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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE
FIFTY-FIFTH AND FIFTY-SIXTH YEARS OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE
SECOND SESSION OF THE SEVENTH PARLIAMENT

*Begun and holden at Ottawa, on the Twenty-fifth day of February, and closed
by Prorogation on the Ninth day of July, 1892*



HIS EXCELLENCY
THE RIGHT HONOURABLE SIR FREDERICK ARTHUR STANLEY, BARON STANLEY OF PRESTON
GOVERNOR GENERAL

VOL. II
LOCAL AND PRIVATE ACTS

OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1892



55-56 VICTORIA.

CHAP. 30.

An Act respecting the Alberta Railway and Coal Company.

[Assented to 9th July, 1892.]

WHEREAS the Alberta Railway and Coal Company has by Preamble.
its petition prayed for the passing of an Act to confer certain additional powers on the Company as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Notwithstanding anything contained in section one of chapter eighty-nine of the Statutes of 1890, the Alberta Railway and Coal Company, hereinafter called the Company, may extend the railway thereby authorized to and through the Crow's Nest Pass, and thence to some point at or near Hope, in the province of British Columbia, where a connection may be conveniently made with the Canadian Pacific Railway ; provided that, until the Company commences, and unless after commencement it continues without interruption, the work of construction on the portion of its railway on a route through the Crow's Nest Pass and thence westward, any other company having parliamentary authority to locate and construct a railway upon or across that route may proceed to do so as freely as if this Act had not been passed ; and if any dispute on this subject arises between the Company and any other company it shall be settled by the Railway Committee of the Privy Council ; and the plans and profiles showing the location of the extension hereby authorized shall, before construction thereof is proceeded with, be submitted to and approved of by the Governor in Council. Further extension of railway.

2. The Company may excavate, construct, maintain and operate irrigation ditches or canals, in that portion of the district of Alberta lying south of the fiftieth parallel of latitude where it passes through the said district, with all necessary cross or branch ditches or canals, acquire by purchase or other- Powers of Company.

wise the necessary land, and collect such rates or charges for water supplied for irrigation or other purposes as are from time to time fixed by by-law of the Company; and the tariff of such rates and charges shall be submitted to and approved of by the Governor in Council before any such rates or charges are exacted or recovered, and such tariff may be revised and altered from time to time by the Governor in Council.

Water-works.

3. The consent of the municipal council having been first obtained, the Company may break up, dig and trench on so much and so many of the streets, roads, sidewalks, pavements, squares, highways, lanes and public places of any municipality, as are necessary for the laying of mains and pipes to conduct the water from the works of the company to the consumers thereof.

Power to erect dams, mills, &c.

4. The Company may construct, maintain and erect dams, and all necessary appurtenances thereto, at such points in such rivers as is found necessary for the purposes of the Company, and may in connection with its works erect, maintain and operate such machinery as is necessary for the purposes of its works.

Water-power.

5. The Company may supply water for irrigation purposes or furnish water-power to any municipality, corporation or individual.

Approval of Governor in Council.

6. No work for the construction or operation of the ditches or canals, or for the construction from time to time of cross or branch ditches, shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council, and such conditions as he thinks fit to impose for the public good have been complied with, nor shall any such plan be altered or deviations therefrom be allowed except by permission of the Governor in Council and upon such conditions as he imposes.

Railway Act to apply.

7. *The Railway Act* shall apply to the provisions of this Act as to the power thereunder to take lands for the said works, except in so far as *The Railway Act* is inconsistent with the provisions hereof or is for any other reason inapplicable hereto; and the irrigation works authorized by this Act shall be subject to the provisions of any general Act passed during the present session of Parliament respecting irrigation.

Meaning of "railway."

2. Wherever in *The Railway Act* the expression "railway" occurs it shall in so far as it applies to the provisions of this Act, mean the canals or ditches or branch canals or cross ditches authorized by the provisions of this Act to be constructed.

Time for construction.

8. The irrigation works authorized by this Act shall be commenced within three years, and the ditches or canals completed within six years from the passing of this Act, otherwise the rights and privileges herein conferred shall cease and determine.

2. The extension authorized by section one of this Act shall be commenced within three years and completed within seven years from the passing of this Act; and if the said extension is not commenced and completed as herein provided, then the powers granted for the construction thereof shall cease and be null and void as respects so much thereof as then remains uncompleted.

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55-56 VICTORIA.

CHAP. 31.

An Act respecting the Belleville and Lake Nipissing Railway Company.

[Assented to 12th April, 1892.]

Preamble.

WHEREAS the Belleville and Lake Nipissing Railway Company have, by their petition, prayed for an Act to amend, as hereinafter set forth, the Acts relating to the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time.

1. Notwithstanding anything contained in the Acts relating to the Belleville and Lake Nipissing Railway Company or in any other Act, the times limited for the commencement and completion of the railway of the Company are hereby respectively extended for two years and five years from the passing of this Act; and if the said railway is not commenced and completed as herein provided, then the powers relative to such construction shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Failure to complete.

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55-56 VICTORIA.

CHAP. 32.

An Act to incorporate the Buckingham and Lièvre River Railway Company.

[Assented to 9th July, 1892.]

WHEREAS a petition has been presented praying for the Preamble.
incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Knud Sando, of London, England, Joseph James Gormully, and Robert Victor Sinclair, of the city of Ottawa, John Cassie Hatton, and Francis McLennan, of the city of Montreal, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Buckingham and Lièvre River Railway Company," hereinafter called "the Company." Incorporation.
Corporate name.

2. The head office of the Company shall be in the city of Montreal, or at such place in Canada as a majority of the shareholders at any annual or general meeting determine. Head office.

3. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point at or near the village of Buckingham, in the county of Ottawa, in the province of Quebec, along or near the River Lièvre upon either side to its source; also from a point at or near the village of Buckingham to the Ottawa River; and the undertaking of the Company is hereby declared to be a work for the general advantage of Canada. Line of railway described.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company. Provisional directors.

5. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time. Capital stock.

Calls. time, as they may deem necessary, but no one call shall exceed ten per cent on shares subscribed.

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

Directors. **7.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose nine persons to be directors of the Company.

Bonds. **8.** The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and the said bonds, debentures or securities may be made payable either in Canadian currency or sterling money.

Limit.

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

Sanction.

Notice. 2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties (or electoral districts) through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.



55-56 VICTORIA.

CHAP. 33.

An Act respecting the Canada Atlantic Railway Company.

[Assented to 9th July, 1892.]

WHEREAS the Canada Atlantic Railway Company, hereinafter called the Company, by their petition have prayed that the time for the completion of their line of railway be extended, and that an Act be passed to amend, as hereinafter set forth, the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section five of chapter fifty-seven of the Statutes of 1879 is hereby repealed, and the following substituted therefor:—

Section 5 of c. 57 of 1879 repealed.

“5. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of their railway and its branches, if any, and across the River St. Lawrence and the Beauharnois Canal and the River Richelieu, and may establish offices for the transmission of messages for the public; and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract or contracts with any other company or companies.”

Construction of telegraph and telephone lines.

2. The Company may construct, erect, purchase, lease, let, equip, work and maintain any other line or lines of telegraph and telephone, not exceeding fifteen miles in length in any one case, to connect the line or lines constructed or to be constructed along the line of their railway with any other line or lines of telegraph and telephone in Canada, either by land or by water, and upon, along, across, over or under any public roads, highways, streets, bridges, watercourses or other such places, and any navigable or non-navigable waters, and may undertake the transmission of messages for the public by all or any such line or lines, or any portion thereof; provided that the same shall be so constructed and maintained as not to interfere with the public use of such roads or highways, or

Construction of connecting lines.

Public rights saved.

No bridge to be built over navigable water.

injuriously interrupt the navigation or use of such waters and watercourses; and provided always that nothing herein contained shall confer on the Company the right of building a bridge over any navigable water.

Company may enter upon public roads, &c.

3. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may by their servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining their line or lines of telegraph and telephone upon, along, across, over and under the same; and may erect, equip and maintain such and so many poles or other works and devices as the Company deem necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone; and may stretch wires and other telegraphic and telephonic contrivances thereon, and, as often as the Company, their agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

May erect poles.

Stretch wires.

And open public roads, &c.

Travel, &c., not to be obstructed.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity;

Height of wires above road, &c.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality;

Kind of poles.

(c.) In all municipalities the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;

Cutting poles or wires in case of fire.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred;

Liability for damage.

(e.) The Company shall be responsible for all damage which their agents, servants or workmen cause to individuals or property in carrying out or maintaining any of their said works;

Trees.

(f.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of the engineer or such other official as the council appoints, and shall be done in such manner as the council directs; the council may also direct and designate the places where the poles are to be erected in such municipality; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company;

Approval of municipality.

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act;

Company may be required to carry wires under ground.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified;

Workmen to wear badges.

(j.) Nothing herein contained shall be deemed to authorize the Company, their servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of their works, without the previous assent of the owner or occupant of the property for the time being.

Protection to private rights.

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

Arrangements with other companies.

5. Notwithstanding anything contained in chapter seventy-two of the Statutes of 1886 or in any other Act, the time for the completion of the line of railway of the Company is hereby extended for five years from the passing of this Act; and if the railway is not then completed then the powers granted for such construction shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for completion of railway extended.



55 - 56 VICTORIA.

CHAP. 34.

An Act respecting the Canada Southern Railway Company.

[Assented to 10th May, 1892.]

Preamble.

Chap. 66 of 1875.

Chap. 61 of 1888.

WHEREAS the Canada Southern Railway Company has petitioned that the time limited by the several Acts relating to the said Company and to the Erie and Niagara Railway Company, for the commencement and completion of the several lines and branches of railway authorized by such Acts, be extended; and whereas, in pursuance of the powers conferred by chapter sixty-six of the Statutes of 1875 and by chapter sixty-one of the Statutes of 1888, all the franchises, property, rights and privileges of the Erie and Niagara Railway Company have become vested in the said Canada Southern Railway Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended.

1. The times limited by the Acts respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company, set forth in the schedule to chapter sixty-one of the Statutes of 1888, for commencing and completing the lines or branches of railway authorized by such Acts or any of them, are hereby extended for two years and five years respectively from the fourth day of May, one thousand eight hundred and ninety-three; and if the said lines or branches of railway are not commenced and completed as herein provided, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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55-56 VICTORIA.

CHAP. 35.

An Act respecting the Canadian Pacific Railway Company.

[Assented to 10th May, 1892.]

WHEREAS the Canadian Pacific Railway Company, herein- Preamble.
after called the Company, has by its petition prayed that certain additional powers, as hereinafter set forth, be conferred on the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Canadian Pacific Railway Act, 1892.* Short title.

2. The Company, being first authorized so to do by a vote of at least two-thirds of its shareholders present or represented at a special general meeting duly called for the purpose, may at any time issue ordinary shares of capital stock in lieu of consolidated debenture stock for any purpose for which it is at the time authorized to issue consolidated debenture stock; and whenever it shall do so, then its right to issue consolidated debenture stock for that purpose shall cease. Issue of ordinary stock in lieu of consolidated debenture stock.

3. In addition to its capital stock at the time of the passing of this Act, and to any which may be issued under the authority of the next preceding section, the Company, being first authorized so to do by a vote of at least two-thirds of its shareholders present or represented at a special general meeting duly called for the purpose, may, from time to time, issue shares of capital stock for any purpose for which the Company requires new capital, in such amounts and at such times as the shareholders by resolution at any such meeting determine,—such issue being first approved by the Governor in Council, and notice of such meeting having been given in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days Further issue of capital stock.
previously

previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase.

Issue subject to Company's charter.

4. All shares of capital stock, issued under the authority of this Act shall be subject to all the provisions of section two of the Company's charter as fully as if they were part of the capital stock therein named.

Section 6 of the Company's Act of 1889 to apply.

5. Whenever any outstanding obligation of the Company is in whole or in part satisfied or acquired, or the stock or other security in respect of which such obligation exists is in whole or in part acquired by the issue of capital stock under the authority of this Act, then the provisions of section six of *The Canadian Pacific Railway Act, 1889*, shall apply thereto as fully as if it had been satisfied or acquired by the proceeds of consolidated debenture stock.

Issue of consolidated debenture stock.

6. The Company, being first authorized so to do by a vote of at least two-thirds of its shareholders present or represented at a special general meeting duly called for the purpose, may issue consolidated debenture stock for the purpose of satisfying or acquiring mortgage bonds of any other railway company the principal or interest of which the Company shall have already guaranteed : provided that the annual charge for interest on such consolidated debenture stock shall at no time exceed in amount that of the interest on such bonds guaranteed by the Company ; and any bonds so satisfied or acquired shall be held by the Company as still subsisting and continuing as a security *pro tanto* for the holders of all consolidated debenture stock then issued by the Company ; and the holders of consolidated debenture stock issued under this Act shall at all times have equal rights in all respects and shall rank *pari passu* with the holders of consolidated debenture stock issued under the authority of any previous Act.

Application of proceeds of stock.

7. The proceeds of each issue of shares of capital stock, or of consolidated debenture stock, under the authority of this Act, shall be applied by the Company exclusively to the purpose for which the shareholders authorized such issue.

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55-56 VICTORIA.

CHAP. 36.

An Act to incorporate the Canso and Louisbourg Railway Company.

[Assented to 9th July, 1892.]

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

1. John J. Macdonald, of Ottawa, Edward D. Boswell and Hugh Ryan, all of Toronto, David J. Kennelly, of Sydney, James J. Gillies, of Winnipeg, the Honourable John W. Candler, of Boston, and Alexander Gillies of Carbondale, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canso and Louisbourg Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The head office of the Company shall be in the city of Montreal. Head office.

3. 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 Strait of Canso in the Island of Cape Breton, or from a point at or near McIntyre Station on the line of the Intercolonial Railway, and thence, by way of St. Peter's, to Louisbourg and Sydney. Line of railway described.

4. The Company may, in connection with their railway, construct, acquire, maintain and employ steam ferry-boats to ply across the Strait of Canso for the purpose of carrying cars, freight and passengers. Steam ferry may be established.

5. The Company may also, for railway purposes, lay out, construct, maintain, manage and use a bridge across the Strait Bridge or tunnel may be built.

of Canso, of a height not less than one hundred and seventy feet above high water, or a tunnel, metal tube, or subway under the said strait, with the necessary approaches, and connect the same with the western terminus of the railway hereby authorized and with the Intercolonial Railway at or near Port Mulgrave, Nova Scotia.

Plans to be approved by the Governor in Council.

6. The Company shall not commence the bridge or tunnel, metal tube, or subway, or any work appertaining to either until it has submitted to the Governor in Council plans of such bridge, metal tube, or subway and of all the intended works thereunto appertaining, nor until the plans and site of such bridge, or tunnel, metal tube, or subway, have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching such bridge, or tunnel, metal tube, or subway, and works, have been complied with ; nor shall any such plans be altered, or any deviation therefrom allowed, except with the permission of the Governor in Council, and upon such conditions as he imposes :

Lights on bridge.

2. From sundown until sunrise lights shall always be maintained by the Company on the piers of the bridge to guide vessels approaching it from either direction.

Equal privileges to connecting railways.

7. So soon as the bridge or tunnel, metal tube or subway, is completed and ready for traffic, all trains, cars, rolling stock and traffic of all railways connecting therewith, now constructed or hereafter to be constructed. and also the trains, cars, rolling stock and traffic, of all companies whose lines connect with the line of any company so connecting with the said bridge, or tunnel, metal tube or subway, and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, or tunnel, metal tube or subway, so that no discrimination or preference in the passage of the said bridge, or tunnel, metal tube or subway, or in tariff rates for transportation, shall be made in favour of or against any railway whose trains or business pass over the said bridge, or through the tunnel, metal tube, or subway.

Railway Committee to determine tariff rates, &c.

8. In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge, or through the tunnel, metal tube or subway, or as to the tariff rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council as provided in section eleven of *The Railway Act*.

Provisional directors.

9. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

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

11. The annual general meeting of the shareholders shall be held on the first Monday of September in each year. Annual general meeting.

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

13. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, either exclusive or inclusive of any railway bridge over, or tunnel, metal tube or subway under the Strait of Canso, constructed as part thereof, and secured by a deed of mortgage describing clearly the property charged as security for such bonds or debentures; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and such bonds shall be designated as "series A"; and in addition thereto, bonds to an amount not exceeding five hundred thousand dollars may be issued in aid of the construction of the bridge, or tunnel, metal tube, or subway, hereinbefore mentioned, if such bridge, or tunnel, metal tube, or subway, are so excluded from such charge, and shall be designated as "series B." Amount of bonds, &c., limited.

2. The bonds on the bridge, or tunnel, metal tube or subway shall in like manner be secured by a deed of mortgage specifying the security therefor; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge or tunnel, metal tube, or subway, by other corporations and persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of such bridge or tunnel, metal tube, or subway, by similar corporations, — which rates and tolls shall also be charged as security for such bonds. Series A.

Series B.
Security for bonds.

14. The bridge or tunnel, metal tube, or subway, shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted under section five of this Act shall cease and be null and void. Time for construction



55-56 VICTORIA.

CHAP. 37.

An Act respecting the Chignecto Marine Transport Railway Company, Limited.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Chignecto Marine Transport Railway Company, Limited, have by their petition prayed for the passing of an Act granting them authority to issue a new series of first preference mortgage bonds, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New issue of bonds to the amount of £350,000.

1. The directors of the Chignecto Marine Transport Railway Company, Limited, hereinafter called "the Company," with the authority of the shareholders of the Company to them given at a joint special general meeting of the said shareholders and of the holders of the outstanding mortgage bonds of the Company called and held for that purpose, in the manner provided for the calling of special general meetings of shareholders, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present in person or represented by proxy, and with the authority to them also given at the said meeting by the holders of outstanding bonds of the Company, holding or representing at least three-fourths in value of the whole outstanding mortgage bonds of the Company, may issue a new series of bonds or debentures, to be called first preference mortgage bonds, to such amount as is authorized at such joint meeting, but not exceeding in the whole three hundred and fifty thousand pounds sterling; and such bonds shall be signed by the president or other presiding officer, and countersigned by the secretary of the Company, which countersignature and the signature to the coupons attached thereto may be engraved, and such first preference mortgage bonds and the interest thereon may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent per annum, as the directors think proper, but no such bond shall be for a less sum than twenty-five pounds sterling:

2. At such joint meeting the holders of the mortgage bonds now outstanding may be represented by proxy and may vote in the manner and form now provided for in respect of shareholders of the Company.

Proxies of holders of old bonds.

2. The directors of the Company may issue and sell or pledge all or any of the said first preference mortgage bonds, at the best prices and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for the prosecution of the undertaking of the Company; and the moneys so obtained shall be applied towards completing, equipping and maintaining the railway: Provided, that the holders of the then outstanding mortgage bonds of the issue heretofore authorized shall be first given the option of subscribing for, purchasing, or taking the said first preference mortgage bonds:

Application of proceeds.

Privilege of holders of old bonds.

2. The provisions of sections ninety-four, ninety-six and ninety-seven of *The Railway Act* shall apply to this Act and to the said new mortgage bonds issue hereby authorized, except in so far as they are inconsistent with the provisions hereof:

Chapter 29 of 1888.

3. The bonds or debentures hereby authorized to be issued shall, notwithstanding anything in the Acts heretofore passed respecting the Company, or in any deed of trust made in pursuance thereof, be taken and considered to be the first preferential claim and charge upon the Company and the franchise, undertaking, railway, docks and works of the Company, and upon the interest of the Company in any subsidy in land or money now or hereafter granted to the Company or which the Company may receive from any government, municipality, person or corporation, and upon all the tolls and income, rents and revenues, and real and personal property of the Company at any time acquired, and shall have priority over the preferential claim and charge created by the now existing bond issue and the mortgage securing it, and over all other existing charges thereon; but such rents and revenues shall be subject first to the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the Minister of Railways and Canals, and next to the payment of the working expenditure of the railway:

Ranking of bonds.

4. Each holder of the said first preference mortgage bonds hereby authorized to be issued shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders of the said first preference mortgage bonds, and no proceedings authorized by law shall be taken to enforce payment of the said first preference mortgage bonds, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed:

Security of bondholders.

5. In the event of the exercise by the directors of the Company of the powers granted by this Act, the right and power of the Company to issue or dispose of any mortgage bonds,

Cancellation of old bonds.

under the provisions of the Acts heretofore passed respecting the Company, shall thereupon cease and determine, and any mortgage bonds theretofore issued under the said Acts, or any of them, and still in the possession or control of the Company and undisposed of by the Company, shall forthwith thereafter be cancelled by the directors, and be of no effect.

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55 - 56 VICTORIA.

CHAP. 38.

An Act respecting the Cobourg, Northumberland and Pacific Railway Company.

[Assented to 9th July, 1892.]

WHEREAS the Cobourg, Northumberland and Pacific Railway Company has by its petition prayed that an Act be passed to extend the time for the commencement and completion of its line of railway, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The times for the commencement and completion of the railway of the Cobourg, Northumberland and Pacific Railway Company are hereby extended for two years and four years respectively from the passing of this Act ; and if the railway is not commenced and completed within the times so fixed, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Preamble

Time for construction of railway extended.

2. Section eight of chapter sixty-two of the Statutes of 1889, as amended by section five of chapter ninety of the Statutes of 1891, is hereby repealed, and in lieu thereof it is hereby enacted that the Company may issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Amount of bonds, &c. limited.

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55 - 56 VICTORIA.

CHAP. 39.

An Act respecting the Grand Trunk Railway Company of Canada.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada by their petition represent that they are now the lessees in perpetuity of what is known as the Northern and Pacific Junction Railway; that the rental payable under the said lease is the interest on the bonds issued by the Northern and Pacific Junction Railway Company; that they, the Grand Trunk Railway Company of Canada, are the owners of the bonds so issued and also the owners of the share capital of the said Northern and Pacific Junction Railway Company; that for repairs and improvements and for the deviation and reconstruction of a part of the said Company's line money is required, and that the Northern and Pacific Junction Railway Company have no capital from which this money can be raised; that for the convenience and better management of the business of the said line it is desirable that the line of the said last mentioned railway should be extended from its present terminus to a point at or near North Bay; that the capital required for the above purposes could be more advantageously obtained, were the Northern and Pacific Junction Railway Company consolidated with the said Grand Trunk Railway Company of Canada, and they by their said petition pray that an Act be passed consolidating the said Northern and Pacific Junction Railway Company with the said Grand Trunk Railway Company of Canada and giving the said last mentioned Company power to raise the capital required therefor; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Grand Trunk Railway Act, 1892.*

Interpretation.

2. The expression "the Company" when used in this Act means the Grand Trunk Railway Company as constituted after the passage of this Act and the acceptance thereof as hereinafter provided.

3. From and after the acceptance of this Act by the proprietors of the Grand Trunk Railway, as hereinafter provided, the said Northern and Pacific Junction Railway Company shall be consolidated with and merged into, and shall to all intents and for all purposes be part of, the Grand Trunk Railway Company of Canada; and all the Acts relating to the Grand Trunk Railway Company of Canada shall relate and be applicable to the said railway so consolidated, to the same extent as if the said Northern and Pacific Junction Railway had originally formed part of the said Grand Trunk Railway.

The Northern and Pacific Junction Railway to form part of the Grand Trunk Railway.

4. In addition to the several amounts mentioned in section three of chapter forty-eight of the Statutes of 1890, and over and above the amounts in the said Act authorized, the Company may borrow and raise, for the purposes hereinafter mentioned and specified, by the creation and issue of perpetual consolidated debenture stock, to be called "Grand Trunk Consolidated Debenture Stock," bearing interest at any rate not exceeding four per cent per annum, a sum not exceeding six hundred thousand dollars, as the proprietors entitled to vote in general or special meetings assembled determine.

Issue of consolidated debenture stock.

5. The consolidated debenture stock issued or to be issued under the provisions of chapter fifty-two of the Statutes of 1884, of chapter fifty-seven of the Statutes of 1887, of chapter fifty-eight of the Statutes of 1888, and of chapter forty-eight of the Statutes of 1890, shall, together with the consolidated debenture stock hereby authorized to be issued, as and when created and issued, and the interest thereon, respectively, rank equally as one single consolidated debenture stock, and shall, subject to all the priorities of all existing charges and also to the five per cent perpetual debenture stock mentioned in schedule number two to the said chapter fifty-two of the Statutes of 1884, and to all the provisions relating to the Company as to working expenses, be and become a first charge upon the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the Company; but the holders of the said consolidated debenture stock of the Company, whether issued prior or subsequently to the passing of this Act, under the powers conferred by this Act or the said former Acts in this Act above referred to, shall not as amongst themselves be entitled to any preference or priority.

