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No. 2.] **BILL.** [1895.

An Act to secure the better observance of the Lord's Day, commonly called Sunday.

Preamble.

WHEREAS it is for the public welfare and in the best interests of humanity, that better provision be made for securing the observance of the first day of the week, hereinafter called the Lord's Day, as a day of rest from labour for the toiler: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Publication, &c., of newspapers on Sunday.

**1.** Whoever shall upon the Lord's Day, in the capacity of a proprietor, publisher, or manager, engage in the publication and issuing of any newspaper, journal or periodical, for the purpose of sale, or distribution either by carrier or through the mails upon that day, and whoever shall engage in the sale of any newspaper on that day, shall be deemed guilty of an indictable offence; but nothing in this section shall be held to prevent the gratuitous distribution of religious publications upon the Lord's Day.

Canals to be closed on Sunday.

**2.** No canal belonging to Canada shall be open for traffic or business on the Lord's Day between the hours of six in the morning and ten in the evening.

Railway traffic on Sunday.

**3.** Any railway superintendent, traffic manager or person, by virtue of whose authority and order railway cars are on the Lord's Day loaded at any railway station in Canada, or despatched from such station when loaded, or permitted to continue a journey with Canadian local freight (except in the case of live stock or perishable goods); or any person as aforesaid who directs local passenger trains to be run on the Lord's Day (except such special trains as are necessary for the purpose of conveying medical aid and means of relief in case of accident, or to persons injured or afflicted with sickness, or for the purpose of conveying the means for extinguishing fire in places requiring such assistance, or for other acts of necessity and mercy), or directs empty cars to be moved from station to station or place to place within the territory of Canada on the Lord's Day, shall be deemed to be guilty of an indictable offence.

Through freight trains, until when permitted.

2. At such time as the laws of the United States shall prohibit the moving of freight (except live stock and perishable goods) over American railways on the Lord's Day, no through freight in transit from one point on the frontier of the United States to some other point on the said frontier, shall be allowed to pass over Canadian railways on the Lord's Day, except live stock and perishable goods.

Sunday excursions prohibited.

**4.** Excursions upon the Lord's Day by steamboats plying for hire, or by railway, or in part by steamboat and in part by railway, and having for their only or principal object the carriage of passengers for amusement or pleasure, and to go and return the same day by the same steamboat or railway or any others owned by the same person or company, shall not be deemed a lawful conveying of passengers within the meaning of this Act; and the owner, superintendent or person by virtue of whose authority and direction such excursion is permitted or ordered on the Lord's Day shall be deemed to be guilty of an indictable offence: Provided that nothing in this section shall be deemed to prohibit the ordinary carriage of passengers authorized by provincial statute.

Penalty for offence under section 1.

**5.** Any person guilty of any offence declared in section one of this Act to be an indictable offence, shall, on summary conviction, be liable to a fine not exceeding fifty dollars, for the first offence, and not exceeding one hundred dollars, for each subsequent offence, together with the costs,—and in default of immediate payment of such fine and costs, to imprisonment for a term not exceeding one month: Provided that in the case of newsboys hawking or crying newspapers for sale on the Lord's Day, the punishment for the first offence shall be imprisonment for a period of not less than one day nor more than five days, and for each subsequent offence the penalty shall be imprisonment for a period of not more that ten days.

Penalty for offences under sections 3 and 4.

**6.** Any person guilty of any offence declared in sections three and four of this Act to be an indictable offence, shall, on summary conviction, be liable to a fine not exceeding one hundred dollars for the first offence, and not exceeding two hundred dollars for each subsequent offence, together with the costs,—and in default of immediate payment of such fine and costs, to imprisonment for a term not exceeding months.

Application of penalties.

**7.** All sums of money awarded or imposed as fines or penalties by virtue of this Act shall be paid as follows, that is to say: one moiety thereof shall be paid to the party charging and prosecuting the offence, and the other moiety to the treasurer of the county or city wherein the offence was committed, to be by him accounted for in the same manner as other moneys deposited with, or paid over to him.

Procedure.

**8.** No prosecution under this Act shall be commenced unless within one month after the commission of the offence charged.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

Mr. Charlton

Received and read a first time, Monday
April, 1895.
Second reading, Tuesday, 23rd April, 1

An Act to secure the better obser
of the Lord's Day, commonly
Sunday.

BILL.

5th Session, 7th Parliament, 58 Victori

No. 2.

No. 3] **BILL.** [1895.

An Act to amend the Criminal Code, 1892, for the purpose of making more effectual provision for the punishment of seduction and abduction.

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

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

**2.** Section one hundred and eighty-two of the said Code is hereby amended by substituting the word "eighteen" for the words "twenty-one", in the first line thereof. S. 182 amended.

**3.** Section two hundred and eighty-three of the said Code is hereby amended by substituting the words "twenty-one" for the word "sixteen" in the fourth and last lines thereof. S. 283 amended.

No. 3.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Criminal Code, 1892, for the purpose of making more effectual provision for the punishment of seduction and abduction.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

MR. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 4. **BILL.** [1895.

An Act to reduce the Salary of the Governor General.

Preamble.

WHEREAS section one hundred and five of *The British North America Act*, 1867, provides that, unless altered by the Parliament of Canada, the salary of the Governor General shall be ten thousand pounds sterling money, payable out of the Consolidated Revenue Fund of Canada, being equivalent to the sum of forty-eight thousand six hundred and sixty-six dollars and sixty-six cents; and whereas the said Act does not attach to the said office any emoluments other than the said sum of forty-eight thousand six hundred and sixty-six dollars and sixty-six cents per annum, but nevertheless the Parliament of Canada has from time to time made divers grants of money in fact supplementary to the said salary of forty-eight thousand six hundred and sixty-six dollars and sixty-six cents per annum; and whereas, during the period of twenty-five years extending from Confederation until the thirtieth day of June, one thousand eight hundred and ninety-two, Canada has paid the following sums of money in connection with the said office, namely: in payment of the salary of the Governor General, the sum of one million two hundred and sixteen thousand six hundred and sixty-six dollars and five cents,—in payment of travelling expenses of the Governor General, the sum of one hundred and forty-five thousand nine hundred and three dollars and forty-five cents,—in payment of salaries of the Governor General's secretary's office, the sum of two hundred and seventy thousand three hundred and fifty dollars and fourteen cents,—in payment of contingencies of the Governor General's secretary's office, the sum of two hundred and seventeen thousand four hundred and twenty-six dollars and sixty cents,—in rentals, the sum of seven thousand eight hundred and fifty four dollars,—in the purchase of Rideau Hall, the sum of eighty-two thousand dollars,—in payment for additions, alterations, repairs and maintenance in respect of Rideau Hall, the sum of five hundred and forty seven thousand, one hundred and forty three dollars and forty-five cents,—in payment for furniture for Rideau Hall, the sum of one hundred and eighteen thousand eight hundred and fifty three dollars and one cent,—in payment of wages for work and other expenses incurred in connection with the gardens and grounds of Rideau Hall, the sum of ninety-four thousand three hundred and forty-nine dollars and eighty-six cents,—in payment for fuel and light for Rideau Hall, the sum of one hundred and fifty-one thousand three hundred and seventy one dollars and ten cents,—making in all the sum of two million eight hundred and fifty one thousand, nine hundred and seventeen dollars and sixty-six cents, or an average annual

expenditure from the establishment of the said office until the thirtieth day of June one thousand eight hundred and ninety two of the sum of one hundred and fourteen thousand and seventy-six dollars and seventy cents, being an average annual expenditure of sixty-five thousand four hundred and ten dollars and four cents in excess of the said annual salary of forty-eight thousand six hundred and sixty-six dollars and sixty-six cents; and whereas under the said Act the said annual sum of forty-eight thousand six hundred and sixty-six dollars and sixty-six cents is the full amount attaching to the said office, but nevertheless Parliament has made the additional payments aforesaid; and whereas the said annual expenditure, averaging the sum of one hundred and fourteen thousand and seventy-six dollars and seventy cents, is an unreasonable sum to be paid in respect of the said office, and the public interest demands a reduction in connection with the said office: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as fallows:

Salary of Governor General to be £5,000 a year.

**1.** The salary of the Governor General shall be reduced from ten thousand pounds sterling, or forty-eight thousand six hundred and sixty-six dollars and sixty-six cents, to five thousand pounds sterling, or twenty-four thousand three hundred and thirty-three dollars and thirty-three cents a year, which sum shall be held to include all moneys for travelling expenses, wages of servants, allowance for light, heat or other service in connection with Rideau Hall, other than all proper charges for maintenance of the buildings and furnishings in a proper state of repair.

Commencement of Act.

**2.** This Act shall come into force on the expiry of the term of the present Governor General.

No. 4.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act to reduce the salary of the Governor General.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

MR. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 5.] **BILL.** [1895.

An Act further to amend the Act respecting the Senate and House of Commons.

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

Members to pay the usual railway fare.

**1.** No member of the Senate or of the House of Commons shall travel by any railway to or from Ottawa, in connection with his attendance at the Session of Parliament, either free or at any rate of fare less than that allowed to the general public.

R.S.C., c. 111, form C amended.

**2.** Form C in the schedule to the *Act respecting the Senate and House of Commons*, chapter eleven of the Revised Statutes, is hereby amended by adding thereto after the third paragraph thereof, the following words:—

"That I have not travelled by railway to or from Ottawa in connection with my attendance at the said session, either free or at any rate of fare less than that allowed to the general public."

Declaration for mileage.

**3.** No mileage allowance shall be payable to a member until he has made the declaration in the said form C as hereby amended.

No. 5.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act respecting the Senate and House of Commons.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 6.] **BILL.** [1895.

An Act further to amend the Civil Service Superannuation Act.

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

Superannuation abolished.

**1.** Notwithstanding anything therein or in any other Act contained, so much of the *Civil Service Superannuation Act*, chapter eighteen of the Revised Statutes, as provides for the granting of a superannuation allowance or of a gratuity, shall not apply to any person now in the Civil Service of Canada, or appointed after the passing of this Act to a permanent position in any branch of the public service of Canada, save and except as hereinafter provided by this Act.

R.S.C., c. 18.

Except in case of officer claiming his right thereto within stated time

**2.** Any person now in the permanent Civil Service of Canada and having contributed to the superannuation fund shall be entitled to elect whether he shall retain his right to superannuation under the provisions of the said Act or abandon the same and accept in lieu thereof the provisions of this Act; but such choice shall be made by each civil servant now a contributor to the superannuation fund within twelve months after the passing of this Act.

Payment instead of superannuation allowance.

**3.** Any person now in the Civil Service of Canada or any person so appointed after the passing of this Act shall upon his retiring from the public service, or, if he dies when in the service, his legal representatives shall upon his death be entitled to the repayment of the whole amount of the deductions from his salary under the provisions of the said Act together with interest thereon calculated and compounded at the rate of five per cent per annum on conditions hereinafter provided by this Act.

Deduction from salaries as heretofore.

**4.** The deductions from the salaries of the civil servants under the Superannuation Act referred to in section one of this Act or any amendment thereof, shall continue to be made from the salaries of all permanent civil servants, and shall be retained as a guarantee of good faith and efficient service on their part and be refunded with interest as provided by section two of this Act.

Pensions already granted not affected.

**5.** Nothing in this Act contained shall affect annuities already granted under *The Civil Service Superannuation Act*, to civil servants now on the superannuation list.

No. 6.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Civil Service Superannuation Act.

Received and read a first time, Monday, 22nd April, 1894.
Second reading, Tuesday, 23rd April, 1894.

MR. MCMULLEN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 7.] **BILL.** [1895.

An Act further to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting Seditious and Unlawful Associations and Oaths.

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

**1.** The words "or Grand Master or Grand Lodge of Canada," added by chapter forty-six of the Statutes of 1865 of the late Province of Canada to section nine of chapter ten of the Consolidated Statutes for Lower Canada, intituled *An Act respecting Seditious and Unlawful Associations and Oaths*, are hereby amended by substituting the word "in" for the word "of," so that the said words shall read "or Grand Master or Grand Lodge in Canada." Con. Stats. of L. C., c. 10, s. 9 amended.

No. 7.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting Seditious and Unlawful Associations and Oaths.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday 23rd April, 1895.

Mr. WHITE (Cardwell).

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 8.] **BILL.** [1895.

An Act further to amend the Act respecting Weights and Measures.

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

**1.** Section sixteen of *The Weights and Measures Act*, chapter one hundred and four of the Revised Statutes, is hereby amended by striking out the twentieth and twenty-first lines thereof and substituting the following therefor :— R.S.C., c. 104, s. 16 amended.

"Potatoes and turnips, sixty pounds ; provided, that every bag of potatoes or turnips offered for sale shall weigh ninety pounds, exclusive of the bag, and that every barrel thereof offered for sale shall weigh one hundred and eighty pounds, exclusive of the barrel ;

"Parsnips, beets, carrots and onions, fifty pounds ; provided, that every bag of parsnips, beets, carrots or onions offered for sale shall weigh seventy-five pounds, exclusive of the bag, and that every barrel thereof offered for sale shall weigh one hundred and fifty pounds, exclusive of the barrel."

No. 8.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act respecting Weights and Measures.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

Mr. Wilson.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 9.] **BILL.** [1895.

An Act to prevent the letting of contracts to Aliens.

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

No alien to get contract for public work.

**1.** No alien shall receive any contract for any public work to be constructed for Her Majesty in the Dominion of Canada.

Nor transfer thereof.

**2.** No person receiving any contract for the construction of any public work for Her Majesty in the Dominion of Canada, shall sub-let, assign or transfer such contract or any portion thereof to any alien.

Nor to be interested therein.

**3.** No alien shall be interested, either directly or indirectly, as a partner or in any other way, in any contract for any public work to be constructed for Her Majesty in the Dominion of Canada.

Penalties.

**4.** Any contract let in contravention hereof shall be at once cancelled; and any person infringing any of the foregoing provisions of this Act, or receiving any contract contrary thereto, shall forfeit to Her Majesty all moneys due or to become due under such contract; and all securities deposited for the due fulfilment thereof, and any moneys paid thereunder, may be recovered from such person by action at law at the suit of Her Majesty.

Commencement of Act.

**5.** This Act shall come into force on the first day of January, 1896, and shall apply to all contracts let after that date.

No. 9.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to prevent the letting of contracts to Aliens.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

Mr. McLennan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 10.] **BILL.** [1895.

An Act respecting the sale of railway return-fare tickets.

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

Second class return tickets.

**1.** Every railway company within the legislative authority of the Parliament of Canada, selling first class return tickets from any station upon its line of railway to any other point within Canada, shall be compelled to sell second class return tickets at the same percentage of reduction as charged in the case of first class return fares, upon trains carrying first and second class passengers.

Penalty.

**2.** Every railway company which wilfully neglects, omits or refuses to sell second class return tickets as hereinbefore provided is guilty of an offence and liable to a penalty for every such offence of not less than five dollars nor more than fifty dollars, to be recovered under the provisions of *The Criminal Code*, 1892.

No. 10.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the sale of railway return fare tickets.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

Mr. McLennan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 11.] **BILL.** [1895.

An Act respecting the liability of the Government and public companies for labour used in the construction of public works.

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

Liability of Government for wages due by contractor for public work.

**1.** In case any contractor with the Government of Canada or any sub-contractor in the construction of any public work let under contract by the Government, makes default in the payment of the wages or price for work or labour done by any foreman, workman, labourer or team employed on such work,—providing a claim therefor is filled in the office of the Minister entering into such contract on behalf of the Government not later than three months after the same become due, and satisfactory proof of the validity thereof is furnished,—the Government shall become liable for the payment of such claim.

List to be filed by contractor.

**2.** The Government may demand that each contractor or sub-contractor shall, not later than the twenty-fifth day of each month, file in the office of the said Minister a list showing the names, rate of wages, amounts paid, and amounts due and unpaid to each workman employed by him during the previous month, and attested upon the oath of such contractor or sub-contractor or his authorized agent.

Penalty for not filing list.

**3.** Every contractor or sub-contractor who makes default in forwarding such list in accordance with the provisions of the next preceding section, shall incur a penalty not exceeding twenty dollars for every day during which such default continues.

Certain companies liable for wages due by contractor for its works.

**4.** Every company incorporated by the Parliament of Canada shall be liable for the payment of the wages of all workmen employed by any contractor with the company or by any sub-contractor in the construction of the works of the company.

Rank of claim for wages.

**5.** Such claim for wages shall, except as to the charges created by sections ninety-four and one hundred and forty-three of *The Railway Act*, be a first charge upon the property, assets, rents and revenues of the company, present or future, and may be enforced against them by action at law.

Costs of suit.

**6.** Every foreman, workman or labourer, if successful in such action at law, shall be allowed for his costs and disbursements incurred in enforcing such claim, such sums as would be taxed to him as costs between solicitor and client in any action at law in the court having jurisdiction over actions for similar amounts.

No. 11.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the liability of the Government and public companies for labour used in the construction of public works.

Received and read a first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

Mr. McLennan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 11.] **BILL.** [1895.

An Act respecting the liability of the Government and public companies for labour used in the construction of public works.

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

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

Liability of Government for wages due by contractor for public work.

**1.** In case any contractor with the Government of Canada or any sub-contractor in the construction of any public work let under contract by the Government, makes default in the payment of the wages or price for work or labour done by any foreman, workman, labourer or team employed on such work,—providing a claim therefor is filled in the office of the Minister entering into such contract on behalf of the Government not later than three months after the same become due, and satisfactory proof of the validity thereof is furnished,—the Government shall become liable for the payment of such claim [to the extent of the amount of all moneys or securities in the hands of the Government for securing the performance of the contract at the time of the receipt by the said Minister of the said claim and proof.]

List to be filed by contractor.

**2.** The Government may demand that each contractor or sub-contractor shall, not later than the fifteenth day of each month, file in the office of the said Minister a list showing the names, rate of wages, amounts paid, and amounts due and unpaid to each workman employed by him during the previous month, and attested upon the oath of such contractor or sub-contractor or his authorized agent.

Penalty for not filing list.

**3.** Every contractor or sub-contractor who, [having received such demand,] makes default in forwarding such list in accordance with the provisions of the next preceding section, shall incur a penalty not exceeding twenty dollars for every day during which such default continues.

Certain companies liable for wages due by contractor for its works.

**4.** Every company incorporated by [or receiving a cash subsidy from] the Parliament of Canada shall be liable for the payment of the wages of all workmen employed by any contractor with the company or by any sub-contractor in the construction of the works of the company, [provided a notice, stating in detail the amount of the claim for wages, is served upon the president, or another officer, or a director or any recognized representative of the company, within three months after such wages become due, and that within thirty days of such service suit is entered in a court of competent jurisdiction for the recovery of such wages.]

Government may pay claim for wages out of subsidy.

[**5.** The Government of Canada may retain the whole or a sufficient portion of any subsidy granted to any company, until all such claims for wages as mentioned in the next preceeing section are fully satisfied; and in the event of any such claim for wages remaining unpaid for thirty days after the Government has received notice thereof, the Government, on sufficient proof that such claim is due and unpaid, may pay the amount thereof and all proper costs and charges in connection therewith out of such subsidy.]

Rank of claim for wages.

**6.** Such claim for wages shall, except as to the charges created by sections ninety-four and one hundred and forty-three of *The Railway Act*, be a first charge upon the property, assets, rents and revenues of the company, present or future, and may be enforced against them by action at law.

Costs of suit.

**7.** Every foreman, workman or labourer, if successful in such action at law, shall be allowed for his costs and disbursements incurred in enforcing such claim, such sums as would be taxed to him as costs between solicitor and client in any action at law in the court having jurisdiction over actions for similar amounts.

No. 11.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the liability of the Government and public companies for labour used in the construction of public works.

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

Mr. McLENNAN.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 12.] **BILL.** [1895.

An Act respecting Detective Corporations and Mercantile Agencies.

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

DETECTIVE ASSOCIATIONS.

Certificate of association.

**1.** Whenever any number of persons associate themselves together for the purpose of carrying on the detective or secret service business for pay, they shall make a certificate in writing subscribed and verified by the oaths or affirmations of all the members thereof, showing the full name and place of residence of each, the name and style by which such association shall be called, and the name of the place where their principal office shall be located, which certificate shall be filed in the office of the Secretary of State of Canada, to be by him preserved and recorded in his office in the manner hereinafter provided.

Filed with the Secretary of State.

Bond of members.

**2.** Within thirty days from the date of filing the certificate as provided in the first section of this Act, the members of such association shall execute and deliver to the Secretary of State a bond in his favour in the penal sum of ten thousand dollars, signed by all the members of such association with a number of sureties equal to two for each member of said association, which sureties shall severally justify in sums aggregating the sum of ten thousand dollars as hereinafter provided, conditioned for the faithful performance by such association of all duties of their employment as prescribed in this Act; and each member of such association shall make an oath or affirmation to be endorsed on such bond and subscribed by him before some officer authorized to administer oaths, and by him certified thereon, that he will faithfully and impartially discharge the duties of a detective as prescribed in this Act. Upon the receipt of such bond by the Secretary of State he shall file the same to be preserved in his office, and shall certify in writing to the Governor in Council that such association has complied with the law authorizing the incorporation of detective associations. Thereupon the Governor in Council may by letters patent under the Great Seal grant a charter to the association, notice of the granting of the same being given in the *Canada Gazette* in the manner set forth in *The Companies Act.*

Sureties.

Oath as detective.

Letters patent.

Justification of sureties.

**3.** The justification of sureties in the bond required by section two of this Act shall be an oath or affirmation endorsed

on such bond to the effect that each of said sureties is a citizen of the Dominion of Canada, and is worth at least the sum in which he justifies, over and above all debts and liabilities by him owing, which oaths or affirmations shall be subscribed by the sureties, and taken before and certified to by some officer authorized to administer oaths.

Powers of association.

**4.** When any detective association shall be incorporated under the provisions of the three preceding sections of this Act, the members of such associations are authorized to engage in the secret service or detective business through and in the name of such association, and shall be deemed a body corporate limited, and they may sue and be sued, plead and be impleaded in all courts of law and equity in and by their corporate name, and may have a corporate seal, and may acquire and hold such property as they may deem expedient or necessary for the uses and purposes of their employment as defined in this Act, and may employ any number of persons to assist them, but it shall be the duty of such association to deliver to every person employed by them a certificate showing the date of their employment, the name of the association, and the time for which such person is employed, which certificate shall be signed by the president and attested by the secretary of such association: Provided however, that whenever any person shall be admitted to such association as a member and not as an employee, such association shall file a new certificate and bond in the office of the Secretary of State, and at the expiration of every five years from the date of the last certificate issued by such association they shall make and file in the office of the Secretary of State a new bond and certificate, and in either case such new certificate and bond shall be in all respects the same as that required by the first three sections of this Act, and shall be verified and recorded in the same manner.

Certificate to employees.

Proviso as to new members.

New bond and certificate every five years.

Duty of members and employees.

**5.** It shall be the duty of the members and employees of every detective association incorporated under the provisions of this Act, to preserve inviolate all secrets of state which may come to their knowledge, and all secrets confided to them or learned by them in the course of their employment, unless required in the interests of justice to divulge the same, to aid in preventing crime, in the pursuit, identification, arrest and conviction of offenders and fugitives from justice, and to report to the president any information of threatened treason or rebellion against the State which may come to their knowledge, which president shall convey such information to the Governor General of Canada.

Liability of members and employees.

**6.** The members of every detective association incorporated under the provisions of this Act, and their sureties, shall be liable on the bond of the association in damages to the party injured for information which is damaging, if incorrect, for loss of or damages to any money, property or thing of value which may come into their possession, or the possession of their employees, in the course of their employment, if such loss or damage is caused by the negligence or misconduct of any member or employee of such association, which damages may be recovered in any court of competent jurisdiction: Provided

that such association may have a lien on any stolen money or property recovered by them, for the amount of the reward publicly offered or agreed in writing to be paid, and may refuse to deliver such money or property to the person offering such reward until payment of the same be made.

Proviso: as to lien on property, &c., recovered.

**7.** Any detective association incorporated under the provisions of this Act may be dissolved by two-thirds of the living members thereof making and filing in the office of the Secretary of State a certificate declaring it their intention to dissolve such corporation at a time to be named in such certificate, which time shall not be less than forty days after the publication of such certificate in the manner hereinafter provided; such certificate shall be subscribed and verified by the oaths or affirmations of two-thirds of the living members of such association, and published for four consecutive weeks in the *Canada Gazette:* Provided however that a failure for more than thirty days after the association of a new member or the expiration of five years to file a new certificate and bond as provided in section four of this Act, shall work a dissolution of such corporation, and upon the dissolution by operation of law or action of the members of the association, all the property and effects of every nature belonging to the association shall descend to and be vested in the members thereof jointly.

Dissolution of association.

Voluntary.

By operation of law.

**8.** Any person who shall in the name of or by virtue of association with, or, employment by any detective association incorporated under the provisions of this Act, engage in the secret service for pay, or offer to any other person his services as a detective, without having first complied with the requirements of the first three sections, or having received a certificate of employment as provided by section four of this Act, shall be deemed guilty of an indictable offence, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars or imprisoned in the common gaol for a term not exceeding thirty days; and any person who shall by means of such false and fraudulent pretended association with or employment by any detective association, incorporated under the provisions of this Act, obtain from any other person any goods, merchandise, money, property, effects, or other thing of value, —if the property or money so fraudulently obtained be of the value of twenty-five dollars or upwards, such person so offending shall be imprisoned in the penitentiary for not more than five years,—but if the value of the property be less than twenty-five dollars, then the person so offending shall be fined in any sum not exceeding one hundred dollars or be imprisoned in the common gaol for a term not exceeding sixty days and be liable to the party injured for the damages sustained.

Penalties.

False statement as to being employees of association.

Obtaining goods, &c.

MERCANTILE AGENCIES.

**9.** Mercantile or commercial agencies are for the purposes of this Act to be held to mean establishments which make a business of collecting information relating to the credit, character, responsibility and reputation of merchants or others for the purpose of furnishing the information to subscribers.

Definition.

Powers and disabilities.

**10.** Mercantile or commercial agencies shall not make collections of moneys for debts or goods due or owing to other persons or companies, but shall confine their operations strictly within the definition of the purposes for which they were incorporated; and shall not as incorporated agencies engage in any other profession, trade or vocation.

Letters patent of incorporation.

**11.** No mercantile agency formed in Canada or in any other state or country shall directly or indirectly carry on the business of a mercantile agency in Canada without first receiving letters patent of incorporation from the Governor General in Council through the Secretary of State of Canada.

Penalty for unauthorized carrying on of business.

**12.** Any person, firm or company assuming or using the title of mercantile agency, or carrying on the business of a mercantile agency in Canada, without being authorized so to do by this Act or by some other Act in force in that behalf, shall be guilty of an indictable offence and shall incur a penalty not exceeding one thousand dollars.

Sections applicable to mercantile agencies.

**13.** The provisions contained in sections one, two, three, four, five, seven and eight of this Act respecting the incorporation, bond, justification of sureties, powers of association, duty of members, dissolution and penalties in the case of detective associations, shall, *mutatis mutandis*, be applicable and shall govern mercantile agencies carrying on business as such in the Dominion of Canada, or seeking powers enabling them to commence business therein.

Schedule for information respecting persons, &c.

**14.** Schedules shall be prepared by or under the direction of the manager or principal officer of the mercantile agencies incorporated under the provisions of this Act, for the purpose of being filled up by or on behalf of the several persons, companies or corporations whose property, profits and gains, and whose credit, character, responsibility and reputation, it is advisable to note or publish in the books of the agency. Such schedules shall include and state particulars of the names, sex, rank, profession, occupation or condition, to be required of the persons to be included in such books. The schedules shall among other information include returns of property in any lands, tenements or hereditaments in Canada; and for and in respect of every annuity, pension or stipend payable by Her Majesty or out of the public revenue of Canada and for and in respect of all interest of money, annuities, dividends and shares of annuities payable by any person or persons, bodies politic or corporate companies or societies whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing from any kind of property whatever, whether situate in Canada or elsewhere, or from any annuities, allowances or stipends, or from any profession, trade or vocation, whether the same shall be respectively exercised in Canada or elsewhere, such particulars, information and returns to be calculated to the night of a certain fixed day in every year, most suitable for the purposes of the agency; and the managers or principal officers shall in the course of the week ending on the said fixed day leave or cause to be left one or more of the schedules upon the persons afore-

Particulars to be stated.

To be left with persons with respect to whom infor-

mation is desired.

mentioned; and upon every such schedule shall be plainly expressed that it is to be filled up by these persons, and that the agent of the agency will collect all such schedules at some time after the expiry of one week after the said fixed day;

Which persons may fill up such schedules.

and the persons to whom the said schedules are addressed or delivered shall, if they see fit, fill up the said schedules to the best of their knowledge, and sign their names thereunto, and shall deliver the schedules whether filled up or not, or cause the same to be delivered, to the agent, when required so to do.

Collection of schedules and entry in books of agency.

**15.** The agents shall collect all the schedules so left within their divisions, so far as may be possible, some time after the expiry of one week after the said fixed day, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they find to be erroneous—and shall copy the schedules when completed and corrected, into books to be provided them for that purpose, and shall add thereunto an account according to the best information which they shall be able to obtain of all the other persons who shall not be, but ought to be included in the schedules so collected by them.

Examination of books.

**16.** The manager or principal officer to whom such agents' books shall be delivered, shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if not, shall cause any defect or inaccuracy in the said books to be supplied as far as possible,

Penalty for default or false declaration.

**17.** Every manager and every agent making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding five hundred dollars, nor less than one hundred dollars.

Recovery of penalties.

