cars.

41. Sections 133 and 134 are repealed, and the following is substituted therefor as section 133:—

133. Every one who,—

(*a*) transfers or sells his right to any car allotted to him for shipping grain, or to be allotted to him for shipping grain; or,

(*b*) purchases, takes over or accepts any assignment or transfer of the right of any applicant entitled to a car for shipping grain; or,

(*c*) loads any such car which has not been allotted to him by the station agent, or out of his turn loads such car; or

(*d*) not being the agent, duly authorized in writing, of an applicant for a car for shipping grain, obtains the placing of a name on the car order book as the name of an applicant for a car for shipping grain;

Penalty.

is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred and fifty dollars and not less than twenty-five dollars.

Disposal of penalty.

2. One-half of any penalty imposed under this section, with full costs, shall be paid to the person who informed and prosecuted for the same, and the other half thereof shall be paid into The Manitoba Grain Inspection Fund.

Schedule. New Forms.

42. The Schedule to the said Act is amended by adding thereto the following as Forms E, F and G:—

E.

CAR-ORDER-BOOK.

..... Railway Company.	..... Railway Company.
ORIGINAL. CAR ORDER.	RECEIPT. CAR ORDER.
Date.....	Date.....
Time.....	Time.....
Order No.....	Order No.....
.....Station.	.....Station.
To be placed at.....	To be placed at.....
Capacity of car.....	Capacity of car.....
Destination.....	Destination.....
Date when supplied.....	Date when supplied.....
Date when cancelled.....	Date when cancelled.....
Date when loaded.....	Date when loaded.....
No. car supplied.....	No. car supplied.....
I hereby declare by myself or agent appointed in writing that at time of making this order I am the actual owner of a car lot of grain for shipment.	I hereby acknowledge receipt of this order.
Applicant's signature.....	(Station agent's signature).....
Applicant's residence.	.....
(Agent's signature).....	
Agent's residence).....	

F.

NOTICE OF SALE BY COMMISSION MERCHANT.

No.....

License year 190 .–190 .

License No.....

.....

LICENSED GRAIN COMMISSION MERCHANTS.

To..... .....190 .
(*Name of consignor.*) (*Date.*)

.....
(*Address of consignor.*)

We advise the following sale made for your account to-day:

Sold to	Quantity.	Grade.	Price.	Amount of Advances.	Terms.	Delivery.

Yours truly,

.....

G.

TRACK BUYER'S PURCHASE NOTE.

License No.....

.....Station.....190 .

.....

.....

.....

.....

I have this day bought from.....initial letter.....

car No.....containing.....bushels.....(more or less)

at..... cents per bushel basis.....in store Fort William or Port Arthur, weight and grade guaranteed by seller.

Receipt of bill of lading for same property endorsed by the consignee is hereby acknowledged.

I have made an advance to Mr.....
I have issued an order to paying agent to advance Mr.....$....on this car, the balance to be paid by ..... } .....

.....immediately upon receipt of weight and grade certificates and railway expense bill.

The spread between grades is to be governed by that existing on day of inspection, and this rule shall also apply to commercial grades.

REMARKS.....

.....

.....Buyer.

Accepted, also received payment of advance, $.....

.....
Seller.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

ZZ

An Act to amend The Manitoba Grain Act.

Received and read a first time,

Thursday, May 14, 1908.

Second reading,

Tuesday, May 19, 1908.

Right Honourable
SIR RICHARD CARTWRIGHT, G.C.M.G.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

AAA.] **BILL.** [1907-8

An Act respecting the sale and marking of manufactures of Gold and Silver, and Gold and Silver Plated Ware.

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

SHORT TITLE.

1. This Act may be cited as *The Gold and Silver Marking Act*, 1908. Short title.

COMMENCEMENT.

2. This Act shall come into force on the day of one thousand nine hundred and . Commencement.

INTERPRETATION.

3. In this Act, unless the context otherwise requires— Definitions.

(*a*) 'article 'means an article of merchandise, and includes any portion of such article, whether a distinct part thereof, or not; 'article.'

(*b*) 'mark' includes any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word, figure, or other means whatsoever of indicating, or of purporting to indicate, quality, quantity, or weight of gold, or of silver, or of any alloy of gold or of silver, or quality of gold or silver plate; 'mark.'

(*c*) 'apply' and 'applied' include any method or means of application or attachment to, or of use on, or in connection with, or in relation to, or in advertisement of, an article, whether such application, attachment or use to, on, or with 'apply.' 'applied.'

(i) the article itself, or

(ii) anything attached to the article, or

(iii) anything to which the article is attached, or

(iv) anything in or on which the article is, or

(v) anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself;

(*d*) 'dealer' includes any person, corporation, association, society, or firm, being a manufacturer of, or a whole- 'dealer.'

sale or retail seller of or dealer in gold or silver jewellery, or of or in gold ware, gold-plated ware, silver ware, or silver-plated ware, or the like, and any director, manager, officer, or agent of such person, corporation, association, society, or firm;

'to sell.'

(*e*) 'to sell' includes to dispose of for valuable consideration, to offer to sell, to offer to dispose of for valuable consideration, and to have in possession with intent to sell or intent to dispose of for valuable consideration.

Marks on cases or covers.

4. When an article is composed of mechanism, works or movements and of a case or cover containing the mechanism, works or movements, a mark applied to the case or cover shall be deemed not to be, nor to be intended to be, applied to the mechanism, works or movements.

APPLICATION.

Exemptions. Generally.

5. This Act shall not apply to any article made in Canada before the date of the coming into force of this Act, nor to any article imported into Canada before the said date, nor to any article which, by regulation made by the Governor in Council under the authority of this Act, is exempted from the application thereof.

Exemptions.

Certain articles of gold.