How ranked.

6. The additional consolidated debenture stock hereby authorized to be created, or the proceeds thereof, shall be applied by the Company to the following purposes, that is to say:—

Application of stock.

(a.) The repairing, widening and improving the embankments on the line of what is now known as the Northern and Pacific Junction Railway;

Repairs.

(b.) The reconstruction of a portion of the said railway and doing away with certain trestle works now on the line of the said railway;

Reconstruction.

Deviation of part of line.

(c.) The deviation of a portion of the said railway, thereby improving the grade and the alignment thereof;

Extension.

(d.) Extending the line of the said railway from its present terminus to a point in or near the village of North Bay.

Votes of holders of debenture stock.

7. The holders of the consolidated debenture stock hereby authorized to be created, shall have the same voting power thereon as is now possessed by the holders of the debenture stock heretofore authorized; and the interest on the stock by this Act authorized shall be due and payable at the same times and in the same manner as the interest on the four per cent consolidated debenture stock of the Company already issued or authorized to be issued under the said former Acts in this Act above referred to.

Payment of interest.

8. For the purpose of making and completing the said extension the Company may exercise all the powers possessed by them, and the Acts relating to the Company shall all apply to the said extension.

All Acts relating to the company to apply.

Acquisition of another railway.

9. The Company may, for the purpose of making the said extension, acquire from the Nipissing and James Bay Railway Company the whole or any part of the line of the said last mentioned railway, as now located between the points aforesaid, namely, the present terminus and North Bay aforesaid, and for that purpose may apply part of the moneys so to be borrowed as aforesaid.

Rights of certain stockholders preserved.

10. Notwithstanding the said consolidation or merger, all the rights of the holders of the Grand Trunk consolidated debenture stock mentioned in and reserved by section six of chapter fifty-eight of the Statutes of 1888 shall continue as regards the bonds and stock of the said Northern and Pacific Junction Railway Company.

Certain agreements not prejudiced.

11. Nothing in this Act contained shall prejudice the agreements made the twelfth day of May, one thousand eight hundred and eighty-four, and the twenty-fourth day of June, one thousand eight hundred and eighty-four, respectively, and set out in the schedule to chapter seventy-six of the Statutes of 1886; and the Company so amalgamated shall in all respects be bound by the said agreements in so far as they relate to the portion of the amalgamated company's railway heretofore known as the Northern and Pacific Junction Railway. Any claim now existing against the Northern and Pacific Junction Railway Company shall, on the acceptance of this Act by the proprietors of the Grand Trunk Railway, be converted into a claim upon the said Grand Trunk Railway Company of Canada.

Act subject to vote of general meeting.

12. This Act shall not take effect unless and until submitted to a general meeting of the proprietors of the Grand Trunk Railway, and accepted by a majority of two-thirds of the votes of

the persons present at such meeting in person or represented by proxy, entitled to vote thereat ; provided that notice of the sub-
 mission of this Act at such meeting has been duly given ; and
 the certificate in writing of the chairman of such meeting shall
 be taken as sufficient evidence of the acceptance of this Act ;
 and such certificate shall be filed in the office of the Secretary of
 State of Canada, and notice thereof published in the *Canada*
Gazette, and copies thereof, certified by the Secretary of State,
 shall be taken and accepted in all courts of law and equity as
 sufficient evidence of the acceptance of this Act.

Notice.

Certificate.

To be filed.

13. Upon the acceptance of this Act, as above provided, the directors may proceed to raise the said money and proceed with the said works, as is by them found expedient.

When directors may proceed with works.

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55 - 56 VICTORIA.

CHAP. 40.

An Act respecting the Great Northern Railway Company.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Great Northern Railway Company was incorporated by an Act of the Legislature of the province of Quebec, being chapter eighty-seven of the Statutes of 1883, which Act was amended by another Act of the same Legislature, being chapter seventy-nine of the Statutes of 1886; and whereas by an Act of the Parliament of Canada, being chapter sixty-four of the Statutes of 1884, certain additional powers were conferred on the Company; and whereas the Company by its petition has prayed that an Act be passed declaring it to be a body corporate and politic within the jurisdiction of the Parliament of Canada, and authorizing the Company to build a bridge across the Ottawa River, and conferring on it certain other powers hereinafter mentioned; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Great Northern Railway is hereby declared to be a work for the general advantage of Canada.

Incorporation.

2. The Great Northern Railway Company, hereinafter called "the Company," is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, for all and every the purposes mentioned in, and, except in so far as the same are varied by the provisions of this Act, with all and every the franchises, rights, powers, privileges and authorities conferred upon it by virtue of the said recited Acts of the Legislature of the province of Quebec, and of the Parliament of Canada, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any courts of Quebec:

Rights saved.

Provided that *The Railway Act* of Canada shall apply instead of *The Railway Act* of Quebec to all matters and things to which *The Railway Act* of Canada would apply if the Company had originally derived its authority to

The Railway Act to apply.

construct and operate its railway from the Parliament of Canada, and as though it were a railway constructed or to be constructed under the authority of an Act passed by the Parliament of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, *The Railway Act* shall apply to all the provisions relating to the exercise of the powers for the expropriation of lands, and for borrowing money; and provided also that all notices by the said recited Acts required to be published in the *Quebec Official Gazette* shall hereafter be sufficient if published in the *Canada Gazette* and not in the *Quebec Official Gazette*.

3. Notwithstanding anything contained in the Acts relating to the Company, the time limited for the completion of the Great Northern Railway is hereby extended for a period of five years from the passing of this Act; and if the railway is not then so completed, then the powers granted by such Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for completion of railway extended.

4. The Company may continue the construction of its railway from a point between Joliette and St. Félix to a point on the line of the Quebec and Lake St. John Railway Company in the county of Quebec or in the county of Portneuf, and also from St. Jérôme westward through and over the intermediate counties to a point on the Ottawa River in the county of Argenteuil between the villages of Carillon and Grenville.

Line of railway.

5. The Company may also lay out, construct, complete, maintain, work, manage and use a bridge for railway and other purposes, with the necessary approaches over the Ottawa River, from a point between the villages of Carillon and Grenville, in the county of Argenteuil, to a suitable point in the province of Ontario, and may connect the same with any of the railways mentioned in section fourteen of this Act; and the Company may extend or divert its main line from St. Jérôme, in as direct a route as possible, to connect with the said bridge.

Bridge over Ottawa river.

2. From sundown until sunrise, during the season of navigation, suitable lights shall always be maintained by the Company on the piers of the bridge, to guide vessels approaching it from either direction.

Lights on bridge.

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

Plans of bridge to be submitted to Governor in Council.

Tolls on bridge to be approved by Governor in Council.

7. If the said bridge is constructed or arranged for the use of foot passengers and carriages, or either, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time, by the Governor in Council ; but the Company may, at any time, reduce the same ; and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Equal rights in passage of bridge to all railway trains.

8. So soon as the bridge is completed and ready for traffic, all trains and cars of all railways connecting with the same, now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in tariff rates for transportation, shall be made in favour of or against any railway whose business or trains pass over the said bridge.

Disputes settled by Railway Committee.

9. In case of any disagreement as to the rights of any railway company whose business or trains pass over the bridge, or as to the tariff rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council, as provided in section eleven of *The Railway Act*.

Time for completion of bridge.

10. The bridge shall be commenced within three years and completed within five years from the passing of this Act ; otherwise the powers granted under section five of this Act shall cease and be null and void.

Annual general meeting.

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

Election of directors.

12. At such meeting the shareholders assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid directors of the Company ; and public notice of any meeting of the shareholders shall be given in the manner provided by section forty-one of *The Railway Act*.

Notice.

Issue of bonds.

13. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, either exclusive or inclusive of any railway bridge over the Ottawa River, constructed as part thereof, and secured by a deed of mortgage describing clearly the property charged as security for such bonds or debentures ; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under

contract to be constructed ; and such bonds shall be designated as "series A" ; and in addition thereto, bonds to an amount not exceeding five hundred thousand dollars may be issued in aid of the construction of the bridge hereinbefore mentioned, if such bridge is so excluded from such charge, and shall be designated as "series B."

Series A.

Series B.

2. The bonds on the bridge shall in like manner be secured by a deed of mortgage specifying the security therefor ; and such last mentioned deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations and persons shall be specially charged and pledged as security for such last mentioned bonds constituting "series B," and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of such bridge by similar corporations,—which rates and tolls shall also be charged as security for the said bonds, "series B."

Security of bonds on bridge.

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

Agreement with another company.

Approval required.

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

Notice of approval.



55-56 VICTORIA.

CHAP. 41.

An Act respecting the Lake Manitoba Railway and Canal Company.

[Assented to 10th May, 1892.]

- Preamble. **W**HEREAS by an Act of the Parliament of Canada, being chapter fifty-seven of the Statutes of 1889, certain persons were incorporated under the name of the Lake Manitoba Railway and Canal Company; and whereas, from unavoidable circumstances, it was impossible to commence the building of the said railway within the period fixed by the said Act of incorporation, namely, within three years after the passing thereof; and whereas M. P. Davis and others have, by their petition, prayed that an Act be passed incorporating anew the said Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
- C. 57, 1889.
- Incorporation. **1.** H. Large, of Strathroy, M. P. Davis, J. A. Gemmill, S. H. Fleming, C. H. Mackintosh, W. H. Davis, John Graham and E. S. Skead, all of the city of Ottawa, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of
- Corporate name. “The Lake Manitoba Railway and Canal Company,” hereinafter called “the Company.”
- Head office. **2.** The head office of the Company shall be in the town of Portage la Prairie, in the county of Marquette, in the province of Manitoba.
- Line of railway described. **3.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Portage la Prairie, in the province of Manitoba, running in a northerly direction to deep water at the southern boundary of Lake Manitoba; also from some point on the line of the said proposed railway, or from a point on the line of the Manitoba and North-western Railway Company of Canada, at or near Gladstone, and running in a north-westerly and north-easterly direction and west of Lake

Dauphin, to a point on Lake Winnipegosis at or near Meadow Portage; and the said railway is hereby declared to be a work for the general advantage of Canada. Declaratory.

4. The Company may improve and connect the water communication, for the purposes of traffic and navigation, between Lakes Manitoba and Winnipegosis and the North Saskatchewan River, by the construction and maintenance of canals. Canals.

5. The Company may, from time to time, purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair, steam and other vessels, to ply on the lakes, rivers and canals of the province of Manitoba and the North-west Territories, in connection with the said railway; and may also make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply upon the said lakes, rivers and canals, in connection with the said railway. Steam and other vessels.

6. The Company, at any point where the terminus of the railway, or of any branch thereof, reaches any navigable water, or where the railway or any branch thereof crosses any navigable water, may, for the necessary purposes of the Company, acquire and hold as its own absolute property, piers, docks and water lots; and upon the said water lots and in and over the waters adjoining thereto, may build and erect elevators, storehouses, engine-houses, sheds, docks, piers and other structures for the use of the Company, and of the steam and other vessels owned, worked or controlled by the Company, or of any other steam or other vessels, and may collect wharfage and store charges for the use thereof; and may erect, build and maintain all moles, piers, wharfs and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within them; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said piers, docks, water lots, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any of them, or any portion thereof. Powers as to water-lots, piers, wharfs, &c.

Charges for wharfage.

Sale or lease.

7. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company. Provisional directors.

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

9. The first meeting of the shareholders for the election of directors shall be held at such place in the city of Ottawa, in the province of Ontario, as the provisional directors determine. First meeting of shareholders.

Annual general meeting.

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

Directors.

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

Amount of bonds, &c., on railway, and security therefor.

11. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, either exclusive or inclusive of the canal between Lakes Manitoba and Winnipegosis constructed as part of the undertaking, and secured by a deed of mortgage describing clearly the property charged as security for such bonds or debentures; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and shall be designated as "series A"; and in addition thereto bonds to an amount not exceeding five hundred thousand dollars for the canal, if so excluded from such charge, may be issued in aid of the construction of such canal, and such bonds shall be designated as "series B":

On canal.

Canal bonds and security therefor.

2. The bonds on the canal shall, in like manner, be secured by a deed of mortgage specifying the security therefor; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such canal by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of such canal by similar corporations, —which rates and tolls shall also be charged as security for such bonds.

Tariff of charges subject to approval.

12. All tolls and charges levied or imposed by the Company shall be according to a tariff which shall be approved by the Governor in Council before any such tolls or charges are exacted or recovered; such tariff may be revised and altered by the Governor in Council from time to time, and the tolls and charges imposed thereunder shall be imposed uniformly on all persons and corporations using the works of the Company.

Plans to be approved of by the Governor in Council.

13. No canal or work for utilizing or rendering available the water of the said river or lakes shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council, and such conditions as he thinks fit to impose for securing the free navigation of the said river and lakes and for the public good have been complied with; nor shall any such plan be altered or any deviation therefrom be allowed except by the permission of the Governor in Council and upon such conditions as he imposes.

14. The works authorized by this Act shall be commenced within two years and completed within five years from the passing of this Act ; otherwise the rights and powers hereby conferred shall cease and determine. ^{Limitation of time.}

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55 - 56 VICTORIA.

CHAP. 42.

An Act to revive and amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS the Lindsay, Bobcaygeon and Pontypool Railway Company, hereinafter called "the Company," have by their petition prayed that the Act incorporating the Company be revived and amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act of incorporation revived and amended.

1. Subject to the provisions of this Act, the Act incorporating the Lindsay, Bobcaygeon and Pontypool Railway Company, being chapter fifty-five of the Statutes of 1890, is hereby revived and declared to be in force; and the times limited for the commencement and completion of the railway of the Company are hereby extended for two years and five years, respectively, from the passing of this Act; and if the railway is not commenced and completed within the times so fixed, then the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time extended.

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55-56 VICTORIA.

CHAP. 43.

An Act respecting the London and Port Stanley Railway Company.

[Assented to 9th July, 1892.]

WHEREAS the Corporation of the city of London has, by Preamble. its petition, represented that it is the holder of first mortgage bonds or debentures of the London and Port Stanley Railway Company to the amount of three hundred and twenty-seven thousand six hundred and forty-nine dollars, of second mortgage bonds or debentures of the said Company to the amount of one hundred and sixty-four thousand four hundred dollars, and of third mortgage bonds or debentures of the said Company to the amount of one hundred and thirty-nine thousand three hundred and twenty-nine dollars, and that the whole of the principal moneys of the said mortgage bonds or debentures remain unpaid, together with interest at the rate of six per cent per annum from the first day of March, one thousand eight hundred and eighty-two, on the principal sums or amounts of the said second and third mortgage bonds or debentures, all of which is in arrear, as well as a part of the interest of the said first mortgage bonds or debentures; that the Corporation of the city of St. Thomas is the holder of first mortgage bonds or debentures of the said Company to the amount of thirty-eight thousand two hundred and ninety-six dollars, and of third mortgage bonds or debentures of the said Company to the amount of ten thousand six hundred and thirty-seven dollars; that the mortgage bonds or debentures held by the said two corporations comprise the whole of the mortgage or bonded debt of the said Company, and that the said mortgage or bonded debt exceeds in amount the value of the said railway and the assets of the said Company, and that the said Corporation of the city of London is the owner of fifteen hundred shares of the capital stock of the said Company, the whole amount of the capital stock being four thousand four hundred and fifteen shares; and whereas the said last mentioned corporation has also, by its petition, represented that it is expedient to provide for giving to the holders of the said mortgage bonds or debentures the rights hereinafter conferred

upon them, and has prayed that the said railway may be declared to be a work for the general advantage of Canada; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory. **1.** The London and Port Stanley Railway is hereby declared to be a work for the general advantage of Canada.

Rights of bondholders. **2.** At the next and at all subsequent general annual meetings, and at all other meetings of the London and Port Stanley Railway Company, hereinafter called "the Company," the holders of the mortgage bonds or debentures of the Company shall have and possess the same rights, privileges and qualifications for acting and voting as shareholders, and for being elected and acting as directors, as appertain to the shareholders of the Company, and each one hundred dollars of the amount of any mortgage bond or debenture shall be computed for such purpose as one share of capital stock of the Company, and shall, for the purposes of any leasing or traffic arrangements, or union, junction or amalgamation with any other railway company, be reckoned and computed as subscribed capital stock of the Company.

Representatives of London and St. Thomas may be elected directors. **3.** The mayor and any member of the municipal council of the Corporation of the city of London, the mayor and any member of the municipal council of the corporation of the city of St. Thomas, any officer of the said Corporations or either of them, and any person nominated by the said municipal councils, or either of them, for the office of director of the Company, shall be eligible for election as, and to be, a director of the Company, although he may not be a shareholder or bond or debenture holder.

Lease by Great Western Railway Co. not impaired. **4.** Nothing herein contained shall impair the lease from the London and Port Stanley Railway Company to the Great Western Railway Company, bearing date the first day of September, one thousand eight hundred and seventy-two, or the rights of the last mentioned Company, or its assignees, thereunder.

Rights saved. **5.** Nothing herein contained shall affect the rights or priorities of the holders of the bonds or debentures of the Company, as such, in respect of the assets and property of the Company, which rights and priorities shall continue as if this Act had not been passed.



55-56 VICTORIA.

CHAP. 44.

An Act to amend an Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company.

[Assented to 9th July, 1892.]

WHEREAS the Manitoba and Assiniboia Grand Junction Railway Company has by its petition prayed that an Act be passed to amend, as hereinafter set forth, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Manitoba and Assiniboia Grand Junction Railway Company, hereinafter called "the Company," may, in addition to the line of railway authorized by section three of chapter sixty of the Statutes of 1891, lay out, construct and operate an extension of the said line from a point at or near Lake Dauphin to some point in the city of Winnipeg, and all the provisions of the said chapter sixty and of this Act shall apply to the said extension.

2. The directors of the Company may create and issue perpetual or redeemable debenture stock to such an amount, subject to the proviso hereinafter contained, as they deem expedient, and may, by resolution, fix and define the amount and denomination of such debenture stock and the security therefor, if any, the rate of interest, the time or times and the place or places for payment of interest on such debenture stock, or of the principal thereof, the registration of the holders of such stock, the form and mode of transfer thereof, and all other particulars in reference thereto: Provided always, that before the issue of any such debenture stock the nominal amount thereof shall first be approved by a resolution passed by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and shall not exceed ten thousand dollars per mile of the railway, and its branches, constructed or under contract to be constructed.



55-56 VICTORIA.

CHAP. 45.

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

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Manitoba and North-western Railway Company of Canada has, by its petition, prayed for an amendment, as hereinafter set forth, to the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction.

1. Notwithstanding anything contained in any of the Acts relating to the Manitoba and North-western Railway Company of Canada, the Company shall not, by reason of its failure to construct during the present year twenty miles of its railway, be prevented after the present year from extending its line of railway to Prince Albert, or for any further distance than the length of railway then completed, or from having and enjoying all the rights, powers, privileges and franchises which it now has and enjoys, if in other respects it complies with the provisions of the said Acts.

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55 - 56 VICTORIA.

CHAP. 46.

An Act respecting the Manitoba and South-eastern Railway Company.

[Assented to 12th April, 1892.]

WHEREAS the Manitoba and South-eastern Railway Com- Preamble.
pany have by their petition prayed for an Act to amend,
as hereinafter mentioned, the Acts relating to the Company,
and it is expedient to grant the prayer of the said petition:
Therefore Her Majesty, by and with the advice and consent
of the Senate and House of Commons of Canada, enacts as
follows:—

1. Notwithstanding any Acts heretofore enacted, the works Time for con-
authorized to be constructed by the Acts relating to the Mani- struction.
toba and South-eastern Railway Company, hereinafter called
“the Company,” may be prosecuted from time to time as they
deem necessary, or the circumstances of the case require, so
long as the Company complete their line of railway between
the town of St. Boniface and the parish of St. Anne, a distance
of thirty miles, on or before the first day of November, one
thousand eight hundred and ninety-three, and shall construct
not less than twenty miles each year thereafter; and upon the
failure to construct the several lengths of line within the times
above mentioned, then the power to continue the construction of
the said railway thereafter shall cease and determine, but the
right of the Company to the portion constructed and to the
rights and privileges arising therefrom shall not thereby be
affected.

2. Notwithstanding the provisions contained in section Proxies.
fifty-five of *The Railway Act*, any director not resident in
Canada may vote and act by proxy, such proxy to be held by
a director only; but no meeting of directors shall be competent
to transact business unless at least two directors are present Quorum.
thereat in person, the remaining number of directors required
to form a quorum being represented by proxies:

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

Mineral lands,
&c.

3. The Company may buy, lease, acquire, sell and mortgage coal, iron and other mineral lands and mines, and may mine coal, iron and other minerals, and otherwise work such mines, and may manufacture and sell the products of such mines and lands; provided always that the Company shall not buy, lease or acquire more than ten thousand acres of such lands: and the Company may also purchase, sell, mortgage, construct and own all buildings, machinery and plant which are necessary for carrying on or operating their business.

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55-56 VICTORIA.

CHAP. 47.

An Act respecting the Midland Railway of Canada.

[Assented to 9th July, 1892.]

WHEREAS the Company known as the Midland Railway of Canada, have by their petition prayed that the time for the completion of the several sections of their railway, that is to say the Grand Junction section, the Toronto and Ottawa section and the Victoria section, be extended; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in the Acts relating to the Company or in any other Act contained, the time for the completion of the said sections of the Midland Railway of Canada, that is to say, the Toronto and Ottawa section, the Victoria section and the Grand Junction section, respectively, is hereby extended to the first day of July, one thousand eight hundred and ninety-six; and if the said sections are not then completed, then the powers granted by the said Acts and this Act shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for construction extended.

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55 - 56 VICTORIA.

CHAP. 48.

An Act respecting the Montreal and Lake Maskinongé Railway Company.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Montreal and Lake Maskinongé Railway Company has, by its petition, prayed that its railway may be declared to be a work for the general advantage of Canada, and that the Company may be empowered to sell or lease its railway to the Canadian Pacific Railway Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Interpretation.

1. In this Act the expression “the Company” means the Montreal and Lake Maskinongé Railway Company incorporated by chapter sixty-eight of the Statutes of 1887 of the province of Quebec.

Declaratory.

2. The following works, which the Company has constructed, are hereby declared to be works for the general advantage of Canada, that is to say : A railway from a point of intersection with the Canadian Pacific Railway at St. Félix de Valois, in the county of Joliette, to Lake Maskinongé in the parish of St. Gabriel de Brandon, in the county of Berthier, with its station houses, engine houses, sidings, telegraph and telephone lines, and other works.

Act of incorporation not affected.

The Railway Act to apply.

3. Nothing herein contained shall be construed in any way to affect or render inoperative any of the provisions of the said Act of incorporation of the Company ; but hereafter the said Company shall be subject to the legislative authority of the Parliament of Canada and the provisions of *The Railway Act*.

Works may be leased to the C.P.R. Co.

4. The Company may lease or sell to the Canadian Pacific Railway Company the said works, or any part or parts thereof, on such terms and conditions as are agreed upon between the boards of directors of the two companies : Provided, that the lease or deed of sale has been first sanctioned by the Governor

in Council and by two-thirds of the votes of the shareholders of the Company present or represented at a special general meeting duly called for the purpose, and after notice published in the *Canada Gazette* and in one newspaper in each of the counties of Joliette and Berthier, at least two weeks before the date of the said meeting.

Approval re-
quired.

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55 - 56 VICTORIA .

CHAP. 49.

An Act respecting the Montreal and Western Railway Company.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Montreal and Western Railway Company has by its petition prayed for the passing of an Act further extending the time for the completion of its railway, and it is expedient to revive the Acts of the Parliament of Canada relating to the Company and to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Time for construction extended.