**18.** All penalties imposed by this Act shall be recovered in a summary manner before a court of competent jurisdiction in the county or place where the offence is committed in the manner prescribed by law.

No. 12.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting Detective Corporations and Mercantile Agencies.

Received and read first time, Monday, 22nd April, 1895.
Second reading, Tuesday, 23rd April, 1895.

Mr. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 13.] **BILL.** [1895.

An Act to promote the Safety of Railway Employees.

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

Air brakes on trains.

**1.** On and after the first day of January, 1900, it shall be unlawful for any railway company—

(*a*) To use any locomotive engine that is not equipped with an air brake in proper working order, or to run any train a sufficient number of the cars of which are not so equipped with an air brake that the engine driver on the locomotive can control its speed without requiring the assistance of the hand brakes; or—

Automatic couplers.

(*b*) To use on its lines any locomotives or cars not equipped with automatic couplers in proper working order, so that such locomotives and cars can be coupled and uncoupled without it being necessary for men to go in between the ends of cars.

Qualifications of engine drivers and conductors.

**2.** On and after the passing of this Act, it shall be unlawful for any railway company to employ any person—

(*a*) As engine driver, who has not been employed for at least five years as fireman on a locomotive engine; or—

(*b*) As conductor, who has not been employed for at least five years as a brakeman.

Penalty.

**3.** Any railway company violating any of the provisions of this Act, shall be liable, on summary conviction, to a fine of not less than dollars nor more than dollars.

No. 13.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to promote the safety of Railway Employees.

Received and read a first time, Tuesday, 23rd April, 1895.
Second reading, Wednesday, 24th April, 1895.

Mr. Maclean (York).

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 14.] **BILL.** [1895.

An Act to repeal the Electoral Franchise Act and to make certain provisions in place thereof.

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

R.S.C., c. 5 repealed.

**1.** *The Electoral Franchise Act*, chapter five of the Revised Statutes, and all amendments thereto, are hereby repealed.

Provincial qualifications and voters lists for Dominion elections.

**2.** In the election of members of the House of Commons of Canada, the electors in each province of Canada shall be the persons who have the qualifications requisite in such province, under the laws thereof, for electors in voting for members of the Legislative Assembly of such province; and the voters lists made and in force under the laws of such province, for the election of members of the Legislative Assembly thereof, shall be used in such province in the election of members of the House of Commons of Canada.

No. 14.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to repeal the Electoral Franchise Act and to make certain provisions in place thereof.

Received and read a first time, Wednesday, 24th April, 1895.
Second reading, Thursday, 25th April, 1895.

Mr. Charlton.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 15.] **BILL.** [1895.

An Act in amendment of the Criminal Code, 1892.

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

1892, c. 29, s. 133 amended.

**1.** Section 133 of *The Criminal Code*, 1892, is hereby amended by inserting in subsection one thereof, immediately after the paragraph lettered (*i.*), the following words:—

Officer or contractor of subsidized railway company contributing money for an election.

"Or (*j.*) being a director, officer or contractor of any railway company to which any subsidy, advance, loan, or bonus of public money has been granted or made by the Governor in Council or by Parliament, and while any part of such subsidy, advance, loan, or bonus is a subsisting claim against the government, either directly or indirectly, by himself or by any person on his behalf, subscribes, furnishes or gives, or promises to subscribe, furnish or give, any money or other valuable consideration, for the purpose of promoting the election of any candidate, or of any number, class, or party of candidates, to a Legislature or to Parliament, or with the intent in any way of influencing or affecting the result of a Provincial or Dominion election."

No. 15.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act in amendment of the Criminal Code, 1892.

Received and read a first time, Wednesday, 24th April, 1895.
Second reading, Thursday, 25th April, 1895.

Mr. EDGAR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 16.] **BILL.** [1895.

An Act further to amend the Dominion Elections Act.

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

Construction.

**1.** This Act shall be read and construed as if incorporated with and forming a part of *The Dominion Elections Act*.

R. S. C., c. 8, s. 88 amended.

**2.** Section 88 of *The Dominion Elections Act*, chapter eight of the Revised Statutes, is hereby amended by adding the following subsections thereto :—

Providing conveyance of voters by railway, free or at reduced rate, illegal.

"2. The providing or furnishing conveyance or carriage by railway, free of charge or at a reduced rate, to or from or on the way to or from the polls or the neighbourhood thereof, in going to or returning from an election, and whether passes or tickets or any token are or are not supplied, shall be an illegal act; and every candidate or other person so offending, shall forfeit the sum of $100 to any person who sues therefor.

Penalty.

Disqualification of elector providing such conveyance.

"3. Every elector who provides or furnishes or pays for the railway conveyance or carriage of voters as aforesaid, shall *ipso facto* be disqualified from voting at the election.

Disqualification of elector accepting it, and penalty.

"4. Every elector who accepts a pass or ticket or other token entitling or permitting him to travel free or at a reduced rate on any railway, in going to or on the way to or in returning from or on the way from the polls, and avails himself of the same, shall *ipso facto* be disqualified from voting at the election, and shall forfeit the sum of $100 to any person who sues therefor.

Penalty for such conveyance by railway company.

"5. Any railway company which gives or furnishes a pass or ticket or other token, free or at a reduced rate, to any elector, or which carries or conveys any elector free or at a reduced rate, contrary to the provisions of this section, shall, for every such offence, forfeit the sum of $1,000 to any person who sues therefor.

Corrupt practice.

"6. Any person who violates any of the provisions of this section shall be guilty of a corrupt practice."

Illegal votes.

**3.** Every person who votes at an election knowing he has no right to vote at such election, and every person who induces or procures any other person to vote at an election knowing that such other person has no right to vote at the election, shall be guilty of a corrupt practice and shall be liable to a penalty of $100.

Corrupt practice.

Penalty.

S. 89 amended.

**4.** Section eighty-nine of the Dominion Elections Act is hereby amended by striking out all the words in the said section after the word "penalty" and inserting in lieu thereof

the words "not less than $20 nor exceeding $200, and to imprisonment for a term not less than ten days nor exceeding six months."

Personation charged at poll.

**5.** When a person is charged at a polling place with having committed the offence of personation, the deputy returning officer at such place may take the information on oath of the person making the charge; and it shall be the duty of the deputy returning officer to take the information as aforesaid, when requested to do so on behalf of any of the candidates.

Detention of person charged.

**6.** If a person against whom it is proposed to lay an information for personation has not left the polling place, the deputy returning officer may, either of his own motion, or at the request of any one proposing forthwith to lay an information against such person, detain or direct the detention of such person until an information can be drawn up.

Warrant for his arrest.

**7.** In case an information is laid, charging any person with the offence of personation as aforesaid, the deputy returning officer may on the polling day, but not afterwards, issue his warrant for the arrest of the person so charged, in order that he may be brought before a justice of the peace to answer to the said information, and to be further dealt with according to law.

Authority of peace officer.

**8.** The said warrant shall be a sufficient authority for any constable, peace officer, or gaoler to detain such person until he is brought before a justice of the peace as aforesaid.

If name of person charged is unknown.

**9.** In case the correct name of the person charged with the offence is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning officer; or the person charged may be described in such other other manner as will suitably identify him.

If name is subsequently ascertained.

2. When the name of the person so charged is ascertained, such name shall be stated in any subsequent warrant or proceeding.

Constables.

**10.** Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act; and every deputy returning officer may appoint such special constables as he deems necessary for this purpose; and such persons shall have full power to act without taking any oath.

Informations and warrants formalities.

**11.** Informations or warrants with respect to the said offence may be in accordance with the forms DD and EE in the schedule hereto; but it shall not be necessary that a warrant issued by a deputy returning officer have a seal affixed thereto; and the absence of a seal where a warrant purports te be sealed shall not invalidate the warrant.

Printed forms to be supplied to returning officers.

**12.** The clerk of the Crown in chancery shall procure and keep on hand a sufficient supply of printed forms of informations and warrants suitable for facilitating action being taken

under this Act, and shall supply each returning officer with as many of such forms as are necessary for the use of his deputies; and every returning officer shall, before the polling day, furnish each deputy returning officer with at least ten of such forms of information and ten of such forms of warrant.

Application of section 5 of R. S. C., c. 8.

**13.** Section 105 of *The Dominion Elections Act* shall extend to any wilful misfeasance, or any wilful act or omission, of a deputy returning officer or poll clerk in contravention of this Act.

New form S.

**14.** Form S in the first schedule to the said Act, as amended by section eleven of chapter eleven of the statutes of 1888, and by section sixteen of chapter nineteen of the statutes of 1891, is hereby repealed and the following substituted therefor:—

"S.

"*Form of Oath of Qualification.*

"I, (A.B.), solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm),—

"1. That I am the person named, or purporting to be named, by the name of

(*and if there are more persons than one of the same name on the said list, inserting also his addition or occupation*) on the list of voters for polling district No. , in the electoral district (*or* municipality) of :

"2. That I am a British subject, and that I am of the full age of twenty-one years:

"3 That I have not voted before at this election, either at this or any other polling place:

"4. That I have not received anything nor has anything been promised me, directly or indirectly, either to induce me to vote at this election or for loss of time, travelling expenses, hire of team or for any other service connected therewith:

"5. That I have not received, taken or accepted, or used, a pass, ticket or other token entitling or permitting me or the holder thereof to travel free or at the regular or a reduced rate on any railway, in coming to or on the way towards, or in return-from or on the way from, the polls to vote at this election:

"6. That I have not travelled to or to the neighborhood of the polls, or any part of the way thereto, by railway (*or if the elector has travelled by railway*, that I have travelled in coming to the polls to vote at this election a part or the whole of the way by railway, but have paid the usual fare for such railway carrriage out of my own proper moneys):

"7. That I have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help me God."

## SCHEDULE.

### DD.

*Information on oath for the offence of Personation at a Polling Place.*

Povince of
County of
City of

The information of of the City of (*occupation*) laid this day of before the undersigned, a deputy returning officer at a polling place held in for an election being held to choose a member of the House of Commons of Canada for the electoral district of

The said informant says that he believes that (1) on this day at the said polling place did commit the offence of personation, contrary to the election law of Canada, for that the said (2) did (3) at the said time and place apply for a ballot paper in the name of another person, that is to say in the name of

Taken and sworn (4) before me at the said polling place and on the day and year above mentioned.

NOTE (1). If the name of the person charged is unknown to the informant, substitute a "person whose name is to the informant unknown, but who is now detained in the said polling place under my order."

(2). Or "the said person aforesaid whose name is unknown."

(3). Or "did at the same time and place apply for a ballot paper in his own name although he had previously voted at the same election."

(4). Or "if the informant is a person who may by law affirm in civil cases, then for "sworn" substitute "solemnly affirmed."

### E E.

*Form of Warrant for offence at Polling Place.*

Province of
County of
City of

To all or any of the constables and other peace officers in the of Whereas information on oath (*or* solemn affirmation) has this day been laid before the undersigned deputy returning officer at a polling place held in the city for an election being held to choose a member of the House of Commons of Canada for the electoral district of for that (1) on this day at the said polling place did commit the offence of personation contrary to the election law of the Dominion of Canada, for that the said (2) did at the same time and place apply for a ballot paper in the name of .

These are therefore to commend you in Her Majesty's name forthwith to apprehend the said and to bring him before the of the to answer to the said information and to be further dealt with according to law.

Given under my hand and seal this day of

NOTE.—(1). If the name of the person charged is unknown, substitute "a person whose name is unknown, but who is now detained in the polling place and is being delivered into the custody of a constable of the "

(2). Or "the said person aforesaid whose name is unknown."

No. 16

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Dominion Elections Act.

Received and read a first time, Wednesday, 24th April 1895.
Second reading Thursday, 25th April 1895.

Mr. McCarthy.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 17.] **BILL.** [1895.

An Act further to amend the Acts respecting the North-West Territories.

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

**1.** Section fourteen of *The North-West Territories Act*, chapter fifty of the Revised Statutes, is hereby repealed. R.S.C., c. 50, s. 14 repealed.

**2.** The Legislative Assembly of the North-west Territories, in addition to the powers conferred upon it by section six of chapter twenty-two of the statutes of 1891, intituled *An Act to amend the Acts respecting the North-West Territories*, may make ordinances in relation to education. Powers of Assembly as to education.

**3.** Section eighteen of the Act in the last preceding section mentioned is hereby repealed. 1891, c. 22, s. 18 repealed.

No. 17.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Acts respecting the North-West Territories.

Received and read first time, Wednesday, 24th April, 1895.
Second reading, Thursday, 25th April, 1895.

Mr. McCarthy.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 18.] **BILL.** [1895.

An Act to prohibit the Importation and Immigration of Foreigners and Aliens under Contract or Agreement to perform Labour in Canada.

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

Assisting immigration of foreigners under contract to perform labor in Canada prohibited.

**1.** From and after the passing of this Act it shall be unlawful for any person, company, partnership or corporation, in any manner whatsoever to prepay the transportation, or in any way assist or encourage the importation o immigration of any alien or aliens, any foreigner or foreigners into Canada, under contract or agreement, parole or special, express or implied, made previous to the importation or immigration of such alien or aliens, foreigner or foreigners, to perform labour or service of any kind in Canada.

Such contract to be void.

**2.** All contracts or agreements, express or implied, parole or special, which may hereafter be made by and between any person, company, partnership or corporation, and any foreigner or foreigners, alien or aliens, to perform labour or service, or having reference to the performance of labour or service by any person in Canada, previous to the immigration or importation of the person or persons whose labour or service is contracted for into Canada, shall be void and of no effect.

Penalty.

**3.** For every violation of any of the provisions of section one of this Act, the person, partnership, company or corporation violating the same by knowingly assisting, encouraging or soliciting the immigration or importation of any alien or aliens, foreigner or foreigners into Canada, to perform labour or service of any kind under contract or agreement, express or implied, parole or special, with such alien or aliens, foreigner or foreigners previous to becoming residents or citizens of Canada, shall forfeit and pay for every such offence the sum of one thousand dollars, which may be sued for and recovered by the Dominion of Canada, or any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in any competent court of the Dominion of Canada, the proceeds to be paid into the hands of the Receiver-General for the Dominion of Canada; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid, and it shall be the duty of the county attorney of the proper county to prosecute every such suit at the expense of the Dominion of Canada.

Mode of recovery.

As to master of ship landing such immigrant in Canada.

**4.** The master of any vessel who shall knowingly bring within the Dominion of Canada on any such vessel and land or permit to be landed from any foreign port or place any alien, labourer, mechanic or artizan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labour or service in the Dominion of Canada, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such alien, labourer, mechanic or artizan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months at hard labour.

Penalty.

Exemptions.

**5.** Nothing in this Act shall be so construed as to prevent any citizen or subject of any foreign country, temporarily residing in Canada, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of Canada, to act as private secretaries, servants or domestics for such foreigner temporarily residing in Canada as aforesaid ; nor shall this Act be so construed as to prevent any person or persons, partnership or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labour in Canada in or upon any new industry not at present established in Canada, provided that skilled labour for that purpose cannot be otherwise obtained ; nor shall the provisions of this Act apply to professional actors, artists, lecturers or singers, nor to persons employed as personal or domestic servants : Provided, that nothing in this Act shall be construed as prohibiting any individual from assisting any member of his family, or any relative or personal friend, to migrate from any foreign country to Canada for the purpose of settlement here.

Servant of foreigner temporarily residing in Canada.

Skilled workman in new industry.

Actors, artists, lecturers, singers and domestic servants.

Intending settlers.

Immigrants unlawfully landed to be returned.

**6.** The collector of customs at any port in Canada, in case he shall be satisfied that an immigrant has been allowed to land in Canada contrary to the prohibition of this Act, shall cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the migrating vessel, or, if entered from an adjoining country, at the expense of the person previously contracting for the services.

At whose expense.

Payment to informer.

**7.** The Receiver General for the Dominion of Canada may pay to any informer who furnishes original information that the law has been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding fifty per centum , where it appears that the recovery was had in consequence of the information thus furnished.

No. 18.

5th Session, 7th Parliament, 58 Victoria,

BILL.

An Act to prohibit the Importation Immigration of Foreigners and Al under Contract or Agreement to form Labour in Canada.

Received and read first time, Wednes 24th April, 1895.
Second reading, Thursday, 25th A 1895.

Mr. Taylo

OTTAWA
Printed by S. E. Dawson
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1895

No. 19.] **BILL.** [1895.

An Act in further amendment of the Civil Service Act.

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

New section substituted for R.S.C., c. 17, s. 8.

**1.** Section eight of *The Civil Service Act*, chapter seventeen of the Revised Statutes, is hereby repealed and the following substituted therefor :—

Board of examiners in each department.

"**8.** In each department of the executive government and in the office of the Auditor General, the Minister in charge of the same and the deputy head of such department, or an officer appointed by the Minister, shall constitute a board of examiners, and shall examine candidates for any vacancy that occurs in such department."

Section 9 amended.

**2.** Subsection one of section nine of the said Act, as amended by section two of chapter twelve of the statutes of 1888, is hereby repealed.

Section 24 amended.

**3.** Subsection one of the section substituted for section twenty-four of the said Act by section four of chapter twelve of the statutes of 1888 is hereby amended by substituting for the words "before their appointment," in the fifth line thereof, the words "at the time of their appointment"; and also by substituting for the words "the qualifying examination," in the seventh line thereof, the words "the promotion examination."

2. Subsection two of the said section twenty-four is hereby repealed.

Section 29 amended.

**4.** Section twenty-nine of the said Act is hereby amended by striking out all the words after the word "examination," in the third line, and by substituting therefor the words "as hereinbefore provided."

Section 30 is repealed.

**5.** Section thirty of the said Act is hereby repealed.

Section 31 repealed.

**6.** The section substituted for section thirty-one of the said Act by section five of chapter twelve of the statutes of 1888 is hereby repealed.

Section 32 repealed.

**7.** Section thirty-two of the said Act, as amended by section six of chapter twelve of the statutes of 1888, is hereby repealed.

Section 33 repealed.

**8.** Section thirty-three of the said Act, as amended by section seven of chapter twelve of the statutes of 1888, is hereby repealed.

Section 34 repealed.

**9.** Section thirty-four of the said Act is hereby repealed.

Section 35 amended.

**10.** Subsection one of section thirty-five of the said Act is hereby amended by substituting for the word "qualifying," in the third line thereof, the words "passing an"; and by striking out the words "from the lists of qualified candidates made by the board," in the ninth and tenth lines thereof.

Section 37 amended.

**11.** Subsections one and three of section thirty-seven of the said Act are hereby repealed.

Further amended.

2. The subsection substituted for subsection two of the said section thirty-seven by section two of chapter twelve of the statutes of 1889, is hereby amended by inserting before the words "and deputy," in the third and fourth lines thereof, the word "collectors."

Section 39 amended.

**12.** Subsection one of section thirty-nine of the said Act, as amended by section eight of chapter twelve of the statutes of 1888, is hereby amended by adding at the end thereof the words "by a board of examiners appointed for each department and for the office of the Auditor General by the Minister in charge thereof, and composed of two or more officers of the higher grades of such department."

Section 40 repealed.

**13.** Section forty of the said Act, as amended by section nine of chapter twelve of the statutes of 1888, is hereby repealed.

Section 41 repealed.

**14.** Section forty-one of the said Act is hereby repealed.

Section 44 amended.

**15.** Section forty-four of the said Act is hereby amended by striking out the words "made by the board," in the last line thereof.

Section 47 amended.

**16.** Subsection one of section forty-seven of the said Act is hereby amended by striking out all the words after the word "department," in the sixth line thereof, and by substituting therefor the words "employ such number of temporary clerks as are required for the service in question."

New section 58.

**17.** Section fifty-eight of the said Act, as amended by section thirteen of chapter twelve of the statutes of 1888, is hereby repealed and the following substituted therefor:—

Return to be laid before Parliament.

"**58.** The Secretary of State shall lay before Parliament, within fifteen days after the commencement of each session, a return of the names and salaries of all persons appointed to or promoted in the Civil Service during the preceding year, specifying the office to which each has been appointed or promoted."

Limit of age.

**18.** Wherever the words "thirty-five years" occur in the said Act, they shall be replaced by the words "forty-five years."

No. 19.

5th Session, 7th Parliament, 58 Vict

BILL.

An Act in further amendment Civil Service Act.

Received and read a first time, Th 25 April, 1895.
Second reading, Friday, 26 April, 18

Mr. R

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majes
1895

N° 20.] **BILL.** [1895.

# An Act in further amendment of the Electoral Franchise Act.

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

**1.** The subsection added by section six of chapter eighteen of the Statutes of 1891, to section 23 of *The Electoral Franchise Act*, chapter five of the Revised Statutes, is hereby repealed and the following substituted therefor :— R.S.C., c. 5, s. 23 amended.

"6. Notwithstanding anything in this section, the returning officer instead of subdividing polling districts or sections thereof by reason of the number of names of voters in such districts or sections exceeding three hundred, may make an alphabetical division of such names of voters, so that the number in each division may be as nearly as practicable the same, and may establish two polling booths in such districts or sections, and where the number exceeds six hundred, three polling booths, and so on in the same proportion." Procedure instead of subdividing polling district.

No. 20.

5me Session, 7me Parlement, 58 Victoria, 1895

# BILL.

An Act in further amendment of the Electoral Franchise Act.

Received and read a first time, Thursday, 25th April, 1895.
Second reading, Friday, 26th April, 1895.

Mr. BERGIN.

OTTAWA
Imprimé par S. E. DAWSON
Imprimeur de Sa Très Excellente Majesté la Reine
1895

N° 21.] **BILL.** [1895.

An Act to amend the Dairy Products Act, 1893.

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

Subsection 1 of section 5 of *The Dairy Products Act*, 1893, is hereby repealed and the following substituted therefor : 1893, c. 37, s. 5 amended.

Country and date of production to be marked on cheese and packages of butter.

"**5.** No person shall sell, offer, expose or have in his possession for sale, any cheese or butter which is produced in Canada or the United States, unless the name of the country where such cheese or butter was produced, and the month and year of manufacture thereof, is branded, stamped, or marked, in a legible and indelible manner, upon the outside of every box or package which contains the same, and in the case of cheese, on the cheese itself, before leaving the place of manufacture, in letters not less than three-eights of an inch high and one-quarter of an inch wide."

No. 21.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Dairy Products Act, 1893.

Received and read first time, Thursday, 25th April, 1895.
Second reading, Friday, 26th April, 1895.

Mr. McLennan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 21.] **BILL.** [1895.

An Act to amend the Dairy Products Act, 1893.

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

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

**1.** Subsection one of section five of *The Dairy Products Act*, 1893, is hereby repealed and the following substituted therefor :— 1893, c. 37, s. 5 amended.

"**5.** No person shall sell, offer, expose or have in his possession for sale, any cheese or butter which is produced in Canada, unless the word "Canada" and the year and month of manufacture thereof, the registered number of the factory, and the initial letter or letters of the province in which the factory is situated, are branded, stamped, or marked, in a legible and indelible manner, upon the outside of every box or package which contains such cheese or butter, and in the case of cheese, on the cheese itself, before leaving the factory, in letters not less than three-eighths of an inch high and one-quarter of an inch wide." Marks on cheese and packages of butter.

["*a.* Every manufacturer of cheese or butter shall register with the dairy commissioner at Ottawa the location and post-office address of each factory owned or operated by him; and the commissioner shall forthwith send by registered letter to the manufacturer a certificate of registration showing the number allotted by the commissioner to his factory or factories."] Registration of factory number.

[**2.** Subsection two of the said section five is hereby amended by substituting for the word "five" in the fourth line thereof the word "twenty," and for the word "two" in the fifth line thereof the word "five."] Section five further amended.

No. 21.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act amend the Dairy Products Act, 1893.

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

Mr. McLennan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 22.] **BILL.** [1895.

An Act further to amend the Act respecting Dominion Notes.

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

1894, c. 21 repealed; R.S.C., c. 31, s. 3 revived.

**1.** Chapter twenty-one of the statutes of 1894 is hereby repealed, and section three of chapter thirty-one of the Revised Statutes is hereby revived as it existed previous to the passing of the Act hereby repealed.

Issue of Dominion notes may exceed $20,000,000, provided equal amount in gold is held.

**2.** Notwithstanding anything to the contrary contained in the said chapter thirty-one of the Revised Statutes, Dominion notes may be issued to any amount in excess of the sum of twenty million dollars authorized by section three of the said chapter, provided the Minister of Finance and Receiver General, in addition to any amount required to be held by him in gold under the provisions of the said section three, holds an amount in gold equal to the amount of Dominion notes issued and outstanding in excess of the said sum of twenty million dollars.

No. 22.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act respecting Dominion notes.

Received and read a first time, Friday, 26th April, 1895.
Second reading, Monday, 29th April, 1895.

MR. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 23.] **BILL.** [1895.

An Act further to amend the Railway Act.

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

1888, c. 29, amended.

**1.** *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by adding the following section thereto, immediately after section 11 :—

Railway company failing to pay wages of employees.

"**11A.** If the Railway Committee is satisfied that a demand has been legally served upon a company for any sum due to any person employed by it, and that the company has for ninety days after such service neglected to pay such sum, the Railway Committee may appoint a receiver of the estate and business of the company."

No. 23.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Railway Act.

Received and read a first time, Friday 26th April, 1895.
Second reading, Monday, 29th April, 1895.

Mr. BRYSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 24.] **BILL.** [1895.

# An Act respecting Union Labels and Trade-Marks, and to amend the Criminal Code, 1892.

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

**1.** This Act may be cited as *The Union Labels Act*, 1895. Short title.

**2.** Whenever any association or union of workingmen adopts or uses any label, trade-mark, term, design, device or form of advertisement, for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labour as having been made, manufactured, produced, prepared, packed or put on sale by members of such association or union of workingmen, or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade-mark, term, design, device or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade-mark, term, design, device or form of advertisement. Imitation of union labels, &c., unlawful.

**3.** The expression "trade-mark," in paragraph (*a*) of subsection one of section 443 of *The Criminal Code*, 1892, and the expression "trade description," in paragraph (*b*) of the said subsection, shall extend to and include any label, trade-mark, term, design, device or form of advertisement under this Act. Application of 1892, c. 29, s. 443.

**4.** Every such association or union that has heretofore adopted or used, or hereafter adopts or uses a label, trade mark, term, design, device or form of advertisement as provided in section one of this Act, shall, within six months after the passing of this Act, or from the time when such label, trade-mark, term, design, device or form of advertisement is first used or adopted hereafter, file the same for record in the office of the Minister of Agriculture by depositing two copies, counterparts or facsimiles thereof in the said office, and by filing therewith a sworn statement specifying the name or names of the association or union on whose behalf such label, trade mark, term, design, device or form of advertisement is filed, the class of merchandise and a particular description of the goods to which it has been or is intended to be appropriated, that the association or union so filing or on whose behalf such label, trade-mark, term, design, device or form of advertisement is filed, has the right to use it, and that no other person, firm, association, union or corporation has the right to use it, either in the Registration of union labels, &c.

identical form, or in any such near resemblance thereto as is calculated to deceive, and that the facsimile, copies or counterparts filed therewith are true and correct.

Fee.

2. There shall be paid for such filing and recording a fee of one dollar.

Certificate of registration.

**5.** There shall be delivered to each association or union so filing or causing to be filed any such label, trade-mark, term, design, device or form of advertisement so many duly attested certificates of the recording thereof as such association or union applies for; and for each of such certificates there shall be paid a fee of one dollar.

Fee.

Certificate as proof of adoption of label.

2. Any such certificate of record shall in all suits and prosecutions under this Act be sufficient proof of the adoption of such label, trade-mark, term, design, device or form of advertisement.

Labels tending to deceive.

**6.** No person, union or association shall record as aforesaid any label, trade-mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trade-mark, term, design, device or form of avdertisement theretofore filed by or on behalf of any other person, union or association.

Fraudulent registration of label.

**7.** Any person who, for himself or on behalf of any other person, association or union, procures the filing of any label, trade-mark, term, design, device or form of advertisement in the office of the Minister of Agriculture under the provisions of this Act by making any false or fraudulent representations or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of such filing, to be recovered by or on behalf of any person, association or union injured thereby, in any court of competent jurisdiction, and is guilty of an offence within the meaning of *The Criminal Code*, 1892, and liable, on summary conviction, to a fine of not less than three hundred dollars and not exceeding five hundred dollars, or to imprisonment for not less than one year nor more than five years, or to both such fine and imprisonment.

Penalty.

No. 24.

5th Session, 7th Parliament, 58 Victoria, 18

BILL.

An Act respecting Union Labels a
Trade-Marks, and to amend t
Criminal Code, 1892.

Received and read first time, Friday, 26
April, 1895.
Second reading, Monday, 29th April, 1895.

Mr. Coatsworth.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 25.] **BILL.** [1895.

# An Act further to amend the Act respecting the House of Commons.

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

**1.** Section five of the *Act respecting the House of Commons*, chapter thirteen of the Revised Statutes, is hereby repealed and the following substituted in lieu thereof :— R. S. C., c. 13, s. 5 repealed.

"**5.** Any member of the House of Commons who wishes to resign his seat, may do so by giving, in his place in the House, notice of his intention to resign ; and immediately after such notice has been given or received it shall be entered by the Clerk on the journals of the House. Resignation of member by giving notice in his place in the House. Entry on journals.

"2. Such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses,— which declaration may be so made and delivered either during the session of Parliament or in the interval between two sessions ; and if such declaration is made in the interval between two sessions, the Speaker shall, upon receiving it, forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a member in the place of the member so resigning, and a writ shall issue accordingly ; and an entry of the declaration so delivered to the Speaker shall be thereafter made on the journals of the House. Resignation in writing. If during recess, Speaker shall issue warrant for new writ of election. Entry on journals.