6. This Act shall not apply to such parts of articles, manufactured of gold or any alloy of gold, as require adaptation to the use of the trade, as, for example, springs, winding-bars, sleeves, crown cores, joint-pins, screws, rivets, dust-bands, movement rings, brooch pins, scarf pin stems, and hat pin stems, attached otherwise than by solder, or to such other like articles as by regulation made by the Governor in Council under the authority of this Act are exempted from the application thereof.

Exemptions.

Certain articles of silver.

7. This Act shall not apply to such parts of articles, manufactured of silver or any alloy of silver, as require adaptation to the use of the trade, as, for example, springs, winding bars, sleeves, crown cores, joint pins, screws, rivets, dust bands, movement rings, brooch pins, joints, catches, scarf pin stems, and hatpin stems, or to such other like articles as by regulation made by the Governor in Council under the authority of this Act are exempted from the application thereof.

Regulations for exemptions.

8. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be exempt from the application of this Act under the provisions of the last three preceding sections.

MARKING.

Marks allowed on gold and silver ware.

9. It shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada, any article composed either in whole or in part of gold or of silver, or of any alloy of gold or of silver, except the articles mentioned in

sections 13 and 14 of this Act, if to such article there is applied any mark other than—

(*a*) trade marks registered in accordance with *The Trade Mark and Design Act;* Trade mark. R.S., c. 71.

(*b*) marks truly and correctly indicating, in the manner required by this Act, the quality of the gold or silver, or alloy of gold or of silver, in the article; Quality mark.

(*c*) numerals intended to indicate pattern, such numerals not being incorporated with any mark indicating the quality of the gold or silver or alloy of gold or of silver of which the article is composed; Numerals indicating pattern.

(*d*) the name or initials of a dealer, which last mentioned mark may be applied only if the article bears also a registered trade mark in accordance with *The Trade Mark and Design Act.* Dealer's name.

2. The provisions of subsection one of this section shall not apply, as respects such hall-mark or other government mark, to any article of gold, or of silver, or of any alloy of gold or of silver, to which is applied— British or foreign hall-marks.

(*a*) any hall-mark lawfully applied according to the laws of the United Kingdom of Great Britain and Ireland; or—

(*b*) any mark indicating the quality of the gold or of the silver, or of the alloy of gold or silver, and applied by the government of any foreign country;

if with respect to such article all the other provisions of this Act are complied with.

GOLD.

10. It shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada, any article purporting to be wholly or partially composed of gold or of any alloy of gold, if the article when made or sold has applied thereto any mark indicating or purporting or intended to indicate the gold in the article to be of less than nine karats in fineness, or consisting of or including the words *Gold, Solid Gold, Pure Gold, U. S. Assay,* or other words purporting to describe the gold or alloy of which the article is composed. Marks on gold.

11. As respects articles composed, in whole or in part, of gold or of any alloy of gold—

(*a*) marks indicating the quality of gold or alloy of gold used in the construction of the article shall state the fineness of the gold in karats, thus: 12K, 18K, or as the case may be; Karat mark.

(*b*) the number of karats so stated shall bear the same proportion to twenty-four karats as the weight of the gold in the metal or alloy bears to the gross weight thereof; that is to say, 18K shall be deemed to mean that in the composition there are eighteen parts of pure gold and six parts of other ingredients; and— Karat ratio.

(*c*) the actual fineness of the gold or alloy of gold of which the article is composed shall not be less than the said proportion— Allowable deviation from marked quality.

(i) by more than one-half of a karat, if solder is used, or

(ii) by more than one-quarter of a karat, if solder is not used.

SILVER.

Marks on silver.

12. It shall not be lawful for a dealer to make or to sell or to import or attempt to import into Canada, any article purporting to be wholly or partly composed of silver or of any alloy of silver, which has applied thereto any mark indicating, or purporting or intended to indicate, that the metal or alloy of which such article is composed is of higher quality than it really is.

Sterling silver ratio.

2. The marks *Silver, Sterling* or *Sterling Silver, Coin* or *Coin Silver,* or any colourable imitation thereof, or any other mark intended to suggest such a quality, shall not be applied to any such article or part thereof, if the metal or alloy of which such article or part is composed contains silver in less proportion than nine hundred and twenty-five parts of pure silver in every one thousand parts of such metal or alloy.

Silver alloys.

3. As respects articles composed in whole or in part of any alloy of silver of a lower quality than sterling silver—

Decimal quality mark.

(*a*) any marks indicating the quality of silver or alloy of silver used in such articles shall state the fineness of the silver in decimals, thus: .800, .900, or as the case may be;

Ratio.

(*b*) the decimal quality mark, so stated, shall bear the same proportion to unity as the weight of the silver in the metal or alloy bears to the gross weight thereof; that is to say, .900 shall be deemed to mean that in the composition there are 900 parts of pure silver and 100 parts of other ingredients; and—

Allowable deviation from marked quality.

(*c*) the actual fineness of the silver or alloy of silver of which the article is composed shall not be less than the said proportion—

(i) by more than 25 parts in 1,000 when solder is used; or—

(ii) by more than 10 parts in 1,000 when solder is not used.

GOLD AND SILVER PLATED WARE.

Marks on plated ware.

13. In the case of articles which are made in whole or in part of an inferior metal having deposited or plated thereon, or brazed or otherwise affixed thereto, a plating, covering, or sheet composed of gold or of silver, or of an alloy of gold or of silver, such articles being known in the trade as rolled gold plate, gold filled, gold plate, silver plate, silver filled or by any similar designation, and in the case of articles of like nature brought under the provisions of this section by regulation made by the Governor in Council under the authority of this Act, it shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada any such article, if to such article or any part thereof there is applied—

Material.