1. Subject to the provisions of this Act, chapter eighty-two of the Statutes of 1873, intituled *An Act to empower the Montreal Northern Colonization Railway Company to extend its line from Deep River to a point of intersection with the proposed Canadian Pacific Railway; and also to extend its line to Sault Ste. Marie, the Georgian Bay and Lake Superior, or to unite its line with any line of Railway extending to the points above mentioned*; chapter sixty-eight of the Statutes of 1875, intituled *An Act respecting the Montreal Northern Colonization Railway Company*; and chapter sixty-two of the Statutes of 1883, intituled *An Act respecting the Montreal, Ottawa and Western Railway Company, and to change the name thereof to "The Montreal and Western Railway Company,"* are hereby revived and declared to be in force, and the time limited by the last mentioned Act for the completion of the railway of the Company is hereby extended for five years from the passing of this Act; and if the railway is not completed within the time mentioned, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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55 - 56 VICTORIA.

CHAP. 50.

An Act respecting the Nicola Valley Railway Company.

[Assented to 12th April, 1892.]

WHEREAS the Nicola Valley Railway Company was incorporated by an Act of the Legislature of the province of British Columbia passed in the fifty-fourth year of Her Majesty's reign, chapter fifty-nine, intituled *An Act to incorporate the Nicola Valley Railway Company*; and whereas the Company is authorized to build its railway from a point at or near Spence's Bridge, on the line of the Canadian Pacific Railway Company, thence running in a south-easterly direction and following the valley of the Nicola River and terminating at a point at or near the western extremity of Nicola Lake, with a branch commencing at or near the junction of the Coldwater and Nicola Rivers and extending in a southerly direction along the valley of the Coldwater River to a point at or near the junction of the Voght and Coldwater Rivers; and whereas the Company has by its petition prayed that its railway be declared to be a work for the general advantage of Canada, and that certain additional powers, as hereinafter set forth, be conferred on the Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

54 V., c. 59
(British Columbia).

1. The Nicola Valley Railway is hereby declared to be a work for the general advantage of Canada.

Declaratory.

2. The Nicola Valley Railway Company, hereinafter called "the Company," is hereby declared to have all the franchises, rights, powers, privileges and authorities conferred upon it by the Act of the Legislature of the province of British Columbia cited in the preamble to this Act, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any of the courts of British Columbia: Provided that *The Railway Act* of Canada shall apply

Act of local legislature to remain valid.

The Railway Act to apply.

instead of *The British Columbia Railway Act*, to all matters and things to which *The Railway Act* of Canada would apply if the Company had originally derived its authority to construct and operate its railway from the Parliament of Canada, and as though it were a railway constructed, or to be constructed, under the authority of an Act passed by the Parliament of Canada.

Additional powers.

3. In addition to the powers conferred by section two of the said Act of incorporation, the Company may lay out, construct and operate an extension of its line of railway from a point at or near the western extremity of Nicola Lake by way of Douglas Lake, Grande-Prairie, Vernon, Coldwater Valley, Cherry Creek Mines and Fire Valley to Arrow Lake, thence along Arrow Lake to connect with the Columbia and Kootenay Railway at Robson.

Amount of bonds, &c., limited.

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

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55-56 VICTORIA.

CHAP. 51.

An Act respecting the Nipissing and James Bay Railway Company.

[Assented to 10th May, 1892.]

WHEREAS the Nipissing and James Bay Railway Company Preamble. has, by its petition, prayed for certain amendments, as hereinafter set forth, to the Acts respecting the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The commencement of the first section of the railway of the Nipissing and James Bay Railway Company, hereinafter called “the Company,” shall be from some point at or near North Bay, on Lake Nipissing, instead of from some point at or near the junction of the Northern and Pacific Junction Railway with the Canadian Pacific Railway, as provided in section one of chapter seventy-seven of the Statutes of 1886. Commencement of first section of railway changed.

2. Section thirteen of chapter eighty of the Statutes of 1884 is hereby amended by striking out the words “twenty thousand” in the sixteenth line thereof and substituting therefor the words “twenty-five thousand.” Section 13, c. 80 of 1884, amended.

3. The Company may sell that portion of its line at present under construction from the junction of the Northern and Pacific Junction Railway with the Canadian Pacific Railway, to the town line between the townships of Ferris and Widdifield to the said Northern and Pacific Junction Railway Company or to the Grand Trunk Railway Company of Canada with all the improvements thereon, provided that the agreement for such sale has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy; and the said portion of its line, if so sold, shall not be subject to any lien or charge for any bonds thereafter issued by the Company. Power to sell part of line.

Saving clause.

Time for completion of railway.

4. The time limited for the completion of the several sections of the railway is hereby extended as follows: The first section shall be completed in four years, the second in five years, and the third in seven years from the passing of this Act; and upon failure to complete as herein provided, then the power thereafter to continue the construction shall cease and determine, but the right of the Company to the portion constructed shall not thereby be affected.

Failure to complete.

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55 - 56 VICTORIA.

CHAP. 52.

An Act respecting the Ontario Pacific Railway Company.

[Assented to 9th July, 1892.]

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

Preamble.

1. The times limited for the commencement and completion of the undertaking of the Ontario Pacific Railway Company are hereby extended for two and four years respectively from the first day of July next ; and if the undertaking is not commenced and completed as herein provided, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Time for construction extended.

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55 - 56 VICTORIA.

CHAP. 53.

An Act respecting the Ottawa City Passenger Railway Company.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Ottawa City Passenger Railway Company has, by its petition, prayed for certain amendments to its Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of line from Ontario into Quebec.

1. The Ottawa City Passenger Railway Company, hereinafter called "the Company," may extend, construct, maintain, complete, and, from time to time, remove and change a double or single track iron railway, with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the use thereof, from and connecting with the end of its present line of railway at or near the Union Bridge which connects the provinces of Ontario and Quebec, thence, subject to the provision hereinafter set forth, across the said Union Bridge and over, along and upon such streets in the city of Hull and of the municipalities adjoining said city as it may at any time be authorized to use under any resolution or agreement of the council of the city of Hull or of the aforesaid municipalities; Provided, that the Company shall not exercise any of the powers hereby conferred upon it in, over, or upon any part of the road of the Bytown and Aylmer Union Turnpike Company, or of any culvert, bridge or other work of or constructed by the said last mentioned company, whether within the city of Hull or the township of Hull, without first obtaining the consent and agreement thereto of the said last mentioned company; but this shall not prevent the said City Passenger Railway Company from crossing the road of the said Turnpike Company.

Proviso.

Use of Union Bridge.

2. The Company shall not take possession of, use or occupy the Union Bridge or any of the approaches thereto without the consent of the Governor in Council; but with such consent the Company may, upon such terms as the Governor in Council

Terms.

prescribes, use and occupy so much of the Union Bridge and of the approaches thereto as may be necessary for the railway of the Company.

2. Section ninety-two of *The Railway Act* shall apply to the Company; and the powers of expropriation (if any) of the Company shall be exercised subject to the provisions of *The Railway Act*. Chapter 29 of 1888.

3. The Company may take, transport and carry passengers upon all the lines of railway owned, constructed or leased by it, and may operate the said railway by the force and power of electricity, or of the atmosphere, or of animal, or of cable, or by mechanical power, or by any combination of them, but not by steam. General powers.

2. As regards so much of its line of railway as is or as may be within the city of Ottawa, and other municipalities in Ontario, the Company shall exercise any new or additional powers conferred by this Act, as to the location, construction and operation of the railway, only upon such streets, and on such terms and conditions, and for such periods as the councils of the said city and of the said municipalities respectively approve. Approval of municipalities.

4. The capital stock of the Company may, subject to the provisions contained in section thirty-seven of *The Railway Act*, be increased to the sum of five hundred thousand dollars, divided into shares of twenty dollars each. Capital stock.

5. The Company may borrow money and make and issue therefor bonds, debentures, promissory notes or other securities, to the extent of five hundred thousand dollars, and the said bonds, debentures, promissory notes or other securities shall be made, issued and secured in the manner and to the extent provided by sections ninety-three to ninety-eight inclusive of *The Railway Act*, and the said sections ninety-three to ninety-eight shall form part of this Act. Company may borrow money and issue debentures. Part of "The Railway Act" to apply.

6. Except as in this Act is otherwise provided, the Act of incorporation of the Company, being chapter one hundred and six of the Statutes of 1866 of the late province of Canada, and the Act of the Legislature of Ontario amending the same, being chapter forty-five of the Statutes of 1868, and the powers thereby conferred, shall apply to every portion of the lines of the railway by this Act authorized to be constructed, and the undertaking of the Company is hereby declared to be a work for the general advantage of Canada; but the operation of so much of the Company's line of railway as may be within the province of Ontario by any new or additional powers conferred by this Act, shall be subject to the Statutes of Ontario in force from time to time in relation to street railways, and the operation of so much of the said line of railway as may be within the province of Quebec, by any new or additional powers Validity of Acts of late province of Canada, and of local legislature. Declaratory. Operation of railway governed by provincial laws.

powers conferred by this Act, shall be subject to the Statutes of Quebec in force from time to time in relation to street railways.

Agreement with other companies.

7. The Company, subject to the approval of the Railway Committee of the Privy Council, may at any time make and enter into any agreement or arrangement with any other street railway company duly authorized thereto, for the regulation and interchange of traffic passing to and from the Company's railway, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railway, or any part thereof, and of any street railway or street railways in connection therewith, for any term not exceeding twenty-one years; and may provide, either by proxy or otherwise, for the appointment of a joint committee or committees, with such powers and functions as are considered necessary or expedient, for the better carrying into effect of any such agreement or arrangement, subject to the consent of two-thirds of the stockholders voting in person or by proxy.

Length of term.

"Traffic" interpreted.

8. The expression "traffic" includes not only passengers and their baggage, goods and things conveyed by the railway, but also cars, carriages and vehicles of any description adapted for running over any street railway.

Agreement to convey or lease.

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

Sanction of shareholders.

Notice of application for approval.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper published in each of the cities of Ottawa and Hull.

10. The Company may acquire from any other person or company all or any of the businesses which the Company is hereby empowered to carry on, together with all or any of the assets, franchises and property, real and personal, movable and immovable, of the seller or sellers thereof, subject to the obligations, if any, affecting the same, as well as any obligations arising out of any contract or agreement entered into with any municipality; and may pay the seller or sellers the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares or in partly paid-up shares of the Company, or otherwise; and also undertake, assume, pay or guarantee all or any of the obligations or liabilities of the seller, or the obligations affecting the assets and property purchased from time to time.

Acquisition of other property.

11. The Company may amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered for all or any of the like purposes and duly authorized thereto; and the provisions of sections one hundred and one and one hundred and two of *The Companies Act*, and of sections ninety-eight, ninety-nine and one hundred of the said Act, as amended by chapter twenty of the Statutes of 1887, except in so far as they relate to an amalgamation, union or consolidation with any building, savings or loan company or society, shall, so far as they are applicable, be incorporated with this Act, form part thereof and be construed therewith as forming one Act.

Amalgamation.

Certain sections of "The Companies Act" to apply.

Exception.

12. *The Companies Clauses Act*, except sections eighteen and thirty-nine, shall apply to the Company.

R.S.C., c. 118.

13. Nothing in this Act shall in any respect impair any of the powers which the Company has at the time of the passing of this Act.

Powers not impaired.



55-56 VICTORIA.

CHAP. 54.

An Act to incorporate the Ottawa Valley Railway Company.

[Assented to 9th July, 1892]

Preamble

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Charles N. Armstrong, W. C. E. Phillips, Robert Watson, Archibald Campbell and A. C. Wurtele, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Ottawa Valley Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Montreal, in the province of Quebec, or such other place in Canada as is determined from time to time by by-law of the Company.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from St. Andrews to Carillon, and from Grenville to a point at or near Calumet on the Canadian Pacific Railway, and the undertaking hereby authorized is declared to be a work for the general advantage of Canada.

Declaratory.

Ferry across Ottawa River.

4. The Company may, in connection with their railway and for the purpose of carrying cars, goods, freight and passengers over the same, construct, acquire, maintain and employ steam ferry-boats to ply across the Ottawa River, and may sell and dispose of the same.

Provisional directors.

5. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

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

7. The annual general meeting of the shareholders shall be held on the second Monday in September in each year. Annual meeting.

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

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

10. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Great Northern Railway Company, the Carillon and Grenville Railway Company, the Central Counties Railway Company, the Montreal and Ottawa Railway Company or the Canada Atlantic Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; and the Company may also enter into an agreement with the Carillon and Grenville Railway Company for purchasing or leasing the railway of such company in whole or in part on such terms and conditions as are agreed upon, and may also enter into an agreement with the Great Northern Railway Company for purchasing from such company, which is hereby authorized to sell the same, that portion of its railway now constructed between Lachute and St. Andrews, on such terms and conditions as are agreed upon; provided that each such agreement has been first sanctioned by two-thirds of the votes at special general meetings of the shareholders of the respective companies duly called for the purpose of considering the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that each such agreement has also received the approval of the Governor in Council. Agreement with another company.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period Approval required.

in one newspaper in each of the counties through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

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55 - 56 VICTORIA.

CHAP. 55.

An Act to revive and amend the Acts respecting the Ottawa, Waddington and New York Railway and Bridge Company.

[Assented to 9th July, 1892.]

WHEREAS the Ottawa, Waddington and New York Railway and Bridge Company have by their petition prayed that the Acts relating to the Company be revived and amended as hereinafter set forth, and it is expedient to revive the said Acts and to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Subject to the provisions of this Act, the Act incorporating the Ottawa, Waddington and New York Railway and Bridge Company, being chapter seventy-seven of the Statutes of 1882, and the Act amending the said Act, being chapter fifty-eight of the Statutes of 1884, are hereby revived and declared to be in force, and the time limited for the completion of the undertaking of the Company is hereby extended for five years from the passing of this Act ; and if twenty-five miles of the railway are not constructed, between such points as are named by the Governor in Council, and ready for operation, within two years from the passing of this Act, and the whole of the undertaking is not completed within the time fixed, then the powers granted by the said Acts and this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

2. The annual meeting of the Company shall hereafter be held on the third Tuesday in the month of September in each year.



55-56 VICTORIA.

CHAP. 56.

An Act respecting the Pontiac Pacific Junction Railway Company.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Pontiac Pacific Junction Railway Company has, by its petition, prayed for certain amendments, as hereinafter set forth, to the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for building bridge.

1. Notwithstanding anything in the Acts relating to the Company, or in any other Act contained, the bridge which the Company is authorized to construct over the Ottawa River at or near the city of Ottawa, shall be commenced within two years, and completed within five years, from the passing of this Act; otherwise the powers granted by the said Acts for such construction shall cease and be null and void.

Extension of time for constructing railway.

2. Notwithstanding anything in the Acts relating to the Company, or in any other Act contained, the time for completing the construction of the Pontiac Pacific Junction Railway to the western side of Allumette Island is hereby extended for three years, and to the town of Pembroke for four years from the passing of this Act, and construction work on the said railway shall be actively resumed within one year from the passing of this Act; otherwise the powers granted by the said Acts for such construction shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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55-56 VICTORIA.

CHAP. 57.

An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

[Assented to 10th May, 1892.]

WHEREAS the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company, hereinafter called "the Company," has, by its petition, prayed for an extension of the time within which it may complete its undertaking, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The undertaking of the Company, authorized by chapter seventy-two of the Statutes of 1883, shall be completed on or before the first day of November, one thousand eight hundred and ninety-five; and if not so completed, then the powers granted under the said Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Time for completion of work extended.

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55-56 VICTORIA.

CHAP. 58.

An Act respecting the St. Catharines and Niagara Central Railway Company.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS the St. Catharines and Niagara Central Railway Company have by their petition prayed for the passing of an Act to extend the times limited for the commencement and completion of their railway, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Time for construction extended.

1. Notwithstanding anything contained in section two of chapter fifty-four of the Statutes of 1890, the time limited therein for commencing the main line and branches of the St. Catharines and Niagara Central Railway, is hereby extended for the period of two years from the passing of this Act, and the time limited for completing the main line and branches of the said railway is hereby extended for the period of five years from the passing of this Act ; and if the said railway and branches are not commenced and completed as herein provided, then the powers relative to such construction shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Penalty.

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55 - 56 VICTORIA.

CHAP. 59.

An Act respecting the St. John and Maine Railway Company and the New Brunswick Railway Company.

[Assented to 10th May, 1892.]

WHEREAS the St. John and Maine Railway Company, Preamble. hereinafter called "the St. John Company" and the New Brunswick Railway Company, hereinafter called "the New Brunswick Company" have, each by its separate petition, represented that by a lease confirmed by chapter seventy-five of the Statutes of 1884, and set out in a schedule thereto, the St. John Company demised its railway to the New Brunswick Company, and it was therein stipulated in effect that the rent thereby reserved should be paid half-yearly and should be for every half-year at least as much as two hundred and fifty pounds sterling, together with a specified proportion of the aggregate gross earnings of a certain system of railways therein described as "the combined system," and which system included the railway so demised as aforesaid, but never less than two thousand seven hundred and fifty pounds sterling in addition to the said two hundred and fifty pounds; and that by the same Act the New Brunswick Company was in effect authorized to purchase and hold shares of the capital stock of the St. John Company; and that by another Act, chapter seventy-one of the Statutes of 1890, the New Brunswick Company was authorized to issue consolidated debenture stock as therein mentioned for the purposes therein specified, amongst them for the purpose of satisfying the obligation of the New Brunswick Company to pay the rent under the said lease to the extent of six thousand pounds sterling yearly, or of acquiring the stock or other security in respect of which the said obligation should exist; and that by another Act, chapter ninety-nine of the Statutes of 1891, the New Brunswick Company was authorized to issue consolidated debenture stock as therein mentioned for the purposes therein specified, amongst them for the purpose of satisfying its obligation to pay half-yearly to the St. John Company, or its assigns, any sum beyond three thousand pounds sterling under the said lease; and that the New Brunswick Company, by the issue of consolidated debenture

ture stock, has already purchased nearly the whole of the outstanding debenture stock of the St. John Company, which amounts to one hundred thousand pounds sterling, and also the whole of the capital stock of the St. John Company which has been issued, and which amounts to five hundred and forty-five thousand eight hundred and fifty-eight pounds sterling, and that it has therefore become advisable that the variable rent above mentioned should be hereafter a fixed rent so as to avoid the necessity of keeping "books of account of all receipts and disbursements and of all other matters of account connected with the working of the combined system" as is stipulated for in the said lease, and have prayed for an Act giving authority to the said companies to modify the terms of the said lease as hereinafter mentioned, by making the said rent a fixed sum instead of a variable one, and giving effect to the purchase by the New Brunswick Company of the said debenture stock and capital stock; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Modification
of lease.

1. The companies mentioned in the preamble to this Act may modify the terms of the lease passed between them on the twenty-first of May, one thousand eight hundred and eighty-three, by making the rent payable under it for every half-year a fixed sum instead of a variable one; provided that the fixed sum shall not be less than the highest sum which it has reached for any half-year before the passing of this Act; and this modification may be effected by an agreement sanctioned by the boards of directors of the said companies, subject to approval by the vote of at least two-thirds of the shareholders of each of the said companies present or represented at an annual general meeting or a special general meeting duly called for the purpose.

Ownership of
debenture and
capital stock.

2. So much of the debenture stock and of the capital stock of the St. John Company, as shall at any time have been purchased by the proceeds of consolidated debenture stock issued by the New Brunswick Company, shall be the property of the New Brunswick Company and a security for the benefit of the holders of its consolidated debenture stock, in all respects as if the purchase thereof had been expressly mentioned amongst the purposes for which the issue of consolidated debenture stock was authorized by the said chapter seventy-one of the Statutes of 1890.



55 - 56 VICTORIA.

CHAP. 60.

An Act to confirm an Agreement between the Tobique Valley Railway Company and the Canadian Pacific Railway Company.

[Assented to 9th July, 1892.]

WHEREAS the Tobique Valley Railway Company has, by its petition, prayed that an Act be passed authorizing it and the Canadian Pacific Railway Company to carry out an agreement which they have executed conditionally, a copy of which is contained in the schedule to this Act, and it is expedient to grant the prayer of the said petition; and whereas the Tobique Valley Railway Company has executed two certain mortgages, conveying its railway and appurtenances to the trustees hereinafter named, on the condition, amongst others, that until default of that Company as therein mentioned it may make an agreement for a lease and may lease its road to the Canadian Pacific Railway Company, for such period and on such terms as may be agreed on; and whereas that Company is not so in default, and it is expedient to make certain the terms of the lease which that Company may make under the said condition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The railway and other works covered by the agreement hereinafter referred to and the appurtenances thereto belonging are hereby declared to be works for the general advantage of Canada.

2. The agreement between the Tobique Valley Railway Company and the Canadian Pacific Railway Company, dated the nineteenth day of March, one thousand eight hundred and ninety-two, set out in the schedule hereto, is hereby ratified, subject to its being adopted and confirmed by two-thirds of the votes of the shareholders of each of the said companies present or represented at an annual general meeting or at a special general meeting duly called for the purpose; and when so adopted and confirmed it shall be valid and binding on the parties

parties thereto; and thereafter each of the companies, parties thereto, may do whatever is necessary to give effect to the substance and intention of the said agreement; and the conveyance of the railway and appurtenances by the Tobique Valley Railway Company, made in and by the mortgages referred to in the preamble to this Act, both dated the second day of November, one thousand eight hundred and ninety-one, and made to Donald Carmichael, J. Douglas Hazen and George W. Jones in trust, for the purpose of securing respectively a first issue of bonds to the extent of five thousand dollars per mile of its railway, and a second issue of a similar amount per mile thereof, shall be subject to the rights which any lease made in accordance with the said agreement hereby confirmed shall purport to convey to the Canadian Pacific Railway Company, its successors and assigns, such rights to be subject always to the fulfilment by the Canadian Pacific Railway Company, its successors and assigns, of the terms and conditions of every such lease.

Railway laws
to apply.

3. Nothing in this Act or in the said agreement or the schedule thereto shall be held to relieve either of the said companies from any of its duties or liabilities under the railway laws of Canada.

SCHEDULE.

THIS INDENTURE, made this nineteenth day of March, in the year of our Lord one thousand eight hundred and ninety-two, between the Tobique Valley Railway Company, hereinafter called "the Tobique Company," of the one part, and the Canadian Pacific Railway Company, hereinafter called "the Pacific Company," of the other part.

Whereas the Tobique Company was duly incorporated under a Provincial Statute, 48 Victoria, chapter 51, with authority amongst other things to acquire, construct and operate a railway from a point described in the said Act as "on the line of the New Brunswick Railway Company at Perth Centre, in the county of Victoria, and from thence up the Saint John River about two miles, or until it meets the Tobique River, and from thence up the said Tobique River on either or both sides, crossing and recrossing the said Tobique River whenever it may be deemed expedient, to Plaster Rock, in the said county, or thereabouts," a distance of about twenty-seven miles, and has constructed the first portion of fourteen miles and intends to proceed with the acquisition and construction of the remaining section of such railway.

Now this indenture witnesseth that the Tobique Company covenants with the Pacific Company and its assigns as follows, that is to say:—

1. The Tobique Company will acquire in fee simple or with as absolute a title as *The Railway Act* permits to be obtained
64 by

by expropriation, the lands for right of way and stations and all other lands necessary for the railway and appurtenances to be by it constructed as hereinafter mentioned, and the right to exercise thereon all the statutory powers of the Tobique Company, and will (except as to rolling stock, tools and furniture) construct thereon and complete a railway from a point in the parish of Perth, New Brunswick, on the New Brunswick Railway, to Plaster Rock or the beds of gypsum on the upper side of the Wapskehegan River, a distance of twenty-seven to twenty-eight miles, according to the specifications hereto attached, these being substantially the same as those prescribed by the Government of Canada in respect of subsidized railways—such completion to be established by certificates as hereinafter mentioned; and when so completed and ready in all respects to meet the requirements of traffic thereon except rolling stock, tools and furniture, then the Tobique Company will by an indenture of lease under seal demise and set over the same and all the lands, properties and appurtenances connected or intended to be used therewith and the powers, privileges and franchises of the Tobique Company in respect thereof, to the Pacific Company and its assigns, free from any liability in respect of such lands, properties, appurtenances, powers, privileges or franchises, and from any charge or encumbrance of any kind whatsoever for a term of ninety-nine years at the rent and on the terms hereinafter specified, which period of ninety-nine years is hereinafter referred to as “the said term,” and the said lease shall contain covenants on the part of the Tobique Company to the following effect, namely:

2. During the said term the Pacific Company may exercise all the franchises and powers of the Tobique Company in respect of the running of the said railway and of every part thereof, and also in respect of the acquisition of increased areas of land for station grounds, right of way, protection against snow, sidings and other purposes, and may take such legal proceedings as are deemed to be necessary or expedient in the exercise of the said franchises or powers or any of them, and for that purpose may use the name of the Tobique Company and of the officers thereof, which officers are hereby authorized and required upon the demand of the Pacific Company to append their signatures and to affix the seal of the Tobique Company to any document which may be useful in the exercise of any such franchise.