"3. The member so tendering his resignation shall be held to have vacated his seat, and shall cease to be a member of the House." Resignation vacates seat.

**2.** Subsection one of section eight of the said Act is hereby repealed and the following substituted therefor :— Section 8 amended.

"**8.** If any vacancy happens in the House of Commons by the death of any member or by his accepting any office in the interval between two sessions, the Speaker, on being informed of such vacancy by notice in writing under the hands and seals of any two members of the House, shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member to fill the vacancy ; and a new writ shall issue accordingly." Vacancy during recess by death or acceptance of office.

**3.** If, within three days after the receipt by the Clerk of the Crown in Chancery of the Speaker's warrant, issued under the authority of the *Act respecting the House of Commons* or any other Act of the Parliament of Canada, or by the order of the House of Commons, or the receipt of the warrant of Powers of Clerk of Crown in Chancery in case of delay to hold election.

two members of the House, for the issue of a new writ for the election of a member to fill a vacancy in the membership of the House, the Governor in Council has not appointed the returning officer to hold the said election, or fixed the day for the nomination of candidates thereat, the Clerk of the Crown in Chancery shall, notwithstanding anything to the contrary contained in *The Dominion Elections Act* or in any other Act of the Parliament of Canada, direct or address the said writ to the sheriff or one of the sheriffs (if there are more than one) of the county or district in which is situate the said electoral district or part of the electoral district for which a new election is required; and such sheriff shall be the returning officer at the election to which such writ relates: Provided always, that if the sheriff to whom the writ is addressed, refuses or is disqualified or unable to act, the Clerk of the Crown in Chancery shall appoint one of the other sheriffs, (if there are more sheriffs than one who might have been originally appointed), or the registrar of deeds, or one of the registrars of deeds (if there are more than one), of the county or district in which the electoral district or part of the electoral district is situate, as such returning officer.

May issue writ to sheriff.

Proviso: if sheriff does not act.

Nomination day.

2. The Clerk of the Crown in Chancery shall, in and by the said writ, appoint a day for the nomination of candidates, which, while giving to the returning officer sufficient time to make and post the necessary proclamation, shall not be more than days after the date of the said writ.

Wilful contravention, a criminal offence.

4. Any wilful misfeasance or omission to conform to the provisions of the *Act respecting the House of Commons* or of this Act, on the part of the Clerk of the Crown in Chancery or returning officer, shall be a criminal offence and be punishable accordingly.

No. 25.

5th Session, 7th Parliament, 58 Victoria, 1

BILL.

An Act further to amend the Act respe
ing the House of Commons.

Received and read a first time, Monday, 2
April, 1895.
Second reading, Tuesday, 30th April, 1895

MR. McCARTHY.

OTTAWA
Imprimé par S. E. DAWSON
Imprimeur de Sa Très Excellente Majesté la Reine
1895

No. 26] **BILL.** [1895.

# An Act to Incorporate the Bankers Life Association of Canada.

WHEREAS the persons hereinafter named have by their petition prayed for an Act to incorporate them as an Association for the purposes and with the 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 the House of Commons of Canada, enacts as follows:— Preamble.

**1.** James G. Howorth, Emerson Coatsworth, jr., Harry Sutton Pell, William B. Hurdon, Albert Hartley Howorth and Edward Allen, all of the city of Toronto, together with such persons as become members of the Association hereby incorporated, are hereby constituted a body corporate under the name of "The Bankers Life Association of Canada," hereinafter called "the Association." Incorporation. Corporate name.

**2.** The Association may invest its funds in mortgage security or in the bonds or other securities of the Dominion of Canada or of any of the provinces composing the same, or of any building society, loan or investment company or in the securities of any municipal or school corporation in Canada; and may hold for a period of seven years such real estate as is acquired by foreclosure of mortgage or in satisfaction of debts or judgments, and may sell or otherwise dispose of the same, and may hold such other real estate not to exceed in all the annual value of five thousand dollars as may be necessary for the purposes of the Association. Investment of funds.

**3.** The objects of the Association are to unite its members for their mutual benefit and financial support by making provision out of assessments, dues, donations or other payments by members for death, and for assisting the widows and orphans, heirs and beneficiaries of deceased members; and generally to transact the business of life insurance on the assessment plan with such powers and rights as are necessarily incident to such purposes, and such further powers and rights as may be necessary; and the Association may make assessments upon its members from time to time for such amounts and in such manner as the by-laws determine for all or any of the said purposes, and may also by by-laws provide conditions, upon which, in case of non-payment of any assessments or dues by any member, his membership shall cease and he shall have no claim upon the property or assets of the Association. Objects of Association.

Provisional directors.

**4.** The persons hereinbefore named shall be provisional directors for the organization of the Association and shall elect a provisional president from among themselves and they shall hold office until the meeting of the Association hereinafter provided for.

First meeting of members of Association.

**5.** Within sixty days from the passing of this Act a meeting of the members of the Association shall be called for the election of directors, all of whom shall be members of the Association ; and for the purpose of making by-laws governing the election of directors and the appointment of officers and prescribing and defining their duties and powers, regulating the admission of new members, the amount and the time and manner of payment of assessments, dues and other payments by members, the voting power of members and subcribers to guarantee fund respectively and generally of passing such by-laws as are proper and necessary.

Documents to be filed with Superintendent of Insurance.

**6.** Copies of all such by-laws together with copies of its form of policy and of all such forms, if more than one is issued by the Association, and copies of all other printed or written forms used in connection with the business of the Association, all duly certified, shall be filed in the office of the Superintendent of Insurance before they are acted on or made use of by the Association.

Reserve fund.

**7.** The Association shall by its by-laws provide for the accumulation of a reserve and emergency fund, which shall not be less than the proceeds of one mortuary assessment on all policy holders thereof.

Association may issue policies of insurance.

**8.** The Association may issue policies of insurance exclusively upon the lives of its members but it shall not issue any policy of insurance until it has received at least five hundred applications for membership calling for an amount of insurance of not less than five hundred thousand dollars.

Guarantee fund.

**9.** The Association may at any time by by-law raise by subscription a guarantee fund to an amount not exceeding one hundred thousand dollars, and the liability of each subscriber to any such fund, in respect to any claims thereon, shall be limited to the amount of his individual subscription thereto.

Policy to be given to members.

**10.** Every person who is admitted a member of the Association shall receive a policy on which shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership; and so long as such conditions and any other conditions that may be imposed without express dissent from such member are complied with, he shall remain a member of the Association and shall enjoy all the benefits and privileges of membership.

Head office and agencies.

**11.** The head office of the Association shall be in the city of Toronto, but the location of the same may be changed to any place in Canada at any special meeting called for that purpose; and the Association may open local agencies throughout Canada.

**12.** A general meeting of the Association shall be held in the city of Toronto or in such place where the head office is located, once in each year on the date fixed by by-law, at which meeting a statement of the affairs of the Association shall be submitted. Annual general meeting.

**13.** Notwithstanding anything contained in *The Companies Clauses Act*, sections seven, eight, eleven (except paragraphs *c* and *e* thereof), twelve, thirteen, (except paragraphs *a*, *b*, and, *c*, thereof) fourteen, thirty-five and forty of the said Act shall extend and apply to the Association hereby incorporated and shall form part of this Act, in so far as they are not inconsistent with any of the provision hereinbefore contained. R.S.C., c. 118.

**14.** This Act and the Association hereby incorporated, and the exercise of the powers, hereby conferred, shall be subject to the provisions contained in *The Insurance Act*. R.S.C., c. 124.

No. 26.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate The Bankers Life Association of Canada.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

(PRIVATE BILL.)

Mr. DENISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 27.] **BILL.** [1895

# An Act respecting the Alberta Railway and Coal Company.

Preamble.

WHEREAS the capital stock of the Alberta Railway and Coal Company, hereinafter called "the Company," now consists of ordinary shares to the nominal amount of one million seven hundred and fifty thousand dollars, which have been issued as fully paid and six per cent preferred shares, commonly known and in this Act referred to as "preference shares" to the nominal amount of one million five hundred thousand dollars, entitling the holders in each year to participate in dividends ratably with the holders of the ordinary shares, after the latter shall have received six per cent upon their shares in that year, of which preference shares to the nominal amount of one million dollars have been issued as fully paid; and whereas the Company has issued six per cent first mortgage debentures to the nominal amount of eight hundred and ninety thousand pounds sterling, secured so far as relates to the undertaking of the Company in the Dominion of Canada, by deed of trust, dated the 11th of August, 1891, and made between the Company of the one part and the Trustees, Executors and Securities Insurance Company, Limited, of the other part, as authorized by chapter seventy-seven of the Statutes of 1891; and whereas the Company has not hitherto paid any dividend on its ordinary or preference shares; and whereas the interest on the first mortgage debentures has fallen into arrear and there was due and owing by the Company, in respect to such interest, on the 1st of January, 1895, the sum of one hundred and six thousand eight hundred and eighty-nine pounds sterling; and whereas by an indenture dated the 1st of June, 1893, and made between the Company of the first part, the Canadian Pacific Railway Company of the second part, the Trustees, Executors and Securities Insurance Corporation, Limited, of the third part, and the Canada Life Assurance Company, of the fourth part, the Company has, under the authority of chapter thirty-eight of the Statutes of 1893, entered into a contract for a lease and ultimate sale of that portion of their undertaking which is known as the Dunmore and Lethbridge Railway to the Canadian Pacific Railway Company, and have in pursuance of one of the terms of the said contract converted the said portion of railway from a narrow gauge to a standard gauge railway with moneys provided for that purpose by the Canada Life Assurance Company; and whereas by another indenture dated the 1st of June, 1893, and made between the Company of the first part and the Canada Life Assurance Company of the second part, the Company conveyed the said Dunmore and Lethbridge Railway to

1891, c. 77.

1893, c. 38.

the Canada Life Assurance Company, subject to the partly hereinbefore recited indenture of the 1st June, 1893, but by way of mortgage for the purpose of securing the sums due from the Company to the Canada Life Asssurance Company; and whereas the Company is otherwise indebted to various bodies and persons in an amount hereinafter referred to as "the floating debt" estimated as on the 1st of January, 1895, at one hundred thousand pounds sterling or thereabouts, exclusive of the amount due to the Canada Life Assurance Company, which is estimated at one hundred and thirteen thousand pounds sterling or thereabouts, but inclusive of fifty thousand pounds sterling or thereabouts due to loan creditors in London, and twenty-five thousand pounds sterling or thereabouts due to the Union Bank of Canada, which two last mentioned sums are secured debts of the Company; and whereas a scheme having for its object the improvement of the financial position of the Company was, on the 23rd of November, 1894, laid before a meeting of the holders of the first mortgage debentures of the Company, which had been duly convened in that behalf pursuant to the provisions of the deed of trust of the 11th of August, 1891, at which holders of debentures to the aggregate amount of seven hundred and fifteen thousand, six hundred pounds sterling were present in person or by proxy, when certain resolutions embodying the proposed scheme were unanimously passed, and since the holding of the last mentioned meeting other holders of first mortgage debentures to the aggregate amount of one hundred and twenty-nine thousand, eight hundred pounds sterling, have in writing assented to the scheme; and whereas the proposed scheme has been unanimously approved and adopted by a meeting of the ordinary shareholders and preference shareholders of the Company held on the 22nd of Jannary, 1895, at which the holders of ordinary shares to the nominal amount of one million, six hundred and ninety thousand two hundred pounds sterling and of preference shares to the nominal amount of eight hundred and twenty-five thousand, six hundred pounds sterling were present in person or by proxy; and whereas the said several secured loan creditors of the Company in London, and the Union Bank of Canada, have also, by agreement in writing, assented to and confirmed the proposed scheme; and whereas it will be greatly to the benefit of all persons interested in the Company, whether as debenture holders, creditors or shareholders, that the proposed scheme should be carried into effect, but in order to give effect thereto the intervention of the Parliament of Canada is necessary; and whereas the Company has by its petition prayed for the passing of an Act to enable it to carry the proposed scheme into effect 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:—

Short title.

**1.** This Act may be cited as "The Alberta Railway Debenture Stock Act, 1895."

Issue of consolidated debenture stock. 1891, c. 77.

**2.** In addition to the amounts which the Company is authorised to borrow and raise under chapter seventy-seven of the Statutes of 1891, the directors of the Company may create and

issue consolidated debenture stock to be called "prior lien debenture stock," carrying interest at a rate not exceeding four per cent per annum to a nominal amount not exceeding one hundred and twenty-five thousand pounds sterling, redeemable at any time by purchase in the market or by tender, or at the option of the Company on three month's notice at one hundred and ten pounds sterling, or after the expiration of ten years from the passing of this Act at one hundred and five pounds sterling for every one hundred pounds sterling of stock. The first issue of the prior lien debenture stock shall not exceed one hundred thousand pounds sterling, and the balance shall only be issued with the consent in writing of the trustees of the said deed of trust of the 11th August, 1891, if such subsequent issue shall take place before the said six per cent first mortgage debentures shall have been called in as hereinafter provided, and if afterwards, then with the like consent of the trustees for the time being, if any, for the holders of the "A" and "B" debenture stock hereinafter mentioned. The interest at the rate aforesaid on the prior lien debenture stock shall be payable in London half-yearly on the 1st January and 1st July in each year, and in respect to the first issue of one hundred thousand pounds sterling shall commence to accrue as from the 1st January, 1895.

Further issue of consolidated debenture stock.

**3.** In substitution for the said existing eight hundred and ninety thousand pounds sterling six per cent first mortgage debentures which are to be called in as hereinafter provided, and for the arrears of interest thereon which the directors of the Company are to be at liberty to capitalize as upon the 1st of January, 1895, at the aggregate sum of one hundred and ten thousand pounds sterling, the directors of the Company may create and issue additional consolidated debenture stock to the aggregate amount of one million pounds sterling and carrying interest as hereinafter mentioned. The last mentioned consolidated debenture stock shall be divided into two classes as follows:—

Class A.

(*a.*) Two hundred and fifty thousand pounds sterling, part thereof shall be called "A" debenture stock, and shall be redeemable at par at any time or from time to time on three months notice to be given by the Company, and shall bear interest at the rate of four per cent per annum as from the 1st January, 1895, payable in London half-yearly on the 1st January and 1st July in each year;

Class B.

(*b.*) The remaining seven hundred and fifty thousand pounds sterling thereof shall be called "B" debenture stock, and shall be redeemable as to one hundred thousand pounds sterling, part thereof as hereinafter provided, and as to the remainder in the same manner as the "A" debenture stock, and shall bear interest at the rate of five per cent per annum, payable in London, on the 31st December in each year, in respect to the year ending on the previous 30th June, but except and subject as hereinafter provided, such interest shall not be cumulative, but shall constitute a first charge upon the profits, if any, of the Company, for the year in which such interest shall accrue, after the payment of any penalty imposed for non-compliance with the requirements of section 94 of *The Railway Act*, and after payment of the working expenses of the Company's busi-

1888, c. 29, s. 94.

ness and the interest on prior incumbrances, including interest on the aforesaid sum due to the Canada Life Assurance Company so long as the same shall remain undischarged, and also after such a sum, not exceeding fifty per cent of the amount available for payment of interest on the "B" debenture stock, as the directors determine, shall have been placed to a reserve fund, until such reserve fund shall amount to thirty thousand pounds sterling.

Ranking of said stock.

**4.** The said prior lien debenture stock and any trust deed executed as hereinafter provided for better securing the same, shall without registration be and constitute a specific first charge, and the said "A" debenture stock and any trust deed executed for better securing the same shall without registration be and constitute a specific second charge, and the said "B" debenture stock and any trust deed executed for better securing the same shall without registration be and constitute, subject to the foregoing provision with respect to interest, a specific third charge upon all the real and immovable property of the Company and upon any shares, bonds, or other securities of any railway company formed under the laws of the territory of Montana, which have been or may hereafter be acquired by the Company, pursuant to section fourteen of chapter fifty of the Statutes of 1889.

1889, c. 50, s. 14.

Debenture stock to constitute floating charge on assets of company.

2. The said respective classes of debenture stock and any trust deed or deeds executed to better secure the same as aforesaid shall also, in the same order of priority and without registration respectively, constitute floating charges upon all the other property and assets of the Company. Provided, however, that the said classes of debenture stock and any deed or deeds executed as aforesaid to better secure the same shall not nor shall any of them constitute any charge upon:—

Proviso: property exempt from charges.

(*a.*) The Dunmore and Lethbridge Railway and the rental and purchase money payable for the same by the Canadian Pacific Railway Company under the said contract of the 1st June, 1893, or any modification thereof;

(*b.*) A portion, estimated at fifteen thousand pounds sterling or thereabouts, of the proceeds of sale of the narrow gauge rolling stock, rails, plant and machinery of the Company removed from the Dunmore and Lethbridge Railway.

Proviso: as to revenues of company.

1888, c. 29, s. 94.

Provided further that the revenues of the Company shall be subject in the first instance to the payment of any penalty imposed under the provisions of section 94 of *The Railway Act* and to the working expenses of the Company's business. And in the event of a winding up of the Company the holders of the said respective classes of debenture stock shall be entitled to rank as secured creditors of the Company according to the priorities hereinbefore defined for the nominal amount of their respective holdings.

Moneys to be applied to redemption of debenture stock.

**5.** Any balance which shall remain out of the purchase money payable as aforesaid by the Canadian Pacific Railway Company, after the discharge thereout of the aforesaid loan made by the Canada Life Assurance Company, together with such portion estimated as aforesaid at fifteen thousand pounds sterling, or thereabouts, of the proceeds of sale of the narrow gauge rolling stock rails plant and machinery of the Company

removed from the Dunmore and Lethbridge railway, as shall with such balance suffice to make up a total sum of one hundred thousand pounds sterling shall be applied ratably in the redemption at par of "B" debenture stock to the amount of one hundred thousand pounds sterling.

Further security.

**6.** The directors of the Company may further secure the prior lien debenture stock and "A" and "B" debenture stock respectively upon all or any part of the aforesaid property and assets, by such deed of trust or mortgage as they may be advised, having due regard to the priorities hereinbefore declared, and the trustees of the aforesaid deed of trust of the 11th of August, 1891, shall, if so required, concur in the execution of such deed. And by the said deed the Company may grant to the holders of the respective classes of debenture stock, or to the trustee or trustees named in such deed, such powers, rights, remedies and privileges, and may make such rules and regulations concerning the respective debenture stocks and the transfer, devolution, and registration of the same, the holding of meetings of stockholders and proceedings thereat, not inconsistent with this Act, as shall be described and contained in such deed or deeds of trust. And all such powers, rights, remedies, privileges, rules and regulations shall be valid and binding and available to the holders of such respective classes of debenture stock, or to their respective trustee or trustees as the case may be, in manner and form as therein provided.

Copy of deed of trust to be deposited in office of Secretary of State.

**7.** A copy of each of such deeds of trust shall be deposited in the office of the Secretary of State of Canada, at Ottawa, of which deposit notice shall be given in the *Canada Gazette*.

Meeting of holders of debenture stock.

**8.** The directors of the Company or the trustees or trustee under any such trust deed, if any, for the holders of any of the aforesaid classes of debenture stock respectively may, and at the request in writing of persons holding not less than one-fifth of the nominal amount of the debenture stock of such class outstanding, shall at any time convene a meeting of the holders of such class of debenture stock, by sending at least seven days notice specifying the place, day and hour of meeting and the object of such meeting to the registered address of each such debenture stockholder; but no business except such as is specified in such notice shall be transacted at such meeting.

Votes and proxies at such meeting.

**9.** At such meeting each debenture stockholder present in person or by proxy shall have one vote for every one hundred pounds sterling of his holding. No person shall be appointed as a proxy who is not a stockholder of the class of stockholders convened to the meeting, but in the case of a proxy given by a corporation, the proxy may be any member or officer of that corporation. A proxy may be in the words or to the effect of the schedule to this Act.

Stock held by two persons or corporations.

2. In the case of debenture stock registered in the names of two or more persons or corporations the person or corporation who stands first on the register of the stock and no other shall be entitled to vote in respect of the same and to grant a proxy for that purpose.

Powers of holders of debenture stock.

**10.** At any such meeting the debenture stockholders shall have the following powers exercisable by special resolution as hereinafter defined, viz. :—

(*a.*) To sanction the release of any part of the property forming the security for the debenture stock of the class represented at the meeting;

(*b.*) To sanction any modification or compromise of the rights of the holders of the debenture stock of the class represented at the meeting against the Company or against its property;

(*c.*) In the case of the holders of the said "B" debenture stock, to elect that the said "B" debenture stock shall be subdivided in such manner, that from thenceforth a proportion not exceeding one half of such stock, to be thereafter called preferred "B" debenture stock, shall entitle the holders thereof to receive interest thereon at four per cent per annum only, instead of five per cent per annum, such four per cent interest to be cumulative and to be paid in priority to the non-cumulative interest on the remaining portion of the said "B" debenture stock, which shall thereafter be called deferred "B" debenture stock; also to establish, if so minded, in favour of the holders of preferred "B" debenture stock, a priority over the deferred "B" debenture stock in respect of repayment of capital.

Interpretation: "special resolution."

**11.** The expression "special resolution" as hereinbefore made use of, shall mean a resolution passed at a meeting of the debenture stockholders of the particular class at which not less than six stockholders shall be personally present, and carried by a majority representing not less than three-fourths in value of the debenture stock held by the persons present at the meeting in person or by proxy, and entitled to vote thereat.

Preferential dividend.

**12.** The preferential dividend upon the existing six per cent preference shares of the Company shall, as from the 1st of January, 1895, be reduced to five per cent per annum, and shall be non-cumulative, but the holders of the preference shares shall be entitled in each year to participate in dividends ratably with the holders of the ordinary shares after the latter shall have received five per cent upon their shares in that year.

Proceeds of first issue of debenture stock how applied.

**13.** The proceeds of the first issue of the prior lien debenture stock shall be applied in or towards the discharge of the said floating debt, estimated at one hundred thousand pounds sterling or the directors of the Company may discharge any part of such debt by the allotment at par of such portions of the prior lien debenture stock as any of the creditors may be willing to accept by way of payment.

Balance of proceeds.

**14.** The balance of the proceeds of the prior lien debenture stock shall be applicable for the general purposes of the Company.

Directors may call in first mortgage debentures.

**15.** The directors of the Company shall be at liberty to call in the existing first mortgage debentures, and to allot to the respective holders thereof such an aggregate proportion of the

said "A" and "B" debenture stock, as the amount of their respective holdings in such first mortgage debentures shall respectively bear to the whole issue of eight hundred and ninety thousand pounds sterling of such debentures,—such stock to be allotted in the proportion of one fourth of "A" debenture stock to three-fourths of "B" debenture stock; and the said holders shall respectively accept the same in exchange for their said first mortgage debentures and the unpaid coupons belonging thereto and interest thereon, all of which debentures and coupons are to be delivered up by said holders to the trustees of the said deed of trust of the 11th August, 1891.

Surrender of existing preference shares.

**16.** The respective holders of the existing preference shares shall relinquish and make over as nearly as may be one equal half part of their respective holdings, and shall surrender to the Company for cancellation the certificates of their said preference shares, to the intent that the preference shares so relinquished be distributed as nearly as may be ratably amongst the holders of the said "B" debenture stock. Any question which may arise as to the meaning or mode of carrying this provision into effect, shall be decided by the directors of the Company in accord with the trustees of the trust deed of the 11th of August, 1891, and their decision shall be final.

Settlement of disputes.

Reduction of ordinary share capital.

**17.** The ordinary share capital of the Company shall be reduced by the writing off and cancellation of an amount of capital equal in nominal amount to the sum which on the 31st of December 1894 shall be standing at the debit of the profit and loss account of the Company, taking into account any loss or gain that may in the reasonable judgment of the directors of the Company have occurred as at that date in the values of the properties and securities belonging to the Company, and the amount of such reduction shall be certified under the seal of the Company.

Surrender of ordinary shares.

**18.** The respective holders of the ordinary shares, when so reduced as aforesaid, shall relinquish and make over as nearly as may be one equal half part of their respective holdings and shall surrender to the Company for cancellation the certificates of their ordinary shares, to the intent that the ordinary shares so relinquished be distributed as nearly as may be ratably amongst the holders of the "B" debenture stock and so that any question as to the meaning or mode of carrying out this provision shall be decided in the manner aforesaid.

Time for surrender.

Shares not surrendered may be forfeited.

**19.** The board of directors of the Company and the trustees of the said trust deed shall appoint a day for the surrender of the certificates of the preference and ordinary shares respectively. Should any certificate not be surrendered by the appointed day, the shares represented thereby shall be *ipso facto* liable to be forfeited by resolution of the board of directors for the purpose of giving effect to the foregoing scheme, and subject thereto for the absolute benefit of the Company.

## SCHEDULE.

FORM OF PROXY.

"I of one of the holders of the debenture stock of the Alberta Railway and Coal Company do hereby appoint of to be my proxy to represent me for all purposes and to vote for me and on my behalf at a meeting of the said class of debenture stockholders to be held on the day of or at any adjournment therof.

"As witness my hand this day of ."

No. 27.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Alberta Railway and Coal Company.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

(PRIVATE BILL.)

Sir DONALD SMITH.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 28.] **BILL.** [1895.

An Act to incorporate the St. John River Bridge Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate four bridges, 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.** Edward D. Boswell and David B. Lindsay, of Rivière du Loup, in the province of Quebec, Thomas Malcolm and Duncan Ross, of Edmundston, in the province of New Brunswick, and Roger Ryan, of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The St. John River Bridge Company," hereinafter called "the Company." Incorporation. Corporate name.

**2.** The head office of the Company shall be at the said village of Edmundston, or at such other place in Canada as is from time to time determined by by-law of the Company. Head office.

**3.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, a majority of whom shall form a quorum. Provisional directors.

**4.** The Company may erect, construct, work, maintain, manage and use four bridges for foot passengers, vehicles, animals and other ordinary traffic purposes across the St. John river, at or near the points or places following, that is to say:— One bridge from some point at or near Claire station, in the province of New Brunswick, to some point at or near Port Kent, in the state of Maine; another bridge from some point in or near the village of St. Hilaire, in the province of New Brunswick, to some point at or near Frenchville, in the state of Maine; another bridge from some point in or near the village of Edmundston, in the province of New Brunswick, to some point in the township or parish of St. Davids, in the state of Maine; and another bridge from some point in or near the village of St. Leonards, in the province of New Brunswick, to some point in or near the village of Van Buren, in the state of Maine; and may erect and construct toll-gates, and construct, complete and maintain the necessary approaches to the said bridges in the province of New Brunswick; and may also do and execute all such other matters and things as are necessary to equip and maintain the said bridges in a Power to construct four bridges across the St. John river. Toll gates.

Bridges not to be commenced until authorized by the United States or the State of Maine.

proper and efficient manner; but the company shall not commence the actual erection of any of the said bridges until an Act of the congress of the United States or an Act of the legislature of the state of Maine has been passed authorizing or approving the bridging of the said river as aforesaid, nor until the Executive of the United States has consented to and approved of such bridges being constructed; but the Company may in the meantime acquire lands, submit their plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge or bridges.

Approval of Governor in Council.

**5.** The Company shall not commence the construction of any of the said bridges or any work thereunto appertaining until it has submitted to the Governor in Council plans of such bridges or of such one or more of them as are then proposed to be constructed and of all the intended works thereunto appertaining, nor until the plans and sites of such bridges or such one or more of them as are then proposed to be constructed have been approved of by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridges or such one or more of them as are then proposed to be constructed 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.

Capital stock.

**6.** The capital stock of the Company shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary.

Stock books and subscriptions for stock.

**7.** The provisional directors may open stock books and procure subscriptions for stock and receive payments on account of stock subscribed, and cause plans and surveys to be made, and shall deposit in any chartered bank in Canada to the credit of the company moneys received by them, and withdraw the same for the purposes of the company only.

First meeting of shareholders.

Notice.

**8.** So soon as five hundred shares of the capital stock have been subscribed and ten per cent paid on such subscribed stock, the provisional directors shall call a meeting of the subscribers for the election of directors; notice of such meeting shall be given to each subscriber by posting a notice to his address as given in the stock book at least ten days before the date of the meeting, such notice to state the time and place of holding the meeting; and at the said 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 from amongst the shareholders, elect not less than three and not more than five persons to be directors of the company.

Annual general meeting.

**9.** The annual general meeting of the Company shall be held on the second Tuesday in May in each year.

Number of directors.

**10.** At such meeting the shareholders present in person or represented by proxy who have paid all calls due on their

shares shall from amongst the shareholders elect not less than three and not more than five persons to be the directors of the Company, one or more of whom may be a paid director.

Notice of meetings.

**11.** Notice of each annual or special general meeting shall be given by advertising the same once in a newspaper published in the county of Victoria, and if there be no such newspaper, then in a newspaper published in any adjoining county, and once in the *Conada Gazette*, and also by posting a notice of such meeting addressed to each shareholder at least ten days before the date of such meeting, which notice shall state the time and place of holding the meeting and, in the case of special meetings, shall also state the business to be transacted thereat.

Tolls to be approved of by the Governor in Council.

**12.** The Company may charge and levy tolls to and upon all persons using said bridges or any of them as foot passengers or for the passage of carriages and other vehicles or animals, or for any other ordinary traffic purposes, but said tolls shall before being imposed be first 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 so long as all persons are charged equal rates and given equal privileges and facilities under the same circumstances; and a notice showing the tolls authorised to be charged shall at all times be posted up in some conspicuous place on the said bridges, or such of them as such tolls are then being charged upon.

Bonding powers.

**13.** The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company and who have paid all calls due thereon are present in person or represented by proxy, may issue bonds, debentures or other securities to an amount not exceeding in all three hundred thousand dollars, signed by the president or other presiding officer and countersigned by the secretary, which counter-signature and the signature to the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding six per cent per annum as the directors think proper.