(*a*) a mark indicating otherwise than truly that the article or part thereof is made of rolled gold plate, gold filled,

gold plate, silver plate, silver filled, or gold or silver electroplate, or any similar material; or—

(*b*) a mark indicating, otherwise than truly and correctly, the fineness or the actual weight of gold or silver, contained in the article or part thereof, or the fractional proportion of gold or of silver to the gross weight of the article or of such part, at the time the article is sold or delivered by the maker; or— Quality.

(*c*) unless where a mark indicating any such particulars is applied to such article, or part thereof, there is also applied to it a trade mark registered in accordance with *The Trade Mark and Design Act*. Trade mark. R.S., c. 71.

2. The actual weight or the fractional proportion of gold, or of silver, in any such article or part thereof, shall not be less than the actual weight or fractional proportion indicated by any such mark applied thereto, by more than ten per centum of the actual weight or fractional proportion so indicated. Allowable deviation from marked quality.

3. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be subject to or exempt from the provisions of this section. Regulations.

ELECTROPLATED WARE.

14. It shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada, any article of silver or gold electroplate to which is applied a mark indicating otherwise than truly and correctly the metal on which the plating is deposited, the metal of which the deposit is composed, and the grade, quality, or description, as known to the trade, of the plating. Marks on electroplate.

MARKS ON PLATED WARE.

15. The following marks when applied to articles of gold or silver plate or electroplate shall be taken to mean respectively as follows: R.P., rolled plate; E.P., electroplate; G.F., gold filled; Gilt., gold electroplate; N.S., nickel silver; G.S., German silver; B.M., Britannia metal; W.M., white metal; and the Governor in Council may, from time to time, designate other marks for such application and define their signification. Meaning.

OFFENCES AND PENALTIES.

16. Every one is guilty of an indictable offence, who, being a dealer within the meaning of this Act,— Offences against Act.

(*a*) contravenes any provision of sections 9, 10, 11, 12, 13, or 14 of this Act, or,—

(*b*) makes use of any printed or written matter, or advertisement, or applies any mark to any article of any kind referred to in section 13 or in section 14 of this Act or to any part of such article, guaranteeing or purporting to guarantee that the gold or silver on or in such article or such part thereof will wear or last for any specified time.

17. Every dealer who is convicted of an offence under this Act shall be liable to a fine not exceeding one hundred dollars Penalty.

Destruction of article.

for each article or part of an article in respect of which the conviction is had; and after the conviction every such article shall be so broken or defaced as to be unfit for sale otherwise than as metal.

REGULATIONS.

Regulations by Governor in Council.

18. The Governor in Council may, from time to time, make such regulations as to him seem necessary—

(*a*) to secure the efficient administration and enforcement of this Act, including the imposition of penalties, not exceeding fifty dollars, upon any dealer contravening any such regulation, to be recoverable on summary conviction;

(*b*) for the appointment, powers, and duties of officers employed in such administration and enforcement;

(*c*) generally for the purposes of this Act.

REPEAL OF ACTS.

Repeal.

19. The following Acts are hereby repealed:—

R.S., c. 90.

(1.) Chapter 90 of The Revised Statutes, intituled, *An Act respecting the Sale and Marking of Manufactures of Gold and Silver.*

1907, c. 17.

(2.) Chapter 17 of the statutes of 1907, intituled, *An Act to amend the Gold and Silver Marking Act.*

1908, c. .

(3.) The Act passed in the present Session of Parliament, intituled, *An Act to amend The Gold and Silver Marking Act.*

4th Session, 10th Parliament, 7-8 Edw

THE SENATE OF CA

BILL.

AAA

An Act respecting the sale
of manufactures of Gol
and Gold and Silver Plat

Received and read a first tim

Wednesday, May 20, 19(

Second reading,

Friday, May 22, 1908.

Honourable

OTTAWA
Printed by S. E. Dawso
Printer to the King's most Excelle
1907-8

THE SENATE OF CANADA.

BBB.] **BILL.** [1907-8

An Act for the relief of Hattie Spratte.

WHEREAS Hattie Spratte, presently residing at the town of Parry Sound, in the province of Ontario, wife of George Allison Spratte, formerly of the said town, and now residing in the city of Winnipeg, in the province of Manitoba, has by her petition alleged, in effect, that they were lawfully married on the first day of January, A.D. 1901, at the said town, she then being Hattie Phillips, spinster, that the legal domicile of the said George Allison Spratte was then and is now in Canada; that at the town of Fairfax, in the state of Vermont, one of the United States of America, in or about the month of September, A.D. 1905, he committed adultery with one Jennie Barchow or Bouchard; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said marriage between Hattie Spratte and George Allison Spratte, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Hattie Spratte may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Allison Spratte had not been solemnized. Right to marry again.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

BBB

An Act for the relief of Hattie Spratte.

Received and read a first time,

Thursday, May 21, 1908.

Second reading,

Tuesday, May 26, 1908.

Honourable Mr. PERLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

CCC.] **BILL.** [1907-8

An Act to amend The Inspection and Sale Act, as regards Grain.

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

1. This Act may be cited as *The Inspection and Sale Grain Amendment Act*, 1908. Short title.

2. Chapter 85 of The Revised Statutes of Canada, 1906, intituled: *An Act respecting the Inspection and Sale of certain Staple Commodities*, is by this Act amended in the manner hereinafter set forth. R.S., c. 85, amended.

3. The following is added to section 48 as paragraph (*l*) thereof:— S. 48 amended.

"(*l*) The expression "hard red Fife Wheat" shall mean wheat that is red in colour and of the Red Fife variety." Definition.

4. Paragraph (*b*) of section 52 is repealed and the following substituted therefor:— S. 52 amended.

"(*b*) the Manitoba Inspection Division, which consists of,— Inspection divisions.

(i) the provinces of Manitoba, Saskatchewan, Alberta and British Columbia;

(ii) the Northwest Territories;

(iii) that portion of the province of Ontario lying west of and including the existing district of Port Arthur."