3. The Tobique Company will at the request of the Pacific Company affix the name and seal of the Tobique Company and do all acts, matters and things as and when the same may be necessary for the convenient, sufficient and effectual working of the said railway and for carrying out and giving effect to the lease to be made as aforesaid, and the Pacific Company may during the said term make and enforce such lawful rules, regulations and by-laws touching or concerning the running and operation of the said railway as shall be required for the efficient and advantageous administration, management and

operation thereof and for the preservation of order thereon, and may fix and regulate from time to time and amend and alter the tariff of rates and tolls to be exacted for the carrying of freight and passengers over the said line, and if the Pacific Company shall deem it expedient that such by-laws, rules and regulations or tariff or any of them should be made by the Tobique Company, then the shareholders, board of directors and officials of the Tobique Company shall make such by-laws, rules, regulations and do all such matters and things to complete and perfect the same as shall be reasonably required of them; but such by-laws, rules and regulations and such tariff, by whomsoever made and passed, shall be subject to the provisions of any Act or Acts of the Dominion Parliament applicable to the said railway; and the Tobique Company will allow the Pacific Company to use the name of the Tobique Company in any suit or proceeding in which it will be necessary to use the same in connection with the working of the railway, but all costs, damages and expenses which may arise from the use of the name of the Tobique Company shall be borne and paid by the Pacific Company.

4. The Pacific Company, paying the rent and observing the provisions of the said lease and all covenants on their part to be fulfilled, shall have peaceable and undisturbed possession of the railway and the properties, rights and franchises to be demised as aforesaid during the said term, without any lawful interruption by the Tobique Company or any other person or persons whomsoever.

5. And the Pacific Company covenants with the Tobique Company and its assigns as follows, that is to say:—

6. Upon the acquisition, completion and construction as aforesaid of the said railway from Perth to the Plaster Beds, the Pacific Company will join in executing the said lease thereof and will take over the same, and will during the said term operate and work the same regularly and sufficiently as part of the Canadian Pacific Railway system, and will at its own expense for the said term find all necessary means, men, rolling stock, tools, furniture, appliances and labour, and the said lease shall contain covenants on the part of the Pacific Company to the following effect, namely:

7. During the said term, the Pacific Company will pay to the Tobique Company quarterly by way of rent a sum equal to forty per cent of the amount actually received by it as gross earnings from such railway and appurtenances, without any deduction whatsoever on account of operating expenses, taxes or any other outlay which the Pacific Company is to bear under the terms of this indenture.

8. During the said term the Pacific Company will keep the said railway and all buildings, properties and appurtenances connected therewith in good repair, order and condition, except in so far as the same may be deteriorated by age and reasonable tear and wear, and will during the said term pay all taxes, assessments and impositions which may become payable either

by landlord or tenant in respect of the said railway or the traffic over it, including any corporation tax which may be levied by the Provincial Government.

9. During the said term the Pacific Company will render to the Tobique Company, quarterly, true and just accounts and statements in writing of the said earnings and will allow proper inspection of all books, accounts, returns and vouchers for the purpose of checking or verifying the same or any of them, such quarterly accounts to be rendered not later than the last days of January, April, July and October in each year for the quarter year ending on the last day of the month previous, such accounts to show the gross earnings of the said railway under the following heads, "Passengers," "Freight," "Mails" and "Sundries," the last named term to cover everything not included under the other three headings; and the Tobique Company shall have the right from time to time to employ an auditor to investigate the accuracy of the said statements or accounts, and the Pacific Company shall from time to time afford all proper facilities for such investigation, and the Pacific Company shall pay the said forty per cent of the said gross earnings when the quarterly statements or accounts are rendered as aforesaid, but the acceptance of any such payment before an audit or verification shall not prejudice the rights of the Tobique Company to an audit or verification or to demand and collect such further sum, if any, as it shall be justly entitled to.

10. The Pacific Company will during the said term provide and run over the said railway duly equipped trains for the carriage of passengers and freight, as frequently as shall be necessary for the traffic of the country through which the said railway is constructed, and except during the period of a strike (if any occur) amongst employees of the Pacific Company, and unless some accident prevent, it will run at least one train carrying passengers each way on every business day, and generally will operate and work the said railway so as to secure therefor as much traffic as is possible, within such limit of expenditure as would be adopted by any well-managed railway company working the same entirely on its own account.

11. The words "gross earnings" herein mean the amount actually received for all tolls, rates, charges and other payments for the carriage of any passenger, animal, vehicle, goods, merchandise, matter or things conveyed on the said railway or any part thereof, together with the *pro rata* mileage proportion of the joint earnings on all traffic interchanged between the said railway and that of the Pacific Company or in respect of the exercise by any other railway of running powers over the said railway so to be leased as aforesaid, without any deduction whatsoever.

12. The Pacific Company will protect the Tobique Company against any loss, damage or claim that may arise in working the said railway under the said lease, and shall do and perform all the acts, conditions, matters and things which the Tobique

Company are bound by their charter to do and perform in respect of the said railway and of the Government of Canada.

13. The Pacific Company shall bear and pay all expenses incurred in doing and performing all such acts, matters and things as are now or may hereafter be required for the maintenance and operation of the said railway in conformity with the laws of the Dominion of Canada.

14. At the expiration or other determination of the said term the Pacific Company will yield up the said railway and other immovable property to the Tobique Company in as good general plight and condition as the same were at the commencement of the said lease, save and except the natural deterioration thereof by age and wear and tear.

15. And if the Tobique Company, in completing the said necessary financial arrangements, shall desire to transfer by way of security to any person or persons whomsoever or to any corporation hereinafter referred to as "the lender," the right to receive from the Pacific Company all moneys which may become payable by it under the said lease or under this agreement by way of rent or otherwise howsoever, the Pacific Company consents that it may do so; and if such transfer be made and if the lender be subrogated in the right of the Tobique Company in respect thereof, then on the happening of the respective events which in the absence of such transfer would entitle the Tobique Company to receive and collect any such money or moneys, the Pacific Company will pay the same direct to the lender.

16. And the parties hereto mutually agree each with the other that the said lease shall contain mutual agreements and clauses to the following effect, namely:

17. In case any dispute shall arise as to the correctness of statements or accounts of earnings to be from time to time rendered by the Pacific Company as aforesaid, the same shall from time to time be referred to the final arbitrament and decision of an accountant to be agreed upon by the parties in writing, or failing such agreement to be nominated upon application of either party by the Auditor General of the Dominion of Canada, one week's notice of such application being first given to the other party.

18. And any such notice may be given by serving the same on the president, vice-president, secretary or treasurer of either of the parties hereto or by registered letter addressed to its head office.

19. In the event of the non-payment of the rental reserved by the said lease for the space of sixty days after any instalment thereof shall fall due according to the tenor hereof, or in the event of substantial failure to maintain, work, operate or repair the said railway for the space of sixty days continuously after written demand, the Pacific Company shall be liable to pay and hereby covenants to pay to the Tobique Company the sum of fifty dollars per day as liquidated damages for every day during which the said rent shall remain unpaid and fifty dollars

for every day during which the Pacific Company shall fail to work and operate the said railway according to the true intent and meaning of the said lease.

20. In the event of the non-payment of any one quarter year's rent under such lease, it shall be lawful for the Tobique Company to distrain for the amount due for the next preceding quarter year or for the amount of the last quarterly account rendered, and such amount shown as due shall be considered to be fixed and ascertained rents for the purpose of enabling the Tobique Company to distrain for the same if necessary.

21. During the said term the Pacific Company shall not transfer or set over, or otherwise by any act or deed procure the said railway or the said premises so to be demised as aforesaid, or the said lease or any part thereof, to be assigned, transferred, set over or sublet to any person or persons whatsoever, or to any corporation whatsoever, without the consent in writing of the Tobique Company or its assigns first had and obtained.

22. Provided always, and it is expressly agreed hereby, that if the rent thereby reserved or payable thereunder or any part thereof shall be unpaid and shall remain unpaid for thirty days after notice in writing of such default shall be given to the Pacific Company, although no formal demand shall have been made thereof, or in case of the breach or non-performance of any of the covenants or agreements therein contained on the part of the Pacific Company and the continuance of such breach after thirty days' notice thereof in writing, then, and in either of such cases, it shall be lawful for the Tobique Company or its assigns to annul and set aside said intended lease, and to declare the same to be forfeited and at an end, and to enter into possession of the said railway and of all other premises thereby demised, and to have again, repossess and enjoy the same as of its former state, anything therein contained to the contrary notwithstanding.

23. The said railway shall be deemed to be acquired, constructed and completed within the meaning of these presents, as soon as the Tobique Company shall have acquired all requisite lands as aforesaid, and the Dominion Government engineer shall have certified in writing that the Tobique Company has acquired, constructed and completed the same so as to be entitled to the Dominion subsidy in respect thereof, and the chief engineer of the Pacific Company shall have also certified in writing that it has been acquired, constructed and completed according to the terms of this indenture and the said specifications attached hereto (except section 15, the rolling stock there called for being supplied by the Pacific Company); and if any dispute arise between the parties to this indenture respecting the propriety of the chief engineer of the Pacific Company so certifying, it shall be finally settled by an award of any two of three arbitrators to be chosen as follows: Each one of the parties shall choose one arbitrator and a third shall be appointed by the two so chosen, but if the two fail to choose a

third within one month after the last of the two is appointed, then on application to any judge of the Supreme Court of New Brunswick by either party such judge may appoint the third arbitrator, the said award to be given in writing within three months after the appointment of such third arbitrator; and if the arbitrators decide that the Tobique Company is entitled to a certificate more favourable than any given by the chief engineer of the Pacific Company, then the parties' rights shall stand as if he had given the certificate which the arbitrators may decide he ought to have given.

24. Should the Tobique Company acquire, own and complete an extension of its railway from the Plaster Beds to or towards Nictaux Lake or the headwaters of the Tobique River, before the expiration of the said term, as is hereinbefore provided in respect of the railway from Perth to the Plaster Beds, then all the terms and provisions of this agreement shall apply to such extension in the same manner as they apply to the said railway from Perth to the Plaster Beds, and this extension may be by sections, provided that before any section of such extension be made the point to which it is to be made shall be stated in writing by the Pacific Company to be in its opinion of such importance in regard to probable traffic as to be satisfactory to the Pacific Company. And before the Pacific Company shall be bound to enter into a lease of any such section, it shall be connected with Perth by sections then already acquired and completed as aforesaid.

25. Throughout this indenture the mention of either party is intended to include also the assignee or assignees of such party, unless that is inconsistent with the context.

26. This indenture is made subject to its being adopted and confirmed by two-thirds of the votes of the shareholders of each of the said companies present or represented at an annual general meeting, or at a special general meeting duly called for the purpose, and subject to its being approved by the Parliament of Canada.

Witness the corporate seal of each of the parties hereto, and the respective signatures of its officials below named.

(Signed.)

[L.S.] THE CANADIAN PACIFIC RAILWAY COMPANY,
W. C. VAN HORNE, *President.*
C. DRINKWATER, *Secretary.*

(Signed.)

[L.S.] THE TOBIQUE VALLEY RAILWAY COMPANY,
E. B. KETCHUM, } *Directors.*
R. C. SKINNER, }
JAMES KNOX. }

SCHEDULE "A."

SPECIFICATIONS AND DESCRIPTIONS.

1. The railway shall be a single track line, with gauge 4 feet 8½ inches, with necessary sidings.

2. The alignments, gradient and curvature shall be the best the physical features of the country will admit of, the maximum grade not to exceed eighty feet to the mile, excepting in such places, if any, as the Pacific Company may in writing consent to some heavier and specified grade, and the minimum curvature not to be of less radius than seven hundred and sixteen feet.

3. In all wooded sections the land must be cleared to the width of not less than fifty feet on each side of the centre line. All brush and logs must be completely burnt, and none thrown on the adjacent lands.

4. All stumps must be grubbed out within the limits of the cuttings under three feet in depth, or embankments less than two feet in height.

5. All stumps must be close cut where embankments are less than four feet and more than two feet in height.

6. The railway must be enclosed with substantially built legal fences of wire or wood, with the necessary gates and crossings to accommodate the farmers.

7. Road crossings, with cattle guards and sign boards shall be provided at all public highways crossing the railway on a level with the rails.

8. The width of cuttings at formation level shall be not less than twenty (20) feet, embankments not less than fifteen (15) feet when settled into place.

9. Efficient drainage must be provided by open ditches and under-drains.

10. All bridges, culverts and other structures must be of ample size and strength for the purpose intended, piers and abutments of truss bridges must be of massive masonry or of cedar filled with stone as approved, and culverts under embankments over twenty-five feet in height must be of well built strong second-class masonry or iron, made of durable and suitable materials thoroughly permanent in character and equal in every essential particular to the best description of like work employed in similar railway work in the Dominion.

11. Open or beam culverts in embankments less than twelve feet in height may be of cedar wood not less than 10 inches by 10 inches, except the track stringers, which may be of sound pine, white oak, tamarack or spruce timber not less than 12 inches by 14 inches. The spans shall not exceed 14 feet, and they shall be constructed on a plan approved by the Minister of Railways and Canals. Superstructure of truss bridges may be of sound white pine or Georgia pitch pine wood, or if the trusses are covered in from the weather and shingled, grained spruce timber may be used.

12. The rails shall be of steel weighing not less than fifty-six (56) pounds per lineal yard of approved section and with the most approved fish plate.

13. The railway must be well ballasted with either gravel or other suitable material. The sleepers to be at least seven inches face by six inches thick and eight feet long, 2,600 to the mile.

14. Sufficient siding accommodation, stations, tanks, turntables or Y's and such other structures and buildings as may be necessary to meet the requirements of the traffic, shall be provided by the Company.

16. Except with the consent of the Pacific Company, wooden box culverts will not be permitted in any place or under any circumstances, but trestle or pile bridges sufficient for the waterway will be allowed in embankments ranging from twelve to twenty-five feet in height, and also to such greater height if any on the line already built as may have been already constructed and as may be approved of by the chief engineer of Dominion Government railways.

(Signed) W. C. V. H.
(Signed) E. B. K.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



55-56 VICTORIA.

CHAP. 61.

An Act respecting certain railway works in the City of Toronto.

[Assented to 9th July, 1892.]

WHEREAS the Corporation of the city of Toronto by its Preamble.
petition has prayed for special legislation in regard to certain of the matters hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. So much of the work in the city of Toronto, authorized Declaratory.
to be constructed by the Corporation of the said city by the Act of the Legislature of the province of Ontario, passed in the forty-ninth year of Her Majesty's reign, chapter sixty-six, and the Acts amending the same, and known as the Don improvement, as is covered by the agreements hereinafter mentioned or either of them is hereby declared to be a work for the Don improve-
ment.
general advantage of Canada.

2. Two certain agreements, one dated the twenty-third of July, one thousand eight hundred and ninety, between the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company and the Corporation of the city of Toronto, and the second dated the third of July, one thousand eight hundred and ninety-one, between the Toronto Belt Line Railway Company and the said Corporation of the city of Toronto, concerning the use by the said companies of certain portions of the Don improvement, which agreements are printed as appendices "A" and "B" hereto respectively, are hereby validated and confirmed and the parties thereto are declared respectively to have and to have had power to do all acts necessary to give effect to the said agreements. Agreements confirmed.

3. No railway company shall, without the consent of the Railway Committee of the Privy Council, erect fences or construct cattle guards or other obstructions to traffic upon any portion of the said Don improvement so as to prevent the public from passing upon, over, across and along the said improvement or any portion thereof. Obstruction to traffic prohibited.

Don Branch.

4. Any work or proceedings commenced or to be commenced for the purpose of constructing or completing and operating the Don Branch may be carried on by the Ontario and Quebec Railway Company, or by its lessee the Canadian Pacific Railway Company, as if the time named in section two of chapter fifty-three of the Statutes of 1888, were five years instead of three years.

APPENDIX "A."

THIS AGREEMENT, made the 23rd day of July, A.D. 1890, between the CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City," of the one part, and the CANADIAN PACIFIC RAILWAY COMPANY and the ONTARIO AND QUEBEC RAILWAY COMPANY, hereinafter called "the Company," of the other part,—

Witnesseth that the parties hereto do hereby mutually covenant and agree the one with the other as follows :—

1. The City shall acquire in fee simple the lands required by them for the Don improvement, including the strip of land to be leased as hereinafter provided, and the Company agrees not to interfere with that title by expropriation of the said strip, or of any other portion of the said property acquired or to be acquired by the City as aforesaid, under the Ontario Act, 49th Victoria, chapter 66, or the Acts amending the same. Provided, and it is hereby agreed, that the City and the Company shall co-operate in obtaining any legislation which either party may consider necessary to remove any doubts as to the validity of this agreement; and in the event of such legislation being refused and the validity of this agreement being successfully impugned, the rights of the Company (if any) in regard to expropriation shall remain as if this agreement had not been made.

2. The City shall lease or otherwise assure to the Company in perpetuity the use of a strip of land twenty-six feet wide, on which two tracks are to be constructed for running purposes only along the Don improvement and south-west thereof, the location of said strip being hereinafter more particularly described; such use to be as full as the business of the Company for running purposes only may require—at an annual compensation, the amount and terms of which are to be fixed at intervals of fifty years each by arbitration in manner hereinafter described.

3. The Company shall have at all times the working, control and management of the said two running tracks and the arrangement of the time-tables, reserving the right to any other railway company or companies using the tracks (if dissatisfied with the time-tables arranged by the Company), to apply to the Railway Committee of the Privy Council for a readjustment of such time-tables; and such Railway Committee shall have power to readjust the same, but the tracks (in so far as they can be used without interfering with the actual requirements

requirements of the business of the Company for running purposes), may be used (for running purposes only) by other railways to be nominated by the City upon payment of such periodical compensation to the Company, and upon such other terms as shall be determined by the Railway Committee of the Privy Council, such terms to be fixed by the said committee, having regard, amongst other things, to the amount contributed by the Company towards the construction of overhead bridges and other improvements, and to the compensation annually paid by the Company, and to the proportion of the use of the tracks given to such other companies, and to the expenses of maintenance, repairs, *et cætera*. The advantage of being the senior road (as is usual in railway agreements for joint user) shall be in all cases retained by the Company.

4. If the use of the tracks by any other railway company or companies so nominated by the City is objected to by the Company, the dispute shall be referred to the said Railway Committee, and on the hearing of the matter the Company shall not be allowed to object on any grounds except some one or more of the following grounds:—

(a.) That the capacity of the said two tracks is not sufficient to justify their proposed user by such other company or companies.

(b.) That the business of the railway asking admission is of an objectionable nature; but a railway running suburban trains at intervals of not less than thirty minutes shall not be considered objectionable solely on account of the frequency of such trains.

(c.) That in the event of the user of either of the said tracks being asked for by the Grand Trunk Railway Company, then the Canadian Pacific Railway Company may object that it should not be granted unless reciprocal rights be given to the Canadian Pacific Railway over their Toronto tracks.

Nothing herein contained shall be taken as an approval by the City of any of such objections.

5. The location of the said strip and two running tracks shall in the first instance be as follows, that is to say:

Commencing at the face of the south abutment of the Company's bridge over the River Don, at or near the south line of Winchester street produced; thence southerly along the west side of the Don improvement next west of the twenty-three feet roadway adjoining the new channel to a point at or near King street and where the Company's railway lines deflect on a curve to the south-west; thence along such curve, continuing at the same width over city property, to the north side of Eastern avenue, near Cypress street, excepting therefrom that portion crossing the road allowance on the Don improvement to the south of King street, the whole as more particularly shown on signed plan hereto attached. But this location may, from time to time, be readjusted and changed as the needs of business may demand; and if the Company and the City do not agree as to such readjustment, the matter shall be referred

to and decided by the Railway Committee of the Privy Council, and upon such readjustment the rights of the parties as to the strip of land in the new location and the tracks thereon shall be the same as if it were the location described in the original lease.

6. Nothing in this agreement shall affect any of the obligations of the Company under section 187 of *The Railway Act*, or the position of the City in regard to the proposed expropriation by the Company of certain lots on the water front of Toronto; nor in case the City shall at any time apply for legislation to have railway approaches placed under the control of an independent trust, as recommended by paragraph 15 of the Joint Esplanade Committee's report to the municipal council of the City, dated 24th December, 1889, shall the fact of the making of this agreement be used by either party against the other in reference to any such application for legislation.

(a.) Subject to the requirements of section 192 of *The Railway Act*, overhead bridges or trestles or other structures for the handling of traffic and for loading or unloading freight from vessels or for passenger traffic, may be erected upon and across the said Don improvement and the tracks thereon at any point, and any difference or dispute in relation thereto shall be determined by the Railway Committee of the Privy Council.

7. The Company shall dredge the channel on the north side of the River Don to a line with the north abutment of its bridge so far as it has not already been done.

8. The Company shall pay the cost of raising the roadway on the west side of the Don from the south abutment of its bridge until the grade comes down to the level of the caps of the City's piling.

9. The Company shall pay the costs of the additional cribbing necessary to sustain this increased embankment, and shall maintain such additional cribbing in perpetuity.

10. The Company shall permit the City contractors to cross its tracks at any point for the purpose of their contract.

11. The Company shall provide gates and watchmen at King street and Eastern avenue crossings, and also at the level crossings of the highway running along the west side of the said switching and siding tracks.

12. The Company shall within two years from the date of the agreement erect and maintain in perpetuity a passenger station on their own land at or near the crossing of the line of King street by the said two running tracks.

13. The Company shall arrange with the City's contractors so as to avoid any claim for damages on their part against the City by reason of the Company's tracks being laid on the Don improvement before the works now under contract are completed, and to the extent of its power the City will aid the Company in avoiding liability for any such damages.

(a.) The other matters mentioned in the memorandum attached to Mr. Sproatt's letter of December 24th, 1888, to

Mr. Van Horne, a copy of which is attached hereto, are not affected by anything contained in this agreement.

(b.) In case the City at any time decides to construct a high level bridge at Winchester street, the Company will not oppose the construction thereof; and all questions as to the liability of the Company to contribute toward the construction thereof, and as to the extent (if any) of such contribution, shall be decided by the Railway Committee of the Privy Council.

14. Until arrangements have been made for the construction of a high level bridge at King street crossing, the Company shall protect the level crossing there with gates and watchmen as above mentioned, and to avoid the dangers incident to a level crossing of King street by said tracks the Company agrees not to oppose the construction by the City of a high level bridge across the Don improvement at this point, such bridge to be constructed by the City, and the Company will contribute towards the cost and expenses incident to the construction and maintenance thereof, including damages to any property which may be injuriously affected thereby, in such proportion as the Railway Committee of the Privy Council may determine, and both parties hereto agree to be bound by the decision of the said committee.

15. The public shall have the right to cross all tracks at grade on the improvement at Winchester street and Eastern avenue, and at eight points between Winchester street bridge and Eastern avenue, such points to be designated by the city council, and the crossings shall be at least 66 feet wide, but after an overhead bridge at Queen street crossing shall have been constructed and opened for traffic, the tracks shall not be crossed at the level at that point.

16. The Company shall keep across the said strip all such grade crossings as are above mentioned, paved or planked as provided by section 4 of the Act, 28 Victoria, chapter 34, respecting the Toronto Esplanade, and the provisions of *The Railway Act* as to level highway crossings shall also apply to the said crossings.

(a.) In the case of the construction in the future of elevated tracks running from a westerly or southerly direction into grade at any point on the said strip hereinbefore described at or south of the King street crossing, there shall be, in respect of the residue of the said strip (that is to say the part of it lying south of that point) an abatement to the Company of a due portion of the said rent; the amount of such abatement (if dispute arise concerning it) to be finally decided by the Railway Committee of the Privy Council, as well as all questions of compensation to the Company in respect of the disturbance of tracks thereon, or other matters relating to the said residue; provided that in any such case the Company shall not be entitled to any compensation on the ground that the use of the residue of the said strip would be worth during the unexpired portion of the term any higher rent than the proportion of rent so to be abated.