Amount limited.

Interest.

Sale of bonds.

2. The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking.

Amount of each bond.

3. No such bond, debenture or other security shall be for a less sum than one hundred dollars.

New bonds in place of those withdrawn.

4. The power of issuing bonds conferred upon the Company hereby shall not be constructed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but no bonds or debentures shall be isued until twenty per cent of the cost has been actually expended on the work.

20 p.c. to be paid on construction before issue of bonds.

Bonds may be issued on each bridge.

5. The said bonds, debentures or securities may be issued either in respect to and be secured upon the said four bridges and all the other property of the Company or from time to time in respect to and as each bridge is constructed and secured thereupon, but such bonds, debentures or other securities shall not be issued to the amount of more than one hundred thousand dollars in respect to any one of such bridges.

Amount limited.

Security for bonds.

**14.** The Company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of the said bridges or upon any one or more of them and upon them and upon the whole or any portion of the property, assets, rents and revenues of the Company present or future or both as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the Company.

Other securities.

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

Mortgage deed to be deposited with Secretary of State.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given by the Company in the *Canada Gazette*.

Bonds, &c., to be first preferential claim.

**15.** The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company and the franchise, undertaking, tolls and income, rents and revenues and real and personal property thereof described, and as provided for in the said deed, at any time acquired, save and except as provided for in the next preceding section hereof.

Rights of holders.

2. Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer upon the securities covered by such deed *pro rata* with all the other holders; and no proceedings authorised by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

Voting rights of bond holders.

**16.** If the Company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorised, at the time when, by the terms of the bond, debenture or other security, it becomes due and payable, then at the next general annual meeting of the Company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall in respect thereto have and possess the same rights and privileges and qualifications for being elected directors and for voting at

general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount.

Condition of exercise of such rights.

2. The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect to which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the Company shall be bound on demand to register such bonds, debentures or other securities and thereafter any transfers thereof in the same manner as shares or transfers of shares.

Not to affect other remedies.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or securities are entitled under the provisions of such mortgage deed.

Negotiation of bonds.

**17.** All bonds, debentures or other securities hereby authorised may be made payable to bearer and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Time for construction of bridges limited.

**18.** The said bridges or some one of them shall be commenced within three years and the whole of said bridges completed within six years after the passing of the Act of the Congress of the United States or of the Act of the legislature of the state of Maine, and after the obtaining of the approval of the Executive of the United States as mentioned in the fourth section of this Act, or from whichever of said events shall last happen, otherwise the powers granted for such construction shall cease and be null and void as respects such of the said bridges or such portions thereof as then remain uncompleted.

1888, c. 29.

**19.** Section ninety and sections ninety-nine to one hundred and seventy-two (inclusive) of *The Railway Act*, in so far as they authorise or provide for the taking or expropriation or otherwise acquiring lands and the compensation to be paid therefor, shall apply to the Company for the purposes of any lands which the Company requires to take, expropriate or otherwise acquire in respect to the construction of the said bridges and the works connected therewith, in the same manner as if they were embodied at length in this Act; and the word "railway," whenever it appears in the said sections of *The Railway Act*, shall, in applying it for the purposes of this Act, be read and construed as if the words "bridge" or "bridges" were substituted therefor.

Interpretation.

No. 28.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the St. John River Bridge Company.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

PRIVATE BILL.

Mr. McALISTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 29.] **BILL.** [1895.

An Act to incorporate the James Maclaren Company (Limited).

Preamble.

WHEREAS David Maclaren and James Barnet Maclaren, of the city of Ottawa; John Maclaren, of the town of Brockville, province of Ontario; Alexander Maclaren and Albert Maclaren, of the town of Buckingham, province of Quebec, have by their petition represented that they are desirous of becoming incorporated under the name of "The James Maclaren Company (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 "The James Maclaren Company (Limited)," hereinafter called "the Company."

Corporate name.

Capital stock.

**2.** The capital stock of the Company shall be five hundred thousand dollars divided into shares of one hundred dollars each.

Head office.

**3.** The head office of the Company shall be at the town of Buckingham, in the province of Quebec, 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 the province of Quebec, shall be at the said town of Buckingham.

General powers.

**4.** The Company may carry on throughout Canada and elsewhere the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches and all other business incident thereto or connected therewith, including the manufacture of furniture, doors, sashes, blinds and any other articles of which wood shall form a component part, and also all pulp wood, pulp paper and other products from pulp and from wood or wood materials; also the manufacture and burning of bricks, tiles, drain pipes, terra cotta and other material from clay; and may also acquire and carry on the business of wharfingers, shippers and vessel owners; and may for all or any of the said purposes purchase, let, lease or otherwise acquire any licenses to cut timber, timber limits, lands, buildings, docks, works, boats, vessels, carts, vehicles, goods, wares, or merchandise and other property real and personal, moveable and immoveable; and may extend, manage,

develop, lease, mortgage, exchange, sell, dispose of, turn to account or otherwise deal in and with the same; and may establish stores, depots, and shops on the said lands or any of them; and may purchase and vend general merchandise; and also may purchase, erect, build or otherwise acquire and operate grist mills, flour mills, woollen mills, paper mills; and may buy, sell, deal in and otherwise dispose of the products of the said mills in any form; and also may 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.

Mines, &c.

**5.** The Company may purchase or otherwise acquire and operate mines, mineral and mining rights, lands, hereditaments and chattels in Canada; and may crush, smelt and reduce, roast or amalgamate the ore to render marketable the produce, and to develop the resources of such mines or any of them, and to crush, smelt, reduce and amalgamate the produce and products of any mine, whether belonging to the said Company or not.

Construction of roads, &c.

**6.** The Company may also construct, or aid in and subscribe towards the construction or acquiring, maintaining and improving of roads, tramways, docks, piers, wharves, viaducts, aqueducts, flumes, bridges, ditches, quartz mills, or houses and other buildings; and may buy or otherwise acquire patents, and patent privileges respecting or in any way relating to the matters aforesaid; and also for the production or the proper working and disposing of electricity; and may also build and construct all necessary dams, piers, bulkheads and water wheels necessary for the improvement of water power; and may also sell, lease or distribute electrical and hydraulic power for any purposes of manufacturing light or heat, or for any other purposes; also may construct, charter, acquire and employ vessels, roads and tramways for the purposes aforesaid, and for the purpose of transporting the products of the mills, mines and works to any place or places within Canada or elsewhere; and also may purchase or otherwise acquire any business within the objects of the Company, lands, property, privileges, rights, contracts, limits 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 thinks 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.

Power to purchase business of late James Maclaren.

**7.** The Company may also purchase, take over or otherwise acquire all or any of the businesses heretofore carried on by the late James Maclaren or, since his death, by the legal representatives of the said James Maclaren, at the town of Buckingham or elsewhere, and the whole or any of the good will, stock in trade, assets and property real and personal, moveable and immoveable, which were of the said James Maclaren in his lifetime, and which are now of the legal representatives of the said James Maclaren, 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 of the capital 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 businesses so carried on by the said the late James Maclaren, and also the obligations affecting the assets and property so purchased from his legal representatives as aforesaid.

Shares in boom or river improvement company.

**8.** 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.

Sale of real estate.

**9.** The Company shall, as soon as reasonably may be, sell, or otherwise dispose of all or so much of the real estate which may be acquired from the business or estate of the said late James McLaren, other than what is necessary or requisite for the due and proper carrying on of the business of the Company, and in the meantime the Company may survey and lay out roads, streets, squares or parks upon the said lands, and make and register plans thereof, and otherwise lay out and improve the said lands and premises in such manner as they may deem most advisable for sale.

Promissory notes, &c.

**10.** The Company may make, accept and indorse 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.

Provisional directors.

**11.** David Maclaren, Alexander Maclaren, John Maclaren, James Barnet Maclaren and Albert Maclaren 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 town of Buckingham aforesaid, 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.

R.S.C., c. 118.

Proviso: notice of meeting of directors.

Quorum.

Borrowing powers.

**12.** 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.

Bonding powers.

**13.** The directors of the Company, under the authority of the shareholders given at any general meeting called for the purpose, or at any annual meeting of the Company, 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 said directors may deliver the said debentures for the purposes of the Company; and the said directors may sell or pledge the said debentures for the purpose of borrowing money or for paying or securing the indebtedness of the Company. Provided that the total amount of debentures at any time outstanding shall not exceed

Proviso: amount of bonds, &c., limited.

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 mortage deed, and such morgage 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.

Effect of vacancies among directors.

**14.** 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 said directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum.

First meeting of shareholders.

**15.** 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 town of Buckingham, 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.

Notice.

R.S.C., c. 118.

**16.** Section eighteen of *The Companies Clauses Act* shall not apply to the company.

No. 29.

5th Session, 7th Parliament, 58 Victori

BILL.

An Act to incorporate the Jame
laren Company, Limited.

Received and read a first time, Wed
1st May, 1895.
Second reading, Friday, 3rd May, 18

PRIVATE BILL.

Sir JAMES GI

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Maj
1895

No. 30.] **BILL.** [1895.

An Act to incorporate The Deschenes Bridge Company.

Preamble.

WHEREAS certain persons hereinafter named have petitioned for power to construct maintain and operate a bridge across the Ottawa river as hereinafter set forth, and for the incorporation of a company to construct and operate the same and for other purposes; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

**1.** William Jackson Conroy, of the township of Hull in the county of Wright, and Robert Hughes Conroy of Aylmer in the province of Quebec; John Rudolphus Booth, Charles Jackson Booth, J. Frederick Booth, John Christie and William Anderson, of the city of Ottawa, in the province of Ontario, together with such other persons and corporations as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Deschenes Bridge Company" hereinafter called "the Company," and the Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge, or for the convenient using of the same, and also for the construction, maintenance and operation of such roads, railways and tramways as may be necessary or convenient to connect the said bridge with other roads, railways and tramways which may require railway connection by means thereof.

Corporate name.

Power to take lands.

Declaratory.

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

1888, c. 29.

**3.** *The Railway Act* and the Acts amending the same, in so far as applicable, are hereby incorporated with this Act and shall form part thereof and be construed therewith as forming one Act.

Power to build a bridge.

**4.** The Company may construct, maintain, work and manage a bridge across the Ottawa river for railway and for other purposes, at some point in the vicinity of Britannia within the township of Nepean, on the southerly shore of the said river, at or above the Deschenes Rapids, to the opposite side of the said river in the province of Quebec; and may also construct, maintain, operate and equip all the necessary approaches and terminal facilities for the same; and may connect the said bridge at either end thereof by an extension of its railway in, to or

through any lands, and connect the same with any road, railway or tramway which it is desired to connect with the said bridge; which undertakings are hereinafter designated and shall be understood by the expression "the works."

Use of bridge.

**5.** The said bridge may be constructed and arranged for the use of foot passengers, carriages and vehicles of all kinds, and also for the use of street cars, tramways and electric cars as well as for railway purposes, and the tolls to be charged and which may be collected and taken for the passage of such foot passengers, carriages and other vehicles 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 shewing the tolls authorized to be charged, shall at all times be posted up in a conspicuous place on the said bridge, and the charges, rates and payments to be made for the passage or transmission of street cars, tramways, electric cars or for railway purposes generally, shall be such as are from time to time made and agreed upon by and between the Company and the companies or persons desirous of using the said bridge.

Tolls.

To be approved by the Governor in Council.

Notice of tolls.

Equal rights in passage of bridge to all railway trains.

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

Plans of bridge to be submitted to the Governor in Council.

**7.** The Company shall not commence the erection of the said 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 such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with; nor shall any such plans be altered, or any deviation there from allowed, except with the permission of the Governor in Council, and upon such conditions as he imposes.

Provisional directors.

**8.** The persons named in the first section of this Act are hereby constituted provisional directors of the Company.

Capital stock and calls thereon.

**9.** 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.

Disputes settled by railway committee.

**10.** In case of any disagreement as to the rights of any railway whose trains, cars or business pass over the said bridge,

or as to the tariff rates to be charged in respect thereto, the same shall be determined by the railway committee of the privy council as provided in *The Railway Act*.

Head office.

**11.** The head office of the Company shall be at the city of Ottawa in the province of Ontario.

Annual meeting.

**12.** The annual meeting of the shareholders shall be held on the first Wednesday in the month of March in each year at the head office of the Company or at such other place in Canada as the shareholders by by-law appoint.

Number of directors.

**13.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall elect seven persons holding at least twenty shares each, to be directors of the Company, one or more of whom may be paid directors of the Company.

Bonding powers.

**14.** The directors of the Company, after the sanction of the shareholders has been first obtained at any special meeting called for such purpose, or at any annual meeting, may issue bonds to the extent of the then capital of the Company, which bonds shall be made payable at any time that is agreed upon, within fifty years from the date of issue, and shall bear such rate of interest as is agreed upon or settled by the directors; and such bonds shall be secured by deed of mortgage, and such mortgage deed may contain provisions that all tolls and revenues derived from the use of such bridge shall be specially charged and pledged as security for such bonds; and the Company may, if it deem expedient, pay partly in cash, partly in stock and partly in bonds for the construction of the proposed bridge, appurtenances and approaches, and for the materials included therein and for the equipment thereof.

Time for commencement and completion limited.

**15.** The work shall be commenced within two years and completed within seven years from the passing of this Act; otherwise the powers granted under this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Agreement with another company.

**16.** The Company may enter into an agreement with any railway, tramway or railroad company for conveying or leasing the said bridge and its approaches to such company or companies in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, 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 or represented by proxy, and that such agreement has also received the approval of the Governor in Council.

Subject to the approval of the shareholders and 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*.

No. 30.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act to incorporate The Deschenes Bridge Company.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

Sir JAMES GRANT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 31.] **BILL.** [1895.

# An Act to incorporate the Canadian Benevolent Society.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated for the purposes 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 Kerr, of the town of Petrolia; H.H. Hunt, W. Milne, E. L. Mott, J. Thompson, W. Newell, M.D., and Rev. J. Gunn, all of the village of Wyoming; W. Humphreys, of the town of Parkhill; H.I. Hunt, D. Sinclair and Arthur Hunt, of the village of Alvinston; and Salem Smith, of the city of St. Thomas, in the province of Ontario, together with such persons as become members in Canada of the Society hereby incorporated, are hereby constituted a body corporate under the name of "The Canadian Benevolent Society," hereinafter called "the Society."

Corporate name.

Objects of society.

**2.** The objects of the Society and the purpose for which it is incorporated and authorised to carry out are :—

(*a.*) To unite its members in social and fraternal bonds;

(*b.*) To establish and maintain by means of assessments on all its members a benefit fund for the relief of its members in sickness or disability;

(*c.*) To insure and provide for all its members a christian, honourable and decent burial.

Head office.

**3.** The head office of the Society shall be in the town of Petrolia, in the county of Lambton, province of Ontario.

**4.** The branch of the Society at Petrolia shall be known as the Grand Assembly, and other branches shall be known as Subordinate Assemblies.

Government of society.

**5.** The Society shall be governed by an executive committee composed of nine of the incorporators of the Society to be selected at the first regular meeting of the Society, and who shall hold office for one year but shall be eligible for re-election, together with representatives from the Grand Assembly and the various subordinate assemblies under the jurisdiction of the Grand Assembly, and the appointment and powers of such representatives shall be provided for in the by-laws of the Society.

Redemption of guarantee fund.

2. The said guarantee fund shall be redeemable by the Society out of any reserve fund, surplus or other funds properly available for that purpose, at such times and upon such terms as is decided by the directors, and until redemption the directors may pay to the holders of shares in such guarantee fund interest upon the amounts paid up at such rate, not exceeding eight per cent, as is agreed upon.

Provisional directors.

**5.** The persons named in the first section of this Act shall be the provisional directors of the Society and a majority of them shall form a quorum, and they shall open books for the subscription of the guarantee fund.

First election of directors.

2. So soon as the necessary subscriptions to the said guarantee fund have been received the provisional directors shall call a meeting of the guarantors from whom there shall be elected a board of nine directors, a majority of whom shall form a quorum.

Subsequent elections of directors.

**6.** For the election of nine directors, of whom a majority shall form a quorum, a general meeting of the members of the Society and of the guarantors shall take place yearly thereafter, at such time and place and upon such notice as is provided for in the by-laws, at which meeting a statement of the affairs of the Society shall be submitted; and until the redemption of the guarantee fund as provided in section four of this Act, six of the said directors shall be elected by the guarantors, and three by the members other than the guarantors present at the meeting, and at such meeting any other business may be transacted that is deemed necessary or expedient, and any guarantor or member otherwise qualified shall be eligible to be elected a director.

Officers and by-laws.

**7.** The directors shall from time to time elect from among themselves a president, vice-president and a managing director, and may also appoint and remove at pleasure all other officers, agents and servants of the Society, and the said directors shall in all things administer the affairs of the Society, and may make by-laws, from time to time, prescribing and fixing the qualifications, duties, powers and remuneration of the directors, the accumulating of a reserve and emergency fund, the voting power of the guarantors and of the other members respectively, the filling of vacancies in the board, the issue and registration of certificates of shares in the said guarantee fund, the forfeiture of such shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares in the said fund, the government, regulation and management of of the Society, the admission of members, the making of assessments and calls upon the members, and the fixing of the amount and of the time and manner of payment of such assessments and dues; and the directors may also, by by-law, provide conditions upon which in case af non-payment of any assessments, calls or dues by any member, the membership of such member shall cease, and he shall have no claim upon the property or assets of the Society, and generally may make such by-laws as are proper and necessary for the purposes of the Society.

Case of guarantors in arrears.

**8.** No guarantor who is in arrears in respect to any call or any share held by such guarantor shall be qualified to be elected a director, or entitled to vote at any meeting of the Society.

Calls on guarantors.

**9.** The directors may, for the purposes of the Society, make calls upon the guarantors for such amounts, and at such times as they see fit, and interest shall be payable upon calls from the day upon which they become due, but no guarantor, as such, shall be responsible for any act, default or liability of the Society or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or in connection with the Society beyond the amount unpaid on his shares in the said guarantee fund.

Transfer of shares in guarantee fund.

**10.** No share in the said guarantee fund shall be transferred until all calls thereon have been paid nor until it is declared forfeited for non-payment of the calls thereon.

Investment of surplus funds.

**11.** The surplus funds of the Society shall be invested in securities which are a first charge on land in fee simple in Canada, or on deposit with or in debentures of loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations or in securities of Canada, or of any of the provinces thereof, or shall remain deposited at interest in the name of the Society in any chartered bank, but the Society shall sell such real estate and property as it acquires by foreclosure of any mortgage, or lien within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns.

Conditions of membership to be printed on policies.

**12.** Upon every policy issued by the Society shall be printed so much of any by-laws, rules and regulations of the Society as relate to membership and the conditions of membership, and so long as such conditions are complied with, the policy holder shall remain a member of the Society and shall enjoy all the benefits and privileges of membership.

R.S.C., c. 118.

**13.** Notwithstanding anything contained in the *Companies Clauses Act*, sections five, eight, twelve, fourteen, thirty-five and forty of the said Act shall extend and apply to the Society hereby incorporated and shall form part of this Act, in so far as they are not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 124.

**14.** The Society and the exercise by it of the powers hereby conferred shall be subject to the provisions of *The Insurance Act*, and any Act amending it.

No. 31.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Canadian Benevolent Society.

*(Reprinted as proposed to be amended in the Banking and Commerce Committee of the House of Commons.)*

(PRIVATE BILL.)

Mr. MONCRIEF.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 32.] **BILL.** [1895.

An Act respecting the Ottawa, Arnprior and Parry Sound Railway Company.

Preamble.

WHEREAS the Ottawa, Arnprior and Parry Sound Railway Company, hereinafter called "the Company" has, by its petition, prayed that chapter ninety-three of the Statutes of 1891, being an Act respecting the said Company, be amended, and that the time therein mentioned for the completion of its line of railway be extended, and that the date for holding the annual general meeting of the shareholders of the Company, as mentioned in the schedule to the said Act, be changed to the date mentioned and fixed by section eight of the said Act; 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:—

1891, c. 93.

Time for completion of railway extended.

**1.** The said railway shall be completed within five years from the passing of this Act, otherwise the powers granted under the Acts incorporating the Company and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Annual general meeting, date changed.

**2.** The annual general meeting of the shareholders of the Company shall be held on the last Tuesday in September of each year, instead of the last Tuesday in May of each year as mentioned in the schedule to chapter ninety-three of the Statutes of 1891.

No. 32.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Ottawa, Arnprior and Parry Sound Railway Company.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

(PRIVATE BILL.)

Mr. FEATHERSTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 33.] **BILL.** [1895.

An Act to amend the Act to Grant certain Powers to the Sable and Spanish Boom and Slide Company of Algoma, Limited.

WHEREAS The Sable and Spanish Boom and Slide Company of Algoma, Limited, has by its petition prayed that chapter one hundred and eight of the Statutes of 1886, intituled *An Act to Grant certain Powers to the Sable and Spanish Boom and Slide Company of Algoma, Limited*, be amended by altering the basis upon which the Company shall levy and collect tolls, dues and charges on certain saw logs, timber and lumber, under the provisions of said Act; and whereas it is expedient to grant the prayer of such petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows. Preamble. 1886, c. 108.

**1.** Section four of the said Act is hereby repealed and the following section substituted in lieu thereof:— New section substituted for s. 4, c. 108 of 1886.

"**4.** The tolls to be collected upon different kinds of timber shall bear to each other the following proportions. Tolls.

| | Cents. |
|---|---|
| "Red and white pine, tamarac, spruce and hemlock, square or waney board, per thousand feet, board measure | ·02 |
| "Oak, elm, or other hardwood, square or flatted, or waney board, per thousand feet, board measure | ·03 |
| "Saw-logs, 17 feet and under, per thousand feet, board measure | ·01 |
| "Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 feet and under 30 feet long, per thousand feet, board measure | ·01½ |
| "Red and white pine, tamarac, spruce and hemlock round or flatted, 30 feet and upwards in length, per thousand feet, board measure | ·02 |
| "Sawed lumber, per thousand feet | ·02 |
| "Staves, per 1,000 pieces | ·02 |
| "Cords of wood, shingle bolts, and other lumber, per cord of 128 feet | ·02 |
| "Spars, per piece | ·03 |
| "Masts, per piece | ·05 |
| "Railway ties, other than cedar, in 8 or 16 feet lengths, per length of 8 feet, per piece | ·00$\frac{1}{18}$ |
| "Cedar, round or flatted, 8 feet long or under, per piece | ·00$\frac{1}{24}$ |
| "Cedar, round or flatted, over 8 feet long and under 17 feet long, per piece | ·00$\frac{1}{12}$ |
| "Cedar, round or flatted, over 17 feet and under 25 feet long, per piece | ·00$\frac{1}{8}$ |
| "Cedar, round or flatted, over 25 feet and under 35 feet long, per piece | ·00$\frac{1}{5}$ |
| "Cedar, round or flatted, 35 feet and upwards per piece | ·00$\frac{1}{3}$" |

No. 33.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Act to grant certain powers to the Sable and Spanish Boom and Slide Company of Algoma, Limited

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

(PRIVATE BILL.)

Mr. SUTHERLAND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 34.] **BILL.** [1895.

An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

Preamble. 1891, c. 86. 1893, c. 62.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company, hereinafter called "the Company," and the Corporation of the city of Hamilton have, by their respective petitions, prayed that an Act be passed to make further provisions in relation to the Company as hereinafter set forth, and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

By-law ratified.

**1.** The by-law of the Corporation of the city of Hamilton numbered seven hundred and fifty-five, comprised in the schedule hereto annexed, is hereby ratified and confirmed so far as such confirmation is within the powers of the Parliament of Canada.

By-law declared binding on company.

**2.** It is hereby declared that the said by-law number seven hundred and fifty-five, passed by the municipal corporation of the said city of Hamilton, on the twenty-ninth day of October, eighteen hundred and ninety-four, and all the conditions contained therein are and shall be binding on the Company and all who claim under it, and in the event of the lines now proposed to be built by the Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated so as to give a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, or in the event of the Company either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, its successors or assigns, under or by virtue of the grant made by said by-law, number seven hundred and fifty-five, to the Company shall be repaid to the corporation of the city of Hamilton with interest and the

amount thereof shall form a first lien and charge prior to all other liens and charges upon the Company and upon all the franchises and property of the said Company.

Time for construction extended.

1893, c. 62, s. 3 and 4.

**3.** The time limited by section four of chapter sixty-two of the Statutes of 1893, respecting the Company, for the commencement of the work on the extension authorized by section three of the said Act, is hereby continued and extended so that the work on the said extension shall be commenced within two years, and shall be completed within four years, from the passing of this Act, otherwise the powers granted for such extension shall cease and be null and void as respects so much of the extension as then remains uncompleted.

Time for construction extended, 1893, c. 62, s. 2.

**4.** The time limited by section two of the said Act for the completion of the said railway is hereby continued and extended so that the railway shall be completed within four years from the passing of this Act, and if the said railway is not completed as herein specified 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.

Company may extend its line.

**5.** The Company may extend its line of railway from a point in the county of Brant or the county of Wentworth to a convenient point in the county of Waterloo or the county of Wellington.

Time for construction of extentsion limited.

**6.** The work on the extension authorized by the next preceding section of this Act shall be commenced within two years and completed within four years from the passing of this Act; otherwise the powers granted for such extension shall cease and be null and void as respects so much of the extension as then remains uncompleted.

Number of directors may be increased.

**7.** The shareholders of the Company are hereby authorized and empowered to increase the number of directors of the Company (exclusive of *ex officio* directors) from seven to such greater number not exceeding fifteen as the shareholders may at a special meeting to be duly called for such purpose appoint, and also afterwards, if and when they see fit, to reduce the number of directors to such number not less than seven as the shareholders may at a special meeting to be duly called for such purpose appoint.

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## SCHEDULE.

BY-LAW No. 755 *for granting a bonus of* $225,000 *in aid of the Toronto, Hamilton and Buffalo Railway Company.*

Whereas the Toronto, Hamilton and Buffalo Railway Company have applied to this Council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and twenty-five thousand dollars should be granted to the said Railway Company upon

the terms and conditions agreed upon between this Corporation and the Company, which terms and conditions are hereinafter set forth:

And whereas, in order to provide the said bonus, it will be necessary to issue debentures of this Municipality for the sum of two hundred and twenty-five thousand dollars, payable as herein provided, if all the conditions hereinafter contained are fulfilled;

And whereas, if the said debentures for $225,000 be issued, it will be requisite to raise annually by special rate, during the currency thereof, for paying the said debt and interest, the sum of $14,403;

And whereas the amount of the whole ratable property of the Municipality, according to the last revised assessment roll, is $24,691,720;

And whereas the existing debenture debt of this municipality amounts to $2,928,732, and no principal or interest is in arrear;

Therefore the Municipal Council of the city of Hamilton enacts as follows:

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality for the sum of two hundred and twenty-five thousand dollars, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty-five years from the first day of September, 1895, such debentures to bear interest at four per cent per annum from that date, and the interest on all said debentures to be payable half-yearly, on the first days of March and September in each year.

2. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said city of Hamilton.

3. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Company of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof, to sign the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the Company of the said terms and conditions, and such debentures, when so signed and sealed, shall be delivered to the Company.

4. There shall be raised and levied annually by special rate on all the ratable property in the said municipality, during the currency of said debentures, for payment of the interest thereon, the sum of $9,000, and for payment of the principal of said debentures, the sum of $5,403.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Thursday, the eleventh day of October,

1894, commencing at the hour of nine o'clock in the morning, and continuing until five o'clock in the afternoon, at the undermentioned places:

| Ward. | Division | Place. | Returning officer. |
|---|---|---|---|
| 1 | 1 | 666 King Street East | Alex. Turnbull. |
| 1 | 2 | 404 King Street East | W. P. Smith. |
| 1 | 3 | 51 Ferguson Avenue South | Richard Ellicott. |
| 2 | 1 | 146 King Street East | J. M. Ellicott. |
| 2 | 2 | 28 Main Street East | F. R. Hutton. |
| 2 | 3 | 160 Catharine Street South | E. G. Payne. |
| 2 | 4 | 24 Jackson Street West | Wm. Herman. |
| 3 | 1 | 193 King Street West | R. Corner. |
| 3 | 2 | 307 Wain Street West | M. A. Pennington. |
| 3 | 3 | 137 Hannah Street West | E. F. Smith. |
| 3 | 4 | 501 King Street West | Wm. Kingdom. |
| 3 | 5 | 299 Herkimer Street | Jos. Kent. |
| 4 | 1 | 58 Caroline Street North | Robert Bryce. |
| 4 | 2 | 136 Cannon Street West | Chas. Blackman. |
| 4 | 3 | 440 King Street West | Chris. Kerner. |
| 4 | 4 | Cor. York and Queen | T. Tribute. |
| 4 | 5 | 392 York Street | Alfred Richmond. |
| 4 | 6 | S. S. King's Shop, Dundurn | J. M. Dingwall. |
| 5 | 1 | 13 Macnab Street North | Adam Hunter. |
| 5 | 2 | City Hall, James Street | L. Hills. |
| 5 | 3 | 184 James Street North | Robt. Leask. |
| 5 | 4 | 149 Macnab Street North | Jas. Clark. |
| 5 | 5 | 363 James Street North | J. B. Nelligan. |
| 5 | 6 | 503 James Street North | Wm. Buckingham. |
| 6 | 1 | 37 John Street North | Chas. Reid. |
| 6 | 2 | 68 Cannon Street East | Jas. Byrnes. |
| 6 | 3 | 113 Rebecca Street | Allan Land. |
| 6 | 4 | 225 King William Street | Wm. Land. |
| 6 | 5 | Cor. John and Barton Streets, Houlden's shop | Jas. Houlden. |
| 6 | 6 | 364 Mary Street | Thos. Smith. |
| 6 | 7 | 83 Picton Street East | Alex. McPherson. |
| 7 | 1 | 83 East Avenue North | Saml. Robins. |
| 7 | 2 | 35 Ashley Street | Hedley, Mason. |
| 7 | 3 | 316 Barton Street East | Saml. Scott. |
| 7 | 4 | 383 Cannon Street East | W. H. Martin. |
| 7 | 5 | Cor. Victoria Avenue and Albert Road | T. Lawrence. |
| 7 | 6 | Town Hall, Barton | A. W. Swazie. |

6. On Tuesday, the 9th day of October, 1894, the mayor shall attend at the Council Chamber, at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk, on behalf of the persons interested in and promoting or opposing the passage of this by-law, respectively.