5. Section 79 is amended by adding at the end thereof the words "which fees shall be paid by the person at whose instance the survey is demanded, or by the owner or possessor of the grain." S. 79 amended. Tariff of fees.

6. Subsection 4 of section 81 is hereby repealed. S. 81 amended. Costs of appeal.

7. Section 119 is amended by striking out the words "other than oats" in the second and third lines thereof. S. 119 amended. Commercial grades.

8. Section 123 is hereby repealed and the following substituted therefor:— S. 123 amended.

"**123.** All grain produced in the provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories, Grain to be inspected in

Winnipeg district.

passing through the Winnipeg district *en route* to points to the east thereof, shall be inspected at Winnipeg or a point within the district; and, on all grain so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer.

Re-inspection at Fort William.

"2. Any grain inspected at Winnipeg or other western port may be re-inspected at Fort William or at other terminal elevators in the division without additional charge; but any grain not inspected west of Fort William shall be inspected at that point, and a certificate shall be issued on payment of the usual fee.

Re-inspection at terminal elevator.

"3. If any car on its arrival at a terminal elevator is found by the inspector to be plugged or wrongfully loaded, the grain in such car shall be re-inspected, and if the first inspection is altered the original certificate shall be recalled and a new one shall be issued in accordance with the re-inspection and shall be final.

Notice to be given of arrival of grain.

"4. Railway companies and other transportation companies shall notify the inspection department of the arrival of cars of grain at points where inspection is authorized and of the position of such cars in the railway yard, and shall not move such cars until they have been notified by the inspection department that the sampling of the grain is completed."

New ss. 126A and 126B.

9. The following sections are hereby inserted, immediately after section 126, as section 126A and 126B:—

Inspector to have control of storage and shipping of grain.

"**126**A. All grain stored as aforesaid shall be binned under the direction, supervision and control of the inspector, deputy inspector or inspecting officer. The inspector, deputy inspector, or inspecting officer shall have full control of all grain in terminal elevators and no grain shall be shipped out of, transferred or removed from any terminal elevator without his supervision.

Records.

"2. The inspector shall keep the proper records of all grain received into store in any terminal elevator, which records shall show the particulars of each parcel or car-lot of grain received, the date received, the grade, the dockage, if any, and the number of the bin in which such grain has been stored; and he shall keep similar records of all grain shipped from any terminal elevator, which records shall also give the name of the vessel or the number of the car into which such grain has been delivered.

Transfer from one bin to another.

"3. No grain shall be transferred from one bin to another in a terminal elevator without the supervision of the proper inspecting officer, who shall record such transfer in proper books.

Special binning forbidden.

"4. No grain shall be specially binned for any person, firm or corporation in any terminal elevator except in cases where it is found to be out of condition on arrival at such terminal elevator, and in cases where it has gone out of condition while in store as provided in sections 34 to 38 of *The Manitoba Grain Act*.

Exceptions, R.S., c. 83.

Powers of inspector as to cleaning.

"5. All grain marked by the inspection department for cleaning shall be cleaned under the supervision of the inspection department or the inspecting officer, and the inspector may condemn any cleaning machine which in his opinion is not doing satisfactory work and may order machines installed

which will satisfactorily clean such grain to its proper grade; and he shall also have the power, where he finds the cleaning facilities inadequate, to order the installation of such additional machines as will meet the requirements.

"6. Where grain rejected for dirt is ordered to be cleaned by the owner the cleaning shall be subject to the supervision of the inspecting officer." Cleaning by owner.

"**126B.** The chief inspector, subject to the approval of the Minister, may make such rules and regulations as are necessary for the control of the binning and cleaning of all grain stored in terminal elevators, including the transferring of grain from one bin to another and the delivery of grain from the bins into cars, vessels or other receptacles." Regulations as to binning and cleaning.

10. The following is added to section 128 as subsection 3 thereof:— S. 128 amended.

"3. The chief inspector shall issue such rules and regulations governing the inspection and outward shipments of grain from Fort William as will satisfactorily identify the inspection certificates with the lake bill or the railway shipping bill and the lot or parcel of grain covered by such certificate." Identification of grain.

11. Subsection 1 of section 130 is amended by adding, in the last line thereof after the word "accordingly" the following:— S. 130 amended. Disputes as to grading.

"If the owner or possessor so desires he may call for a fresh sample to be drawn by the inspection department for use on re-inspection or survey, the expense thereof to be borne by the applicant, and in case it be drawn for the purpose of survey it shall be sent to the secretary of the survey board." Fresh sample may be required.

12. Subsection 3 of section 130 is repealed. S. 130 further amended. Cost of appeal.

13. Section 131 is hereby repealed. S. 131 repealed. Settlement of difference between farmer and buyer.

14. Section 135 is repealed and the following substituted therefor:— S. 135 amended.

"**135.** In the case of unclean grain inspected in the division, the inspecting officer shall state in his certificate the percentage of dirt necessary to be cleaned out at terminals in order to clean the grain to the grade certified; he shall also state in his certificate the percentage of dirt contained in grain inspected by him as rejected because of too much dirt. In case such dockage contains a proportion of domestic grain the percentage of domestic grain shall also be marked on the certificate." Unclean grain.

15. Section 136 is amended by striking out the three paragraphs, under the heading "*Winter Wheat,*" which relate to Alberta Red Winter Wheat. S. 136 amended. Winter wheat.

16. Section 137 is amended by inserting under the heading of "*Spring Wheat*" and after the definition of "No. 2 Manitoba Northern Wheat" the following paragraphs:— S. 137 amended. Grades of spring wheat.

"No. 1 Manitoba bleached wheat shall contain wheat slightly bleached by weather conditions, and tough and slightly damp wheat that has been properly treated and fit for storing, all of which in the discretion of the inspector has not been injured for milling purposes, and that otherwise would have graded No 1 hard or No 1 northern, and weighing not less than sixty pounds to the bushel.