17. Every matter of difference between the parties hereto, and which by the terms hereof is to be settled by arbitration, shall be settled as follows: Each party shall appoint an arbitrator, and the two so appointed shall hear and finally determine such matters of difference, making their award in writing; but if they disagree, then it shall be finally determined by the person who for the time being fills the office of judge of the Exchequer Court of Canada, as umpire, and who shall, as an umpire, make his award in writing, the award in either case to be final and conclusive.

18. In case after seven clear days' notice, either of the said parties fails to select an arbitrator, the other party may apply to a judge of the High Court of Justice for Ontario for such appointment, and any arbitrator so appointed shall have the same powers as if he had been selected by the said party failing to appoint as aforesaid, and the award above mentioned shall in every case be made by the two arbitrators within three months from the appointment of the second arbitrator, otherwise it shall be held that the two arbitrators have disagreed.

19. Upon the execution of this agreement by both parties, immediate possession of the said strip shall be given to the Company, and the annual compensation to be paid by the Company to the City shall be payable from the date on which possession is to be given to the Company, and such annual compensation shall be to all intents and purposes "annual rent" within the meaning of section 143 of *The Railway Act*, and shall be a preferred claim accordingly; but such possession shall be given by the City and taken by the Company, so as to form no grounds for any claim on account of it by the contractors against the City, and if the Company take possession so as to form ground for any such claim, then the Company shall bear all the consequences.

20. Any other company desiring to cross the running tracks of the Canadian Pacific Railway in order to obtain access to the switching and unloading tracks to be laid down upon the Don improvement, shall be entitled to do so at such points, and upon such terms as may, from time to time, be determined by the Railway Committee of the Privy Council.

In witness whereof, the said City has hereunto caused to be affixed its corporate seal and the hands of its mayor and treasurer, and the said the Canadian Pacific Railway Company

and the Ontario and Quebec Railway Company, each its corporate seal and the hands of its president and secretary.

(Signed) E. F. CLARKE,
[L.S.] *Mayor.*

(Signed) R. T. COADY,
City Treasurer.

(Signed) W. C. VAN HORNE,
[L.S.] *President the Canadian Pacific Railway Company.*

(Signed) C. DRINKWATER,
Secretary the Canadian Pacific Railway Company.

(Signed) ED. B. OSLER,
President the Ontario and Quebec Railway Company.

[L.S.] (Signed) C. DRINKWATER,
Secretary the Ontario and Quebec Railway Company.

SUPPLEMENTARY AGREEMENT

As to the use of the Switching and Siding Tracks on the Don Improvement.

THIS AGREEMENT made the 23rd day of July, A.D. 1890, between the Corporation of the city of Toronto (hereinafter called "the City"), of the one part, and the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company (hereinafter called "the Company"), of the other part,—

Witnesseth that the parties hereto do hereby mutually covenant and agree the one with the other, as follows :

1. The City may lay down, maintain and operate such tracks, switches and other works as may be necessary for switching, loading and unloading purposes on the improvement, other than the strip to be used by the Company under an agreement of even date herewith, and may make agreements with any railway company or companies for the use thereof, provided always that no one railway shall have any right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms and upon each paying its just proportion of the expenses represented by the cost of construction, maintenance and repairs of tracks, switches, sidings and other necessary works required for the proper use thereof and the cost of supervision. Until such time as more than one railway commences to use the tracks on the improvement upon the terms above mentioned, the City shall accept as compensation from any single company an amount equivalent to five per cent per annum upon one-half the cost of material used in and the expense of laying the said tracks, sidings, switches and other necessary works, provided that the maintenance and operation of the said tracks and all expenses thereof shall be assumed by the said Company. Said yard tracks, sidings and switches to be under the control of a yardmaster to be nominated by the company or companies,

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using

using the yard, but appointed by and in the employ of the City, and to be removable on the demand of the said company or companies. The said yardman, though paid by the City, shall be considered for all purposes as an employee of the said company or companies, and the City shall not be liable for any accident caused by any act or default of the said yardman.

2. The Company shall have no claim against the City for damage arising from defective construction, maintenance and repair of the Don improvement, or by reason of any negligence on the part of the company or companies using the said yard, tracks, sidings or switches, or the running tracks mentioned in an agreement between said parties bearing even date herewith, or of any servant or employee of any said Company, including the said yardman, and the Company shall indemnify the City against all damage by reason of any negligence on the part of the said yardman.

In witness whereof the said City has hereunto caused to be affixed its corporate seal and the hands of its mayor and treasurer, and the said the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, each its corporate seal and the hands of its president and secretary.

WITNESS:

	(Signed)	E. F. CLARKE,
[L.S.]		<i>Mayor, City of Toronto.</i>
	(Signed)	R. T. COADY,
		<i>City Treasurer.</i>
	(Signed)	W. C. VAN HORNE,
[L.S.]		<i>President the Canadian Pacific Railway Company.</i>
	(Signed)	C. DRINKWATER,
		<i>Secretary the Canadian Pacific Railway Company.</i>
	(Signed)	E. B. OSLER,
[L.S.]		<i>President the Quebec and Ontario Railway Company.</i>
	(Signed)	C. DRINKWATER,
		<i>Secretary the Quebec and Ontario Railway Company.</i>

APPENDIX "A."

Letter from Mr. Sproatt to Mr. Van Horne, referred to in paragraph 13 (a) of the above Agreement.

TORONTO, December 24th, 1888.

W. C. Van Horne, Esq.,
President C. P. R. Co., Montreal.

DEAR SIR,—I enclose you memo. of matters to be arranged and agreed to by and between the corporation of the city of Toronto and the directors of the C. P. R. Co. in connection with the laying down of their tracks on the lands to be used for railway purposes, said lands being situate in the Don Valley on the line of the Don improvements. All these questions were discussed at a meeting held on the 21st instant at the mayor's office, and a few of them were decided, said decisions

being recorded in each case under the item. Will you please give the memo. your consideration and let us hear from you at your earliest convenience on the points which were left unadjusted at the meeting of the 21st.

Yours truly,
C. SPROATT,
City Engineer.

Re DON IMPROVEMENTS.

Memo. of Matters to be arranged with the C. P. R.

1. As to the diversion of Winchester street—

(a.) The Company should purchase all the land required for the new or diverted roadway.

(b.) Grade, macadamize and fence the new road, indemnify the city against all claims for damages occasioned by the diversion of Winchester street, or by closing up part thereof north of present bridge, or by narrowing streets by means of new railway bridge.

(c.) Pay one-half of the cost of new bridge. (See Report No. 26 of the Committee on Works adopted November 26, 1888.)

(d.) Dredge channel on north side of river to a line with the north abutment of Canadian Pacific Railway bridge. (All the foregoing agreed to.)

2. As to the Don improvement proper, Company should—

(a.) Pay cost of raising the roadway on the west side of Don from south abutment of Canadian Pacific Railway bridge, say 900 feet, till the grade comes down to the level of the caps of our piling. (Agreed to.)

(b.) Pay cost of cribbing necessary to sustain embankment. (Agreed to.)

(c.) Pay all extra expenses occasioned to the City by reason of the raising of the embankment as proposed. (It was stated by the Canadian Pacific Railway that this portion of the work would be completed by them, consequently no damages could be claimed.)

(d.) Pay the cost of erecting temporary bridge over unfilled channel of old river, bridge to be the property of the City. (Agreed to.)

(e.) Indemnify the City against all claims for damages occasioned by the Canadian Pacific Railway track crossing roadway on west side of Don improvement, between King street and Eastern avenue. (Unadjusted.)

(f.) Pay all costs, damages and expenses which may be incurred by the City in consequence of allowing the Canadian Pacific Railway to occupy or use any portion of the railway reservation before the works now under contract are completed. (Mr. Van Horne will arrange with the contractors and will relieve the City from any liability in *re* same.)

(g.) Agree that City's contractors may cross track at any point for the purpose of their contract. (Canadian Pacific Railway will agree with contractors and fix points.)

3.—(a.) Provision should be made for protecting the proposed level crossings at King street, Eastern avenue, Front street, Olive street, Tate street, Water street, Cherry street, Trinity street, Mill street and Parliament street.

(b.) Canadian Pacific Railway to indemnify City against all claims for damages by reason of high-level crossings at King street and Eastern avenue. (Left unadjusted.)

These are the matters which immediately strike one, but further consideration may suggest others.

P.S.—The Canadian Pacific Railway Company to pay for the right of way over the entire improvement.

N.B.—All matters to be settled by arbitration.

(Signed) W. C. V. H.,
C. D.,
E. B. O.,
R. T. C.,
E. F. C.

APPENDIX "B"

BELT LINE DON AGREEMENT.

MEMORANDUM OF AGREEMENT made in duplicate this third day of July, one thousand eight hundred ninety-one, between THE CORPORATION OF THE CITY OF TORONTO, herein called the "City," of the first part and THE TORONTO BELT LINE RAILWAY COMPANY, herein called the "Company," of the second part ;

WHEREAS under the authority of an Act of the Legislature of the province of Ontario, passed in the forty-ninth year of Her Majesty's reign, chapter sixty-six, and under the authority of certain by-laws of the corporation of the city of Toronto, the City has constructed certain portions of the Don improvement authorized by the said Act ;

And whereas by the said Act, as amended by an Act of the said legislature passed in the fifty-second year of Her Majesty's reign, chapter seventy-three, it is provided that the council of the City shall have power and authority, and they are thereby authorized and empowered to lay out by by-law of said City the lands used for said improvement after the completion of the improvement thereon, or any part thereof, as they may see fit, so as to form a public esplanade or highway, a portion of which, to be determined by said by-law, may be set apart for railway companies and which portion is therein called "reservation for railway purposes ;"

And whereas by an agreement dated the twenty-third day of July, one thousand eight hundred ninety, and made between the said City and the Canadian Pacific Railway Company, and the Ontario and Quebec Railway Company (herein called the "C.P.R.") a strip of twenty-six feet along said improvement was leased by the City to the said "C.P.R." on the terms and conditions therein stated ; and by another agreement made on

the same date between the said parties, it was provided and agreed that upon the portion of the said improvement appropriated for switching, loading and unloading tracks, the City might lay down such tracks, switches and other works as might be necessary for the purposes aforesaid, and might make agreements with any railway company or companies, for the use thereof; and that the said yards, tracks, sidings and switches so to be laid down should be under the control of a yardmaster, to be nominated by the company or companies using the yard, but to be appointed by and to be in the employ of the said City;

And whereas by an Act passed in the fifty-fourth year of Her Majesty's reign, chapter eighty-two, entitled *An Act respecting the City of Toronto*, it is provided that the Company may forthwith enter into possession and occupy that portion of the lands of the city of Toronto, being part of the improvement of the River Don, which may be described as follows:—All and singular that certain parcel or tract of land and premises, being composed of parts of the lands heretofore expropriated and set apart by the city of Toronto for the purpose of the Don improvement, and which may be more particularly described as being a strip of land twelve feet in width throughout, lying six feet on each side of the following described centre line, that is to say: commencing at a point on the south-easterly limit of Winchester street where the same is intersected by the located centre line of the said Belt Line Railway; thence southerly along a curve to the right of eleven hundred and forty-six (1,146) feet radius to the intersection of a straight line drawn parallel with the west limit of the channel of said Don improvement and distant fifty-five (55) feet measured westerly therefrom and at right angles thereto; thence southerly along said line keeping parallel with said limit of said channel to a point thereon south of the intersection of Eastern avenue being the point of tangent with a curve to the right of five hundred and seventy-three (573) feet radius to connect with the northerly track of the main line of the Grand Trunk Railway at a point about one hundred and fifty (150) feet easterly on said track from the east face of the east wall of the shed at the Don station; thence from the first mentioned point of tangent south-westerly along said curve to the intersection of the westerly limit of the westerly road laid out by the said City along the said side of the Don improvement, as lessees of said strip of 12 feet to be used by the said Company for running purposes only;

And whereas it is further provided in and by the last referred to Act, that the terms and conditions of the said lease of said strip shall be settled by agreement between said Company and the said City, and that in case the parties shall not have settled the terms of said agreement within the period limited by the said Act, all the terms thereof so in difference shall be settled and determined by arbitration as in said Act provided;

And whereas the said Company and the said City have been unable to settle and agree upon all the terms and conditions aforesaid ;

And whereas Herbert A. E. Kont, Esquire, was appointed by the said City as their arbitrator, and Robert Jaffray, Esquire, was appointed by the said Company as their arbitrator, to hear and determine the matters in difference between the said City and the said Company ;

And whereas the said arbitrators having met and disagreed, the said matters in difference have been finally determined by the Honourable John M. Gibson, M.P.P., as umpire, and the terms and conditions of the said agreement as so finally settled and determined by the said umpire, are as follows :—

1. Now this agreement witnesseth that when the said track is constructed upon and along the said twelve-foot strip on the line shown upon the plan hereto annexed, the city will lease or otherwise assure to the Company in perpetuity, the use for running purposes only of the said twelve-foot strip, as shown on said plan, and of said track so to be laid thereon, subject to the provisions of the said hereinbefore recited agreements, and to the rights thereby granted to the parties thereto, and upon payment to the City of an annual compensation, to be determined at intervals of fifty years each, by agreement between the parties hereto, or failing such agreement, by arbitration as hereinafter provided.

2. The said compensation shall be payable quarterly, on the first days of January, April, July and October in each year (or on the first juridical day thereafter respectively), and such annual compensation shall be to all intents and purposes “annual rent” within the meaning of such section 143 of *The Railway Act*, and shall be a preferred claim accordingly.

3. Subject to the provisions of this agreement and of the said hereinbefore recited agreement, the Company shall have at all times the working, control and management of the said track and the arrangement of the time-tables thereon, reserving to any other company or companies desiring to use the tracks, or using the same, the right to apply to the Railway Committee of the Privy Council for a readjustment of such time-tables, and the Railway Committee of the Privy Council shall have the power to readjust the same, and the said track, in so far as it can be used without interfering with the actual requirements of the business of the Company for running purposes, may be used (for running purposes only) by other railway companies, to be named by the City, upon such terms as the Railway Committee of the Privy Council shall, from time to time, determine, having regard, among other things, to the compensation annually payable by the Company to the City as aforesaid, the amount contributed by the Company towards the construction of overhead bridges and towards the protection of diamond and other crossings and other requirements, the proportion of the use of the said track given to such other companies and the expenses of construction of said track,

maintenance, repairs, &c. The advantage of being the senior road to be in all cases given to the Company.

4. The public shall have the right to cross the said strip of land and the track so to be laid thereon, at grade, at Winchester street and Eastern avenue, and at eight other points between Winchester street bridge and Eastern avenue, and also at one point between Eastern avenue and the south end of the improvement on the line of the road allowance which extends along the west side of the improvement; said points to be determined by the city engineer; all such crossings to be at least sixty-six (66) feet wide, and to be constructed and maintained by and at the expense of the Company as herein provided.

5. The Company shall keep all such grade crossings paved or planked, as the city engineer may from time to time require, in such manner as shall be proper and sufficient for crossing the said strip and track at each of such crossings, and shall so construct the same as to the level at which the same shall be (relatively to the said rails and otherwise), and as to the materials to be used (such as ballast, broken stone, paving or planking) and as to the manner in which the same shall be so constructed and kept, as the said Corporation of the city of Toronto may from time to time require, and shall keep and maintain the same in an efficient state of repair to the satisfaction of the city engineer.

6. The Company shall, at its own expense, lower the grade of Eastern avenue, on the said improvement, including bridges, and ramps, three feet or more as may be directed by the city engineer.

7. The Company shall also bear and pay all expenses connected with the supplying, putting in, erecting and maintaining of all necessary crossings by said track of the lines upon the said twenty-six foot strip of land leased to the "C.P.R." by the hereinbefore recited agreement of 23rd July, 1890, and of all signals, semaphores, fences, gates, signal houses and other protection which may during such period be required for any crossings on said improvement.

8. The Company shall also, when required by the Railway Committee of the Privy Council so to do, provide and maintain in an efficient state gates and watchmen at the level crossings at Queen and Winchester streets and Eastern avenue, and at the south end of the improvement on the line of road allowance along the west side of improvement as aforesaid; but after an overhead road bridge has been constructed and opened for traffic at Queen street crossing, the said track shall no longer be crossed on the level at that point; and after a bridge has been erected across the River Don, on the line of Amelia street produced, the said City shall assume all liability in respect to the further maintenance and protection of a level crossing at Winchester street, if required.

9. In case the City shall construct high level bridges across the improvement on the line of Eastern avenue and Queen street,

street, or either of them, the Company will contribute toward the cost and expenses incident to the construction, reconstructions and maintenance thereof (including damages to any properties which may be taken or injuriously affected thereby) in such proportion as may be determined by the Railway Committee of the Privy Council of Canada.

10. The Company shall construct their line north of Winchester street, as shown in (dotted) red on the plan hereto annexed with an undercrossing on the line of Amelia street (produced), the opening of the said undercrossing to be 35 feet clear and the headway not less than 14 feet clear; and the Company shall do the necessary grading, &c., of the roadway from Rosedale Valley road to the Don River, on the line of the said undercrossing and the connecting section of the road from Winchester street to said Rosedale Valley road, and contribute \$1,000 towards the cost of the bridge to be erected over the Don River on the line of Amelia street (produced), and pay one-third of the cost of the right of way required from Winchester street, in rear of the Necropolis, to Amelia street (produced); thence to the river, as shown in red on plan attached hereto. In case the City at any time decides to construct a high level bridge at Winchester street, the Company will not oppose the construction thereof.

11. In the event of the "Don improvement" being at any time continued northward from Winchester street to Bloor street produced and the said street being continued eastward across the River Don, the Company shall construct and maintain, whenever required by the city engineer so to do, a level public road crossing over their railway on the line of Bloor street so produced eastward as aforesaid, and whether the said improvement is so continued northward or not, the City may construct a bridge over the said track or tracks of the Company at the aforementioned point.

12. The cutting, piling and construction of the proposed overflow channel across the head of the River Don, between Amelia street (produced) and Bloor street, as shown on Company's plan, and also a plan attached hereto, is to be made by the Company; and the Company is to be responsible for the maintenance thereof and for any damage which may be occasioned thereby, or by reason of the construction by the Company of bridges across the channel of the River Don, at the points as shown on plan hereto attached. The Company shall protect the embankment of the improvement near the present site of the Winchester bridge, and also between the old abutments of the said bridge and the tracks leased to the Canadian Pacific Railway Company, in manner already agreed upon by the engineers of the two corporations, parties hereto, also the slopes of the roadway forming Winchester street (produced) at rear of Necropolis.

13. The Canadian Pacific Railway Company is to have the right for the purpose of reaching the switching, loading and unloading tracks, to be constructed upon the remaining 24 feet

of the said improvement to cross the said 12-foot strip, and the track hereinmentioned, at such points and times, in such manner and upon such terms as may be agreed upon between the Company and the Canadian Pacific Railway Company, or (in case of disagreement between them) as may be determined by the city engineer.

14. The location of the Company's track or tracks may from time to time be readjusted and changed as the needs of the business of the City or of the Company may demand, and if the Company and the City do not agree as to such readjustment, the matter shall be referred to and decided by the Railway Committee of the Privy Council; and upon such readjustment the rights of the parties shall be the same as if the new location were that described in this agreement.

15. Nothing herein contained shall affect any of the obligations of the Company under section 187 of *The Railway Act*, nor in case the City shall at any time apply for legislation to have railway approaches to the City placed under the control of an independent trust, as recommended by paragraph 15 of the Joint Esplanade Committee's report to the City Council, dated December 24th, 1889, shall the fact of the making of this agreement be used by either party against the other in reference to any such obligation.

16. Subject to the requirements of section 192 of *The Railway Act*, overhead bridges or trestles or other structures for the handling of traffic or for loading or unloading freight from vessels or for passenger traffic may be erected across the said strip or the track laid thereon at any point, and any difference or dispute in relation thereto shall be determined by the Railway Committee of the Privy Council of Canada.

17. In case of the construction in the future of elevated tracks running from a westerly or southerly direction into grade at any point on the said 12-foot strip hereinbefore designated at or south of Queen street, there shall be (in respect to the residue of the said strip lying south of that point) an abatement of a due proportion of the annual compensation to be paid by the Company to the City as aforesaid, the amount of such abatement (if dispute arise concerning same) as well as all questions of compensation in respect of the disturbance of track or business and all other questions in respect thereof to be determined by the Railway Committee of the Privy Council of Canada; but the Company shall not be entitled to any compensation on the ground that the use of the residue of said strip so given up would be worth during the unexpired portion of the current term more than the proportion of rent so to be abated.

18. Every matter in difference between the parties hereto and which by the terms hereof is to be settled by arbitration, shall be settled as follows:—Each party shall appoint an arbitrator, and the two so appointed shall hear and finally determine such matter in difference, making their award in writing; but if they disagree, then it shall be finally determined by the per-

son who, for the time being, fills the office of judge of the Exchequer Court of Canada, as umpire, and who shall, as an umpire, make his award in writing, the award in either case to be final and conclusive.

19. In case after seven clear days' notice either of the said parties fails to select an arbitrator, the other party may apply to a judge of the High Court of Justice of Ontario for such appointment, and any arbitrator so appointed shall have the same power as if he had been selected by the said party failing to appoint as aforesaid, and the award above mentioned shall in every case be made by the two arbitrators within three months from the appointment of the second arbitrator, otherwise it shall be held that the two arbitrators have disagreed, and the said arbitrators or umpire shall have power to direct that the costs of any such arbitration, reference and award shall be paid by any party to said reference, and to determine the scale upon which such costs shall be so paid.

20. The annual compensation to be paid by the Company to the City shall be payable from the date on which possession is taken by the Company, but such possession shall be given by the City and taken by the Company so as to form no grounds for any claim on account of it by the contractors against the City, and if the Company takes possession so as to form ground for any such claim, then the Company shall bear all the consequences.

In witness whereof the said City has hereunto caused to be affixed its corporate seal, and the hand of its mayor and treasurer, and the said Company its corporate seal and the hands of its vice-president and secretary.

[L.S.]	(Signed)	E. F. CLARKE, <i>Mayor.</i>
	(Signed)	R. T. COADY, <i>Treasurer.</i>
[L.S.]	(Signed)	JNO. T. MOORE, <i>Vice-President.</i>
	(Signed)	H. L. HIME, <i>Secretary.</i>

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55-56 VICTORIA.

CHAP. 62.

An Act to incorporate the Winnipeg and Atlantic Railway Company.

[Assented to 9th July, 1892.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. William Beattie Nesbitt, Frederick Crompton, Simeon H. Janes, William Howard Hunter and Edward J. Somintz, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Winnipeg and Atlantic Railway Company," hereinafter called "the Company."

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

3. 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 Winnipeg, in the province of Manitoba, following as near as possible the fiftieth parallel of latitude and passing north of Lake Nepigon, thence eastward, again approaching and following the said fiftieth parallel of latitude, to a point on or near the Bay of Seven Islands, in the province of Quebec; and no portion of the said railway shall deviate more than one degree of latitude south, or one degree of latitude north, of the said fiftieth parallel of latitude.

2. The Company may construct, purchase or otherwise acquire, charter, obtain, sell and dispose of, and control, navigate and keep in repair, steamers and other vessels to ply between ports in Canada and ports outside of Canada, and carry and convey passengers and freight and carry on a general transportation service in connection with the said railway.

3. The Company may construct, purchase, lease or otherwise acquire and hold wharfs, docks, elevators and warehouses in connection with the said railway.

Provisional directors. **4.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Capital stock and calls. **5.** The capital stock of the Company shall be two million dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

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

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

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

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

Notice. **2.** Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.



55-56 VICTORIA.

CHAP. 63.

An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

[Assented to 10th May, 1892.]

WHEREAS the Wood Mountain and Qu'Appelle Railway Company have by their petition prayed that certain amendments, as hereinafter set forth, be made to the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Chapter eighty-three of the Statutes of 1890 is hereby repealed. C. 83 of 1890 repealed.