7. The clerk of the council of the said municipality shall attend at his office in the City Hall, in the city of Hamilton, at 11 o'clock in the forenoon of Saturday, the 13th day of October, 1894, and sum up the number of votes given for and against the by-law.

TERMS AND CONDITIONS.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company, and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said railway company in the manner and at the times set forth therein, and not otherwise, and no part of said grant shall be paid over to the said company except in accordance with, and upon fulfilment of such terms and conditions:

1. The sum of $225,000 granted by this by-law shall be paid to the Company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent per annum from the first day of September, 1895, but none of such debentures shall be so delivered to the Company, until the completion of their railway as a first-class road constructed with steel rails weighing not less than eighty pounds to the yard, from Hamilton to a point on the Canada Southern Railway at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton by a southerly route, substantially according to the description and specification thereof, hereinafter contained; nor until the Company have completed a direct connection, by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such railway from Brantford to Garth Street in the city of Hamilton to be constructed with steel rails weighing not less than seventy pounds to the yard, nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight, between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland, and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and it has been provided in the Company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company the Canadian Pacific Railway Company or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated, as hereinbefore provided, so as to give a through connection with the Canada Southern Railway, and over that railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, their successors

or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge, prior to all other liens and charges, upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the Company, and the city corporation hereby agree to join with the Toronto, Hamilton and Buffalo Railway Company in applying for such legislation, provided that the Company shall not at the time it is applied for have made default in the performance of any of the conditions of this by-law, and that the city corporation shall not be called upon to pay any share of the expense of such application.

2. The Company shall, before the day appointed for taking the vote of the qualified electors upon this by-law, pay, or cause to be paid, into the Bank of Hamilton, at its head office in this city, to the credit of the American Loan and Trust Company, of Boston, Mass., the sum of $50,000, upon the terms that if this by-law is passed, the money so deposited shall be paid out only on the cheques of the said Loan and Trust Company, countersigned by George Roach, Esquire, one of the directors of said bank, and by the city treasurer, on the production to them of vouchers establishing the expenditure of the amounts covered by such cheques, for work or labour of residents of Hamilton in the construction of said railway in the city of Hamilton, and between Hamilton, and Copetown, provided that a sufficient number of such workmen and labourers, resident in Hamilton, can be obtained for the active prosecution of the work, at the rate of wages current in Hamilton and its vicinity for the classes of work required, and the current rate of wages for all residents of the city shall be fixed at fifteen cents per hour for labourers employed upon work within the city of Hamilton, and twelve and a-half cents per hour for all residents of the city employed as labourers upon work on the railway outside the city, and in all cases preference shall be given to such residents of Hamilton as are willing to be employed upon the work at such current rate of wages, and are competent for the work required, and an account shall be given to the mayor of the city of Hamilton, whenever required by him, of the amounts paid out of such deposit of $50,000, and of the purposes for which they have been paid, and the persons to whom the payments have been made.

3. The Company shall build before the first day of September, 1895, and shall always maintain a first-class passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo Railway running from or through Brantford to Toronto or from Toronto to or through Brantford, or from Brantford to Welland, or Welland to Brantford, shall stop at such principal passenger station of the Company in Hamilton, and all regular passenger trains running through Hamilton shall stop at such station, and the Company shall also build before the first day of September, 1895, and shall always maintain a second passenger station within the limits of the city of Hamilton at some point on or near Locke Street, south of Main Street.

4. The debentures issued under this by-law shall bear interest at four per cent per annum, from the first day of September, 1895, and be dated on that day, but no debentures shall be delivered to the Company, nor shall the Company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the Company have been fulfilled on their part, nor until the Company shall have entered into an agreement with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors, or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo Railway line from the city of Brantford to Hamilton, or within the city of Hamilton, be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton, or within the city of Hamilton, is not being actively proceeded with at that date, and continuously thereafter, with an average number of not less than one hundred men on each working day, so far as the weather will permit, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned, then in any of such events this by-law shall become void and of no effect; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day December, 1895, the grant made by this by-law shall be forfeited, and time is hereby declared to be of the essence of this condition.

7. The Company shall at all times indemnify and save harmless the city corporation from and against all claims for compensation, damages or costs, by reason or on account of the construction of the said railway, and if, not less than three months before the Company becomes entitled to the delivery of the debentures authorized by this by-law, notice shall be given to the city corporation of Hamilton of any claim or claims against the said Company for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise within the city of Hamilton, of any of the powers granted for the railway, or against the city corporation for compensation, damages or costs by reason or on account of the construction of the railway within the city, the

said city corporation shall retain out of any of the said debentures to which the Company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims and all costs relating thereto or occasioned thereby, and shall have the right to pay any of such claims and costs, when agreed upon or legally ascertained, and to use so much of said debentures as may be necessary to enable them to make such payment or payments, but if any such claim be not prosecuted without delay, the Company shall be entitled to demand, and the city corporation shall then deliver to the Company, any debentures retained as security for such claim.

8. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line of the Toronto, Hamilton and Buffalo Railway Company, the Company shall allow any such street or streets to be so opened up across their lands and tracks without receiving any compensation therefor, and either by a level crossing or by a bridge or subway, as may be most convenient to the city corporation, provided that in opening up any such street the city corporation shall not interfere with the working of the railway, and if such crossing shall render necessary the removal of any switches or semaphores, or their wires or other appurtenances, they shall be removed by the Company at the request of the city corporation, the cost of such removal to be paid by the city; and if the city corporation shall desire to construct any sewers or lay any water pipes across or through the lands of the said railway company they shall be at liberty to do so without paying compensation to the Company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

9. All works of construction, repair or maintenance of the Toronto, Hamilton and Buffalo Railway, and of the bridges and tunnels thereon, and of the approaches thereto upon or along the streets of the city of Hamilton, shall be done by and at the expense of the Company, under the supervision and to the satisfaction of the city engineer.

DESCRIPTION AND SPECIFICATION.

The following is the description and specification of the southerly route referred to in this by-law:

The line will extend from a point in the southerly limit of the city, not more than 1,200 feet east of the intersection of Aberdeen Avenue with the westerly limit of the city; thence in a north-easterly direction, crossing Aberdeen Avenue and all other intermediate streets and lanes to Garth Street, and curving to the eastward by an open cutting crossing Garth Street immediately south of Hunter Street, at a depth of not less than twelve (12) feet below present grade of Garth Street: thence continuing eastwardly on said curve across Hunter Street to a point at or near Poulette Street, in the block between Hunter and Canada Streets: thence eastwardly parallel to Hunter Street to Queen Street, crossing Poulette Street 27 feet below present grade, Locke Street 19 feet below, Pearl Street 22 feet below, Ray Street 21 feet below, and Queen Street 20 feet below present grade of Queen Street; the grade of Queen street not to be raised more than three feet, the Railway thence

continuing by a double track tunnel from the west side of said Queen Street through the centre of Hunter Street, passing under Hess, Caroline, Bay and Park Streets to the east side of Park Street, where the tunnel ends. The railway will thence continue from the centre line of Hunter Street at Park Street, along Hunter Street, but keeping to the north thereof as much as practicable, leaving as much of the street on the south side of the railway as practicable for the use of teams and pedestrians.

The Railway Company shall wall up with stone or brick the south side of their track between Charles and Park Streets, and place a good and substantial fence upon the wall so as to leave the street safe and free on the south side of the railway track. The line thence continuing eastwardly and crossing Charles Street not more than seven feet below present street grade, and Macnab Street with a cutting not to exceed three feet; thence along the north half of Hunter Street (leaving the south half of said Hunter Street for a driveway) crossing James, Hughson and John Streets practically at grade, thence curving slightly southward crossing Catharine Street and entering upon the block south of Hunter Street and between Catharine and Walnut Streets not more than 200 feet east of the east side of said Catharine Street; thence crossing Walnut, Ferguson Avenue, Liberty, Aurora and Wellington Streets and West and Victoria Avenue, to a point not more than 200 feet immediately north of the Grand Trunk Railway; thence eastwardly along the foot of the mountain and north of the said Grand Trunk Railway not more than 250 feet from said railway to Wentworth Street thence across Wentworth Street and continuing eastwardly to Sherman Avenue, the eastern limit of the city, to a point in said Sherman Avenue south of Mountain Avenue.

Overhead wooden bridges, well and substantially built the full width of the streets, shall be constructed and maintained by and at the expense of the Company over Garth, Poulette, Locke, Pearl and Ray Streets, with the necessary guards and guard rails.

The Company shall construct and maintain a public siding for the loading of freight cars from carts or wagons, and loading of carts or wagons from freight cars, at some point between Hunter and Main Streets, adjacent to or along the east line of Garth Street, and extending along said east line to a point within two hundred feet of Main Street, the Company to leave the present roadway on Garth Street in as good condition as it is in now for the use of horses and vehicles.

The Railway Company shall lay down double tracks from some point near Garth Street to Wentworth Street exclusive of all necessary sidings and switches.

All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the rails, and planked between the rails and alongside of the tracks in a substantial and workmanlike manner, by and at the expense of the Company.

The highway above the tunnel on Hunter street, shall, immediately upon the completion of the tunnel, as it progresses, be filled in, and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the

Company, and to the satisfaction of the city engineer, and no part of the tunnel shall be kept open any longer than is absolutely necessary for its completion.

During the construction of the tunnel, the Company shall erect temporary bridges for the passage of horses and vehicles over the excavations for the railway, at the crossing of such streets between Garth and Park Streets as the city engineer shall direct, provided such bridges do not interfere with the active prosecution of the work.

The Company shall, at their own expense, sufficiently protect by watchmen and gates, McNab, James, Hughson and John Streets where they are crossed by the railway, and if at any time the railway committee of the Privy Council shall decide that gates or other appliances for the protection of the public shall be placed at any of the street crossings or elsewhere within the limits of the city of Hamilton, the cost of constructing and setting up and the cost of maintaining and operating such gates or other appliances shall be borne by the Toronto, Hamilton and Buffalo Railway Company.

The pipe sewer on Queen Street shall at the crossing of that street by the railway be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the Company, and all sewers and water pipes which may be interfered with by the railway company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the Company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing or relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the Company to the city corporation on demand, and if at the time the Company may become entitled to any debentures under the terms of this by-law, any such expenses shall remain unpaid by the Company to the city, the amount thereof with interest from the time of demand of payment, may be deducted from such debentures.

Passed this 29th day of October, A.D. 1894.

{SEAL.} A. D. STEWART,
*Mayor.*

T. BEASLEY,
*City Clerk.*

No. 34.

5th Session, 7th Parliament, 58 Victor

BILL.

An Act respecting the Toronto, Ha
and Buffalo Railway Company

Received and read a first time, Wedr
1st May, 1895.
Second reading, Friday, 3rd May, 189

(PRIVATE BILL.)

MR. COATSWOR

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majes
1895

No. 34.] **BILL.** [1895.

# An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

*(Amendments proposed to be made in the Railway Committee of the House of Commons.)*

**2.** It is hereby declared that the said by-law number seven hundred and fifty-five, passed by the municipal corporation of the said city of Hamilton, on the twenty-ninth day of October, eighteen hundred and ninety-four, and all of the conditions contained therein are and shall, subject to the rents and revenues of the Company being chargeable in the first instance with the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the Minister, and next to the payment of the working expenditure of the railway as provided for in section ninety-four of *The Railway Act*, be binding on the Company and all who claim under it, and in the event of the lines now under construction or proposed to be built by the Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Branford to Waterford, or any part of the said lines, coming under the control of the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company or person acting for or in the interest of either of those companies, or being operated as provided in the said by-law as part of or in alliance with any of said systems, or ceasing to be operated so as to give a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, or in the event of the Company either directly as a company or indirectly through any other company or person building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, its successors or assigns, under or by virtue of the grant made by the said by-law, number seven hundred and fifty-five, to the Company shall be repaid to the corporation of the city of Hamilton with interest and the amount thereof shall, subject to the rents and revenues of the Company being chargeable in the first instance with the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the Minister, and next to the payment of the working expenditure of the railway as is

By-law declared binding on company.

provided for in section ninety-four of *The Railway Act*, form a first lien and charge prior to all other liens and charges upon the railway and upon all the franchises and property of the Company.

Traffic arrangements.

**8.** The Company may make with any other railway company any of the arrangements authorized to be made between railway companies by sections two hundred and thirty-eight and two hundred and thirty-nine of *The Railway Act*, but subject always to the conditions imposed by those sections; and the term of any such arrangement may be longer than twenty-one years, if the Governor in Council shall so order on petition by the Company made in pursuance of a resolution of at least three-fourths of the votes of the Company's shareholders present or represented by proxy at a special general meeting of the shareholders duly called for the purpose of considering the same; and if the Governor in Council so orders, then all the railway companies which shall have entered into arrangement shall be held to have been duly authorized to do so and to carry out such arrangements.

Agreement with another company.

**9.** The Company may enter into an agreement with the Canada Southern Railway Company, the South Ontario Pacific Railway Company or the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part or any of the rights or powers of the Company in respect thereof, and also the surveys, plans, works, plant, material, machinery and other property and franchises 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 no such agreement shall take effect until it is approved of in writing by every shareholder of the Company and also by order of the Governor in Council, or, failing such approval of every shareholder, then by resolution passed by at least two-thirds of the votes of the shareholders present in person or represented by proxy at a special general meeting of the shareholders duly called for the purpose of considering the same and approved of by the Governor in Council after notice as hereinafter mentioned.

Sanction of the shareholders and the Governor in Council.

Notice of application for approval.

2. Except in the case of the written approval of every shareholder as aforesaid, the approval of the Governor in Council 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.

No. 34.

5th Session, 7th Parliament, 58 Victoria,

BILL.

An Act respecting the Toronto, Ham and Buffalo Railway Company.

*(Amendments proposed to be made in the way Committee of the House of Common*

(PRIVATE BILL.)

MR. COATSWORT

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 35.] **BILL.** [1895.

# An Act to incorporate the South Shore Suburban Railway Company

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway and a bridge across the River St. Lawrence, as hereinafter set forth, with lines to connect the said railway and bridge with the railway systems on both sides of the said river, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

Incorporation.

**1.** The Honourable Alexander Walker Ogilvie, the Honourable Louis Tourville, Thomas Pringle, Joseph S. Bousquet, all of the city of Montreal, and Télesphore E. Normand, of the city of Three Rivers, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The South Shore Suburban Railway Company," hereinafter called "the company."

Corporate name.

Declaratory.

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

Head office.

**3.** The head office of the Company shall be in the city of Montreal.

Line of railway described.

**4.** 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 Longueuil or St. Lambert in the county of Chambly, to a point in or near St. John's in the county of Iberville.

Power to build a bridge over the river St. Lawrence.

**5.** The Company may lay out, construct, maintain and operate a railway and general traffic bridge with the necessary approaches over the River St. Lawrence, from a point on the south shore, at or near St. Lambert or Longueuil, to a point on the western end of Ste. Helen's Island; thence to a point on the north-eastern end of the Montreal harbour work commonly known as "the guard pier;" thence, by a line of railway, on and along the said guard pier to a point on the north shore, with one or more lines of railway to connect the said bridge with existing or future lines of railway on both sides of the said river and with a station to be built by the Company on the north shore of the River St. Lawrence.

Tolls on bridge to be approved by the Governor in Council.

**6.** If the Company construct or arrange the said 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 bridge.

Approval of the Governor in Council.

**7.** The Company shall not commence the said 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 such plans 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 with the permission of the Governor in Council and upon such conditions as he imposes: Provided always, that the portion of the said bridge which crosses the navigable part of the River St. Lawrence shall either be at least sixty feet in clear height above the high water level at the opening of navigation, or shall contain a draw or swing span of at least one hundred and fifty feet opening.

Proviso.

No discrimination in rates of tolls.

**8.** So soon as the bridge is completed and ready for traffic, all railways and street railways connecting with the said bridge, 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 trains, cars or business pass over the said bridge.

In case of disagreement, railway committee to decide.

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

Provisional directors.

**10.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, with power to fill vacancies occurring among their number.

Capital stock and calls thereon.

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

Annual general meeting.

**12.** The annual general meeting of the shareholders shall be held on the first Wednesday in October of each year.

Number of directors.

**13.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose not less than five and not more than nine persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Amount of bonds, &c., limited.

**14.** The Company may issue bonds, debentures or other securities to the extent of thirty-five thousand dollars per mile of its railway or tramway and branches, and such bonds, debentures or other securities may be issued only in proportion to length of railway or tramway constructed or under contract to be constructed, and shall be designated as "Series A"; and in addition thereto, bonds, debentures or other securities to the extent of two million dollars may be issued in aid of the construction of the bridge mentioned in this Act, and shall be designated as "Series B"; and all such bonds shall be secured by a deed of mortgage specifying the security therefor, and such deed may provide that all tolls and revenues derived from the use of the bridge and other works of the Company by other corporations or persons, shall be specially charged and pledged as security for such bonds.

Agreement with another company.

**15.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Atlantic and Lake Superior Railway Company, the Montreal Island Belt Line Railway Company, the Montreal Street Railway Company, the Montreal Park and Island Railway Company, the United Counties Railway Company or the South Shore Railway Company, for conveying or leasing its railway to such company, in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with either of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided, that such agreement has been first 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 or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Sanction of shareholders and 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 counties through which the railway of the Company runs, and in which a newspaper is published.

Time limited for completion of bridge.

**16.** The bridge shall be completed within two years from the completion of the guard pier mentioned in section five, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 35.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the South Shore Suburban Railway Company.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

(PRIVATE BILL.)

Mr. LACHAPELLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 36.] **BILL.** [1895.

An Act to amend the Act incorporating the Canada and Michigan Tunnel Company, and to change the name of the Company to the Canada and Mich gan Bridge and Tunnel Company.

Preamble.

WHEREAS by chapter ninety-three of the Statutes of 1888, intituled *An Act to incorporate the Canada and Michigan Tunnel Company*, the said company was empowered to construct, maintain, work and manage a tunnel under the waters of the Detroit River, for railway purposes, from some point, at or near the town of Windsor or the town of Sandwich, in the county of Essex, towards the city of Detroit, in the state of Michigan, and to lay and place therein one or more tracks for the passage of engines and cars, and to construct approaches thereto; and whereas the said Company has petitioned for such an amendment to its Act of incorporation as will empower it to construct a bridge across, as well as a tunnel under the said Detroit river, and for other amendments to the said Act, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1888, c. 93; 1891, c. 103; 1894, c. 101.

Name o co m pany changed

**1.** The name of the Company incorporated by chapter ninety-three of the Statutes of 1888 is hereby changed to "The Canada and Michigan Bridge and Tunnel Company," but such change in name shall not in any way impair, alter or affect the powers, rights or liabilities of the Company, or any lien or charge upon its property or franchises, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Existing rights not to be affected.

Declaratory.

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

Power to con struct a bridge.

**3.** The Company may, at its option, construct, maintain, work and manage a railway bridge across, or a tunnel under the river Detroit, or both, as is found most suitable for railway purposes, at the point mentioned in section two of the said Act.

Provisions of c. 93 of 1888 respecting tunnel to ap ply to bridge.

**4.** All the provisions and requirements of the said Act, concerning the tunnel authorized thereby to be constructed, shall apply to the said bridge, and all the powers conferred by the said Act are hereby confirmed and made applicable to a

railway bridge across the Detroit river as well as to a railway tunnel under, in so far as the same may be properly applicable thereto. And the word "tunnel" in the said Act wherever used shall be read and construed as meaning tunnel or bridge unless the context renders the same repugnant.

Interpretation "tunnel."

**5.** If the amount of the capital stock, including the increase thereof authorized by section ten of the said Act, is found insufficient for the purposes of the Company, a further increase may be made under the provisions of *The Railway Act.*

Increase of capital stock.

1888, c. 29.

**6.** If the Company builds a railway bridge, instead of a tunnel, it may construct, as part of or in connection with such bridge, a foot bridge for the passage of horses, carriages and foot passengers, and the Company may make the same either during the construction of the said railway bridge or at any time after the completion thereof, and, in the event of the Company electing to construct such foot bridge, it may make, amend, repeal, re-enact or enforce all such by-laws and regulations as shall seem to the Company proper and necessary for the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.

Power to construct foot bridge.

**7.** Any railway company whose line is now or hereafter constructed, or which may now or hereafter run its trains to or from any point at or near the said town of Windsor, or which may run its trains in connection with any such railway, may, with the consent of a majority of the holders of its stock, loan its credit to the Company, or may subscribe to or become owner in the stock thereof in like manner and with like rights as individuals, notwithstanding any Acts of the parliament of Canada to the contrary.

Railway companies may loan their credit to company or subscribe to its stock.

**8.** Section thirty-five of the said Act, requiring plans to be submitted for the approval of the Governor in Council, shall be applicable to the said bridge, and any work thereunto appertaining.

Plans of bridge to be submitted to Governor in Council.

**9.** The said bridge shall be constructed so as not to materially obstruct the navigation of the Detroit river, and shall have at least one draw across the main channel of the river, and the intervals between the piers on which the draws will rest shall be not less than one thousand feet, and the intervals between the other piers shall be not less than five hundred feet, and the height of the arches and of the bridge above the river shall be not less than forty-five feet in the clear.

Bridge not to interfere with navigation.

**10.** From sundown until sunrise during the season of navigation, suitable lights shall be maintained by the Company upon the said bridge to guide rafts or vessels approaching the said draw from either direction. The Company shall be liable to pay the owners of any raft or vessel or of the cargo or freight thereof all damages they may respectively sustain by reason of any neglect in respect of the foregoing provision.

Lights on bridge.

Liability for drainages.

**11.** The Company may, with the consent of the Crown, enter upon and take beaches of the Detroit river and lands covered with water, the property of the Crown, and erect such works on the said river as are necessary for the construction of the said bridge, provided the navigation of the said river is not unnecessarily obstructed by such works.

Power to take beaches and lands covered with water.

**12.** The Company shall not commence the actual erection of the said bridge until an Act of the congress of the United States has been passed consenting to or approving of the bridging of the said river.

Bridge not to be commenced until approved by Congress of the United States.

**13.** In case the state of Michigan or the United States shall at any time provide for the appointment of a commission for regulating the working of the said bridge, the style thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, it shall be lawful for the Governor in Council to join in the appointment of the said commission on such terms as he thinks proper, and to appoint one or more persons as members of the said commission, and the decision of the said commissioners shall first be submitted to the Governor in Council, and, if approved of, shall thereafter be final and conclusive to the extent to which it is final and conclusive by virtue of the provisions made by the state of Michigan or the United States.

Joint commission to regulate working of bridge.

No. 36.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Act incorporating the Canada and Michigan Tunnel Company and to change the name of the Company to the Canada and Michigan Bridge and Tunnel Company.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Friday, 3rd May, 1895.

(PRIVATE BILL.)

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

N° 37.] **BILL.** [1895.

An Act respecting the Salaries of Lieutenant-Governors.

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

**1.** Section two of chapter four of the Revised Statutes, intituled *An Act respecting the Salaries of certain Public Functionaries and other annual charges on the Consolidated Revenue*, is hereby repealed and the following substituted therefor:— R.S.C., c. 4, s. 2 repealed.

"**2.** The salaries of the Lieutenant Governors of the several Provinces shall be as follows:— Salaries of Lieut.-Governors.

| | | | |
|---|---|---|---|
| The Lieutenant Governor of Quebec..... | $6,000 | per | annum. |
| The Lieutenant Governor of Ontario..... | 6,000 | " | " |
| The Lieutenant Governor of Nova Scotia..... | 5,000 | " | " |
| The Lieutenant Governor or New Brunswick ..... | 5,000 | " | " |
| The Lieutenant Governor of Manitoba.. | 5,000 | " | " |
| The Lieutenant Governor of British Columbia..... | 5,000 | " | " |
| The Lieutenant Governor of Prince Edward Island..... | 4,000 | " | " |

**2.** Section one hundred and six of *The North-West Territories Act*, chapter fifty of the Revised statutes, as amended by section seventeen of chapter nineteen of the Statutes of 1888, is hereby further amended by striking out the words "To the Lieutenant-Governor, not exceeding $7,000," in the fourth line, and substituting therefor the words "To the Lieutenant-Governor, not exceeding $4,000." R.S.C., c. 50, s. 106 amended. Salary of Lieut.-Governor of N.W.T.

No. 37.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Salaries of Lieutenant-Governors.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Thursday, 2nd May, 1895.

Mr. McMullen.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 38.] **BILL.** [1895.

# An Act respecting the Hamilton Distillery Company, Limited.

Preamble.

WHEREAS the Hamilton Distillery Company, Limited, hereinafter called the Company, has by its petition, represented that it was incorporated by letters patent under the great seal of Canada, dated the 14th day of January, 1884, under the name of "The Hamilton Vinegar Works Company, Limited," for the purposes of the manufacture and sale of vinegar and methylated spirits, and the distillation of spirits or high wines; that by successive supplementary letters patent, dated the 8th day of May, 1890, and the 24th day of July, 1894, respectively, the name of the Company was changed from that of "The Hamilton Vinegar Works Company, Limited," to the Company's present name, and the authorized capital stock was fixed at the sum of five hundred thousand dollars, of which two hundred thousand dollars have been subscribed and one hundred and fifty thousand dollars paid up; that the Company has acquired lands and constructed buildings, plant and machinery at the city of Hamilton at a cost and in excess of the paid up capital, and that a large additional sum of working capital is necessary for the carrying on of the Company's business; and the Company has prayed for power to issue first mortgage bonds or debentures in order to provide such additional capital, and it is expedient to grant the prayer of its petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Bonding powers.

Amount limited.

Proviso: amount of each bond limited.

**1.** The directors of the Company may, after the sanction of the shareholders has first been obtained, at an annual general meeting or at a special general meeting called for such purpose, issue bonds of the Company to an amount not exceeding in all two hundred and fifty thousand dollars, or fifty thousand pounds sterling, and may fix and define by by-law the amount or denomination of such bonds, the time, and the place for payment of the principal moneys thereof, and the interest thereon and all other particulars in reference thereto: Provided that no such bond shall be for a less sum than one hundred dollars, or twenty pounds sterling, and that the rate of interest on such bonds shall not exceed six per cent per annum.

Bonds may be issued either in Canadian or sterling money.

**2.** Bonds may be issued partly in terms of Canadian currency and partly in terms of sterling money, and for the purpose of computing at any time the amount of such bonds issued or to be issued, one hundred dollars shall be deemed the equivalent of twenty pounds sterling.

Rank of bonds.

**3.** Subject to any existing lien, charge or encumberance such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking of the Company, and on the real property, fixtures, plant and machinery thereof, then existing or thereafter acquired, and also upon the statutory non-saleable bonded spirits of the Company from time to time stored in the Company's bonded warehouse in the city of Hamilton, and upon the subscribed but unpaid capital of the company, and each holder of the said bonds shall be deemed a mortgagee and encumbrancer *pro rata* and *pari passu* with all the other holders thereof, upon the undertaking and property of the Company as aforesaid.

Sale of bonds.

**4.** The directors may sell, mortgage, hypothecate or pledge such bonds, or any of them, to raise money for the purposes of the Company.

No. 38.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act respecting the Hamilton Distillery Company, Limited.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Friday, 3rd May, 1895.

PRIVATE BILL.

MR. McKAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 39.] **BILL.** [1895.

# An Act further to amend The Hamilton Provident and Loan Society's Act of 1885.

WHEREAS the Hamilton, Provident and Loan Society, hereinafter called "the Society," has by its petition, prayed that chapter thirty of the Statutes of 1885, as amended by chapter eighty-five of the Statutes of 1893, be further amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1885, c. 30; 1893, c. 85.

**1.** Section six of chapter thirty of the Statutes of 1885, is hereby repealed and the following substituted therefor:— New section substituted for s. 6, c. 30 of 1885.

"6. The Society shall keep, or cause to be kept, at such place as the directors order, a register, in which shall be entered the debenture stock aforesaid as issued, together with the names and addresses of the several persons and corporations from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and such stock shall be transferable in such amounts, and in such manner, and at such place as the directors from time to time determine." Debenture stock shall be registered. Transfer of stock.

**2.** Section eight of chapter thirty of the Statutes of 1885, is herby repealed. Section 8 repealed.

**3.** The directors of the Society may at any time in the interests of the Society buy up and cancel the debenture stock of the Society, or any part thereof. Cancellation of debenture stock.

**4.** The Society shall not be bound to see to the execution of any trust, express, implied or constructive, to which any portion of such debenture stock may be subject and whether or not the Society has notice of such trust; and the receipt of the party in whose name any such debenture stock stands on the Society's register of debenture stock, shall from time to time be sufficient discharge to the Society for any payment of any kind made in respect to such debenture stock. No liability as to trusts.