"Red varieties of spring wheat other than Red Fife may be graded No. 1 northern or lower in the discretion of the inspector."

S. 137 amended. Grades of wheat.

17. Section 137 is further amended by inserting therein immediately after the definitions of "*Spring Wheat*" the following definitions of "*Winter Wheat*":—

Winter Wheat.

"No. 1 Alberta red winter wheat shall be hard pure red winter wheat, sound and clean, weighing not less than 62 pounds to the bushel.

"No. 2 Alberta red winter wheat shall be hard red winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

"No. 3 Alberta red winter wheat shall include hard red winter wheat not clean enough or sound enough to be graded No. 2, weighing not less than 57 pounds to the bushel.

"No. 1 Alberta white wheat shall be pure white winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

"No. 2 Alberta white winter wheat shall be white winter wheat, sound and clean, weighing not less than 58 pounds to the bushel.

"No. 3 Alberta white winter wheat shall include white winter wheat not clean enough nor sound enough to be graded as No. 2, weighing not less than 56 pounds to the bushel."

S. 137 amended. Grades of Oats.

18. Section 137 is further amended by striking out therefrom the definitions under the heading "Oats" and substituting therefor the following:—

"Oats."

"Extra No. 1 Canadian Western oats shall be white, sound, clean and free from other grain, and shall contain 95 per cent of white oats and shall weigh not less than 42 pounds to the bushel.

"No. 1 Canadian Western oats shall be white, sound, clean and free from other grain, shall contain 95 per cent of white oats, and shall weigh not less than 36 pounds to the bushel.

"No. 2 Canadian Western oats shall be sound, reasonably clean and reasonably free from other grain, shall contain 90 per cent of white oats, and shall weigh not less than 34 pounds to the bushel.

"No. 3 Canadian Western oats shall be sound, but not clean enough or sufficiently free from other grain to be graded as No. 2, and shall weigh not less than 34 pounds to the bushel.

"No. 1 Feed Oats shall be oats excluded from the preceding grades on account of damage other than heating, shall contain not more than five per cent of wheat, nor more than three per cent of other grain, shall be reasonably clean, and shall weigh not less than 34 pounds to the bushel.

"No. 2 Feed Oats shall include oats weighing less than 34 pounds to the bushel or otherwise unfit for No. 1 Feed."

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

CCC

An Act to amend The Inspection and Sale Act, as regards Grain.

Received and read a first time,

Friday, May 22, 1908.

Second reading,

Tuesday, June 2, 1908.

Right Honourable
SIR RICHARD CARTWRIGHT, G.C.M.G.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

DDD.] **BILL.** [1907-8

An Act to incorporate The Alberta South-Western Railway Company.

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

1. James J. O'Connor, James A. Little, J. A. Crozier, J. J. Carrick and W. S. Ruttan, all of the town of Port Arthur, in the province of Ontario, together with such other persons as become shareholders of the Company, are hereby incorporated under the name of "The Alberta South-Western Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The head office of the Company shall be in the town of Port Arthur, in the province of Ontario. Head office.

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

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

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on the International Boundary Line between the United States of America and the province of British Columbia, at or near the place where the Kootenay River crosses the said boundary line, thence in a northerly direction, following the valley of the Kootenay River to a point at or near Elko, in the said province of British Columbia; thence in a north-easterly direction, following the valley of the North Kootenay River and the South Fork of the Old Man River, to a point at or near Cowley, Line of railway authorized.

in the province of Alberta; thence in a northerly direction, following the valley of the Old Man River, through the gap in the Livingstone Range; thence following the valley of the north-west branch of the Livingstone River and along the Highwood River, in an easterly and north-easterly direction, to a point at or near Calgary, on the main line of the Canadian Pacific Railway.

Issue of securities.

8. The securities issued by the Company shall not exceed forty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies. R. S., c. 37.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Canadian Pacific Railway Company, the Calgary and Edmonton Railway Company, the Grand Trunk Railway Company, and the Great Northern Railway Company.

4th Session, 10th Parliament, 7-8 Edw

THE SENATE OF CA

BILL.

DDD

An Act to incorporate The Al
Western Railway Comp

Received and read a first time

Wednesday, June 3, 1908

Second reading,

Friday, June 5, 1908.

Honourable
SIR MACKENZIE BOWELL,

OTTAWA
Printed by S. E. DAWSO
Printer to the King's most Excelle
1907-8.

THE SENATE OF CANADA.

EEE.] **BILL.** [1907-8

An Act respecting The Hamilton, Waterloo and Guelph Railway Company.

Preamble.

1906, c. 106.

WHEREAS the Hamilton, Waterloo and Guelph Railway Company has by its petition prayed that it be enacted as hereinafter set forth; and whereas by the said petition it has been made to appear that the circumstances and conditions in connection with the construction of the lines of railway of the petitioner are very exceptional; and whereas it is expedient to grant the prayer of the said petition; therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1906, c. 106, s. 10 amended

Issue of Securities increased from $30,000 to $37,500 per mile.

1. Section 10 of chapter 106 of the Statutes of 1906, intituled *An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company*, is hereby amended by substituting for the word "thousand" in the second line thereof, the words "seven thousand five hundred."

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

EEE

An Act respecting The Hamilton, Waterloo and Guelph Railway Company.

Received and read a first time,

Tuesday, June 16, 1908.

Second reading,

Thursday, June 18, 1908.

Honourable Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

FFF.] **BILL.** [1907-8

An Act respecting a certain patent of William B. Smith.

Preamble.

WHEREAS William B. Smith, of the city of Chicago, in the state of Illinois, one of the United States of America, Inventor, has by his petition represented that he is the holder of Letters Patent for the Dominion of Canada, issued under the Seal of the Patent Office, namely, Patent Number 86428, dated the twelfth day of April, 1904, being re-issue of Patent Number 72712, dated the thirteenth day of August, 1901; and whereas by his said petition he has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner to receive payment of fee and to grant extension.