2. The Wood Mountain and Qu'Appelle Railway Company, hereinafter called "the Company," shall complete its line of railway between its point of intersection with the line of the Canadian Pacific Railway Company and Fort Qu'Appelle, on or before the thirtieth day of October, one thousand eight hundred and ninety-four, and shall complete not less than twenty miles of its railway, as defined by section one of chapter sixty-six of the Statutes of 1889, in each year thereafter; failing which, the powers granted to the Company to extend its line of railway any further distance than the length of railway then completed, shall cease and be null and void. Time for construction.

3. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Manitoba and North-western Railway Company of Canada, the Great North-west Central Railway Company, or the Winnipeg and Hudson Bay Railway Company, for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under the Company's Act of incorporation and the Acts amending the said Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions Agreement with another company.

Proviso. Sanction of the shareholders and of the Governor in Council. restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders, duly called for the purpose of considering the same—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy—and that such agreement has also received the approval of the Governor in Council :

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

Proxies. Quorum. 4. Notwithstanding the provisions contained in section fifty-five of *The Railway Act*, any director not resident in Canada may vote and act by proxy, such proxy to be held by a director only; but no meeting of directors shall be competent to transact business unless at least two directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxies :

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

Directors may be paid. 5. One or more of the directors may be paid directors of the Company, as the shareholders determine.

Powers of company. 6. The Company may buy, lease, acquire, sell and mortgage coal, iron and other mineral lands and mines, and may mine coal, iron and other minerals, and otherwise work such mines, and may manufacture and sell the products of such mines and lands; provided always, that the Company shall not buy, lease or acquire more than ten thousand acres of such lands; and the Company may also acquire, purchase, mortgage and operate steamers and barges in connection with its business, and may purchase, sell, mortgage, construct and own all buildings, machinery and plant which it deems necessary for carrying on or operating its business.

Powers as to water-lots, piers, wharfs, &c. 7. The Company, at any point where the terminus of the railway, or of any branch thereof, reaches any navigable water, or where the railway or any branch thereof crosses any navigable water, may, for the necessary purposes of the Company, acquire and hold as its own absolute property, piers, docks and water-lots; and upon the said water-lots and in and over the waters adjoining thereto, may build and erect elevators, storehouses, engine-houses, sheds, docks, piers and other structures for the use of the Company, and of the steam and other

vessels owned, worked or controlled by the Company, or of any other steam or other vessels, and may collect wharfage and store charges for the use thereof; and may erect, build and maintain all moles, piers, wharfs and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within them; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said piers, docks, water-lots, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any of them, or any portion thereof.

Charges for wharfage.

Sale or lease.

8. Section ten of chapter seventy-four of the Statutes of 1883 is hereby amended by striking out the words "each of the cities of Toronto, Winnipeg and" in lines eight and nine thereof.

Section 10, c. 74 of 1883 amended.

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55 - 56 VICTORIA.

CHAP. 64.

An Act to revive and amend the Act to incorporate the Brockville and New York Bridge Company.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the Brockville and New York Bridge Company has, by its petition, prayed for certain amendments as hereinafter set forth, to the Act incorporating the Company, and it is expedient to revive the said Act and to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act of incorporation revived.

1. Subject to the provisions of this Act, the Act incorporating the Brockville and New York Bridge Company, being chapter ninety-one of the Statutes of 1886, is hereby revived and declared to be in force, and the times limited by the said Act for the commencement and completion of the bridge of the Company are hereby extended for two years and five years respectively from the passing of this Act; and if the bridge is not commenced and completed within the said times, then the powers granted by the said Act and by this Act shall cease and be null and void.

Time for building bridge extended.

Additional directors.

2. Section one of the said Act of incorporation is hereby amended by inserting on line three after the name "William B. Smellie" the names "Charles J. Pusey" and "Francis A. Bassler."

Section 3 of c. 91 of 1886 amended. Height, &c., of bridge.

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

"2. The height of the arches of the bridge across the St. Lawrence River shall not be less than sixty-one feet above high water, with a sufficient draw-bridge if required by the Governor in Council; the interval between the abutments or piers across the main channel of the said river shall be not less than three hundred and fifty feet, and elsewhere the space between the piers shall be not less than two hundred feet."



55 - 56 VICTORIA.

CHAP. 65.

An Act to incorporate the Burrard Inlet Tunnel and Bridge Company.

[Assented to 9th July, 1892.]

WHEREAS a petition has been presented praying for the Preamble.
incorporation of a company to construct, operate and maintain a tunnel under the First Narrows of Burrard Inlet and a bridge over the Second Narrows of Burrard Inlet, both for foot passengers, carriages, street railway and railway purposes as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Francis L. Carter-Cotton, M.P.P., Henry R. Ceperley, Incorporation.
and Hiram R. McCrainey, all of the city of Vancouver, in the province of British Columbia, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Burrard Inlet Tunnel and Bridge Company," hereinafter called Corporate name.
"the Company."

2. The head office of the Company shall be in the city of Head office.
Vancouver in the province of British Columbia.

3. The Company may lay out, construct, operate, maintain Object and general powers of company.
and use a tunnel under the First Narrows of Burrard Inlet and a bridge over the Second Narrows of Burrard Inlet, both for foot passengers, carriages, street railway and railway purposes, with the necessary approaches, from some convenient points on the south shore in or near the city of Vancouver to points on the opposite shore of Burrard Inlet, so as not to interfere with navigation, and may connect the said tunnel and bridge with any railway or street railway; and may also, to connect the said tunnel and bridge with existing and future lines of railway, lay out, construct and operate one or more lines of railway not exceeding ten miles in length, of the gauge of four feet eight and one-half inches; and the Company may construct and

arrange the said tunnel and bridge for the use and passage of foot passengers, railway cars, street cars, carriages and other vehicles as and whenever they deem advisable; and may also lay water mains or pipes through the tunnel and across the bridge :

Tolls subject to approval of Governor in Council.

2. If the Company construct or arrange the said tunnel and bridge for the use of foot passengers, street cars, carriages and other vehicles as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers, street cars, carriages and other vehicles, shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time by the Governor in Council; but the Company may at any time reduce the same; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said tunnel and bridge.

Approval of plans by Governor in Council.

4. The Company shall not commence the said tunnel or bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such tunnel and bridge, and of all the intended works thereunto appertaining, nor until such plans, and the site of such tunnel and bridge have been approved by the Governor in Council and such conditions as he thinks fit for the public good and the rights of navigation to impose, touching the said tunnel, bridge and works, have been complied with; nor shall any such plans be altered or any deviation therefrom allowed, except with the permission of the Governor in Council and upon such conditions as he imposes: Provided always, that from sunset to sunrise during the season of navigation suitable lights shall be maintained upon the said bridge to guide vessels approaching the same: Provided further that that portion of the said bridge which crosses the navigable part of the Second Narrows of Burrard Inlet shall either be at least one hundred and fifty feet in clear height above high water level, or shall contain a draw or swing span of at least one hundred and fifty feet clear opening.

No discrimination in use of tunnel and bridge.

5. So soon as the tunnel and bridge, or either of them, is completed and ready for traffic, all trains, cars, rolling stock and traffic of all railways and all street railways connecting with the same, now constructed or hereafter to be constructed, and also the trains, cars, rolling stock and traffic of all companies whose lines connect with the lines of any company so connecting with the said tunnel and bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said tunnel and bridge, so that no discrimination or preference in the passage of the said tunnel and bridge and approaches, or in tariff rates for transportation, shall be made in favour of or against any railway or street railway whose business or trains or cars pass over the said bridge or through the said tunnel.

6. In case of any disagreement as to the rights of any railway company whose business or trains pass through the tunnel or over the bridge, or as to the tariff rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council, as provided in section eleven of *The Railway Act*.

Disputes settled by Railway Committee.

7. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

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

Capital stock.

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

Annual general meeting.

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

Election of directors.

11. The Company may issue bonds, debentures or other securities to the extent of five hundred thousand dollars in aid of the construction of the tunnel, and secured by a deed of mortgage describing the property charged as security for such bonds or debentures and such bonds shall be designated as "series A," and in addition thereto bonds to an amount not exceeding five hundred thousand dollars may be issued in aid of the construction of the bridge, and shall be designated as "series B," and shall in like manner be secured by a deed of mortgage specifying the security therefor: and such deeds of mortgage may contain provisions that all tolls and revenues derived from the use of the tunnel and bridge, or either of them, by other corporations or persons, shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the tunnel and bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Issue of debentures.

Series A.

Series B.

Security of bonds.

12. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Railway Act*.

Chapter 29 of 1888.



55-56 VICTORIA.

CHAP. 66.

An Act to incorporate the High River and Sheep Creek Irrigation and Water-power Company.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS the persons whose names are hereinafter mentioned have by their petition, prayed to be incorporated, with such other persons as shall be associated with them, as a Company, under the name of "The High River and Sheep Creek Irrigation and Water-power Company," with certain powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John Lineham, Dewdney; James Gerald Fitzgerald, Calgary; William Roper Hull, Calgary; Richard G. Robinson, Elbow Park, Calgary; and Robert Hamilton, Dewdney, all of the provisional district of Alberta, together with such other persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate under the name of "The High River and Sheep Creek Irrigation and Water-power Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the town of Calgary.

Provisional directors.

3. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Capital stock.

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

Annual meeting.

5. The annual general meeting of the shareholders shall be held on the second Monday in January in each year.

Powers.

6. The Company may, within the district of Alberta, in the North-west Territories, for the purposes of irrigation of

land or supply of water-power, excavate, construct, maintain and operate an irrigation ditch or canal from some point on High River, west of the Macleod trail, to some point at or near the junction of the Little Bow and Belly Rivers; also, an irrigation ditch or canal from some point at or near the source of Little Bow River, to some point on Belly River near the mouth of Little Bow River; also, an irrigation ditch or canal from some point on Sheep Creek, west of Macleod trail, to some point on High River, or to some point on Belly River, and all necessary cross or branch ditches or canals; acquire by purchase or otherwise the necessary land; and collect such rates or charges for water supplied for irrigation or other purposes as are from time to time fixed by by-law of the Company; and the tariff of such rates or charges shall be submitted to and approved of by the Governor in Council before any such rates or charges are exacted or recovered, and such tariff may be revised and altered from time to time by the Governor in Council.

Approval of tariff.

7. The consent of the municipal council having first been obtained, the Company may break up, dig and trench on so much and so many of the streets, roads, sidewalks, pavements, squares, highways, lanes and public places of any municipality, as are necessary for the laying of mains and pipes to conduct the water from the works of the Company to the consumers thereof.

Right to break up streets, &c.

8. The Company may construct, maintain and erect dams, and all necessary appurtenances thereto, at such points in the said rivers and creek as may be found necessary for the purpose of the Company; and may, in connection with their works, erect, maintain and operate mills or manufactories of any description, operated by water.

Construction of dams, &c.

Mills.

9. The Company may supply water for irrigation purposes or furnish water-power to any municipality, corporation or individual.

Water-power.

10. No work for the construction or operation of either ditches or canals, or for the construction from time to time of cross or branch ditches, shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council and such conditions as he thinks fit to impose for the public good have been complied with; nor shall any such plan be altered or deviations therefrom be allowed, except by permission of the Governor in Council and upon such conditions as he imposes.

Plans to be submitted to Governor in Council.

11. *The Railway Act*, so far as applicable and when not inconsistent with this Act, shall apply to the Company hereby incorporated and to the undertaking of the Company.

The Railway Act to apply.

“Company” defined. (a.) Wherever, in *The Railway Act*, the expression “company” occurs, it shall mean the Company hereby incorporated.

“Railway” defined. (b.) Wherever, in *The Railway Act*, the expression “railway” occurs, it shall mean the canal or ditch or branch canal or cross ditch authorized by this Act to be constructed.

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55-56 VICTORIA.

CHAP. 67.

An Act respecting the Bell Telephone Company of Canada.

[Assented to 9th July, 1892.]

WHEREAS the Bell Telephone Company of Canada have, Preamble.
by their petition, represented that they are desirous of increasing their capital stock, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The capital stock of the Bell Telephone Company of Canada may be increased to an amount not exceeding five million dollars, including the present authorized stock ; and such increase may be effected in the manner provided by, and shall be subject to the provisions contained in, section five of chapter sixty-seven of the Statutes of 1880. Increase of capital stock.

2. Notwithstanding the provisions of the Act incorporating the Company and of the Acts amending the same, the power of the Company to issue bonds or debentures from time to time shall be limited to a sum not exceeding in the whole five hundred thousand dollars. Issue of bonds limited.

3. The existing rates shall not be increased without the consent of the Governor in Council. Increase of rates.

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55-56 VICTORIA.

CHAP. 68.

An Act respecting the Boiler Inspection and Insurance Company of Canada.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS the Boiler Inspection and Insurance Company of Canada has, by its petition, prayed that an Act be passed conferring on it the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Additional powers.

1. Subject to the provisions of *The Insurance Act*, the Boiler Inspection and Insurance Company of Canada, in addition to the powers granted to it by the Acts relating to the Company, may transact and carry on the business of insurance and reinsurance against loss or damage arising from breakage of, or injury to, any part of elevators, or hoists, or other machinery used for, or in connection with, passenger or other traffic in any warehouse, dwelling, office, or other building, and whether such elevator or hoist is operated by steam, hydraulic, electric, or other appliance of power,—against loss or damage arising from injury to machinery used for the production of electricity as a motive power, or illuminating agent,—against loss or damage arising from the breakage of, or injury to, steam engines or parts thereof, or other machinery used for the production of power,—against loss or damage arising from the breakage of, or injury to, shafting, hangers, pulleys, belts or ropes, or other appliances used for the transmission of power,—and against loss of human life, or injury to person, from the explosion of steam boilers, or from the breakage of, or injury to, any of the classes of machinery enumerated in this Act; provided however, that the amount of insurance in respect of loss of life or injury to person upon any single risk shall not exceed two thousand dollars.

2. Before the Company is entitled to exercise the enlarged powers given by this Act, its subscribed capital shall be increased to at least two hundred thousand dollars, and the amount deposited by it with the Minister of Finance and Receiver General shall be increased to at least sixty thousand dollars.



55-56 VICTORIA.

CHAP. 69.

An Act to incorporate the Victoria Life Insurance Company.

[Assented to 9th July, 1892.]

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purpose of establishing a company to carry on the business of life insurance in all its branches, and have represented that such a company would be of public benefit, and whereas it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. Herbert C. Hammond, William Thomas, W. N. Miller, R. D. Gamble and Robert H. Bethune, all of Toronto, together with such persons as become members and shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of "The Victoria Life Insurance Company," hereinafter called "the Company."

Incorporation.
Corporate name.

2. The Company may effect contracts of insurance throughout Canada and elsewhere with any persons or corporations on life or lives, may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches.

Business of the Company.

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

Capital stock.

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

Increase of capital stock.
Subject to approval of shareholders.

Provisional directors and their powers.

4. The persons whose names are set forth in the first section hereof, with such other persons, not exceeding four, as they associate with them, shall be provisional directors of the Company, and five of them 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 withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

Election of directors.

5. So soon as three hundred thousand dollars of the capital stock of the Company have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of Toronto, in the province of Ontario,—at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors.

Qualification of director.

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

Holders of participating policies.

6. All persons who are actual holders of policies from the Company, 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 be entitled to attend and vote in person at all general meetings of the Company, except at those called for the purpose of increasing the capital stock of the Company (and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the 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.

2. A husband or father holding a participating policy on his life for the benefit of his wife or children shall be deemed a member of the Company.

Calls on stock.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice thereof shall be given: Provided, that the Company shall not commence the business of insurance until sixty-two thousand five hundred

Commencement of business.

dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

Ten per cent
at least to be
paid.

8. The affairs of the Company shall be managed by a board of not less than seven nor more than twenty directors, of whom five shall be a quorum.

Board of
directors.

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

Annual gener-
al meeting.

10. Until otherwise determined by the directors, the head office of the Company shall be in the city of Toronto, and the directors may from time to time change the head office to some other place in Canada, and branches, sub-boards or agencies may be established either within Canada or elsewhere in such manner as the directors from time to time appoint.

Offices of the
company.

11. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the policies of the Company, or any one or more of them, or on the security of any of the said debentures, bonds, stocks, securities, policies, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stock, securities, policies or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds, or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for term or terms of years, or in ground rents on real estate or other estate or interests in real property or mortgage security thereon in any province of Canada; and may take, receive and hold all or any of such securities in the name of the Company, or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Investment of
funds.

2. Any investment or loan above authorized to be made may be on such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest, as the directors from time to time determine, and either in satisfaction of, or as collateral security for, debts to the Company or

Terms and
conditions of
loans.

judgments recovered against any person or body corporate in its behalf, or in security for the payment thereof or of any part thereof.

Further security.

3. Provided further that the Company may take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.

Investment in foreign securities.

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

Powers as to real estate.

Proviso as to sale of property acquired under mortgage.

13. The Company may hold such real estate as is *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company; otherwise it shall revert to the previous owner or to his heirs or assigns.

Real estate required for use, &c.

14. The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Company, but the annual value thereof 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.

15. The directors may from time to time set apart such portion of the net profits as they shall deem safe and proper, for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been 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, but 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, and the directors shall not be obliged to allot such portion of profits to such holders of participating policies oftener than once in five years.

Power to charge certain policy-holders with losses.

16. The directors shall also have power during any current dividend period to charge the holders respectively of participating policies with losses to the extent to which they have been credited with profits during such dividend period, if the losses require it, and retain the amount so charged out of such profits, or such profits as are declared as such and credited to such

holders of participating policies at any time ; but the holders of policies shall not as such be liable to any other or greater extent than expressed by the terms of their policies.

17. Whenever any holder of a policy shall have paid two or more annual premiums thereon and shall fail to pay any further premium, or shall desire to surrender the policy, the premiums paid shall not be forfeited but he shall be entitled to receive a paid-up 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 to be ascertained upon principles to be adopted by by-laws applicable generally to all such cases as may occur, provided he shall demand such paid-up and commuted policy or such cash payment while the original policy is in force, or within six months after his failure to pay a premium thereon.

Rights of certain policy-holders.

Proviso.

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*.

R.S.C., c. 124 to apply.

19. Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby incorporated and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 118 to apply, except sections 18 and 39.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



55-56 VICTORIA.

CHAP. 70.

An Act respecting the Montreal Board of Trade.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS the Montreal Board of Trade has, by its petition, prayed that an Act be passed amending, as hereinafter set forth, the Acts relating to it, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Limit of real and personal property.

1. The Montreal Board of Trade, notwithstanding anything contained in the Acts relating thereto, may acquire and hold real and personal estate not exceeding together in clear value the sum of one million dollars ; and may alienate, sell, convey, lease or hypothecate in favour of trustees, or otherwise dispose of the same or any part thereof, from time to time, as occasion requires, and may acquire other estate real or personal instead thereof.

Powers to dispose thereof.

Section 13, c. 55 of 1886 amended.

2. Section thirteen of chapter fifty-five of the Statutes of 1886 is hereby amended by striking out in line five the words “ five hundred thousand ” and substituting therefor the words “ one million ” ; and also by inserting in line fifteen after the word “ tie ” the words “ for the imposition, rate and payment of subscriptions, assessments and fines.”

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



55-56 VICTORIA.

CHAP. 71.

An Act to incorporate the Dominion Millers' Association.

[Assented to 9th July, 1892.]

WHEREAS the persons hereinafter named have by their Preamble petition prayed for the incorporation of themselves and others under the name of "The Dominion Millers' Association," with certain powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. E. Peplow, of Peterboro'; William Galbraith and John Incorporation. Brown, both of Toronto; J. D. Saunby, of London; J. Hamilton, of Glen Huron; E. S. Edmondson, of Oshawa; M. F. Beach, of Iroquois; M. McLaughlin and J. L. Spink, both of Toronto; A. Wolverton, of Wolverton; Robert Shirra, of Caledonia; J. A. Brackenridge, of Nottawa; George H. Harper, of Dundas; R. C. Scott, of High Gate; G. S. Baldwin, of Aurora; M. N. Stephens, of Glen Cairn; John Wright, of Owen Sound; Angus Plewes, of Markdale; James Wells, of Plattsville; J. G. Bechtel, of Burford; H. S. Moore, of Norwich; S. R. Stuart, of Mitchell; S. Plewes, of Creemore; A. Sydney Smith, of Port Sydney; J. R. Dafoe, of Napanee; and Hedley Shaw, of Cainsville, and such other persons carrying on business as millers in Canada as are associated with the persons above named for the purposes of this Act, are hereby constituted a body corporate, by the name of "The Dominion Corporate name. Millers' Association," hereinafter called "the Association."

2. The Association may acquire and hold, under any title Powers as to property. whatsoever, property, real and personal, may alienate, sell and convey, lease or otherwise dispose thereof or any part thereof from time to time, as occasion requires, and may acquire other property, real or personal, instead thereof: Provided always, that the clear annual value of the real estate held by the Association at one time shall not exceed the sum of five thousand dollars.

Objects of the Association.

3. The objects of the Association are to promote, extend and improve the manufacture of flour and meal, the business of flour milling generally in Canada, and the shipping and sale to foreign markets, as well as to the markets of this country, of grain, flour and meal, and to assist the members of the Association with regard to the matters aforesaid, as provided by by-law, and to arbitrate, adjust, settle and determine controversies and misunderstandings between persons engaged in the said trades, or such as are submitted for arbitration as hereinafter provided ; but nothing herein contained shall be construed as constituting the Association a trading company, or empowering them to engage as a trading association in the business of buying and selling grain, flour or other merchandise ; nor shall the Association, by rule, regulation, by-law, or otherwise, fix or determine, or endeavour to fix or determine, in any way whatever, the price that the members or any of them shall pay or offer for grains in Canada.

Limitation.

Domicile.

4. The place of meeting of the Association shall be in the city of Toronto, or such other place as is appointed by by-law ; and such place of meeting shall be held to be the legal domicile of the Association.

Executive committee.

5. For the management of the affairs and business of the Association there shall be an executive committee consisting of a president, vice-president, treasurer, and of such other number of members as is from time to time provided by by-law, all of whom shall be members of the Association and shall be elected annually at such time and place, in such manner and under such regulations as are from time to time determined by the by-laws of the Association ; and in case of a vacancy, such vacancy shall be filled in the manner provided by the by-laws of the Association ; a majority or such number as is fixed by the by-laws of the Association shall constitute a quorum of such executive committee for the transaction of business.

Provisional committee.

6. E. Peplow, W. Galbraith, John Brown, J. D. Saunby, J. Hamilton, E. S. Edmondson and M. F. Beach shall be the executive committee of the Association until others are elected in their place under the provisions of this Act ; and the committee hereby appointed shall, until the said election, have all the powers assigned to the executive committee by this Act, and may open the books, enroll members and receive subscriptions, call the necessary meetings, and make the necessary regulations for the first election of the executive committee, and do all matters and things necessary for the full organization of the Association.

Who may be admitted as members.

7. Such persons as are owners of a mill for the manufacture of flour or meal, or lessees of such a mill, actually carrying on

the business of milling therein, and such other persons as are by by-law hereafter provided, shall be eligible as members of the Association.

8. An annual meeting of the members of the Association shall be held for the election of the president and other officers of the Association, and members of the executive committee, and for such other business as is brought before such meeting, at such time and place, and under such regulations and notices as are provided by the by-laws of the Association. Annual meeting.

9. The Association, or the majority of the members present, such number being not less than twenty, at any annual or general meeting, may make and enact such by-laws, rules and regulations for the government of the Association, providing for the admission, expulsion or retirement of members, the subscriptions and fees to be paid by members, for the calling of meetings, for the election and guidance of the president, vice-president and other members of the executive committee and committees, including a board of arbitration, and such other officers as are deemed necessary, and defining their duties and powers, and all other by-laws in accordance with the requirements of this Act or the laws of Canada, and for the carrying on of the affairs of the Association generally, as seems expedient; and such by-laws shall be binding on the Association, its officers and servants, and all other persons lawfully under its control; but every such by-law, and every repeal, amendment, or re-enactment thereof passed at any meeting, except an annual meeting, unless in the meantime confirmed at a general meeting of the Association duly called for that purpose by giving ten days' notice thereof, shall have force only until the next annual meeting of the Association, and in default of confirmation thereat shall, at and from that time only, cease to have force. By-laws

10. The Association may provide by by-law for the election, or appointment by nomination, of seven arbitrators, members of the Association, three of whom may decide such controversies, disputes or misunderstandings relating to any commercial or other matters connected with the objects of the Association which arise between the members of the Association, or any persons claiming by, through or under them, as are voluntarily submitted for arbitration by the parties to the dispute, and may provide by by-law any form of agreement, or submission to arbitration, between its members, not contrary to law; and nothing shall prevent the parties in any case from naming members of the Association, other than members of the board of arbitrators, as the arbitrators to whom the matter shall be submitted. Arbitrators.