**5.** Instruments of transfer of debenture stock shall be executed by the transferor and transferee, and the transferor shall be deemed to remain the holder of the said stock until the name of the transferee is entered in the proper register aforesaid in respect thereto. Transfers.

Debenture stock in the name of two or more persons.

**6.** If any debenture stock of the Society at any time stands in the name of two or more persons, the first named of such persons in the register shall, in the absence of express directions in writing to the contrary, as regards the receipt of dividends and all other matters connected with the Society, except transfers of such debenture stock, be deemed the sole holder thereof.

No. 39.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Hamilton, Provident and Loan Society's Act of 1885.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Friday, 3rd May, 1895.

(PRIVATE BILL.)

MR. MCKAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 40.] **BILL.** [1895.

An Act concerning drainage on and across railway lands.

WHEREAS it is expedient that municipalities and land owners should have ample facilities for drainage on and across the lands of railway companies within the legislative authority of the Parliament of Canada; and whereas legislation concerning watercourses and drainage is within the jurisdicton of the legislatures of the Provinces; and whereas doubts have arisen as to whether railway companies within the legislative authority of the Parliament of Canada are subject to such provincial legislation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

**1.** Notwithstanding anything in any Act of the Parliament of Canada contained, every railway company within the legislative authority of the said Parliament is hereby declared to be subject, with respect to all lands, whether covered by roadbed or not, owned, occupied or used by it in any Province, to all Acts of such Province concerning drainage and watercourses as applied to railways. Application of provincial laws as to drainage, &c.

No. 40.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act concerning drainage on or across railway lands.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Friday, 3rd May, 1895.

Mr. CASEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 41.] **BILL.** [1895.

An Act further to amend the Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

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

Manufacture and sale of certain substitutes for honey prohibited.

**1.** No imitation of honey, or "sugar honey" so called, or other substitute for honey manufactured or produced from cane sugar or from any other substances other than those which bees gather from natural sources, shall be manufactured or produced or offered for sale in Canada, or sold therein; and every person who contravenes the provisions of this Act in any manner shall, on summary conviction, incur a penalty not exceeding four hundred dollars and not less than one hundred dollars, and in default of payment shall be liable to imprisonment for a term not exceeding twelve months and not less than three months: Provided that this Act shall not be interpreted or construed to prevent the giving of sugar in any form to bees, to be consumed by them as food.

Penalty.

Proviso.

R.S.C., c. 107.

**2.** Sections six to thirty, both inclusive, of *The Adulteration Act* shall, so far as they are applicable, be held to apply to this Act in the same way as if the adulteration of honey were especially mentioned therein.

No. 41.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Friday, 3rd May, 1895.

MR. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

N° 42.] **BILL.** [1895.

An Act to facilitate voting by employees at elections of members of the House of Commons

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

Using threats to prevent an employee voting.

**1.** Every employer of labour, or manager or officer of a company employing labour, who, directly or indirectly, by himself or by any other person on his behalf, makes use of any threat of loss of employment or reduction of wages or of other loss or injury to an employee, to prevent such employee leaving his employment during voting hours on the day of holding any election of a member to serve in the House of Commons, for at least two working hours for the purpose of voting, shall be deemed to have committed the offence of undue influence, and is guilty of an indictable offence, and shall forfeit the sum of two hundred dollars to any person who sues therefor. Penalty.

No. 42.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to facilitate voting by employees at elections of members of the House of Commons.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Friday, 3rd May, 1895.

Mr. RIDER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 43.] **BILL.** [1895.

An Act to determine the length of the working day for workmen and labourers employed on public works.

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

Working day of eight hour

**1.** Eight hours shall be the length of the working day for all workmen and labourers employed, either permanently or temporarily, by the government of Canada, or by contractors or sub-contractors under or for it.

Penalty.

**2.** Every employee of the government and every contractor or sub-contractor, who has under him or who employs workmen or labourers on a public work, and who wilfully violates the provisions of this Act, is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the court.

Exceptions.

**3.** This Act shall not apply to contractors or sub-contractors now having contracts with or for the government of Canada for the execution of a public work; nor shall it apply in cases of pressing emergency or of absolute necessity.

No. 43.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to determine the length of the working day for workmen and labourers employed on public works.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Friday, 3rd May, 1895.

Mr. LÉPINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 44.] **BILL.** [1895.

# An Act respecting Commercial Treaties affecting Canada.

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

Treaty advantages may be extended to certain foreign powers by proclamation.

**1.** When effect is given by the Parliament of Canada to any treaty between Great Britain and a foreign power granting advantages to such power with respect to its commerce with Canada, and by reason of such treaty any other foreign power becomes, under the provisions of a treaty between Great Britain and such other foreign power, entitled, in whole or in part, to the same or the like advantages with respect to its commerce with Canada, the Governor in Council may by proclamation declare that, on and after a day named in such proclamation, and until by proclamation or other competent means provision is made to the contrary, such advantages shall extend to such other foreign power, either wholly or to the extent to which in manner aforesaid it is entitled thereto.

Revocation of proclamation.

**2.** The Governor in Council may by proclamation revoke any proclamation made under section one of this Act and declare it to be no longer in force, or to have ceased to be in force, or that it shall cease to be in force upon a day to be named in the revoking proclamation.

Suspension of inconsistent laws.

**3.** So long as any proclamation made in pursuance of section one of this Act remains in force, the operation of all laws inconsistent with its provisions shall be suspended to the extent to which they are so inconsistent.

Extension of treaty advantages to British colonies.

**4.** The Governor in Council may by proclamation extend to any British colony or possession, with respect to its commerce with Canada, any such advantages as in manner aforesaid are granted to any foreign power, and may at any time, in like manner as aforesaid, revoke such proclamation ; and so long as any such proclamation is in force, all laws inconsistent with its provisions shall be suspended to the extent to which they are so inconsistent.

No. 44.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting Commercial Treaties affecting Canada.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Friday, 3rd May, 1895.

MR. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

N° 45.] **BILL.** [1895.

# An Act respecting the Great North-West Central Railway Company.

Preamble.

WHEREAS by chapter eighty-five of the Statutes of 1888, intituled *An Act to confirm the charter of incorporation of the Great North-West Central Railway Company*, it was enacted that the charter of the said Company, under certain letters patent dated the 22nd July, 1886, set forth in the said Act, and as amended by the said Act, was confirmed as amended and was declared to have the same force and effect as if it were an Act of the parliament of Canada since publication thereof on the 6th of November, 1886; and whereas the said Company has complied with the requirements of the law in regard to initial expenditure and construction, and has had constructed and has in operatien for some years fifty miles of its railway, and the time allowed by law for the construction of the remaining portion of its railway is about to expire, and it is expedient to extend the same as hereinafter mentioned; and whereas a by-law has been passed by the said Company for the change of the head office of the said Company from the city of Ottawa to the city of Toronto, and the same has been submitted to the Governor in Council for approval, and it is doubtful whether the said head office can lawfully be changed except by statute, and it is expedient that the head office of the said Company should be at Toronto: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1888, c. 85; 1889, c. 67; 1890, c. 81; 1891, c. 80.

Time for finishing railway extended.

**1.** The time for finishing and putting in operation that part of the railway of the Great North-West Central Railway Company yet unconstructed to the Rocky mountains, authorized by the charter of the said Company, as set forth and confirmed by chapter eighty-five of the Statutes of 1888, is hereby extended for seven years from the 22nd day of May, 1895; and if the railway is not then completed, then the powers granted by the Acts relating to the Company and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Head office changed.

**2.** From and after the passing of this Act, the head office of the Company shall be at the city of Toronto in lieu of the city of Ottawa.

No. 45.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Great North-West Central Railway Company.

Received and read a first time, Friday, 3rd May, 1895.
Second reading, Monday, 6th May, 1895.

(PRIVATE BILL.)

Sir JAMES GRANT.

OTTAWA
Imprimé par S. E. DAWSON
Imprimeur de Sa Très Excellente Majesté la Reine
1895

No. 46.] **BILL.** [1895.

An Act to incorporate the Trans-Canadian Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway and for other 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, declares and enacts as follows:—

Incorporation.

**1.** George Earl Church, Richard Biddulph Martin and Frank Crisp, all of London, England; the Hon. Francis Clemow and J. A. Gemmil of Ottawa, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Trans-Canadian Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

**2.** The Head Office of the Company shall be in the city of London, England, or in such place in Canada as the directors from time to time determine by by-law.

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 at or near the city of Quebec; thence westerly and as nearly as practicable in a straight line to a point north of lake Winnipeg; thence westerly by way of the drainage of the Athabaska river, and the Yellow Head or other convenient and practicable pass in the Rocky Mountains; and thence by the Skeena river to Port Simpson or Port Essington, with the option of adopting any other more feasible route west of the Rocky Mountains to reach a point on the Pacific coast between fifty and fifty-five degrees north latitude; with power to construct a branch from the city of Montreal to the main line north of Montreal, and a branch from a point on the main line west of Lake Winnipeg to such point on Hudson's Bay as will afford a deep water harbour; and the Company may for the purpose of building its line of railway, divide it into three sections: the first section to extend from Quebec to a point at or near the northern end of Lake Winnipeg, the second section from the last mentioned point to the eastern limit of the Rocky Mountains, and the third section from thence to the Pacific coast.

Line divided into three sections.

General powers.

**6.** The Company may—

Power to build steamers, &c.

(*a*) Construct, purchase or otherwise acquire, charter, obtain, control, navigate and keep in repair steamers and other

vessels to ply between ports in Canada and 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, and may sell and dispose of such vessels;

Wharves, &c.

(*b.*) Construct, purchase, lease or otherwise acquire and hold wharves, docks, elevators and warehouses in connection with the said railway;

Electricity.

(*c.*) Acquire and utilize water and steam-power for the purpose of generating electricity for lighting and motor purposes in connection with its railway or any branch or part thereof; and may operate the said railway or any branch or part thereof by electricity;

Telegraph and telephone lines.

(*d.*) Construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point on James' Bay, Hudson's Bay and Hudson's Straits, and may lay submarine lines for telegraph and telephone connection between such points.

Company may enter upon public roads.

**5.** With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by its 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 its 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 deems 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, its 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.

And open public roads.

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, &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 by cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direc-

tion 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;

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

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

(*g.*) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under grounds, shall be subject to the direction and approval of such engineer or 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; Carrying 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 indentified; Workmen to wear badges.

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

(*k.*) If in the removal of buildings, or if in the exercise of the public right of travelling on or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed, by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles; and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the office of the Company, or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed. Temporary removal of wires.

**6.** The Company, in addition to other powers under *The Railway Act*, may, if it cannot agree for the purchase thereof with the owner of the land required for wharfs, docks elevators and warehouses, cause a map or plan and book of reference to be made of the land required for any of the purposes aforesaid, and all the provisions of sections one hundred and seven to one Power to expropriate.

1888, c. 29, ss. 107 to 111.

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

Provisional directors.

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

Capital stock.

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

Construction of first section of railway.

**9.** Notwithstanding anything contained in *The Railway Act*, the provisional directors, for the purpose of commencing construction on the first section of the railway, may, so soon as twenty-five per cent. of two million dollars of the capital stock have been subscribed and ten per cent. paid thereon into one of the chartered banks in Canada, call a meeting of the subscribers and proceed to the construction of the said first section in the manner provided by *The Railway Act*.

Second section.

2. Before commencing construction on the second section of the railway, twenty-five per cent of three million dollars more of the unsubscribed capital stock shall be subscribed and ten per cent. paid thereon as aforesaid.

Third section.

3. Before commencing construction on the third section of the railway, twenty-five per cent. of five million dollars more of the unsubscribed capital stock shall be subscribed and ten per cent. paid thereon as aforesaid.

Annual general meeting.

**10.** The annual general meeting of the shareholders shall be held on the first Monday in May in each year.

Number of directors.

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

Issue of bonds, &c., limited.

**12.** 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 eight thousand dollars per mile additional debentures for each mile double tracked, and such bonds, bebentures or other securities may only be issued in proportion to the length of railway constructed or under contract to be constructed, or double tracked.

Issue of additional bonds.

**13.** The Company, being first authorized by a resolution passed at a special meeting of its shareholders duly called for the purpose, may from time to time issue additional bonds in aid of the acquisition or construction of any steam or other vessel which by this Act it is authorized to acquire or construct, not exceeding in amount the cost of such vessel; and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such vessels, according to the terms and intention of such resolution; and each such resolution shall indicate by some general description

the vessel or vessels with respect to which it authorizes bonds to be so issued as aforesaid and whether the same are then acquired or are to be thereafter ocquired by the Company.

Secured by mortgage

**14.** For the purpose of securing each issue of such bonds the Company shall execute a deed of mortgage not inconsistent with the law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution of such general meeting of shareholders as aforesaid, each of which deeds shall be made to trustees, to be appointed at such special general meeting for that purpose, and may contain provisions establishing the amount secured upon the vessel, or class of vessels to which it relates, the rank and privilege to appertain to the bonds intended to be secured by it, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable upon them, and the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions, and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holders of such bonds; and it may charge and bind the tolls and revenues of vessel or vessels or class of vessels to which it relates, and the whole or any part of any subsidy to be earned in connection therewith, (but not the railway or the tolls and revenues thereof,) in the manner and to the extent therein specified ; and each such deed of mortgage shall create absolutely and exclusively a first lien and encumbrance on the vessel, or class of vessels therein described, as well as on their tolls, revenues and subsidy therein hypothecated, the whole for the benefit of the holders of the bonds with respect to which it is made.

Rank of bondholders.

**15.** Each issue of bonds intended to be secured by any one of the deeds of mortgage referred to in the next preceding section, shall entitle the respective holders thereof to rank with each other *pari passu*, and a duplicate of such deed shall be deposited and kept in the office of the Secretary of State of Canada.

Erection of warehouse, &c.

**16.** The Company may grant or lease to any person the right to erect on the grounds belonging to the Company, warehouses, elevators or other buildings or works, for the purpose of giving greater facilities to the public in doing business with the Company ; and the buildings or works so erected shall not be bound by or subject to any mortgage or lien on the property of the Company, without the consent of the owner of such buildings or works.

Declaratory.

**17.** The undertaking hereby authorized is declared to be a work for the general advantage of Canada.

Time for construction limited.

**18.** The works authorized by this Act shall be commenced within five years and completed within ten years from the passing of this Act, otherwise the rights and powers hereby conferred shall cease and determine.

No. 46.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the "Trans-Canadian Railway Company."

Received and read a first time, Friday, 3rd May, 1895.
Second reading, Monday, 6th May, 1895.

(PRIVATE BILL).

Sir JAMES GRANT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 47.] **BILL.** [1895.

An Act to Incorporate the Canadian Order of Foresters.

WHEREAS the Canadian Order of Foresters is incorporated under the Act respecting benevolent societies in and for the province of Ontario, and has been carrying on business in Ontario and in the other provinces of the Dominion of Canada for a period of fifteen years past; and whereas the said Order has in all twenty thousand members in the Dominion of Canada, and has petitioned to be incorporated under the name of "The Canadian Order of Foresters", and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

**1.** The said Order shall be and is hereby constituted a body corporate under the name of "The Canadian Order of Foresters," hereinafter called the Order. Incorporation. Corporate name.

**2.** The objects for which the Order is incorporated are— Objects of Order.

(*a.*) To unite fraternally all male persons of sound health, physically and mentally, of good moral character, who are socially acceptable, between the ages of eighteen and forty-five years;

(*b.*) To establish and maintain an insurance fund or funds for the purpose of securing, upon the death of a member who has complied with all the requirements of the Order, a sum not exceeding three thousand dollars to the widow, orphans, dependents or other designated payees or personal representatives of the member, whose death has not been brought on by the use of intoxicants or is not the result of an accident traceable to intoxication;

(*c.*) To authorize subordinate courts to establish and maintain a fund for the relief of sick and distressed members, and for funeral expenses;

(*d.*) To mutually assist in the entertainment, enjoyment and improvement of its members, by encouraging provident habits, and by inculcating the principles of liberty, benevolence and concord in all their actions and dealings.

**3.** The head office of the Order shall be at the city of Brantford, in the province of Ontario. Head office.

**4.** Subject to the constitution and laws of the Order, branches under the name of district high courts and subordinate courts may be from time to time established under the title or number designated in the charter granted by the Order constituting such branches and subject to such provisions and conditions and with such powers as the Order from time Branches.

to time determines; provided, however, that such powers shall not be in excess of those conferred upon the Order by this Act.

By-laws.

**5.** The Order may make rules and by-laws for the guidance of its officers and members, the control and management of its funds and generally for regulating every matter and thing proper or necessary to be done for the good of the Order and the prosecution of its object and business.

Investment of surplus funds.

**6.** The surplus funds of the Order shall be invested in securities which are a first charge on land in fee simple in Canada, or on deposit with or in debentures of loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations, or in securities of the Dominion of Canada or of any of the provinces thereof, or shall remain deposited at interest in the name of the Order in any chartered bank, but the Order shall sell such real estate and property as it acquires by foreclosure of any mortgage or lien within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns.

Power to hold rear estate limited.

**7.** The Order may receive, take and hold real estate, by purchase, gift or devise, to an amount which shall not exceed in all fifty thousand dollars, and the Order may by by-law determine the manner in which such real property shall be held and conveyed, subject to the laws of the province in which such real estate is situate.

Certificate of membership.

**8.** Every person who is admitted a member of the Order shall receive a certificate of membership and a copy of the by-laws, rules and regulations relating to membership, and so long as such conditions or any amendment or amendments which may be made by the Order thereto are complied with, he shall remain a member of the Order and shall enjoy all the benefits and privileges of membership.

Documents to be deposited in office of superintendent of insurance.

**9.** Within three months of the coming into force of this Act, a certified copy of the present constitution and laws of the Order and of its form of certificate of membership shall be deposited in the office of the Superintendent of Insurance, and copies of any change or amendment thereto shall be deposited before they are acted on by the Order, and in default of compliance with any provision of this section the Order shall incur a penalty of five dollars for each week during which such default continues.

No annuities or endowments to be assured to members.

**10.** The Order shall not assure to any member a certain annuity either immediately or deferred, whether for life or for a term of years, or any endowment whatever.

First meeting of Order.

**11.** In the month of June after the passing of this Act, a meeting of the members of the Order shall be called for the election of officers (all of whom shall be members of the Order) for the purpose of organizing the Order under the provisions of this Act, and of confirming, amending and altering the by-

laws at present governing the Order, and generally to pass such other by-laws as may be proper and necessary for the carrying out of the objects of the Order.

Copies of by-laws to be evidence.

**12.** A copy of any by-law of the Order under its seal and purporting to be signed by an officer of the Order shall be received as *prima facie* evidence of such by-law in all courts in Canada.

Contracts, etc., to be binding on Order.

**13.** Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Order by any agent, officer or servant of the Order in general accordance with his powers as such under the by-laws of the Order shall be binding upon the Order; and in no case shall it be necessary to have the seal of the Order affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; and the person so acting as agent, officer or servant of the Order shall not be thereby subjected individually to any liability whatsoever to any third person therefor.

Declaratory.

**14.** The Order is hereby declared to be a fraternal and benevolent Order under section 43 of *The Insurance Act*.

Provincial Acts to apply to Order.

**15.** The Acts of the province of Ontario or of any of the other provinces in Canada now in force or which may hereafter be passed with respect to benevolent societies, shall, in so far as the same are not inconsistent herewith, apply to the Order in the several provinces.

No. 47.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Canadian Order of Foresters.

Received and read a first time, Friday, 3rd May, 1895.
Second reading, Monday, 6th May, 1895.

(PRIVATE BILL.)

Mr. TAYLOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 48.] **BILL.** [1895.

# An Act to incorporate the Dominion Atlantic Railway Company.

WHEREAS the Windsor and Annapolis Railway Company, Limited, hereinafter called "The Windsor Company" was on the 1st March, 1867, incorporated and registered in England under the provisions of the Statute of the United Kingdom, called *The Companies Act*, 1862, with a memorandum and articles of association, and having for its objects amongst other things the aquisition, construction and working of a railway from Windsor to Annapolis, in the province of Nova Scotia, and of any branch or extension or other railways in the said province; and whereas by an Act of the legislature of the province of Nova Scotia, being chapter thirty-six of the Acts of 1867, the Windsor and Annapolis Railway Company was incorporated in that province, and by another Act of the same legislature, being chapter twenty-three of the Acts of 1869, the said memorandum and articles of association of the Windsor Company, and any alterations, additions and amendments thereto, were made binding upon the Windsor and Annapolis Railway Company and incorporated into the beforementioned Act of the same legislature, chapter thirty-six of the Acts of 1867; and whereas the Western Counties Railway Company was duly incorporated by an Act of the same legislature passed in the thirty-third year of Her Majesty's reign, chapter eighty-one, for the purpose among others of constructing and operating a railway from Yarmouth to Annapolis and the said Act was subsequently amended by various Acts of the said legislature; and whereas the said Western Counties Railway Company afterwards built and operated the said railway or a portion thereof under the said Acts; and whereas by an Act of the Parliament of Canada, chapter seventy-seven of the Statutes of 1887, the Western Counties railway and all lines of railway at the date of the passing of such Act thereafter owned by the Western Counties Railway Company were declared to be works for the general advantage of Canada, and it was declared that all such railways should thereafter be subject to the legislative authority of the Parliament of Canada subject as therein mentioned; and whereas by an Act of the said Parliament, chapter sixty-three of the Statutes of 1893, the name of the Western Counties Railway Company was changed to the Yarmouth and Annapolis Railway Company; and whereas by an Act of the Parliament of Canada, chapter 69 of the Statutes of 1894, the Yarmouth and Annapolis Railway Company was authorized to sell, and the Windsor Company was authorized to purchase all and singular the undertaking known as the Yarmouth and Annapolis Railway and all the property

Preamble.

N. S., 1867, c. 36.

N. S., 1867, c. 23.

N. S., 33 Vic., c. 81.

Can., 1887, c. 77.

Can., 1893, c. 63.

Can., 1894, c. 69.

of the Yarmouth and Annapolis Railway Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances and the agreement for the said sale and purchase dated the 12th October, 1893, and set out in the Schedule to the said Act, was by the said Act ratified and confirmed; and whereas by the said Act it was further enacted that the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway, should, from and after the completion of such purchase, be jointly known and operated as the Dominion Atlantic Railway and that thenceforth the Windsor Company should be incorporated in Canada under the name of the Dominion Atlantic Railway Company; and whereas the said agreement for the sale of the Yarmouth and Annapolis Railway to the Windsor Company has been fully executed and took effect on the 1st October, 1894, and the said lines of railway are now being operated by the said Windsor Company under the name of *The Dominion Atlantic Railway Company;* and whereas by an Act of the legislature of Nova Scotia, fifty-fifth Victoria, chapter one hundred and seven, the Cornwallis Valley Railway Company, Limited, was empowered to sell to the Windsor Company and the Windsor Company was authorized to purchase the Conwallis Valley Railway with all its franchises, powers, rights, privileges, equipments, plant, rolling stock, property and appurtenances, and the said sale and purchase have been carried out under the provisions of the last-mentioned Act, and the said Cornwallis Valley Railway has been operated by the Windsor Company; and whereas the Windsor Company operates the railway extending from Windsor to Windsor Junction under an agreement dated the 13th December, 1892, made between the Government of Canada and the Windsor Company; and whereas the Windsor Company has, by the same agreement of the 13th December, 1892, acquired from the Government of Canada running powers over the Intercolonial Railway between Windsor Junction and Halifax, on the terms and conditions therein mentioned; and whereas the Windsor Company has found that the powers contained in its memorandum of association require to be extended and enlarged and the Windsor Company is desirous for that and other reasons of obtaining a reconstruction of the Company; and whereas the Windsor Company is desirous of carrying out such reconstruction by winding up the Windsor Company as incorporated in England under *The Companies Act of* 1862, and by organizing a Canadian company to be incorporated under an Act of the Parliament of Canada, and by such Act obtaining for such company the power to take over the undertakings of the Windsor Company with all its assets, liabilities and obligations, and also the further and additional powers required for the fuller development and extension of the several undertakings and railways hereinbefore mentioned; and whereas it is necessary for that purpose to constitute a new company which shall take over and acquire the undertaking, business, property and assets of the Windsor Company, and discharge its now subsisting obligations; and whereas the persons hereinafter mentioned, have, by their petition, prayed that they may be incorporated as a company for the purpose of acquiring the business and property of the Windsor and Annapolis Railway

N. S., 55 Vic., c. 107.

Company, Limited, of England, and for other the purposes 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:—

Interpretation. "The Dominion Company."

**1.** In this Act the expression "The Dominion Company" means the Dominion Atlantic Railway Company as at and immediately prior to the passing of this Act constituted and working the several railways hereinbefore mentioned as worked by such Company.

Incorporation.

**2.** Francis Tothill, of the Grove Stoke Bishop, England; Thomas Robert Ronald, of Richmond, Surrey, England, and Robert Lee Campbell, of London, England, and such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name and style of "The Dominion Atlantic Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

**3.** The head office of the Company shall be in London, England, or in such other place in Great Britain or in Canada as the directors of the Company from time to time lawfully determine.

Sale of railway authorized.

Can. 1894, c 69.

**4.** The Windsor Company may sell and the Company may purchase, for the consideration and upon the terms and conditions herein set forth, and upon such other terms and conditions as may hereafter be mutually agreed upon between the Windsor Company or its liquidator or liquidators and the Company, all and singular the undertakings formerly known as the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway, and now jointly known and operated under the name of "The Dominion Atlantic Railway Company" as defined by section eight of the said recited Act, chapter sixty-nine of the Statutes of 1894, together with the Cornwallis Valley Railway, as owned by the Windsor Company, and the benefits and obligations of the said agreement, dated the 13th December, 1892, between Her Majesty and the Windsor Company, and all the property in Canada of the Windsor Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances.

Power to enter into agreement for sale.

**5.** The Company may enter into such agreement as is approved of by the Windsor Company, or any liquidator of the Windsor Company, on the one hand, and the Company on the other hand for the purchase aforesaid, or any modification thereof, and as to the payment for the same, in such manner as shall be set forth in such agreement; and the directors or provisional directors of the Company may, without application or allotment, issue fully paid up shares of the stock of the Company to the Windsor Company, to be distributed to the shareholders of the Windsor Company, or may issue such fully paid-up shares to the liquidator of the Windsor Company under any proceedings taken for the winding-up of the Windsor Company, upon such terms and conditions and in such proportions as are set forth in such agreement, and subject, as here-

inafter provided, may determine that certain of the shares of the Company issued or unissued are to have preference as regards dividends or capital over other shares issued or unissued.

Consideration of sale payable in cash or shares.

**6.** The consideration to be paid by the Company to the Windsor Company, or to the liquidator of the Windsor Company as mentioned in the next preceding section, as part of the purchase money of the said undertaking of the Windsor Company, shall be the sum of five hundred thousand pounds, to be paid at the option of the Company in cash or shares as hereinafter mentioned; and the purchase shall be subject to the existing debt of the Windsor Company created by the issue of debenture stock amounting to the sum of five hundred thousand pounds secured by a mortgage to trustees dated the 3rd September, 1894, and registered in the office of the Secretary of State for Canada, on the 31st October, 1894, which debt the Company shall assume and become liable for; and in addition thereto the Company shall pay and discharge all the costs and expenses both of the Windsor Company and of the Company, connected with the obtaining of this Act and any other Act or Acts which may be passed or applied for to enable the Windsor Company to sell and convey, and also the costs and expenses of the Windsor Company and of this Company in connection with the purchase hereby authorized, and the costs of winding up and dissolving the Windsor Company.

Power to issue preference share capital in satisfaction of sale.

**7.** If the Company shall elect to pay the first named sum in shares, the Company may in part satisfaction thereof issue preference share capital of two hundred and seventy thousand pounds in thirteen thousand five hundred fully paid up preference five pounds per centum shares of twenty pounds each, to be issued to the Windsor Company, or the liquidator thereof, in England, if then appointed, to be distributed to the shareholders of the Windsor Company, in the proportion to which they are or may be entitled thereto, and in satisfaction of the residue of such consideration, the Company may issue not more than eleven thousand five hundred fully paid up ordinary shares of twenty pounds each, which shall be issued and distributed to or among the ordinary shareholders of the Windsor Company, in the proportion and in the manner provided for, by the fourth section of the agreement of the 12th October, 1893, as set forth in the schedule to the said Act, chapter sixty-nine of the Statutes of 1894.

Capital stock.

**8.** The capital stock of the Company shall be five hundred thousand pounds, divided into thirteen thousand five hundred preference shares of twenty pounds each, and eleven thousand five hundred ordinary shares of twenty pounds each.

Preference shares.

2. The preference shares shall, up to five per centum per annum, entitle the holder thereof to rank first for dividends on the net profits of the Company, after payment of the interest on the debenture stock, but if, in any year, the net profits of the Company shall not be sufficient to pay a dividend of five per centum to the holders of preference shares, the holders of such shares shall not on that account be entitled to any cumulative preference in ranking for dividend upon the net profits of the next or any succeeding year.

3. Any profits remaining after payment of the dividend upon the preference shares and divisible among the shareholders as dividend shall be divided amongst the holders of ordinary shares. Profits after payment of dividend on preference shares.

4. The directors of the Company may, whenever they deem expedient, upon the application of any shareholder, whether preference or ordinary, convert any number of preference shares into preference stock, and ordinary shares into ordinary stock, and may, by by-law, make provision for the registration of the holders of such stock, the form and mode of transfer, and all other regulations in reference thereto : Provided, that the stock shall only take the place of an equal amount at par of the shares of the same kind for which it is issued, and that the holders of such stock shall have the same rights and privileges, as to dividends, voting at meetings of shareholders, and qualification to become directors of the Company, as if they were holders of an equal amount, at par, of the shares of the Company of the same class. Preference shares may be converted into preference stock and ordinary shares into ordinary stock. Proviso.