R.S., c. 69.

Term of extension.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the said recited Letters Patent, the Commissioner of Patents may receive from William B. Smith an application for a certificate of payment, and, upon payment of the usual fee upon the said Letters Patent for the remainder of the term of eighteen years from the thirteenth day of August, 1901, may grant and issue to the said William B. Smith a certificate of payment as provided by *The Patent Act*, and an extension of the duration of the said Patent; and, subject to the payment of such fee, the said Patent is hereby extended 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 said original Letters Patent Number 72712.

Saving of rights of persons who have commenced manufacture, use and sale.

2. Any person, other than a licensee, who has within the period between the thirteenth day of August, 1907, and the sixth day of June, 1908, commenced to manufacture, use and sell in Canada the inventions covered by the said Letters Patent, may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

FFF

An Act respecting a certain patent of William B. Smith.

Received and read a first time,

Wednesday, June 24, 1908

Second reading,

Friday, June 26, 1908.

Honourable Mr. POWER

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

GGG.] **BILL.** [1907-8

An Act for the relief of Arthur James Townsend.

Preamble.

WHEREAS Arthur James Townsend, of the city of Toronto, in the province of Ontario, has by his petition alleged, in effect, that on the twenty-fourth day of August, A.D. 1904, at the said city of Toronto, he was lawfully married to Cora Leffler; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the city of Buffalo, in the state of New York, one of the United States of America, at divers times in the year A.D. 1905, between the months of January and July, she committed adultery with various men whose names are unknown; that her present residence and whereabouts are unknown; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Arthur James Townsend and Cora Leffler, 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 Arthur James Townsend may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Cora Leffler had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

GGG

An Act for the relief of Arthur James Townsend.

Received and read a first time,

Wednesday, June 24, 1908.

Second reading,

Friday, June 26, 1908.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

HHH.] **BILL.** [1907-8

An Act respecting certain Patents of The Metal Shingle and Siding Company, Limited.

Preamble.

WHEREAS The Metal Shingle and Siding Company, Limited, has by its petition represented that it is the holder of certain Letters Patent for the Dominion of Canada, issued under the seal of the Patent Office, and dated the sixth day of May, 1902, being Number 75,775, for improvements in processes for making expanded metal structures, and Number 75,776, for improvements in machines for making expanded metal structures; and whereas the said company has by its said petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows—

Power to Commissioner of Patents to receive payment of fee and to grant extension.

1. Notwithstanding anything in *The Patent Act*, or in the said two several Letters Patent mentioned in the preamble, the Commissioner of Patents may receive from The Metal Shingle and Siding Company, Limited, the application for a certificate of payment and the usual fees upon the said patents for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said company the certificate of payment of fees as provided for by *The Patent Act* and an extension of the period of duration of the said Letters Patent to the full term of eighteen years, in as full and ample a manner as if the application therefor had been duly made within six years from the date of the issue of the said Letters Patent.

R. S., c. 69.

Term of extension.

Saving of rights of persons who have commenced manufacture, use and sale.

2. If any person has, in the period between the sixth day of May, 1908, and the date of the passing of this Act, commenced to manufacture, use and sell, in Canada, any of the inventions covered by the said Letters Patent or either of them, such person may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

HHH

An Act respecting certain Patents of The Metal Shingle and Siding Company, Limited.

Received and read a first time,

Wednesday, July 8, 1908

Second reading,

Thursday, July 9, 1908.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

III.] **BILL.** [1907-8

An Act respecting Agricultural Fertilizers.

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

1. This Act may be cited as *The Fertilizers Act*, 1908. Short title.

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

(*a*) "Minister" means the Minister of Inland Revenue;

(*b*) "fertilizer" includes every natural or artificial manure which is sold at more than ten dollars per ton, and which contains phosphoric acid, nitrogen, or potash.

(*c*) "registration number" means the specific number given annually to each and every brand of legalized fertilizer, by the Minister;

(*d*) "agent" means any person, not a manufacturer, who sells, or offers for sale, any fertilizer;

(*e*) "guaranteed analysis" means the valuation of a fertilizer by the manufacturer or agent in terms of its content of phosphoric acid, nitrogen and potash.

3. Fertilizers shall be considered as distinct brands, when differing either in guaranteed composition, trade mark, name, or in any other characteristic method of marking, whatsoever. Distinct brands.

4. Every manufacturer of fertilizers, or agent, offering for sale any fertilizer in Canada, shall, before offering such fertilizer for sale, procure annually from the Minister a registration number for each brand of fertilizer which he intends offering for sale during the year. Such registration number shall legalize the sale of the brand of fertilizers for which it is granted, and shall sufficiently identify such brand. The registration number shall be printed, or stencilled, or otherwise clearly and legibly placed upon every package sold, or offered for sale. Registration number. Effect. How applied.

5. The year for which any registration number is granted, coincides with the calendar year; and every registration number expires with the thirty-first day of December of the year during which it was granted. Registration numbers, beginning with the number "1" will be issued, from and after the first day of January next after this Act comes into force; and every Registration number—period of validity.

legalized fertilizer will be identified by the special registration number then given, until the thirty-first day of December next following. No registration number will be granted a second time, so that each brand of fertilizer will be known by a higher registration number from year to year. On and after the first day of January in each year it shall be unlawful to sell any fertilizer bearing a registration number which is not greater than the last registration number granted during the next preceding year.

Application for registration number.

Particulars.

6. Every application for a registration number shall be accompanied by a statement giving the following particulars:—

(*a*) Name of brand, and trade mark, if any.

(*b*) Name and address of manufacturer.

(*c*) Name and address of the person applying for registration.

(*d*) Guaranteed analysis.

Fee on application.