11. The elected or appointed arbitrators shall, after their election or appointment, and before they act as arbitrators, Arbitrators to be sworn.

take and subscribe an oath before a justice of the peace, or a commissioner appointed to receive affidavits in the Superior Court (who are hereby empowered to administer such oath, which may be in the form in schedule A to this Act,) that they will faithfully, diligently and impartially perform their duties as arbitrators, and will in all cases submitted give a true and just award according to the best of their judgment and ability, without fear, favour or affection of or for any party or person; and the arbitrators appointed by the parties shall in each case, before they act, take and subscribe a similar oath in the manner aforesaid.

Examination
under oath.

12. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine under oath (which oath any one of such three members is hereby empowered to administer, and which may be in the form in schedule B to this Act) any party or witness appearing before them to be examined, and shall give an award thereupon in writing; and their award, or that of any two of them, given in such case, shall bind the parties according to the terms of submission and the provisions of this Act.

Award.

Recovery of
moneys due to
Association
by members.

13. All subscriptions of members, all penalties incurred under any by-law, and all other sums of money due by any member of the Association, may, in default of payment, be recovered in any action brought in the name of the Association; and it shall only be necessary to allege in any such action that the defendant is or has been a member of the Association, and that he is indebted to the Association in the amount claimed in respect of subscription, penalty, or otherwise; and a certificate, under the seal of the Association, and signed by the president or vice-president and secretary, to the effect that the defendant is or has been such member, and that he is so indebted as alleged, shall be received in all courts as *prima facie* evidence of such indebtedness.

Branch Asso-
ciations.

14. The Association may provide for the formation, in accordance with such rules and regulations as are adopted for the purpose, of branch associations in any city, town, county or territorial division as to the Association appears expedient, and may alter the organization of or dissolve such branches; but no such branch shall be deemed to be a separate association.

Suspension
and expulsion
of members.

15. The Association may suspend any member and debar him from the privileges of and incidental to membership, for such cause and in such manner as are provided from time to time by the by-laws of the Association, and may also expel any member for such cause and in such manner as are provided from time to time by the by-laws of the Association.

SCHEDULE A.

Form of Oath—Arbitrators.

I, _____ solemnly swear that I will faithfully, diligently and impartially perform my duty as arbitrator, and that I will in all cases [*or in the case between* and _____, now] submitted to me, give a true and just award according to the best of my judgment and ability, without fear, favour or affection, of or for any party or person whomsoever: So help me God.

SCHEDULE B.

Form of Oath—Witnesses.

I, _____ solemnly swear that I will true answer make to all such questions as shall be asked of me as a witness under examination in this case, between _____ and _____, and that therein I will to the best of my knowledge, information and belief, speak the truth, the whole truth, and nothing but the truth: So help me God.

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55-56 VICTORIA.

CHAP. 72.

An Act to incorporate W. C. Edwards and Co., Limited.

[Assented to 10th May, 1892.]

Preamble

WHEREAS John Archibald Cameron, of the city of Ottawa, in the county of Carleton, William Cameron Edwards, of the village of Rockland, in the township of Clarence, John Cameron Edwards, of the said city of Ottawa, James Wood, of the village of Rockland aforesaid, Alexander H. Edwards, of the town of Carleton Place, in the county of Lanark, Russell Gordon Edwards and John Allan Cameron, of the city of Ottawa, all of the province of Ontario, have, by their petition, represented that they are desirous of becoming incorporated under the name of W. C. Edwards and Co., Limited, and have prayed that an Act be passed for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The persons named in the preamble to this Act, and such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "W. C. Edwards and Co., Limited," hereinafter called "the Company."

Corporate name.

Object and general powers of Company

2. The Company may carry on throughout the Dominion of 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, including the manufacture of furniture, doors, sashes, blinds, and any other articles of which wood shall form a component part, and also of pulp, wood pulp, and other products from wood or wood materials, and also of bricks of every material, and also the business of wharfingers, shippers and vessel owners; and may, for all or any of the said purposes, purchase, hold, lease or otherwise acquire any licenses to cut timber, timber limits, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable, and improve, extend, manage, develop, lease, mortgage, exchange, sell, dis-

pose of, turn to account, or otherwise deal in and with the same; and may establish shops or stores on the said lands, and may purchase and vend general merchandise, and carry on farming and stock-raising, and generally do all such other things as are incidental or conducive to the attainment of the above objects;

2. The Company may purchase or otherwise acquire and work mines, mineral and mining rights, lands, hereditaments and chattels in the Dominion of Canada, and may crush, smelt, reduce, amalgamate the ore, to render marketable the produce and to develop the resources of the same mines, to crush, smelt, reduce, and amalgamate the produce of any mines whether belonging to the said Company or not;

Purchase of mines, &c.

3. Also may construct or aid in and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharves, viaducts, aqueducts, flumes, ditches, quartz mills, mills, ore houses and other buildings and works which may be necessary or convenient for the purposes of the said Company;

Construction of necessary works.

4. Also may construct, charter, and employ vessels for the purposes aforesaid, and for the purpose of transporting the produce of the mills, mines and works to any place or places within Canada or elsewhere;

Charter of vessels, &c.

5. Also 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 sublet any property of the Company, and sell or otherwise dispose of the business, property or undertaking, 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;

Purchase of other property within objects of the Company.

Power to let, sub-let or sell business.

6. Nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid.

Acquisition of real estate limited.

3. The Company may also purchase, take over or otherwise acquire all or any of the business or businesses now being carried on by the said John Archibald Cameron, William Cameron Edwards, John Cameron Edwards, and James Wood, at the village of Rockland and elsewhere, and the whole or any of the good-will, stock-in-trade, assets and property, real and personal, movable and immovable, of the said John Archibald Cameron, William Cameron Edwards, John Cameron Edwards, and James Wood, subject to the obligations, if any, affecting the same; and may pay the price thereof wholly or partly in cash or wholly or partly in fully paid-up or partly paid-up shares or stock of the Company, or wholly or partly in debentures of the Company, or otherwise; and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said business or businesses so carried on by the said John Archibald Cameron,

Purchase of certain business.

Mode of payment.

William Cameron Edwards, John Cameron Edwards, and James Wood, and also the obligations affecting the assets and property so purchased from them.

Shares in another company.

4. The Company may take or otherwise acquire and hold shares in any boom or river improvement company and may sell or otherwise deal in the same.

Promissory notes, &c.

Proviso.

5. The Company may make, accept, endorse or execute cheques, promissory notes, bills of exchange, warehouse receipts, bills of lading and other negotiable instruments: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Power to borrow money.

6. The directors of the Company may from time to time, at their discretion, borrow moneys for the purposes of the Company, and 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 the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Issue of debentures.

7. The directors of the Company, under the authority of the shareholders given at any 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, which shall not be less than one hundred thousand dollars, 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 section three of 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 the Company: Provided that the total amount of debentures at any time outstanding shall not exceed four hundred thousand dollars; 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 the trustee or trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

Amount limited.

Capital stock.

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

- 9.** John Archibald Cameron, William Cameron Edwards, John Cameron Edwards, James Wood and Alexander H. Edwards shall be the first or provisional directors of the Company, and shall hold office as such 'until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the village of Rockland at such times as they determine: Provided that notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding the same, shall be mailed by registered letter to the address of each of the other directors not less than ten days previous to the date of such meeting. A majority of the provisional directors shall form a quorum.
- Provisional directors.
Notice of meeting.
Quorum.
- 10.** At any time after the passing of this Act the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company to be held at the village of Rockland at such time 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 the provisional directors calling any such meeting, of 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.
- First meeting of shareholders.
Notice of meeting.
- 11.** The directors and provisional 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.
- Minimum number of directors.
Exception.
- 12.** The head office of the Company shall be at the village of Rockland; but every place in Canada at or in which the Company has an office or place of business open shall be deemed to be a domicile of the Company: Provided that the domicile of the Company in Ontario shall be at the village of Rockland aforesaid.
- Head office.
Proviso.
- 13.** Section eighteen of *The Companies Clauses Act* shall not apply to the Company.
- R.S.C., c. 118.



55-56 VICTORIA.

CHAP. 73.

An Act to amend the Act to incorporate the McKay Milling Company.

[Assented to 12th April, 1892.]

Preamble.

WHEREAS the McKay Milling Company have, by their petition, prayed for the passing of an Act to amend as hereinafter set forth the Act incorporating the Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 9,
c. 125 of 1891,
repealed.

1. Section nine of the Act incorporating the McKay Milling Company, being chapter one hundred and twenty-five of the Statutes of 1891, is hereby repealed and the following substituted therefor :—

Certain share-
holders to re-
ceive prefer-
ential divi-
dends.

“9. The holders of the preference shares in the Company shall be entitled to receive out of the profits every year a preferential dividend at the rate of seven per centum per annum on the amount for the time being paid up on the preference shares held by them respectively, and the dividends on such shares shall be preferential, as between the holders thereof and the holders of ordinary shares, at a rate not exceeding seven per centum per annum, payable at such periods, and in such manner as the directors may determine, and shall be cumulative; and until such preferential dividends as may be declared have been paid, no dividend shall be declared or paid on the ordinary shares of the said Company, and afterwards shall only be so paid out of the balance of profits which shall remain after payment of the said preferential dividends; and in the event of the distribution of the assets of the said Company by any process of law, the holders of such preferential shares shall have priority of rank over the holders of ordinary shares, and shall be paid in full the amount of such preferential shares before any payment shall be made to the said holders of ordinary shares.”

Rate of divi-
dend.

Priority of
preferential
shares.



55 - 56 VICTORIA.

CHAP. 74.

An Act respecting the Nova Scotia Steel and Forge Company (Limited).

[Assented to 10th May, 1892.]

WHEREAS the Nova Scotia Steel and Forge Company, Preamble. Limited, hereinafter called "the Company," was duly incorporated under the provisions of *The Canada Joint Stock Companies Act, 1877*, on the tenth day of July, one thousand eight hundred and eighty-two, under the name of "The Nova Scotia Steel Company, Limited"; and whereas, by supplementary letters patent dated the seventeenth day of September, one thousand eight hundred and eighty-six, the said letters patent were enlarged; and whereas, by supplementary letters patent dated the fifth day of September, one thousand eight hundred and eighty-eight, the said letters patent were further enlarged and the name of the Company was changed from "The Nova Scotia Steel Company, Limited," to "The Nova Scotia Steel and Forge Company, Limited"; and whereas a petition has been presented praying for the passing of an Act to confirm the said letters patent and supplementary letters patent as set forth in the schedule to this Act, and to grant additional powers, as hereinafter set forth, to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The letters patent and supplementary letters patent Letters patent confirmed. set out in the schedule to this Act, and granted under *The Canada Joint Stock Companies Act, 1877*, to the Nova Scotia Steel and Forge Company (Limited), are hereby ratified and confirmed, and held as binding as if originally granted by an Act of the Parliament of Canada; and all proceedings taken by the Company in virtue thereof are hereby declared to be as valid and binding as if the powers granted by the said letters patent and supplementary letters patent had been originally granted by an Act of the Parliament of Canada.

Capital stock
and shares.

2. The Company may divide its capital stock into five thousand preferred shares of one hundred dollars each, and five thousand ordinary shares of one hundred dollars each.

Preference
shares privi-
leged.

3. The preference shares shall have the special incidents and privileges defined by the following paragraphs :—

(a.) The profits of each year shall be first applied to pay a cumulative preferential dividend at the rate of eight per cent per annum.

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

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

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

(e.) Holders of such preference stock shall be shareholders within the meaning of *The Companies Act*, and shall, in all respects, possess the rights and be subject to the liabilities of shareholders within the meaning of that Act.

(f.) Nothing in this section shall affect or impair the rights of creditors of the Company.

Original pre-
ference shares

4. The preference shares heretofore issued under the authority of the supplementary letters patent dated the seventeenth day of September, one thousand eight hundred and eighty-six, hereinbefore referred to, consisting of fifteen hundred shares of one hundred dollars each, shall form part of the five thousand preference shares referred to in this Act, but shall have a first preference until they are paid and cancelled as provided in the said supplementary letters patent.

2. When the said preference shares heretofore issued are paid and cancelled, the Company may issue preference stock amounting to fifteen hundred shares, which when issued under the provisions hereinbefore contained, shall form part of the five thousand shares preferred stock authorized by this Act.

SCHEDULE.

Letters Patent incorporating the Nova Scotia Steel Company, (Limited), dated 10th July, 1882. Recorded 3rd August, 1882. Lib. 84, Folio 259.

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING :

WHEREAS, in and by a certain Act of the Parliament of Canada, known as *The Canada Joint Stock Companies Act, 1877*, it is, amongst other things in effect enacted, that the Governor in Council may, by letters patent, under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons, and others who may become shareholders in the Company thereby created, a body corporate and politic, for any purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways, or the business of banking and the issue of paper money, or insurance, upon the applicants therefor establishing to the satisfaction of the Secretary of State, or of such other officer as may be charged by the Governor in Council to report thereon, due compliance with the several conditions and terms in and by the said Act set forth and thereby made conditions precedent to the granting of such charter,—

And whereas James D. McGregor, merchant; Graham Fraser, manufacturer; and James Matheson Carmichael, merchant, all of the town of New Glasgow, in the province of Nova Scotia, in our Dominion of Canada; John Fitz-William Stairs, of the city of Halifax, in the county of Halifax, in the province of Nova Scotia aforesaid, manufacturer; Henry Skeffington Poole, of Stellarton, in the county of Pictou, in the said province of Nova Scotia, mining engineer; George Forrest McKay, manufacturer; Andrew Walker, accountant; Duncan Cameron Fraser, Esquire, barrister-at-law; Angus Chisholm, merchant; James Eastwood, jeweller; William Stewart, contractor; George William Underwood, merchant; Robert Sprott McCurdy, merchant; Donald Grant, manufacturer; George McDougall, gentleman; Robert Archibald Walker, merchant; John Heywood MacGregor, merchant; Adam Carr Bell, druggist; James Roy, trader; John Ross, farmer; and Simon Albert Fraser, manufacturer, all of the said town of New Glasgow; John Benjamin Burland (in trust) of the city of Montreal, in the province of Quebec, in our said Dominion of Canada, agent; John Smith Maclean, merchant; John Alexander Matheson, merchant; Thomas Bayne, merchant; James Farquhar, banker; Alexander Forrest, banker; and Thomas Andrew Ritchie, gentleman, all

all of the said city of Halifax ; Thomas Cumming, clergyman ; and Catherine Dickson, widow, both of Stellarton aforesaid ; Thomas Watson, bank manager ; John McKeen, bank clerk ; Howard Primrose, merchant ; Clarence Primrose, merchant ; Roderick McKenzie, gentleman ; John Crerar, gentleman ; William Grant Crerar, gentleman ; the Honourable Robert Patterson Grant, senator, and Daniel McDonald, collector of customs, all of the town of Pictou, in the said county of Pictou ; William McDonald, of the town of Antigonish, in the county of Antigonish, in the said province of Nova Scotia, medical doctor ; Henry Marshall Jost, of the town of Guysborough, in the county of Guysborough, in the said province of Nova Scotia, merchant ; and Jonathan Hartley, of Pirate Cove, in the said county of Guysborough, merchant, have petitioned for a charter under the said Act, constituting them and such others as may become shareholders in the company thereby created, a body corporate and politic, under the name of the " Nova Scotia Steel Company (Limited)," for the purposes hereinafter mentioned, and have established to the satisfaction of the Secretary of State for Canada (no other officer having been charged by the Governor in Council to report thereon), due compliance with the several conditions and terms above referred to.

And whereas, among other things, it is in the notice of this application and in the said petition averred, and it has been established, that the amount of the capital stock of the intended Company is one hundred and sixty thousand dollars, divided into one hundred and sixty shares of one thousand dollars each.

That the said James D. McGregor has taken ten shares of the said stock, and has paid in thereon the sum of one thousand dollars ; that the said Graham Fraser has taken fifteen shares of the said stock, and has paid in thereon the sum of one thousand five hundred dollars ; that the said James Matheson Carmichael has taken ten shares of the said stock, and has paid in thereon the sum of one thousand dollars ; that the said John Fitz-William Stairs has taken six shares of the said stock, and has paid in thereon the sum of six hundred dollars ; that the said Henry Skeffington Poole has taken five shares of the said stock, and has paid in thereon the sum of five hundred dollars ; that the said George Forrest McKay has taken fifteen shares of the said stock, and has paid in thereon the sum of one thousand five hundred dollars ; that the said Andrew Walker has taken six shares of the said stock, and has paid in thereon the sum of six hundred dollars ; that the said Duncan Cameron Fraser has taken three shares of the said stock, and has paid in thereon the sum of three hundred dollars ; that the said Angus Chisholm has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said James Eastwood has taken three shares of the said stock, and has paid in thereon the sum of three hundred dollars ; that the said William Stewart has taken two shares of the said

stock, and has paid in thereon the sum of two hundred dollars ; that the said George William Underwood has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said Robert Sprrott McCurdy has taken three shares of the said stock, and has paid in thereon the sum of three hundred dollars ; that the said Donald Grant has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said George McDougall has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said Robert Archibald Walker has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said John Heywood MacGregor has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said Adam Carr Bell has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said James Roy has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said John Ross has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said Simon Albert Fraser has taken ten shares of the said stock, and has paid in thereon the sum of one thousand dollars ; that the said John Benjamin Burland has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said John Smith Maclean has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said John Alexander Matheson has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said Thomas Bayne has taken five shares of the said stock, and has paid in thereon the sum of five hundred dollars ; that the said James Farquhar has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said Alexander Forrest has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said Thomas Andrew Ritchie has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said Thomas Cumming has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said Catherine Dickson has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said Thomas Watson has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said John McKeen has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars ; that the said Howard Primrose has taken four shares of the said stock, and has paid in thereon the sum of four hundred dollars ; that the said Clarence Primrose has taken four shares of the said stock, and has paid in thereon the sum of four hundred dollars ; that the said Roderick McKenzie has taken two shares of the said stock, and has paid in thereon the sum of two hundred dollars ; that the said John Crerar has taken three

shares of the said stock, and has paid in thereon the sum of three hundred dollars; that the said William Grant Crerar has taken five shares of the said stock, and has paid in thereon the sum of five hundred dollars; that the said Robert Patterson Grant has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars; that the said Daniel McDonald has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars; that the said William McDonald has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars; that the said Henry Marshall Jost has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars; that the said Jonathan Hartley has taken one share of the said stock, and has paid in thereon the sum of one hundred dollars.

That the aggregate of the capital stock taken is one hundred and forty-two thousand dollars, and the aggregate paid in thereon is sixteen thousand and sixty-eight dollars and thirty-two cents, such aggregate has been paid in to the credit of the said Company in the Bank of Nova Scotia, in the said town of New Glasgow, being a chartered bank in Canada, and is now standing at such credit.

Now know ye, that, by and with the advice of our Privy Council for Canada, and under the authority of the hereinbefore in part recited Act, and of any other power and authority whatsoever in us vested in this behalf, we do, by these our letters patent, constitute the said James D. McGregor, Graham Fraser, James Matheson Carmichael, John Fitz-William Stairs, Henry Skeffington Poole, George Forrest McKay, Andrew Walker, Duncan Cameron Fraser, Angus Chisholm, James Eastwood, William Stewart, George William Underwood, Robert Sprott McCurdy, Donald Grant, George McDougall, Robert Archibald Walker, John Heywood MacGregor, Adam Carr Bell, James Roy, John Ross, Simon Albert Fraser, John Benjamin Burland, John Smith Maclean, John Alexander Matheson, Thomas Bayne, James Farquhar, Alexander Forrest, Thomas Andrew Ritchie, Thomas Cumming, Catherine Dickson, Thomas Watson, John McKeen, Howard Primrose, Clarence Primrose, Roderick McKenzie, John Crerar, William Grant Crerar, Robert Patterson Grant, Daniel McDonald, William McDonald, Henry Marshall Jost, and Jonathan Hartley, and all others who may become shareholders in the said Company, a body corporate and politic, by the name of the "Nova Scotia Steel Company (Limited)," with all the rights and powers given by the said Act, and for the purposes of the making of steel from scrap steel, scrap iron and pig iron, the product to be manufactured into plough plates, spring steel, steel springs, &c.

That the place within the Dominion of Canada which is to be the chief place of business of the said Company, is the said town of New Glasgow.

The capital stock of the said Company shall be one hundred and sixty thousand dollars, divided into one hundred and sixty shares of one thousand dollars each, subject to the increase of such capital stock under the provisions of the said Act.

That the said James D. McGregor, Graham Fraser, James Matheson Carmichael, John Fitz-William Stairs and Henry Skeffington Poole, are to be the first or provisional directors of the said Company.

Provided always that nothing in these presents expressed or contained shall be taken to authorize the construction or working of railways, the business of banking, or the issue of paper money, or of insurance by the said Company.

In testimony whereof we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed. Witness: JOHN JOSEPH MCGEE, Esquire, Deputy of our Right Trusty and Well-beloved Councillor Sir John Douglas Sutherland Campbell (commonly called the Marquis of Lorne), Knight of our most Ancient and most Noble Order of the Thistle, Knight Grand Cross of our most Distinguished Order of St. Michael and St. George, Governor General of Canada and Vice-Admiral of the same,

At our Government House, in our city of Ottawa, this tenth day of July, in the year of our Lord one thousand eight hundred and eighty-two, and in the forty-sixth year of our reign.

By command,

EDOUARD J. LANGEVIN,

Under Secretary of State.

Supplementary Letters Patent to the "Nova Scotia Steel Company (Limited)," confirming a By-law of the said Company passed on the 20th February, 1886, for the issue of \$150,000 of Preferential Stock, also increasing the Capital Stock of the said Company. Dated 17th September, 1886. Recorded 8th October, 1886. Lib. 94, Folio 135.

CANADA.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come or whom the same may in anywise concern,—GREETING :

WHEREAS the directors of the "Nova Scotia Steel Company (Limited)," a Company duly incorporated under the provisions of *The Canada Joint Stock Companies Act, 1877*, have represented to the Governor General in Council through the Secretary of State, by petition, amongst other things, that our letters patent, issued on the twenty-first day of November,

one thousand eight hundred and eighty-four, whereby we confirmed two certain by-laws of the said Company, the one subdividing the then existing capital stock of the said Company consisting of one hundred and sixty shares of one thousand dollars each, into one thousand six hundred shares of one hundred dollars each, and the other increasing the capital stock of the Company from one hundred and sixty thousand dollars to two hundred and fifty thousand dollars, such increase of ninety thousand dollars to be divided into nine hundred shares of one hundred dollars, have never been acted upon in any way.

And, whereas our said letters patent of the twenty-first day of November, one thousand eight hundred and eighty-four, have been surrendered to us by the said Company and delivered up to be cancelled.

And, whereas the directors of the said Company, by their petition, apply for the issue of supplementary letters patent under the provisions of the said Act confirming a by-law passed by the said directors on the twentieth day of February, one thousand eight hundred and eighty-six, and afterwards duly sanctioned by a vote of not less than two-thirds in value of all the shareholders of the Company, at a meeting duly called for considering the same, which said by-law is in the words and figures following, that is to say:—

“That supplementary letters patent be obtained for the
 “issue of preferential stock not exceeding one hundred and
 “fifty thousand dollars (of which not exceeding one hundred
 “thousand dollars shall be issued by the directors without
 “further authority by a two-third vote from the shareholders)
 “in shares of one hundred dollars each, which shall be entitled
 “in the event of the dissolution of the Company, to be paid
 “first out of the assets of the Company, thus constituting it
 “equivalent to guaranteed stock.

“The real estate, machinery, plant, &c., with the manu-
 “factured and unmanufactured stock and the debts due to the
 “Company, are based on the values as per statement accom-
 “panying the report of the directors for the year ending 31st
 “December, 1885. The deficit of \$10,421.47 is to stand against
 “old stock.