5. Every shareholder, whether preference or ordinary, shall have one vote for every share held by him, and every holder of preference or ordinary stock shall have one vote for each twenty pounds of stock held by him, subject to the regulations of the Company from time to time in force requiring registration. Votes on preference and ordinary shares.

6. The capital stock of the Company may be further increased from time to time in accordance with the provisions of section thirty-seven of *The Railway Act*, and for the purposes of the said section the shareholders of the Company, whether preference or ordinary, shall alike have one vote for each share held by them respectively, and the holders of preference or ordinary stock shall have one vote for each twenty pounds of stock respectively held by them as provided in the next preceeding subsection. Increase of capital stock.

**9.** The Company may borrow money in the manner prescribed by section ninety-three of *The Railway Act*, and may secure repayment of any money so borrowed as in said Act provided, and may issue bonds, debentures or debenture stock, and may mortgage the property of the Company as security, and for the purposes of voting the shareholders of the Company, whether preference or ordinary, shall alike have one vote for each share held by them respectively, and the holders of preference or ordinary stock shall have one vote for each twenty pounds of stock respectively held by them as provided in subsection five of the next preceding section: Provided that the amount of money so borrowed shall not exceed in all the sum of five thousand pounds per mile of the said railway and branches, including the debenture stock representing the existing debt. Borrowing powers. Proviso: amount limited.

**10.** For the purpose of organizing the Company the above named Francis Tothill, Thomas Robert Ronald and Robert Lee Campbell shall constitute a board of provisional directors of the Company, two of whom shall be a quorum, and the said provisional directors shall hold office as such until the election of directors by the shareholders of the Company as hereinafter provided, and the board of provisional directors Provisional directors. Quorum.

Provisional directors may enter into agreement to purchase the Windsor Company.

may enter into and execute on behalf of the Company an agreement with the Windsor Company for effecting and facilitating the purchase and transfer of the assets, liabilities and property of the Windsor Company to the Company, and may without application and allotment issue paid-up shares in the stock of the Company to the Windsor Company, or to the liquidator of the Windsor Company, in the manner provided by the said agreement or otherwise, and generally may do all acts necessary or expedient for the purpose of effecting such purchase and transfer.

First meeting of shareholders.

Notice.

Number of directors.

**11.** So soon as the board of provisional directors shall have issued paid-up stock to the amount of two hundred and fifty thousand pounds, either preference or ordinary, or partly preference and partly ordinary, they shall call a general meeting of shareholders at the city of London, England, for the purpose of electing a board of directors, giving in a daily newspaper published in the city of London, England, at least one week's notice of the time, place and object of such meeting, and at such general meeting the shareholders present in person or represented by proxy shall elect three directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors, hereinafter called "the Board."

Notice of general meetings.

**12.** Public notice shall be given of all general meetings at least one week previously in a daily newspaper published in the city of London, England.

Qualification of directors.

**13.** The qualification of a member of the board shall be the holding in his own right of shares in the Company of the nomidal value of at least five hundred pounds.

Deed of sale to be executed by the Windsor Company.

**14.** For the purpose of completing the said sale and transfer, the Windsor Company shall execute and deliver a deed of conveyance of all the said railways, undertaking, benefits, franchises and property, to the Company, and such deed, shall be sealed with the common seal of the Windsor Company, and signed by the hand of of its president, or if the Windsor Company be in liquidation by the hand and seal of the liquidator, and shall have the effect, subject to the provisions of sections seventeen and eighteen of this Act, of absolutely conveying to and vesting in the Company, all the property of the Windsor Company, with its lands, franchises, powers, rights, priviledges, equipments, stations, plant, rolling stock, materials, stores and appurtenances, including all rights, privileges, advantages and emoluments, granted to the Windsor Company, or to the Yarmouth and Annapolis Railway Company, or to the Cornwallis Valley Railway Company, either by the Legislature of Nova Scotia, or by the Parliament of Canada, and now subsisting and vested in the Windsor Company, or in the Dominion Company, and, thereupon, the Company shall become liable to maintain and operate the railways of the said Windsor Company, and of the Dominion Company, to the same extent, as the said respective Companies are now liable to maintain and operate the same.

Company shall become liable for debts

2. From the date of the execution of the first of the said deeds of conveyance, the Company shall be and become

liable for, and shall satisfy every obligation or liability of the Windsor Company, or the Dominion Company, then subsisting, or accruing, whether in respect to operating the said railways, or any of them, or in relation to any of the matters hereinbefore referred to. of the Windsor Company.

**15.** From and after the completion of the said purchase by the Company, the Company shall have, possess and enjoy, and shall be entitled to all the property, rights and privileges of the Windsor Company, and to all the benefits of, and shall be subject to the duties and obligations imposed by the contract or agreement entered into by the Chief Commissioner of railways for the province of Nova Scotia, and William Henry Punchard, Frederick Barry and Edwin Clark, dated on or about the 22nd November, 1866, and the Act of the legislature of Nova Scotia, thirtieth Victoria, chapter 36, incoporating the Windsor and Annapolis Railway Company, and confirming the said agreement, and the Acts in amendment thereof, and by all such schemes of arrangement and contracts made by, with, or on behalf of the Windsor Company, in the same manner, as if the words "The Dominion Atlantic Railway Company," had been inserted in such Acts, schemes and contracts, whenever the words "The Windsor and Annapolis Railway Company" occur: Provided that nothing herein contained shall be construed to confer upon the Company, any right or privilege to or in respect of the drawback of customs or import duties, other or greater than such as the Windsor and Annapolis Railway Company would have been entitled to if this Act had not been passed. Effect of sale. N. S., 30 Vic., c. 36. Proviso.

**16.** The agreement respecting the lease of the Windsor Branch of the Intercolonial Railway, dated the 13th December, 1892, and made between Her Majesty represented therein by the Minister of Railways and Canals of the one part, and the said Windsor Company of the other part, shall also be assigned to the Company, and upon the completion of the said purchase, the rights and privileges as well as the liabilities and obligations of the Windsor Company under the said agreement, shall be vested in the Company, as the assignees of the said agreement, without further consent or concurrence on the part of Her Majesty, as if the words "The Dominion Atlantic Railway Company" had been inserted in the said agreement whenever the words the Windsor and Annapolis Railway Company occur, and this section and section fifteen of this Act are hereby expressly declared to be binding upon Her Majesty, her successors and assigns. Certain agreement to be assigned to the company.

**17.** Any winding-up of the Windsor Company, whether commenced before or after the passing of this Act, shall proceed under *The Companies Act* of England, 1862–90, and so that after the sale and purchase hereby authorised is completed, the said Windsor Company shall, as soon as practicable, be completely wound up and dissolved: Provided that prior to such dissolution due provision shall be made during such winding up by advertisement and otherwise in England, and in Canada, for notice of such winding up, and so that the liquidator shall make provision, so far as the assets in England or in Winding up of the Windsor Company to proceed under *The Companies Act* of England.

Canada extend, for the satisfaction of all just claims against the Windsor Company, and no liability of the Windsor Company shall be in any way impaired or affected by the said sale or purchase, nor shall any suit or proceeding now pending or judgment existing either by in favour of or against the Windsor Company or the Dominion Company, be in any way affected, but the same may be prosecuted or continued completed and enforced as if this Act had not been passed, but so that any payments to be made in respect thereto shall be made and discharged by the Company.

Saving.

**18.** Nothing in this Act shall in any way impair or affect any charge, lien or claim now pending, subsisting or outstanding upon or against the Windsor Company or its railway or assets.

Power to acquire ships, &c.

**19.** The Company may for any purpose, in the opinion of its directors connected with its undertaking, acquire, equip, man, work and own, or may hire, or charter, or freight, any ship, barge, or vessel, and may use the same in any manner, and may contract for, and undertake the transport by water, of passengers, animals, agricultural produce, timber, minerals, bricks, manufactured or unmanufactured goods, and other things, and may acquire by agreement, take on lease, or hire, or contract for the use of warehouses, wharfs, quays, tramways, bridges, roads and docks.

Contracts as to transfer of passengers.

**20.** The Company may enter into contracts with owners, charterers or freighters of any ship, barge, or vessel, for the transport or forwarding of passengers, or cattle, goods, or other things, passing or intended to pass over any part of any railway owned or worked by the Company, whether such traffic originates at or is destined for any station on any part of a railway owned or worked by the Company or not, and such contracts may include provisions for charging through or special rates for any part of such traffic.

Contracts with Governments of Canada or of provinces.

**21.** The Company may enter into an agreement with the Government of Canada, or of any province of Canada, or with any duly incorporated railway, steamship, express or other company, for the transport or forwarding of passengers, agricultural produce, timber or goods or other things passing or intended to pass over any part of the Company's railway, and for traffic arrangements with such government, or company, on such terms and conditions as are agreed upon between such government or company, and the directors; and further the directors may arrange for the pooling, division and apportionment of the tolls, rates and charges, during any period not exceeding twenty-one years, and may join with the Government of Canada, or of any province of Canada, or any such company in appointing a joint committee for the better carrying into effect any such arrangement or agreement.

Telegraph and telephone lines.

**22.** The Company may construct, equip, work and maintain with all proper stations, machines and appliances, telegraph lines, and telephone lines, along the whole or any part of the length of its railway and branches; and shall have and enjoy

all the rights, powers, privileges and immunities essential and appertaining to the construction and maintenance of such lines; and may establish offices for the transmission of messages for the public, and for the purpose of erecting and working such telegraph and telephone lines, the Company may enter into a contract or contracts with the Government of Canada, or of any province of Canada, or any other company or companies.

Other telegraph and telephone lines.

**23.** The Company may construct, erect, sell, purchase, lease, let, equip, work and maintain any other lines of telegraph and telephone not exceeding thirty miles in length in any one case, to connect the lines constructed or to be constructed along the lines of its railway with any other 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 lines or any portion thereof.

Company may enter upon public roads.

**24.** With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality, the Company may by its 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 its 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 deems 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, its agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, wartercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions that is to say:—

May erect poles.

And stretch wires.

And break up roads, &c.

Travel 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.

(*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 claim compensation for any damage thereby incurred ;

Liability for damage.

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

As to trees.

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

Approval of municipality.

(*g.*) In all municipalities the opening up of streets for the erection of poles, and for carrying the wires under ground, shall be subject to the supervision of such engineer or other person as the council approves for that purpose, 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 ;

Company may be required to carry wires under ground.

(*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 de deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Workmen to wear badges.

(*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 ;

Private rights saved.

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

Temporary removal of lines in certain cases.

(*k.*) If in the removal of buildings, or if in the exercise of the public right of travelling on or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles ; and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby ; such notice may be given either at the office of the Company, or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there shall be no such agent or officer of the Company, then either at the head office, or to any agent or officer of the Company, in the nearest of any adjoining municipalities to that in which such wires or poles require to be removed.

Notice to the company.

Working arrangements with other companies.

**25.** The Company may enter into arrangements with the government of Canada or of any province of Canada, or with any other railway telegraph or telephone company for the

exchange and transmission of messages or for the working in whole or in part of the telegraph or telephone lines of the Company.

Wharves, &c.

**26.** The Company may construct equip and maintain wharfs docks elevators warehouses and such other buildings as in the opinion of the directors shall be considered requisite for carrying on the traffic of the Company or otherwise carrying out any of its objects.

Hotels, &c.

**27.** The Company may build, acquire or lease any buildings for hotels, restaurants or houses of entertainment, at such points or places along the line of railway as they may deem advisable, and may carry on all such business in connection therewith as is necessary or expedient for the comfort and convenience of travellers, and may let any part of any such building for such purposes or any of them.

Buildings for use of employees.

**28.** The Company may also acquire and lay out land for the purpose of erecting thereon buildings for the use or convenience of the employees of the Company, and may also lay out and appropriate any part of such land for roads, streets and squares, and may permit the said land and buildings or any of them or any part thereof to be used and occupied by the employees of the Company or by others, at such rent or without any rent as the Company determines.

Places for instruction and recreation of employees.

**29.** The Company may also provide, furnish, equip, maintain or assist in maintaining, and may manage or control buildings or places for the instruction, recreation or improvement of the servants and employees of the Company, including schools, libraries, hospitals, infirmaries, baths, laundries, boarding-houses, restaurants, parks and recreation grounds; and may also establish and assist in maintaining pension and insurance funds, and such other institutions and undertakings for the benefit, comfort or improvement of the Company's employees, tenants and others, as they may deem expedient.

Power to receive gifts.

**30.** The Company may receive from the government of Canada or of any province of Canada, or from any corporation or person, for the purpose of aiding the construction, equipment or maintenance of its undertaking, any grant gift or bonus of real or personal property, or any sums of money; or it may receive the same in payment of stock or securities of the Company, and may alienate, dispose of pledge or mortgage the same for the purposes of the Company.

Conveyances of land, how made.

**31.** Conveyances of land to the Company for the purposes of or pursuant to the powers given by this Act, made in the form in Schedule to this Act, or to the like effect, shall be sufficient conveyance to the Company, its successors and assigns of the estate and interest respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required by the registry laws of the province of Nova Scotia.

Agreement with another company.

**32.** The Company may enter into any agreement with the Nova Scotia Central Railway Company or any other Railway Company in respect to any railways at any time in the course of construction, or wholly or in part constructed and equipped or operated within Canada, and owned or worked by any such company as aforesaid, for the purchasing or taking on lease such railway or railways or any part thereof, or for the use thereof at any time or for any period; or for purchasing or taking on lease, or for hiring from any such company any railway or any section or part thereof, or the use thereof; or for purchasing or taking on lease or hiring any locomotives tenders or movable property or for purchasing or acquiring the surveys, plans, works, plant, material, machinery and other property of any such company as aforesaid; and generally the Company may make any agreement with any such company touching the use by one or more of the parties to such agreements respectively of the railway or movable property mentioned in such agreement or any part thereof, or touching any service to be rendered by the one party to the other and the compensation therefor. The Company may enter into similar agreements to those mentioned in this section with the government of Canada or of any province of Canada or with the Minister of Railways and Canals.

Or with the Government of Canada or of any province.

Amalgamation with another company.

**33.** The Company may amalgamate with any railway company constructing or working any railway within Canada, and may accept and receive such company as forming part of the Company, and such amalgamation may be by deed, and such amalgamated company shall bear the name stipulated in the deed and be subject with regard to the division of assets and obligations and the apportionment of stock and securities, to the special provisions contained in the said deed: Provided that any agreement under the provisions of this section, or of section thirty-two of this Act, shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders of the Company duly called for the purpose of considering such agreement, at which meeting shareholders representing at least two-thirds of the 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 the shareholders and of the Governor in Council.

Voting rights of holders of preference and ordinary shares.

For the purposes of this section holders of preference or ordinary stock shall be entitled to one vote for each twenty pounds of stock respectively held by them as provided in subsection four of section eight.

Notice of application for approval.

2. The approval of the Governor in Council shall not be signified, until after notice of the proposed application therfor 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 tho railway of the Company runs and in which a newspaper is published.

General powers of company as to lands or other property.

**34.** The Company may purchase, take on lease or in exchange, hire or otherwise acquire any lands or other property, real or personal, and any rights or privileges which the directors may think necessary or convenient for the purposes of its business; and may sell, transfer, let, manage, mortgage or

otherwise dispose of the same, in such manner as the directors think fit, and may make all such contracts and do all such other things as in the opinion of the directors are incidental or conducive to any of the matters or things by this Act authorized, or which are for the benefit of the Company, provided such be not inconsistent with the Railway Acts.

Interpretation.

**35.** All references hereinbefore contained to any sum of money and amounts of money shall be deemed to be and mean sterling money of Great Britain, and all references to pounds and pounds per cent in this Act shall be deemed to be pounds sterling.

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## SCHEDULE.

Know all Men by these presents that in consideration of dollars paid to me by the Dominion Atlantic Railway Company which sum hereby declared to have received as compensation for the value of the land hereinafter described and for all damages resulting from the exproportion thereof as well as for all other damages caused by the exercise of the Company's franchises thereon, grant sell and convey that certain tract or parcel of land selected and designated by the said Company for the purposes of its railway, to have and to hold the said land, premises and appurtenances unto the said Dominion Atlantic Railway Company, its successors and assigns for ever.

Witness my hand at
this day of 18

Signed, sealed and delivered in the presence of—

No. 48.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Dominion Atlantic Railway Company.

Received and read a first time, Friday, 3rd May, 1895.
Second reading, Monday, 6th May, 1895.

PRIVATE BILL.

Mr. STAIRS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 49.] **BILL.** [1895.

# An Act respecting the Windsor and Annapolis Railway Company, Limited.

WHEREAS the Windsor and Annapolis Railway Company, Limited, hereinafter called "The Windsor Company," was on the 1st March, 1867, incorporated and registered in England under the provisions of the Statute of the United Kingdom called *The Companies Act* 1862, with a memorandum and articles of association and having for its objects, amongst other things, the acquisition, construction and working of a railway from Windsor to Annapolis in the province of Nova Scotia, and of any branch extension or other railway in the said province; and whereas by an Act of the legislature of Nova Scotia, fifty-five Victoria, chapter one hundred and seven, the Cornwallis Valley Railway Company, Limited, was empowered to sell to the Windsor Company and the Windsor Company was authorized to purchase the Cornwallis Valley Railway, with all its franchises, powers, rights, privileges, equipments, plant, rolling stock, property and appurtenances, and the said sale and purchase have been carried out under the provisions of the said last-mentioned Act; and whereas by an agreement dated the 13th December, 1892, made between Her Majesty the Queen, represented by the Minister of Railways and Canals, of the one part, and the Windsor Company of the other part, the Windsor Company is, on the terms and conditions therein contained, entitled, for a term of twenty-one years commencing the 1st January, 1893, to the exclusive use of the railway known as the Windsor Branch and to the use, as therein mentioned, of the intercolonial trunk line in the province of Nova Scotia; and whereas by an Act of the parliament of Canada, chapter sixty-nine, of the Statutes of 1894, the Yarmouth and Annapolis Railway Company was authorized to sell to the Windsor Company, as purchasers, the undertaking known as the Yarmouth and Annapolis Railway and all the property of the Yarmouth and Annapolis Railway Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances, and the agreement for the said sale and purchase dated the 12th October, 1893, and set out in Schedule to the said Act, was by the said Act ratified and confirmed; and whereas by the said Act it was further enacted that the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway should from and after the completion of such purchase be jointly known and operated as the Dominion Atlantic Railway, and that thenceforth the "Windsor Company" should be incorporated in Canada under the name of "The Dominion

Preamble.

N.S., 55 Vic., c. 107.

Can. 1894, c. 69.

Atlantic Railway Company"; and whereas the said agreement for the sale of the Yarmouth and Annapolis Railway to the Windsor Company has been fully executed and took effect on the 1st October, 1894, and the said lines of railway are now being operated by the Windsor Company under the name of the Dominion Atlantic Railway Company; and whereas the Windsor Company is desirous of having the powers contained in the memorandum of association extended and enlarged and it is advised that it is necessary to obtain for that reason a reconstruction of the Windsor Company; and whereas the Windsor Company is desirous of carrying out such reconstruction by winding up and dissolving the Windsor Company, as incorporated in England under *The Companies Act of* 1862, and of organizing a Canadian Company under an Act of the parliament of Canada and of obtaining additional powers required for the proper development and extension of its undertaking; and whereas it is desirable and expedient for the purposes aforesaid to organize a new company under the authority of an Act of the parliament of Canada, and to wind up the Windsor Company as incorporated in England under *The Companies Act*, so as to bring its undertaking and business wholly within the jurisdiction and control of the parliament of Canada, and the Windsor Company is desirous of having an Act passed to authorize it to sell all its undertaking, railways, franchises and other property in Canada to a new company to be organized for the purposes aforesaid, and to receive and accept paid-up shares in such new Company as the purchase price of all or some of its assets, and to empower the Windsor Company to distribute the shares issued by the new company as the purchase price among the shareholders of the Windsor Company and others entitled thereto, in accordance with their respective rights and with the provisions for effecting the winding up of companies in England or in accordance with such other provisions and restrictions as may be deemed proper or necessary; and whereas the Windsor Company has by its petition prayed that an Act may be passed for the purposes aforesaid, 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:—

Sale of railway authorized.

**1.** The Windsor Company may sell for the considerations and upon the terms and conditions herein set forth and upon such other terms and conditions as are mutually agreed upon between the Windsor Company or its liquidator and any company authorised to purchase the same, all and singular the undertakings formerly known as the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway, and now jointly known and operated under the name of the Dominion Atlantic Railway Company, as defined by section eight of the said recited Act, chapter sixty-nine of the Statutes of 1894, together with the Cornwallis Valley Railway, as owned by the Windsor Company; and may assign and convey the benefits and obligations of the said agreement dated the 13th December, 1892, between Her Majesty and the Windsor Company, and all the property in Canada of the Windsor Company with all its lands, franchises, powers, rights, privileges, equip-

Can. 1894, c. 69.

ments, stations, plant, rolling stock, materials. stores and appurtenances, such sale being made to a company to be incorporated by an Act of the parliament of Canada for the purpose of acquiring and taking over the said undertaking and property hereinafter called "the purchasing company."

Consideration of sale payable in cash or shares.

**2.** The consideration to be paid by the purchasing company for the said undertaking and property shall be the sum of five hundred thousand pounds to be paid at the option of the purchasing company in cash or shares as hereinafter mentioned, and the purchase shall be made subject to the existing debt of the Windsor Company, created by the issue of debenture stock amounting to the sum of five hundred thousand pounds, secured by a mortgage to trustees dated the 3rd September, 1894, and registered in the office of the Secretary of State for Canada on the 31st October, 1894; and in addition thereto the purchasing company shall pay and discharge all the costs and expenses both of the Windsor Company and the purchasing company connected with the obtaining of this Act and any other Act or Acts which may be passed or applied for to incorporate the purchasing company and to enable the said purchasing company to purchase and acquire the undertaking of the Windsor Company, and also the costs and expenses of the Windsor Company and of the purchasing company in connection with the sale hereby authorized, and the costs of winding up and dissolving the Windsor Company.

Payment in shares how made.

**3.** The Windsor Company or its liquidator may accept, in payment of the sum of five hundred thousand pounds in part consideration as aforesaid for the said undertaking and property, fully paid-up shares in the stock of the purchasing company to the amount of five hundred thousand pounds, consisting of two hundred and seventy thousand pounds in thirteen thousand five hundred fully paid up preference five pounds per centum shares of twenty pounds each and eleven thousand five hundred fully paid up ordinary shares of twenty pounds each, and the said preference shares shall be issued to the Windsor Company or to the liquidator of the Windsor Company in England, if then appointed, to be distributed to the shareholders of the Windsor Company in the proportion to which they are or may be entitled thereto, and the said ordinary shares shall be issued and distributed to or among the ordinary shareholders of the Windsor Company in the manner provided for by the fourth section of the agreement of the 12th October, 1893, set forth in the Schedule to the Act chapter sixty-nine of the Statutes of 1894.

Deed of sale to be executed by the Windsor Company.

**4.** For the purpose of completing the said sale and transfer the Windsor Company shall execute and deliver a deed of conveyance of all the said railways, undertaking, benefits, franchises and property to the purchasing company, and such deed or deeds shall be sealed with the common seal of the Windsor Company and signed by the hand of its president, or if the Windsor Company be in liquidation, by the hand and seal of its liquidator, and such deed shall have the effect of absolutely conveying to and vesting in the purchasing company all the property of the Windsor Company,

with its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances in such deed mentioned, including all rights, privileges, advantages and emoluments granted to the Windsor Company or to the Yarmouth and Annapolis Railway Company or to the Cornwallis Valley Railway Company, either by the legislature of Nova Scotia or by the parliament of Canada, and now subsisting and vested in the Windsor Company, and thereupon the purchasing company shall become liable to maintain and operate the railway of the Windsor Company to the same extent as the Windsor Company is now liable to maintain and operate the same.

The Windsor Company to be wound up under *The Companies Act* of England.

**5.** The Windsor Company shall be wound up, and when and so soon as the purchase shall be completed the Windsor Company shall be dissolved under *The Companies Act* of 1862, and amending Acts; and due provision shall be made in such winding-up by advertisement and otherwise in England and in Canada for notice of such winding-up; and the liquidator shall make provision as far as the assets of the Windsor Company extend, for the satisfaction of all just claims against the Windsor Company both in England and Canada, and no liability of the Windsor Company shall be in any way impaired or affected by the said sale or purchase, nor shall any suit or proceeding now pending or judgment existing either by, in favour of, or against the Windsor Company, be in any way affected, but the same may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Saving.

**6.** Nothing in this Act shall in any way impair or affect any charge, lien or claim now pending, subsisting or outstanding upon or against the Windsor Company or its railway or assets.

Interpretation.

**7.** All references hereinbefore contained to any sum of money and amounts of money shall be deemed to be and mean sterling money of Great Britain, and all references to pounds and pounds per cent in this Act shall be deemed to be pounds sterling.

No. 49.

5th Session, 7th Parliament, 58 Victoria, 1

BILL.

An Act respecting the Windsor Annapolis Railway Company Limit

Received and read a first time, Fri 3rd May, 1895.
Second reading, Monday, 6th May, 1

(PRIVATE BILL.)

MR. STAIR

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 50.] **BILL.** [1895.

An Act respecting the Manitoba and South Eastern Railway Company.

Preamble.

WHEREAS a petition has been presented by the Manitoba and South Eastern Railway Company, praying for the passing of an Act 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:

1889, c. 60; 1890, c. 77; 1892, c. 46; 1893, c. 53.

New section substituted for substituted section 1, c. 53 of 1893.

**1.** The section substituted by section one of chapter fifty-three of the Statutes of 1893 for section one of chapter forty-six of the Statutes of 1892 is hereby repealed and the following substituted therefor:—

Time for construction extended.

"**1.** Notwithstanding anything contained in the Acts relating to the Company or in *The Railway Act*, the Company shall have until the first day of August, one thousand eight hundred and ninety-seven, to complete that portion of their line of railway between the town of St. Boniface and the parish of Ste. Anne, and the Company shall construct not less than twenty miles additional each year after the said date until the whole line of railway is completed, 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 shall forthwith 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."

No. 50.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Manitoba and South Eastern Railway Company.

Received and read a first time, Friday, 3rd May, 1895.
Second reading, Monday, 6th May, 1895.

(PRIVATE BILL.)

Mr. LaRivière.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 51.] **BILL.** [1895.

An Act further to amend the Criminal Code, 1892.

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

**1.** *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— Criminal Code, 1892, amended.

## SCHEDULE.

Section 196.....By adding after the word "chance" in the third line of paragraph (*a.*) thereof the following words :—"or at any mixed game of chance and skill ;"

And by adding at the end of the said section the following paragraph :—

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

Section 205.....By adding at the end of subsection one thereof the following paragraph :—

"Or (*c.*) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who or the holders of what lots, tickets, numbers, or chances are the winners of any property so proposed to be advanced, loaned, given, sold, or disposed of."

And by adding the following words at the end of subsection five thereof :—

"and the conducting or managing of any scheme contrivance or operation for determining the winners in any such lottery."

Section 552.....By striking out the paragraph beginning with the forty-eighth and ending with the fiftieth line and substituting the following therefor :—

"Part XXVI—Sections three hundred and nineteen, theft by clerks and servants, &c. ; three hundred and twenty, theft by agents, &c. ; three hundred and twenty-one, public servant refusing to deliver up chattels, &c. ; three hundred and twenty-two, theft by tenants and lodgers ; three hundred and twenty-three, theft of testamentary instruments ; three hundred and twenty-four, theft of documents of title ; three hundred and twenty-five, theft of judicial or official documents ; three hundred and twenty-six, theft of postal matter ; three hundred and twenty-seven, theft of postal matter ; three hundred and twenty-eight, theft of postal matter ; three hundred and twenty-nine, theft of election documents ; three hundred and thirty, theft of railway tickets ; three hundred and thirty-one, theft of cattle ; three hundred and thirty-four, theft of oysters ; three hundred and thirty-five, theft of things fixed to buildings or land ; three hundred and forty-four, stealing from the person ; three hundred and forty-five, stealing in dwelling houses ; three hundred and forty-six, stealing by picklocks, &c. ; three hundred and forty-seven, stealing in manufactories ; three hundred and forty-nine, stealing from ships, &c. ; three hundred and fifty, stealing from wreck ; three hundred and fifty-one, stealing on railways ; three hundred and fifty-five, bringing stolen property into Canada."

And by striking out the first paragraph of subsection two thereof and substituting the following therefor :—

"2. A peace officer may arrest, without warrant, any one who has committed or is found committing any of the offences mentioned in the said sections or in the following sections, that is to say :"

And by repealing subsection three thereof and substituting the following therefor :—

"3. A peace officer may arrest, without warrant, any one whom he finds committing any offence, and any person may arrest, without warrant, any one whom he finds committing any offence by night."

And by repealing subsection five thereof and substituting the following therefor :—

"5. The owner of any property on or with respect to which any person is found committing any offence, or any person authorized by such owner, may arrest, without warrant, the person so found, who shall forthwith be taken before a justice of the peace to be dealt with according to law."