2. For each registration number required the applicant shall, at the time of application for such number, transmit to the Minister a fee of twenty dollars.

Registration number, how affixed.

Statement required.

7. The registration number must be affixed, by the manufacturer or importer, or agent, in a plain and legible manner, to every package of fertilizer sold; and shall constitute a legal identification of the brand. In addition to the registration number, there must be legibly printed on every package of fertilizer sold, a statement as described in Schedule A to this Act. This condition shall be held to be fulfilled, if a printed tag containing the registration number, and the statement required, be securely attached to the package.

Analysis for purchaser of registered fertilizer.

Fee.

8. Any purchaser of a legally registered fertilizer may obtain from the Minister an analysis of the goods as delivered to him, by making application for such analysis, accompanied by a sample of the fertilizer, of at least one pound weight, and taken in accordance with the directions given in Schedule B to this Act; and on payment of a fee of two dollars.

Inspectors of fertilizers.

R.S., 1906, c. 133.

To procure samples for analysis.

9. The officers of Inland Revenue, the officers of Customs, the inspectors and deputy inspectors of Weights and Measures, the inspectors of food, drugs and agricultural fertilizers, acting under *The Adulteration Act*, or any of them, shall, when required to do so, by any regulation made in that behalf by the Governor in Council, or by the Minister, act as inspectors of fertilizers, and shall procure and submit for analysis samples of fertilizers offered for sale in Canada.

Duty of inspectors, as to procuring samples.

10. An inspector of fertilizers shall, at least once in each year, obtain for analysis from every vendor of fertilizers for sale in the district for which the inspector is appointed a sample of the fertilizer manufactured, imported or sold by such manufacturer, importer or vendor; but the provisions of this section shall not be construed to limit the right of the inspector to procure samples for analysis in accordance with the following provisions of this Act.

Transmission of samples.

2. Every sample so obtained by an inspector under this section shall be transmitted to the Minister for submission to

the Chief Analyst for analysis; and the result of such analyses, as well as the analyses of samples furnished by purchasers in accordance with section 8 of this Act, shall be published annually by the Minister in such manner as he sees fit, together with a statement showing the relative value of each fertilizer, calculated from its contents in fertilizing ingredients at their current market value.

Publication of results of analysis.

Value of fertilizer to be stated.

11. If any fertilizer is imported for his own use by the importer thereof, and not for sale, it shall not be held as coming under this Act; but such importer may secure an analysis of the fertilizer, as delivered to him, on making application to the Minister, together with a fee of ten dollars. The sample submitted must be taken in accordance with the requirements of section 8 of this Act.

As to fertilizers imported for personal use, not for sale.

Analysis.

12. Fertilizers which are manufactured to the order of the purchaser, and which are not intended for sale, shall not be held as coming under this Act; but such purchaser may secure an analysis of the fertilizer as delivered to him, under the conditions stated in section 11 of this Act.

As to fertilizers made to order, not for sale.

Analysis.

13. Every person who sells or offers or exposes for sale any fertilizer in respect of which the provisions of this Act have not been complied with; or who sells or offers or exposes for sale any fertilizer which does not contain the percentage of constituents mentioned in the manufacturer's certificate accompanying the same, shall be liable in each case to a penalty not exceeding fifty dollars for the first offence, and for each subsequent offence to a penalty not exceeding one hundred dollars, and in either case to the forfeiture of the fertilizer in respect of which the conviction has been had: Provided always, that a deficiency of one-half of one per cent of the ammonia or its equivalent in nitrogen or nitric acid, or of the phosphoric acid, or of the potash claimed to be contained in the fertilizer, shall not be considered as evidence of fraudulent intent.

Penalties for non-compliance with this Act.

Proviso as to evidence of fradulent intent.

14. Every person who forges, or utters or uses, knowing it to be forged, any manufacturer's certificate, registration number or certificate of analysis, required under this Act, is guilty of an indictable offence, and liable to imprisonment, for a term not exceeding two years, with or without hard labour.

Forgery of certificate, &c.

Penalty.

15. Every person who wilfully applies to any fertilizer a certificate or tag, or registration number given in relation to any other package or lot of fertilizer, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months.

Wilful application of wrong certificate, &c.

Penalty.

16. Every person who gives a false certificate in writing to any person in respect to a fertilizer sold by him as a principal or agent shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months.

False certificate.

Penalty.

Application of fees and penalties.

17. All fees paid and penalties recovered under this Act shall form part of the Consolidated Revenue Fund of Canada.

Repeal.

18. *The Fertilizers Act*, chapter 132 of *The Revised Statutes*, 1906, is repealed.

SCHEDULE A.

STATEMENT TO BE ATTACHED TO PACKAGE.

1. (*Name of Brand.*)
2. (*Registration number.*)
3. (*Name and address of manufacturer.*)
4. (*Analysis, as guaranteed by the manufacturer.*)
5. (*Materials from which the fertilizer is made.*)

6. *Notice.* Purchasers will note that the above values are guaranteed by the manufacturer only, and not by the Minister of Inland Revenue. The registration number identifies the fertilizer and authorizes its sale.

Any purchaser resident in Canada may have an analysis made by the Department of Inland Revenue, on payment of two dollars; and the certificate of such analysis will be accepted as evidence in court.

Samples intended for analysis must be taken in conformity with the regulations of *The Fertilizer Act*, 1908. Necessary instructions may be obtained by addressing the Deputy Minister of Inland Revenue, Ottawa.

SCHEDULE B.

INSTRUCTIONS FOR TAKING SAMPLES OF FERTILIZERS TO BE SUBMITTED FOR ANALYSIS IN ACCORDANCE WITH SECTION 8.