“The preferential stock is to receive eight per cent per
 “annum dividend. Any profits over and above eight per cent
 “to preferential stock are to be appropriated towards paying
 “off the deficiency of \$10,421.47. After such deficiency has
 “been made up and the said eight per cent paid to preferen-
 “tial stock the non-preferential stock shall receive any divi-
 “dend that the directors may be able to declare up to eight
 “per cent; and any further dividends declared above eight
 “per cent, shall be divided among preferential and non-prefer-
 “ential stock *pro rata*. If the profits of any year shall not
 “admit of the dividend of eight per cent being paid in full to
 “the holders of preferential stock, the deficiency is to be
 “charged

“charged against the profits of the following year or years, thus constituting it accumulative stock.

“At the end of five years from the date of issue, should the Company fail to pay eight per cent dividend to the preferential stock, or should at any time three successive years pass without dividend, then any preferential stockholder shall have the right of closing up the business of the Company.

“At any time after the end of five years from the date of issue of letters patent for such preferential stock, the non-preferential stockholders shall have the privilege of taking over the preferential stock by paying the holders thereof its par value of one hundred dollars per share. But in the event of the preferential stock being thus taken over at any time after five years, the holders thereof are to receive six months previous notice. Or preferential stockholders shall have the privilege of converting their shares into non-preferential stock at the par value of one hundred dollars per share instead of accepting payment therefor. Any preferential stockholders shall have the right of terminating this agreement at the end of ten years.”

And whereas the said directors have satisfactorily established the sufficiency of all proceedings required by the said Act to be taken by them in order to the issue of such supplementary letters patent, and it is expedient that such supplementary letters patent should issue.

Now know ye, that we, by and with the advice of our Privy Council for Canada and under and by virtue of the power vested in us by the said Act, and of any other power or authority whatever in us vested in this behalf, do by these our supplementary letters patent confirm the said by-law of the “Nova Scotia Steel Company (Limited)” passed on the twentieth day of February, one thousand eight hundred and eighty-six; and the capital stock of the said Company is hereby increased to the sum of three hundred and ten thousand dollars, one hundred and fifty thousand dollars of which shall be divided into shares of one hundred dollars each, the whole as provided by the said by-law.

In testimony whereas we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed: Witness, JOHN JOSEPH MCGEE, Esquire, Deputy of our Right Trusty and Entirely Beloved Cousin, the most Honourable Sir HENRY CHARLES KEITH PETTY FITZMAURICE, MARQUIS OF LANSDOWNE, in the county of Somerset, Earl of Wycombe of Chipping Wycombe in the county of Bucks, Viscount Calne and Calstone in the county of Wilts, and Lord Wycombe Baron of Chipping Wycombe in the county of Bucks in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Peerage of Ireland, Knight Grand Cross of our most Disting-

guished Order of Saint Michael and Saint George; Governor General of Canada, and Vice-Admiral of the same.

At our Government House, in our city of Ottawa, this seventeenth day of September, in the year of our Lord, one thousand eight hundred and eighty-six, and in the fiftieth year of our Reign.

By command,

G. POWELL,
Under Secretary of State.

Supplementary Letters Patent to the "Nova Scotia Steel Company" (Limited), confirming the following By-Laws of the said Company: (a.) reducing the original shares; (b.) increasing the Capital Stock; (c.) extending the powers; (d.) changing the name of said Company to that of the "Nova Scotia Steel and Forge Company" (Limited). Dated 5th September 1888. Recorded 12th September, 1888. Lib. 94, Fol. 246.

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:

WHEREAS the directors of the "Nova Scotia Steel Company" (Limited), a Company duly incorporated under the provisions of *The Companies Act*, have applied by petition to the Governor General, through the Secretary of State for Canada, for supplementary letters patent, under the provisions of the said Act, confirming certain by-laws of the said Company passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighty-eight, (a) reducing the original shares of one thousand dollars of the Company, issued or that may be issued, to shares of one hundred dollars each; (b) increasing the capital stock of the said Company to one million dollars, such increase to consist of six thousand and nine hundred shares of one hundred dollars each; (c) extending the powers of the said Company so as to include in addition to the powers already granted to said Company by letters patent and supplementary letters patent dated the tenth day of July, one thousand eight hundred and eighty-two, and the seventeenth day of September, one thousand eight hundred and eighty-four, respectively, the power to manufacture steel and iron in all their branches, and articles consisting of iron or steel in whole or in part, and (d) changing the name of the said Company from the "Nova Scotia Steel Company" (Limited) to the "Nova Scotia Steel and Forge Company" (Limited).

And whereas the said directors have satisfactorily established the sufficiency of all proceedings required by the said Act to

be taken, and the truth of all facts required to be established previous to the granting of such supplementary letters patent.

Now know ye that we, by and with the advice of our Privy Council for Canada, and under and by virtue of the power vested in us by the said Act, and of any other power or authority whatever in us vested in that behalf, do by these our supplementary letters patent confirm the said by-laws of the said Company passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighty-eight, (a) reducing the original shares of one thousand dollars of the said Company, issued or that may be issued, to shares of one hundred dollars each; (b) increasing the capital stock of the said Company to one million dollars, such increase to consist of six thousand nine hundred shares of one hundred dollars each; (c) extending the powers of the Company so as to include in addition to the powers already granted to said Company by letters patent and supplementary letters patent dated the tenth day of July, one thousand eight hundred and eighty-two and the seventeenth day of September, one thousand eight hundred and eighty-four, respectively, the power to manufacture steel and iron in all their branches, and articles consisting of iron or steel in whole or in part; (d) changing the name of said Company from the "Nova Scotia Steel Company" (Limited) to the "Nova Scotia Steel and Forge Company" (Limited), and the said by-laws are hereby confirmed accordingly.

In testimony whereof, we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed. Witness: John Joseph McGee, Esquire, Deputy of our Right Trusty and Well Beloved, the Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston in the county of Lancaster, in the Peerage of Great Britain, Knight Grand Cross of our most Honourable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

At our Government House, in our city of Ottawa, this fifth day of September, in the year of our Lord one thousand eight hundred and eighty-eight, and in the fifty-second year of our reign.

By command,

G. POWELL,
Under Secretary of State.



55-56 VICTORIA.

CHAP. 75.

An Act respecting the *Globe* Printing Company.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS the *Globe* Printing Company has prayed for the passing of an Act further to amend, as hereinafter set forth, the Act incorporating the *Globe* Printing Company, and also to grant further powers to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 1,
c. 123 of 1866
amended.

1. Section one of the Act incorporating the *Globe* Printing Company, being chapter one hundred and twenty-three of the Statutes of 1866 of the late province of Canada, is hereby amended by striking out the words “five thousand” in the last line thereof and substituting therefor the words “thirty thousand.”

Section 4
amended.

2. Section four of the said Act is hereby amended by striking out the word “shareholders” in the first line thereof and substituting therefor the word “directors,” and also by striking out the words “and that (if any) of the directors,” in the ninth line thereof.

Validity of
by-laws.

3. No by-law for the issue, allotment or sale of any portion of the unissued stock at any greater discount, or at any less premium, than that which has been previously authorized at a general meeting, and no by-law for the remuneration of the president or any director, shall be valid or acted upon until confirmed at a general meeting; provided always, that every such by-law, every repeal, amendment, or re-enactment of any such by-law, unless in the meantime confirmed at a general meeting of the Company duly called for that purpose, shall have force only until the next annual meeting of the Company, and in default of confirmation thereat shall at and from that time only cease to have force.

Section 11
amended.

4. Section eleven of the said Act is hereby amended by striking out the words “third Wednesday in January” in the

second line thereof and substituting therefor the words "second Wednesday in March," and by striking out the words "December of the year then last past" in the fourth and fifth lines thereof and substituting therefor the words "January of the then current year."

5. Section twelve of the said Act is hereby repealed.

Section 12
repealed.

6. The directors of the Company may, from time to time at their discretion, borrow money for the purposes of the Company, and may secure the repayment thereof and of interest and of all moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and for such purpose may mortgage, pledge, hypothecate or charge the property of the Company, or any part thereof, and may issue bonds, debentures or other securities chargeable on the assets and property of the Company or any part thereof: Provided always, that the bonds and debentures issued from time to time shall never exceed seventy-five per cent of the paid-up capital stock of the Company; and provided also that no issue of bonds or debentures shall be made unless previously sanctioned by a vote of the shareholders present in person or represented by proxy, and representing at least two-thirds in amount of the shares of the capital stock of the Company, at a special general meeting duly called for that purpose; and provided further that no such bond or debenture shall be for a less sum than one hundred dollars.

Directors may
borrow
money.

Amount of
bonds, &c.,
limited.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



55-56 VICTORIA.

CHAP. 76.

An Act to incorporate the Woman's Baptist Missionary Union of the Maritime Provinces.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS an organization or society known as the Woman's Baptist Missionary Union of the Maritime Provinces have by their petition represented that they are desirous of becoming incorporated under the name of "The Woman's Baptist Missionary Union of the Maritime Provinces," with the powers and for the purposes hereinafter mentioned, and have prayed that an Act be passed for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Mrs. James W. Manning, the president, the several vice-presidents and officers of the Woman's Baptist Missionary Union as now constituted, together with the presidents and secretaries of and delegates from time to time appointed by all or any of the Woman's Baptist missionary aid societies of the Maritime Provinces in accord with the Baptist body and connected with the Baptist convention of the Maritime Provinces, and also any female becoming a life member by the payment of twenty-five dollars at one time, or such other sum as the society from time to time ordains, are hereby created a body corporate, under the name of "The Woman's Baptist Missionary Union of the Maritime Provinces" hereinafter called "the Society."

Corporate name.

Missionary work.

2. The Society may prosecute missionary work in Canada, and elsewhere; and may also provide for the appointment and support of missionaries and teachers.

Receipt of moneys, &c.

3. The Society shall receive and disburse the moneys from time to time paid over to them by the several Woman's Baptist missionary aid societies, and may take and hold real estate, and receive and take all moneys, legacies, bequests and other personal property from time to time paid over or bequeathed to the Society, and may invest or disburse the same.

Power to hold real estate and personal property.

4. The Society shall within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the purposes of the Society; and provided that any devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations, in force at the time of such devise in the province or territory in which such real estate is situate, so far as the same apply to the said Society. Disposal of real estate.

5. The officers of the Society shall be a president and three vice-presidents, one from each of the Maritime Provinces, a secretary, a treasurer, and three provincial secretaries; and the business may be managed by an executive committee consisting of the officers of the Society and such number of delegates as the Society from time to time by by-law ordains. The executive committee shall report their doings to the Society at the annual meeting; at which meeting the report of the executive committee may be adopted, rescinded, modified, or altered. Officers. Report of executive committee.

6. The officers mentioned in the first section of this Act shall be the provisional officers of the Society, and shall hold office as such until the appointment of their successors at the first meeting of the Society. Provisional officers.

7. The Society shall hold a meeting annually for the transaction of business and the appointment of officers and committees, at such time and place in either of the provinces, as the Society or executive committee appoints. The first meeting of the Society shall be held at Bridgetown, in the county of Annapolis, in the province of Nova Scotia, at some time during the meeting of the Baptist Convention of the Maritime Provinces in the month of August now next. Annual meeting. Time of holding first meeting.

8. The Society shall make rules and by-laws for the guidance and direction of the executive committee, and for the ordering of the business of the Society, the appointment of officers and the fixing of the quorum, the appointment of sub-committees and auditors, and for regulating all and any matter and thing necessary for the good order and management of the Society and the prosecution of its business, and may, from time to time, cancel, alter and annul any such rule or by-law. Rules and by-laws.



55 - 56 VICTORIA.

CHAP. 77.

An Act to confer on the Commissioner of Patents certain powers for the relief of Carl Auer von Welsbach and others.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS Carl Auer von Welsbach, of Vienna, Austria, Doctor of Philosophy, has by petition represented that he obtained letters patent under the great seal of Canada, dated the second day of March, one thousand eight hundred and eighty-six, and numbered twenty-three thousand five hundred and twenty-three, in the name of one Frederick de la Fontaine Williams, of the city of London, England, merchant, (his assignee for that purpose) for a new and useful improvement in illuminating appliances for gas and other burners invented or discovered by him, and, in his own name, also obtained letters patent under the great seal of Canada, dated the seventh day of March, one thousand eight hundred and eighty-seven, and numbered twenty-six thousand one hundred and sixty-two, for a new and useful method of obtaining compounds of the rarer metals from their earths for use as incandescent bodies for illuminating purposes, also invented or discovered by him, the said inventions constituting together the complete invention of the said Welsbach; known as the incandescent gas-burner; that each of these patents was granted for a term of fifteen years from the date thereof, but only the partial fee for the first five years was paid upon the issue of each of the said patents, the patentee being entitled under the twenty-second section of *The Patent Act* to an extension of each patent for the remaining ten years upon application therefor, and upon payment of the fee provided by the said section, before the expiration of the said first five years; that the right to use the said inventions, under the said patents, for the provinces of Quebec, Nova Scotia, New Brunswick and Prince Edward Island, was in the year eighteen hundred and eighty-nine disposed of by the patentee and the said Williams to certain persons in the city of Halifax, Nova Scotia, and elsewhere, now constituting the Welsbach Incandescent Gas Light Company (Limited), of Halifax, with the condition that the said

purchasers

purchasers should attend to everything that was necessary to keep the said patents in force in Canada; that the said Welsbach and Williams have always been and still are resident in Europe and occupied there in introducing and developing their patents, and, relying on the said condition in the said partial sale of their rights under the said patents, gave no attention to the keeping of the said patents in force; that until the month of April of this present year they believed the said patents to be still in force, but then found that by inadvertence on the part of the said Company's officers the said renewals had not been obtained; that it was wholly owing to the mistaken impression and belief of the said Company's officers that the said patents were to continue in force for fifteen years instead of five years that they did not apply for the said renewals within the proper time; that the said Company's officers only became aware of their mistake about the first day of the said month of April, and that immediately steps were taken to obtain a renewal of the said patents from the Commissioner of Patents, but the said Commissioner could not then under the statute grant a renewal; and whereas there has been expended by the said Company in Canada, prior to the second day of March, one thousand eight hundred and ninety-one, a sum exceeding forty thousand dollars under the said patents, in developing, introducing and manufacturing the said inventions; and whereas the persons and Company hereinbefore named have petitioned for an Act authorizing the Commissioner of Patents to receive their applications and the fees for the remainder of the terms of fifteen years for which the said letters patent were conditionally granted, and to grant and issue to the said patentees respectively the certificates of payment provided by *The Patent Act*, and extensions of the terms of the said letters patent, in as ample a measure as if applications had been duly made within five years from the dates of such letters patent; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything to the contrary contained in the Patent Act of 1872, and the Acts in amendment thereof, or in *The Patent Act*, being chapter sixty-one of the Revised Statutes, or in the said letters patent, the Commissioner of Patents may receive from the said Carl Auer von Welsbach and the said Frederick de la Fontaine Williams, respectively, the applications and usual fees for renewals or extensions of the said letters patent for the remainder of the terms of fifteen years from the respective dates thereof, and grant and issue to the said Welsbach and the said Williams the certificates of payment or of renewal provided by *The Patent Act*, and extensions of the period of the duration of the said letters patent to the full term of fifteen years, in as full and ample a manner as if applications

Commissioner
of Patents
may renew
certain letters
patent.

therefor had been duly made within five years from the respective dates of the issue of the said letters patent.

Rights of
third persons
saved.

2. Any person who has, within the period between the second day of March, one thousand eight hundred and ninety-one, in respect of the patent first above mentioned, or the seventh day of March, one thousand eight hundred and ninety-two, in respect of the patent last above mentioned, and the date of the extensions or renewals hereunder of the said letters patent respectively, acquired by assignment, user, manufacture or otherwise, any interest or right in respect of such improvements or inventions, shall continue to enjoy such interest or right as if this Act had not been passed.

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55-56 VICTORIA.

CHAP. 78.

An Act for the relief of James Albert Manning Aikins.

[Assented to 9th July, 1892.]

WHEREAS James Albert Manning Aikins, of the city of Preamble. Winnipeg in the county of Selkirk in the province of Manitoba, barrister-at-law, has by his petition humbly set forth that on the tenth day of December, one thousand eight hundred and eighty-four, he was duly married under license to Mary Bertha McLelan, spinster, at the city of Ottawa in the province of Ontario; that after the solemnization of the said marriage they lived together and cohabited at the said city of Winnipeg until about the month of July, one thousand eight hundred and ninety; that there were issue of the said marriage two children, one of whom is still living with him; that in the month of July, one thousand eight hundred and ninety, the said Mary Bertha Aikins deserted her said husband and has not since resided with him; that after she deserted her said husband as aforesaid, he discovered as the facts were, that the said Mary Bertha Aikins had been leading an irregular life, and in or about the early part of the year one thousand eight hundred and ninety had committed adultery with one Charles Melville Waddell Blanchard in the province of Nova Scotia and on divers occasions thereafter, and in or about the month of August of the same year had, with the said Charles Melville Waddell Blanchard gone to and stopped at several places in the state of New York, one of the United States of America, cohabiting with the said Charles Melville Waddell Blanchard as his wife, and that in the year one thousand eight hundred and ninety-one the said Mary Bertha Aikins had committed bigamy with the said Charles Melville Waddell Blanchard in the said state of New York, and thereafter for a long time openly resided there with the said Charles Melville Waddell Blanchard as his wife committing adultery with him; that ever since the said month of July, one thousand eight hundred and ninety, and since the said James Albert Manning Aikins discovered that the said Mary Bertha Aikins had committed adultery, he has lived separate and apart from her and not cohabited with her, and that he has not in any way condoned the said adultery, desertion or

bigamy and that no collusion or connivance exists between him and her to obtain a dissolution of said marriage: and whereas the said James Albert Manning Aikins has humbly prayed that the said marriage may be dissolved so as to enable him to marry again: and whereas the said James Albert Manning Aikins has proved the allegations in his said petition and has established the acts of adultery, desertion and bigamy therein set forth, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said James Albert Manning Aikins and Mary Bertha Aikins his wife is hereby dissolved and is and shall be henceforth null and void, to all intents and purposes whatsoever.

Right to marry again.

2. The said James Albert Manning Aikins may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Mary Bertha Aikins had not been solemnized.

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55-56 VICTORIA.

CHAP. 79.

An Act for the relief of Ada Donigan.

[Assented to 9th July, 1892.]

WHEREAS Ada Donigan, formerly Ada Planche of Cook-shire, in the county of Compton and province of Quebec, wife of Joseph Albert Donigan, formerly of the same place, but now residing at Newbury, in the state of New Hampshire, one of the United States of America, hath by her petition set forth that on the eighth day of November, one thousand eight hundred and seventy-nine, she was lawfully married at the town of Sherbrooke, in the said province of Quebec, to the said Joseph Albert Donigan; that they cohabited together as man and wife until the year one thousand eight hundred and eighty-two; that the said Joseph Albert Donigan has committed adultery in Newbury in the state of New Hampshire; and whereas the said Ada Donigan has humbly prayed that the said marriage may be dissolved and that she be authorized and empowered to marry again, and that such further relief may be afforded her as may seem meet; and whereas the said Ada Donigan has proved the said allegations in her said petition and has established the adultery above mentioned, and it is expedient that the prayer of her said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Ada Donigan and Joseph Albert Donigan her husband is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Ada Donigan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Albert Donigan had not been solemnized. Right to marry again.



55 - 56 VICTORIA.

CHAP. 80.

An Act for the relief of Hattie Adèle Harrison.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS Hattie Adèle Harrison, of the town of Tilsonburg in the county of Oxford and province of Ontario, wife of Henry Bailey Harrison, until recently of the City of Ottawa in the county of Carleton and province of Ontario, telegraph operator, hath by her petition set forth that on the third day of September, one thousand eight hundred and seventy-nine, she was lawfully married at the said town of Tilsonburg to the said Henry Bailey Harrison; that they were at the time of the said marriage domiciled in Canada; that they cohabited together as husband and wife until the year one thousand eight hundred and ninety, when the said Hattie Adèle Harrison was, by reason of the irregular life which the said Henry Bailey Harrison was then living and his drunkenness and cruelty to her, compelled to separate and live apart from him; that the said parties have since then continued to live separate and apart; that subsequently, to wit, on or about the eighth day of August, one thousand eight hundred and ninety-one, the said Henry Bailey Harrison committed the crime of bigamy and also committed adultery and by his conduct dissolved the bonds of matrimony on his part; that there were born of the marriage of the said Hattie Adèle Harrison with the said Henry Bailey Harrison three children now living, namely, Tillson Lever Harrison, aged about eleven years, Bailey Van Norman Harrison, aged about six years, and Rosalind Harrison, aged about four years; and whereas the said Hattie Adèle Harrison has humbly prayed that the said marriage may be dissolved, that she may be authorized and empowered to marry again and that she may have the custody and sole and absolute control of the said children, Tillson Lever Harrison, Bailey Van Norman Harrison and Rosalind Harrison, issue of her marriage with the said Henry Bailey Harrison, and that such further relief may be afforded to her as is deemed meet; and whereas the said Hattie Adèle Harrison has proved the allegations of the said petition and has established the bigamy and adultery above mentioned, and it is expedient

that the prayer of the said petition be granted : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The said marriage between the said Hattie Adèle Harrison and Henry Bailey Harrison, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Hattie Adèle Harrison may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Bailey Harrison had not been solemnized. Right to marry again.

3. The said Hattie Adèle Harrison shall have the permanent custody and sole and absolute control of the persons of her said children, Tillson Lever Harrison, Bailey Van Norman Harrison and Rosalind Harrison, without any right of interference whatsoever on the part of the said Henry Bailey Harrison. Custody of children.

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55-56 VICTORIA.

CHAP. 81.

An Act for the relief of Herbert Rimmington Mead.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS Herbert Rimmington Mead, of the village of Pincher Creek, in the district of Alberta, North-west Territories of Canada, physician, has by his petition humbly set forth that he was lawfully married to Louisa Mead, formerly Louisa Macpherson; that there was born of said marriage one child still living, namely Sybil Gordon Rimmington Mead, born on the ninth day of November, one thousand eight hundred and eighty-four; that on or about the first day of January, one thousand eight hundred and eighty-nine, the said Louisa Mead committed adultery with one A. H. Lynch-Staunton of the said village of Pincher Creek, and that since then on divers occasions she has committed adultery with the said A. H. Lynch-Staunton; and whereas the said Herbert Rimmington Mead has humbly prayed that the said marriage may be dissolved, so to enable him to marry again, and that such further relief may be afforded him as is deemed meet; and whereas the said Herbert Rimmington Mead has proved the allegations of his said petition and has established the adultery above mentioned, and it is expedient that the prayer of his said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Herbert Rimmington Mead and the said Louisa Mead, his wife, is hereby dissolved, and shall be from henceforth null and void to all intents and purposes whatsoever.

Right to marry again

2. The said Herbert Rimmington Mead may at any time hereafter contract matrimony with any other woman whom he might lawfully marry in case the said marriage with the said Louisa Mead had not been solemnized.



55-56 VICTORIA.

CHAP. 82.

An Act for the relief of James Wright.

[Assented to 9th July, 1892.]

WHEREAS James Wright, of the town of Donald, in the Preamble. province of British Columbia, railway conductor, has by his petition humbly set forth that on the eighth day of December, one thousand eight hundred and eighty, he was married to Sarah Ann McDougall; that he lived and cohabited with his said wife for a short time only, and that there was no issue of the said marriage; that in or about the month of February, one thousand eight hundred and eighty-one, the said Sarah Ann McDougall deserted her said husband and fled with one Guy Soper to St. Vincent, in the state of Dakota, one of the United States of America, and there then committed adultery with the said Guy Soper and lived with him and cohabited with him as his wife, and has since lived with the said Guy Soper and cohabited with him as his wife, and is now living with the said Guy Soper and cohabiting with him as his wife, and has several children, issue of her adultery with the said Guy Soper; and whereas the said James Wright has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that such further relief may be granted to him as is deemed meet; and whereas the said James Wright has proved the said allegations in his said petition and has established the acts of adultery therein set forth, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said James Wright and the said Sarah Ann McDougall, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes. Marriage dissolved.

2. The said James Wright may at any time hereafter contract matrimony with any other woman whom he might lawfully marry in case the said marriage with the said Sarah Ann McDougall had not been solemnized. Right to marry again.

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