Samples of fertilizer submitted by purchasers, for analysis, according to section 8 of this Act, must be enclosed in glass jars, or bottles, and properly sealed. The sampling must be done in the presence of the manufacturer or agent, and must bear the signature of the same, as well as that of the purchaser. In lots of five tons, or less, portions should be drawn from each separate package, and at least from ten packages; or if less than ten packages are present, all should be sampled. In lots of over five tons, not less than twenty packages should be sampled. The portions so taken should be thoroughly mixed in the presence of the parties interested, and from this mixture the sample sent to the Minister is to be taken; and at the same time a duplicate sample is to be left with the party whose goods are inspected, subject to the call of the manufacturer, or agent.

4th Session, 10th Parliament, 7-8 Edward

THE SENATE OF CANA

BILL.

III

An Act respecting Agricultural I

Received and read a first time,

Wednesday, July 8, 1908.

Second reading,

Friday, July 10, 1908.

Honourable Mr

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellen
1907-8.

THE SENATE OF CANADA.

JJJ.] **BILL.** [1907-8

An Act respecting The Canadian Patriotic Fund Association.

Preamble. 1901, c. 92.

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

Confirmation of by-laws, etc.

1. The by-laws, rules and regulations heretofore made or purporting to be made under section 13 of chapter 92 of the Statutes of 1901, intituled "An Act to incorporate the Canadian Patriotic Fund Association" are hereby ratified and confirmed and declared to be and to have been valid.

Voting by mail.

2. Whenever it is necessary or desirable to take a vote of the members of the corporation upon any motion, such vote may be taken by mail.

Procedure for voting.

3. In such case the Secretary of the Association shall transmit by mail to each member a copy of the motion, proposition or question to be voted upon, and also a copy of this Act, and any member may thereupon vote by transmitting to the Secretary by mail a letter stating that he votes "aye" or "no," as the case may be, upon such motion, proposition or question.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

JJJ

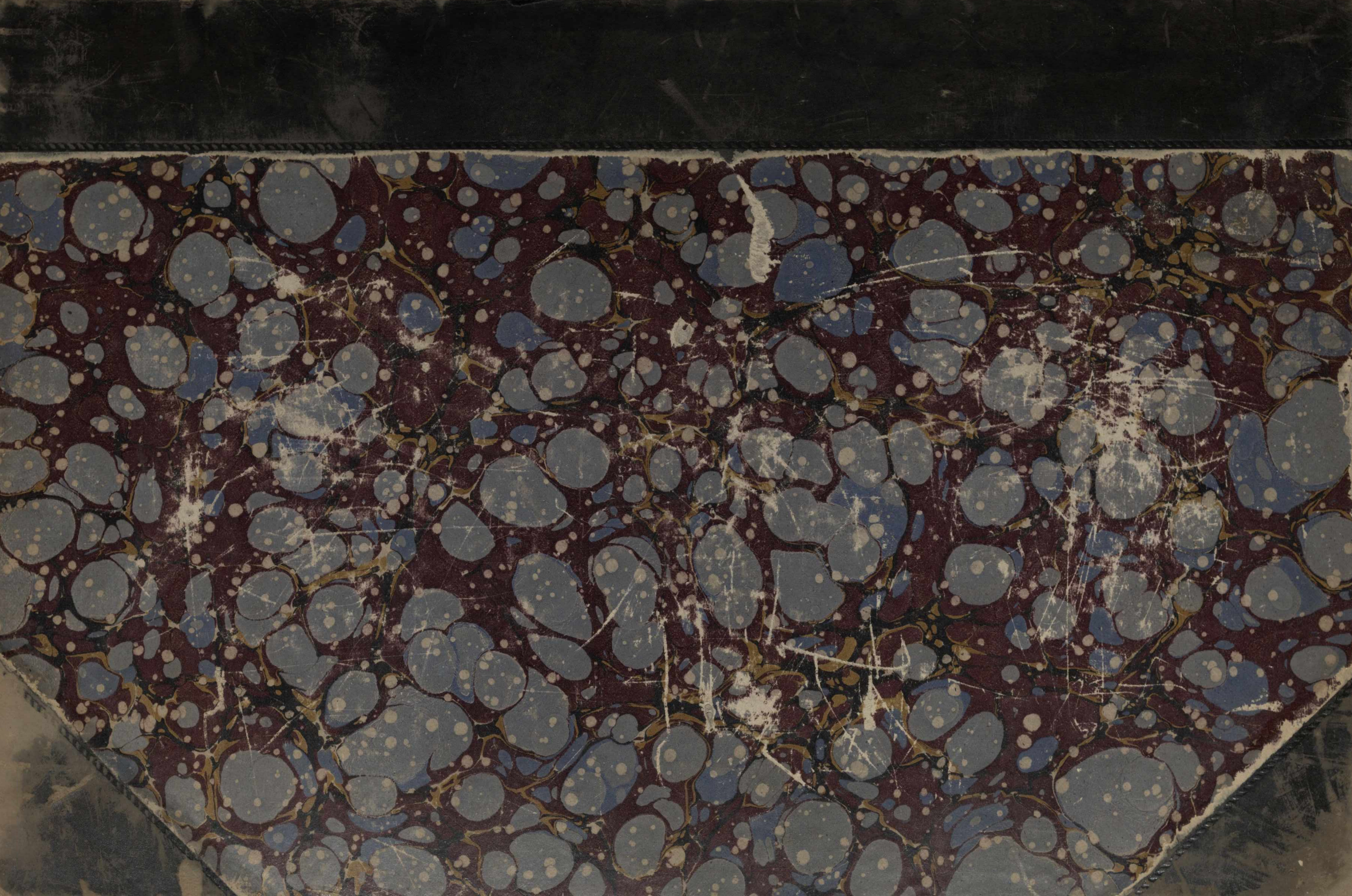
An Act respecting The Canadian Patriotic Fund Association.

Received and read a first time,

Tuesday, July 14, 1908.

Second reading,

Tuesday, July 14, 1908.

Honourable Mr. SCOTT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.