Section 575.....By repealing this section, as it is amended by chapter fifty-seven of the Statutes of 1894, and substituting the following therefor:—

"575. If the chief constable or deputy chief constable of any city, town, incorporated village or other municipality or place, or other officer authorized to act in his absence, reports in writing to any of the commissioners of police or to the mayor or chief magistrate or to the police magistrate of such city, town, incorporated village or other municipality or place, or to any police magistrate having jurisdiction there, or if there be no such mayor, or chief magistrate, or police magistrate, to any justice of the peace having such jurisdiction, that there are good grounds for believing and that he does believe that any house, room or place within the said city or town, incorporated village or other municipality or place is kept or used as a common gaming or betting house as defined in Part XIV, sections one hundred and ninety-six and one hundred and ninety-seven, or is used for the purpose of carrying on a lottery, or for the sale of lottery tickets, or for the purpose of conducting or carrying on any scheme, contrivance or operation for the purpose of determining the winners in any lottery contrary to the provisions of Part XIV, section two hundred and five, whether admission thereto is limited to those possessed of entrance keys or otherwise, the said commissioners or commissioner, mayor, chief magistrate, police magistrate or justice of the peace, may, by order in writing, authorize the chief constable, deputy chief constable, or other officer as aforesaid to enter any such house, room or place, with such constables as are deemed requisite by him, and if necessary to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who are found therein, and to seize, as the case may be (1) all tables and instruments of gaming or betting, and all moneys and securities for money, or (2) all instruments or devices for the carrying on of such lottery, or of such scheme, contrivance or operation, and all lottery tickets, found in such house or premises, and to bring the same before the person issuing such order or some other justice, to be by him dealt with according to law.

"2. The chief constable, deputy chief constable or other officer making such entry, in obedience to any such order, may, with the assistance of one or more constables, search all parts of the house, room or place which he has so entered, where he suspects that tables or instruments of gaming or betting, or any instruments or devices for the carrying on of such lottery or of such scheme, contrivance or operation, or any lottery tickets, are concealed, and all persons whom he finds in such house or premises, and seize all tables and instruments of gaming or betting, or any such instruments or devices or lottery tickets as aforesaid, which he so finds.

"3. The justice before whom any person is taken by virtue of an order or warrant under this section, may direct any cards, dice, balls, counters, tables or other instruments of gaming, or used in playing any game, or of betting, or any such instruments or devices for the carrying on of a lottery, or for the conducting or carrying on of any such scheme, contrivance or operation, or any such lottery tickets so seized as aforesaid, to be forthwith destroyed, and any money or securities so seized shall be forfeited to the Crown for the public uses of Canada.

"4. The expression 'chief constable' includes chief of police, city marshal or other head of the police force of any city, town, incorporated village or other municipality or place, and means the constable of any municipality or place which has only one constable.

"5. The expression 'deputy chief constable' includes deputy chief of police, deputy or assistant marshal or other deputy head of the police force of any city, town, incorporated village, or other municipality or place; and the expression 'police magistrate' includes stipendiary magistrates."

Section 784.....By repealing subsection three and substituting the following therefor:—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, and in the district of Keewatin, under this part, is absolute, without the consent of the person charged."

Section 856.....By striking out all the words after the word 'section' in the tenth line of subsection three and substituting therefor the following:—

"It shall not be necessary that the evidence of each witness be taken down in writing, in the form of a deposition, or read over to or signed by the witness or the justice, but it shall be sufficient that the justice take notes of the evidence of each witness."

No. 51.

5th Session, 7th Parliament, 58 Victoria, 1

BILL.

An Act further to amend the Crim
Code, 1892.

Received and read a first time, Fri
3rd May, 1895.
Second reading, Monday, 6th May, 1895.

Sir CHARLES HIBBERT TUPPE

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 51.] **BILL.** [1895.

An Act further to amend the Criminal Code, 1892.

*(Reprinted as amended by the Select Joint Committee to which it was referred.)*

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

**1.** *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— 1892, c. 29 amended.

SCHEDULE.

Section **3.**—By repealing sub-paragraph (i) of paragraph (*e*) and substituting the following therefor :—

"(i) In the Province of Ontario, any Divisional Court of the High Court of Justice."

And by repealing the whole section in the French version, and re-enacting it so that the paragraphs will correspond, as to their order and their lettering, with the English version.

Section **133.**—By inserting in sub-section one thereof, immediately after paragraph (*i*), the following words :—

"Or (*j*) being the president, or vice-president, or a director, or the general manager, or chief engineer or secretary, or an officer exercising the powers and functions ordinarily exercised by any of the officers so called, of, or a person having a contract for the construction of its line or works or any part thereof with, any railway company to which any subsidy, advance, loan, or bonus of public money has been granted or made by the Government or by Parliament or by a Provincial Legislature, and while any part of such subsidy, advance, loan or bonus is a subsisting claim against the Government, either directly or indirectly, by himself or by any person on his behalf, subscribes, furnishes or gives, or promises to subscribe, furnish or give, any money or other valuable consideration, for the purpose of promoting the election of any candidate, or of any number, class or party of candidates, to Parliament or to a Legislature, or with the intent in any way of influencing or affecting the result of a Dominion or a Provincial election."

Provided that it shall not be an offence against the said section, for any such director, officer or contractor to subscribe, furnish or give any money for the purpose of paying, in connection with any election at which he is himself a candidate, any deposit required by law to be made by him or on his behalf, or of paying any legitimate expenses of such election.

Section **173A.**—By adding the following section at the end of part XII, respecting offences against religion :—

"173A. Every one is guilty of an offence and liable on summary conviction, to a fine not exceeding fifty dollars and costs for the first offence, and not exceeding one hundred dollars and costs for each subsequent offence, and in default of payment to one month's imprisonment, who—

"(*a.*) Being the proprietor, publisher or manager of any newspaper, publishes or issues, or prepares for publication or issue, any copy or number of such newspaper for sale on Sunday, or with the intent that such copy or number shall be sold on Sunday; or

"(*b.*) Sells or employs or procures any person to sell any newspaper on Sunday :

"Provided that the publishing or issuing, or preparing for publication or issue of any copy or number of a religious newspaper, for distribution on Sunday or with the intent that it shall be distributed on Sunday, shall not be an offence under this section.

"2. The word 'newspaper' in this section has the same meaning as it has, under paragraph (p-1) of section 3, in the sections relating to defamatory libel."

Section **196.**—By adding after the word "chance" in the third line of paragraph (*a.*) thereof the following words :—"or at any mixed game of chance and skill;"

And by adding thereto the following subsection :—

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

Section **197.**—By adding at the end thereof the following paragraphs :—

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

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

Section **205.**—By adding at the end of subsection one thereof the following paragraph :—

"Or (*c.*) Conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holders of what lots, tickets, numbers, or chances, are the winners of any property so proposed to be advanced, loaned, given, sold, or disposed of."

And by adding the following words at the end of subsection five thereof:—

"and the conducting or managing of any such scheme, contrivance or operation as aforesaid."

Section **362.**—By repealing it and substituting therefor the following section:—

"362. Every one is guilty of an indictable offence and liable to six months imprisonment who, by means of any false ticket, or order, or any other ticket, or order, fraudulently and unlawfully obtains, or attempts to obtain, any passage on any carriage, tramway, railway, street railway, or any steam or other vessel."

Section **512.**—By repealing paragraph (*a*) thereof and substituting the following therefor:—

"(*a.*) Wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, dog, domestic animal or bird, or any wild animal or bird in captivity; or"

Section **520.**—By repealing paragraphs (*c*) and (*d*) thereof and substituting the following therefor:—

"(*c.*) To prevent, limit, or lessen the manufacture or production of any such article or commodity, or to enhance the price thereof; or—

"(*d.*) To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property."

Section **552.**—By striking out the paragraph beginning with the forty-eighth and ending with the fiftieth line and substituting the following therefor:—

"Part XXVI—Sections three hundred and nineteen, theft by clerks and servants, &c.; three hundred and twenty, theft by agents, &c.; three hundred and twenty-one, public servant refusing to deliver up chattels, &c.; three hundred and twenty-two, theft by tenants and lodgers; three hundred and twenty-three, theft of testamentary instruments; three hundred and twenty-four, theft of documents of title; three hundred and twenty-five, theft of judicial or official documents; three hundred and twenty-six, theft of postal matter; three hundred and twenty-seven, theft of postal matter; three hundred and twenty-eight, theft of postal matter; three hundred and twenty-nine, theft of election documents; three hundred and thirty, theft of railway tickets; three hundred and thirty-one, theft of cattle; three hundred and thirty-four, theft of oysters; three hundred and thirty-five, theft of things fixed to buildings or land; three hundred and forty-four, stealing from the person; three hundred and forty-five, stealing in dwelling houses; three hundred and forty-six, stealing by picklocks, &c.; three hundred and forty-seven, stealing in manufactories; three hundred and forty-nine, stealing from ships, &c.; three hundred and fifty, stealing from wreck; three hundred and fifty-one, stealing on railways; three hundred and fifty-five, bringing stolen property into Canada."

And by striking out the first three lines of subsection two thereof and substituting the following therefor:—

"2. A peace officer may arrest, without warrant, any one who has committed or is found committing any of the offences mentioned in the said sections or in the following sections, that is to say:"

And by repealing subsection three thereof and substituting the following therefor:—

"3. A peace officer may arrest, without warrant, any one whom he finds committing any criminal offence, and any person may arrest, without warrant, any one whom he finds committing any criminal offence by night."

And by repealing subsection five thereof and substituting the following therefor:—

"5. The owner of any property on or with respect to which any person is found committing any offence, or any person authorized by such owner, may arrest, without warrant, the person so found, who shall forthwith be taken before a justice of the peace to be dealt with according to law."

Secton 557A.—By inserting immediately after section 557 the following section:—

"557A. In the district of Montreal the clerk of the peace or deputy clerk of the peace shall have all the powers of a justice of the peace under parts XLIV and XLV."

Section 575.—By repealing it, as it is amended by chapter fifty-seven of the statutes of 1894, and substituting the following therefor:—

"575. If the chief constable or deputy chief constable of any city, town, incorporated village or other municipality or district, organized or unorganized, or place, or other officer authorized to act in his absence, reports in writing to any of the commissioners of police or to the mayor or chief magistrate or to the police magistrate of such city, town, incorporated village or other municipality, district or place, or to any police magistrate having jurisdiction there, or if there be no such mayor, or chief magistrate, or police magistrate, to any justice of the peace having such jurisdiction, that there are good grounds for believing, and that he does believe that any house, room or place within the said city or town, incorporated village or other municipality, district or place is kept or used as a common gaming or betting house as defined in Part XIV, sections one hundred and ninety-six and one hundred and ninety-seven, or is used for the purpose of carrying on a lottery, or for the sale of lottery tickets, or for the purpose of conducting or carrying on any scheme, contrivance or operation for the purpose of determining the winners in any lottery contrary to the provisions of Part XIV, section two hundred and five, whether admission thereto is limited to those possessed of entrance keys or otherwise, the said commissioners or commissioner, mayor, chief magistrate, police magistrate or justice of the peace, may, by order in writing, authorize the chief constable, deputy chief constable, or other officer as aforesaid, to enter any such house, room or place, with such constables as are deemed requisite by him, and if necessary to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who are found therein, and to seize, as the case may be (1) all tables and instruments of gaming or betting, and all moneys and securities for money, and (2) all instruments or devices

for the carrying on of such lottery, or of such scheme, contrivance or operation, and all lottery tickets, found in such house or premises, and to bring the same before the person issuing such order or some other justice, to be by him dealt with according to law.

"2. The chief constable, deputy chief constable or other officer making such entry, in obedience to any such order, may, with the assistance of one or more constables, search all parts of the house, room or place which he has so entered, where he suspects that tables or instruments of gaming or betting, or any instruments or devices for the carrying on of such lottery or of such scheme, contrivance or operation, or any lottery tickets, are concealed, and all persons whom he finds in such house or premises, and seize all tables and instruments of gaming or betting, or any such instruments or devices or lottery tickets as aforesaid, which he so finds.

"3. The justice before whom any person is taken by virtue of an order or warrant under this section, may direct any cards, dice, balls, counters, tables or other instruments of gaming, or used in playing any game, or of betting, or any such instruments or devices for the carrying on of a lottery, or for the conducting or carrying on of any such scheme, contrivance or operation, or any such lottery tickets, so seized as aforesaid, to be forthwith destroyed, and any money or securities so seized shall be forfeited to the Crown for the public uses of Canada.

"4. The expression 'chief constable' includes the chief of police, city marshal or other head of the police force of any such city, town, incorporated village or other municipality, district or place, and in the Province of Quebec, the high constable of the district, and means any constable of a municipality, district or place which has no chief constable or deputy chief constable.

"5. The expression 'deputy chief constable' includes deputy chief of police, deputy or assistant marshal or other deputy head of the police force of any such city, town, incorporated village, or other municipality, district or place, and in the province of Quebec the deputy high constable of the district; and the expression 'police magistrate' includes stipendiary and district magistrates."

Section **673.**—By repealing it and substituting the following therefor:—

"673. The trial shall proceed continuously subject to the power of the court to adjourn it.

"2. The court may adjourn the trial from day to day, and if in its opinion the ends of justice so require, to any other day in the same sittings.

"3. Upon every adjournment of a trial under this section, or under any other section of this Act, the court may, if it thinks fit, direct that during the adjournment the jury shall be kept together, and proper provision made for preventing the jury from holding communication with any one on the subject of the trial. Such direction shall be given in all cases in which the accused may upon conviction be sentenced to death. In other cases, if no such direction is given, the jury shall be permitted to separate.

"4. No formal adjournment of the court shall hereafter be required, and no entry thereof in the Crown Book shall be necessary."

Section **683.**—By repealing subsection two thereof and substituting the following therefor :—

"2. Until otherwise provided by rules of court, the practice and procedure in connection with the appointment of commissioners under this section, the taking of depositions by such commissioners, and the certifying and return thereof, and the use of such depositions as evidence, shall be as nearly as practicable the same as those which prevail in the respective courts in connection with like matters in civil causes."

And by adding thereto the following subsection :—

"3. The depositions taken by such commissioners may be used as evidence as well before the grand jury as at the trial."

Section **763.**—By repealing sub-paragraph (i) of paragraph (*a*) thereof and substituting the following therefor :—

"(i.) In the province of Ontario any judge of a county or district court, junior judge or deputy judge authorized to act as chairman of the general sessions of the peace."

Section **782.**—By adding the following sub-paragraph after sub-paragraph (iv) of paragraph (*a*) :

"(v.) In all the provinces, where the defendant is charged with any of the offences mentioned in paragraphs (*a*) and (*f*) of section 783, any two justices of the peace sitting together; provided that when any offence is tried by virtue of this sub-paragraph an appeal shall lie from a conviction in the same manner as from summary convictions under Part LVIII, and that sections 879 and the following sections relating to appeals from such summary convictions shall apply to such appeal."

Section **784.**—By repealing subsection three thereof and substituting the following therefor :—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, and in the district of Keewatin, under this part, is absolute, without the consent of the person charged."

Section **878.**—By repealing subsection two thereof and substituting the following therefor :—

"2. Such certificate shall be in the form MMM in schedule one to this Act. The proper officer to whom the recognizance and certificate of default are to be transmitted in the province of Ontario, shall be the clerk of the peace of the county for which such justice is acting; and the Court of General Sessions of the peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court. In the province of British Columbia, such proper officer shall be the clerk of the County Court having jurisdiction at the place where such recognizance is taken, and such recognizance shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such county court; and in the other provinces of Canada such proper officer shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the

passing of this Act; and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected."

Form K in Schedule One. By striking out the words "upon (oath)" in the ninth line; and by inserting after the word "prosecution" in the tenth line, the words "or for the accused."

No. 51.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Criminal Code, 1892.

*(Reprinted as amended by the Select Joint Committee to which it was referred.)*

Sir CHARLES HIBBERT TUPPER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 52.] **BILL.** [1895.

An Act further to amend the Acts respecting the North-West Territories.

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

Resignation of member of N.W.T. Legislature.

**1.** Any member of the Legislative Assembly for the North-West Territories may resign his seat by addressing and causing to be delivered to the Lieutenant-Governor a declaration of his desire so to do, made in writing under his hand and seal before two witnesses,—which declaration may be so made and delivered either during a session of the legislature or in the interval between two sessions; and the Lieutenant-Governor shall, upon receiving such declaration, forthwith notify the Speaker of the Legislative Assembly thereof, and shall cause a writ of election to be issued by the clerk of the Legislative Assembly.

Resignation vacates seat.

**2.** The member so tendering his resigiation shall be held to have vacated his seat, and shall cease to be a member of the Legislative Assembly.

No. 52.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Acts respecting the North-West Territories.

Received and read a first time, Thursday, 3rd May, 1895.
Second reading, Monday, 6th May, 1895.

Mr. MARTIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No 53] **BILL.** [1895.

An Act respecting the Manitoba and North-West Loan Company, Limited.

WHEREAS The Manitoba and North-West Loan Company, Limited, has petitioned for certain amendments 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:— Preamble. 1874, c. 104; 1879, c. 74.

**1.** Section seven of chapter one hundred and four of the Statutes of 1874 is hereby repealed and the following substituted therefor:— New section substituted for s. 7, c. 104, of 1874.

"**7.** The Company may hold such real estate as is necessary for the transaction of its business or, as being mortgaged or hypothecated to it, is acquired by the Company for the protection of its investments, or which is acquired in exchange for any such real estate; and may, from time to time, sell, mortgage, lease, exchange for other real estate or mixed consideration or otherwise dispose of the same: Provided always that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within twelve years after so acquiring it, otherwise it shall revert to the previous owner, or his heirs or assigns." Power to hold real estate. Proviso; real estate to be sold within twelve years.

**2.** The section substituted by section six of chapter seventy four of the Statutes of 1879 for section five of chapter one hundred and four of the Statutes of 1874 is hereby repealed and the following substituted therefor:— New section substituted for s. 6, c. 74 of 1879.

"**5.** The Directors may from time to time, with the consent of the majority of the shareholders present or represented at a general meeting, borrow money upon the debentures of the Company at such rate of interest and upon such terms as they think proper; and the directors may, for that purpose, make or cause to be made debentures for sums not less than one hundred dollars each or twenty pounds sterling money, payable at any place and either to order or bearer, and which may have interest coupons attached; and such debentures shall be signed by the president or vice-president and the manager of the said company, or other person thereto appointed by by-law, and shall be under the common seal of the said Company; and the coupons shall be signed by the Manager, or other person thereto appointed by by-law; and such debentures and coupons respectively shall be payable at such time and place as the said debentures and coupons shall therein respectively state: Provided that no purchaser of Borrowing powers. Debentures may be issued.

Proviso: purchasers need not inquire into occasion of loan.

Proviso: total amount limited.

debentures of the Company shall be bound to inquire into the occasion of any such loan or the issuing of any such debentures or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted; Provided also that the total amount of the sums to be borrowed as aforesaid shall never exceed the amount of the subscribed capital stock of the Company for the time being not paid up; and the directors may from time to time give, execute and deliver a first mortgage or trust deed upon all the assets, property and effects of the Company, including the uncalled subscribed capital stock of the Company, to such person or persons as the said directors elect and upon such terms and conditions as they determine, and such trust deed or mortgage shall secure as well the future as the present debenture holders."

New section substituted for s. 11, c. 104 of 1874, as amended by s. 8, c. 74 of 1879.

**3.** Section eleven of chapter one hundred and four of the Statutes of 1874, as amended by section eight of chapter seventy-four of the Statutes of 1879, is hereby repealed and the following substituted therefor:—

Capital stock and increase thereof.

"**11.** The capital of the Company shall be two hundred thousand dollars, in shares of one hundred dollars each; but it shall be lawful for the said Company, by a resolution passed at any general meeting of the shareholders, to increase the capital stock from time to time, as may be deemed expedient, to any sum not exceeding the sum of three million dollars, and to raise the amount of the said new stock, either by distribution amongst the original shareholders or by the issue of new shares, or partly in one way and partly in the other, and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing or otherwise, as the original stock."

New section substituted for s. 49, c. 104 of 1874 as amended by s. 18, c. 74 of 1879.

**4.** Section forty-nine of chapter one hundred and four of the Statutes of 1874 as amended by section eighteen of chapter seventy-four of the Statutes of 1879 is hereby repealed and the following substituted therefor:—

Head office.

"**49.** The Company shall have its head office in the city of Toronto, but the directors may from time to time, with the consent of the majority of the shareholders present or represented at a general meeting, change the said head office to any other place in Canada, and the directors may establish other offices and agencies at any other place or places in Canada as the directors deem expedient and may by by-law regulate the place for holding the annual and other meetings of shareholders."

Other offices and agencies.

No. 53.

5th Session, 7th Parliament, 58 Victori

BILL.

An Act respecting the Manitob North-West Loan Company, Limi

Received and read a first time, Tuesda May, 1895.
Second reading, Wednesday, 8th May, 1

(PRIVATE BILL.)

MR. COATSWORT

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 54] **BILL.** [1895.

An Act to incorporate the Ottawa and Aylmer Railway and Bridge Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a line of railway from the city of Ottawa through the township of Nepean and, by bridge over the river Ottawa, to the village of Aylmer, and to some point in the county of Pontiac, and also to the city of Hull, and for other 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, declares and enacts as follows :—

Incorporation.

**1.** John William McRae, Peter Whelan, Thomas Ahearn, Thomas Workman, Warren Young Soper, George P. Brophy and William Scott, together with such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of "The Ottawa and Aylmer Railway and Bridge Company," hereinafter called "the Company."

Corporate name.

Declaration.

**2.** The works hereinafter mentioned are hereby declared to be works for the general advantage of Canada.

Head office.

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

Line of railway described.

**4.** The Company may lay out, construct, complete, equip, maintain and operate, and from time to time remove and change, one or more lines of double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, with all necessary switches, side tracks and turnouts, for the passage of cars, carriages and other vehicles adapted to the use thereof, from some point at or near the westerly limit of the city Ottawa, in the township of Nepean, or in the village of Hintonburgh, in the county of Carleton, to the Ottawa river, at or near the village of Britannia or at or near Skead's Mills in the said township; and thence by bridge over the Ottawa River to the township of Hull, in the province of Quebec, and also to the village of Aylmer and the city of Hull; and thence to some point in the county of Pontiac, with power to operate the said railway by electricity or by such other motive power, except steam, as the Company from time to time determines.

Power to construct line along streets.

**5.** The Company may construct and carry the said lines of railway along and upon such streets and highways in any municipality as they may be authorized under any resolution or agreement with the corporations respectively having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements to be made between the councils of any of the said corporations and the said Company.

Conduits, poles, &c.

**6.** The Company, subject to any restrictions contained in any resolution or agreement with any municipality having jurisdiction over any of the streets or highways upon which it may be authorized to carry its lines of railway as aforesaid, may lay conduits under or erect poles and wires along, over and upon any of the public roads and highways of the said municipalities respectively, and may also acquire the right to lay conduits under or to erect poles and wires along, over and upon and to convey electricity required for the working of the railway or lighting the same upon, over, or under lands other than the right-of-way of the railway, and upon, over, under or across any streams, rivers, lakes or waters, and for any of the purposes aforesaid to erect the necessary fixtures, including posts, piers or abutments for sustaining wires, cables, conduits and other electrical appliances.

Power to acquire lands.

**7.** The Company may enter upon and acquire any lands suitable outside the present boundaries of the city of Ottawa and the city of Hull which may be proper for the purpose of the railway, such lands not being more than ninety-nine feet in width when required for right of way, nor more than one acre in extent in any one place when required for the erection of buildings of any kind; and the Company shall in the exercise of the powers by this section granted do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers; and such compensation, in case of disagreement, shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act*; and the Company shall, for the purposes of this section, have the powers of expropriation contained in *The Railway Act*, and sections ninety-nine to one hundred and seventy-two inclusive of the Railway Act shall apply to the Company for the purpose of exercising the powers contained in this section.

1888, c. 29.

Right of company's vehicles.

**8.** The vehicles of the Company shall have the right to use the tracks of the Company as against all other vehicles whatever; and all other vehicles using the said tracks shall turn out of the said tracks and permit the vehicles of the Company to pass, and shall in no case and under no pretence whatever obstruct or hinder the passage on and the free use of the said tracks for the vehicles of the said Company.

Fares.

**9.** The fare shall be due and payable by every passenger on entering the car; and any person who refuses to pay the fare when demanded by the conducter or driver, and refuses

to leave the car when requested to do so by the conductor or driver, shall on summary conviction thereof before a justice of the peace be liable to a fine of not less than ten dollars.

Agreement with municipalities.

**10.** The municipal council of any municipality though which the said railway may be constructed may, subject to the provisions of this Act, make and enter into an agreement with the Company relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which it shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, and the rates to be paid on freight, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers.

By-laws of municipalities.

**11.** The municipal council of any municipality through which the said railway passes, may pass by-laws, and amend and repeal the same, for the purpose of carrying into effect any such agreement; and such by-laws may contain all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining the obedience to such by-laws, and also for facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway passes.

Provisional directors.

**12.** John William McRae, Peter Whelan, Thomas Ahearn, Thomas Workman, Warren Young Soper, George P. Brophy, and William Scott, shall be first or provisional directors of the Company.

Capital stock and calls thereon.

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

Annual general meeting.

**14.** The annual general meeting of shareholders shall be held on the third Monday in January in each year.

First meeting of shareholders.

**15.** So soon as one hundred thousand dollars of the capital stock have been subscribed and ten per cent thereon paid up, the provincial directors shall call a meeting of the shareholders of the Company for the purpose of electing directors.

Number of directors.

**16.** 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.

General powers.

**17.** The Company may—

Bridge over the Ottawa River.

(*a.*) Lay out, construct, complete, maintain, manage and use a low level bridge over the Ottawa River from a point in the said township of Nepean near the Deschenes Rapids or Rameaux Rapids to a point on the opposite side of the Ottawa River in the township of Hull, with the necessary approaches and with a clear span over the water channel of one hundred feet and with a head of twelve feet above high water;

Railway on bridge.

(*b.*) Construct and operate lines of railway in and upon the said bridge, to be operated by the force of electricity, of animals or by cable or other mechanical power or by any combination of them;

Connection with other railways.

(*c.*) Construct lines of railway to make connection between any line of railway in the county of Carleton or in the county of Ottawa, including the Canadian Pacific Railway Company, the Ottawa Arnprior and Parry Sound Railway Company. The Ottawa and Gatineau Railway Company, The Pontiac and Pacific Railway Company and The Ottawa Electric Railway, or any other electric railway or tramway in the county of Carleton or the county of Ottawa and the said bridge, and operate such connecting lines by electricity or any other motive power except steam;

Agreements with other companies.

(*d.*) Make any arrangements or agreements with any of the said companies or with any incorporated company bridging the Ottawa River within the limits of the county of Carleton and the county of Ottawa, for the use of the right of way of such Company for the construction of a line of railway thereon, or for the use, lease or enjoyment of the bridge of any such company or of its approaches and terminals;

Other bridge over the Ottawa River.

(*e.*) Unite with any one or more of the said companies to construct and maintain a bridge and approaches over the Ottawa River at or near Britannia or Skead's Mills as aforesaid as a joint work, or for the joint working, managing or using the same, and enter into any agreement with any such company respecting the construction, management and use or lease thereof;

Piers, &c.

(*f.*) Construct piers, dams and other erections in the Ottawa River for the purpose of constructing, maintaining, using and operating the said line of railway and the said bridge;

Purchase of private rights in Ottawa River.

(*g.*) Purchase and acquire from private owners such rights of interfering with the flow of the water in the river Ottawa by the construction of the said bridge and other works as the Company may require for the purpose of the Company;

Water power.

(*h.*) Erect such dams, piers, booms and other buildings or structures as may be required for the purpose of developing and controlling one or more water powers in the Ottawa River, in the township of Nepean or in the township of Hull, for the purposes of the Company: Provided that such dams, piers or other structures shall not be erected so as to injuriously affect the rights of any private owner, except with the consent of such owner;

Proviso: private rights saved.

Disposal of surplus power.

(*i.*) Distribute and sell or lease any surplus power which the Company may develop or acquire either as water power or by converting the same into electricity or other force for distribution of light, heat or power or for any other purpose for which electricity can be used;

(*j.*) Acquire by lease, purchase or otherwise any exclusive rights in letters patent, franchises or patent rights for the purposes of the works hereby authorized, and again dispose of the same. Patent rights, &c.

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

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

**20.** So soon as each 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 bridges 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. Equal rights in passage of bridge.

**21.** In case of any disagreement as to the rights of any railway company whose business or trains pass over such 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 to be settled by railway committee.

**22.** The company may construct, equip, work and maintain telegraph and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of messages for the public; and for the purposes of erecting and working such telegraph and telephone lines, the company may enter into a contract or contracts with any other company. Telegraph and telephone lines.

Company may enter upon public roads.

**23.** With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the company may, by its 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 its lines of telegraph and telephone, along, across, over and under the same; and

May erect poles.

may erect, equip, and maintain such and so many poles or other works and devices as the company deems 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, its agents, officers or workmen think proper, may break up and

And stretch wires.

And break up roads.

open any part whatsoever of the 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:—

Travel not to be osbtructed.

(*a.*) The company shall not in the construction or operation of its telegraph or telephone lines 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.

(*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 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 damages.

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

Trees.

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

Approval of municipality.

(*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 such engineer or other person as the council appoints for that purpose, 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 streets shall in all cases be restored as far as possible to its former condition by and at the expense of the Company;

(*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, and the Company shall not be entitled to damages therefor ; Company may be required to carry wires under ground.

(*i.*) No person shall labour on 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 in this section contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ; Private rights saved.

(*k.*) If in the removal of buildings or if in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby ; and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed. Temporary removal of lines in certain cases. Notice to the company.

**24.** The Company may enter into arrangements with any 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. Agreements with telegraph or telephone company.

**25.** The Company may divide its undertaking into sections, as follows :— Undertaking divided into sections.

(*a.*) A line from a point at or near the westerly limit of the city of Ottawa, in the township of Nepean, or in the village of Hintonburgh, in the county of Carleton, to the Ottawa River at or near the village of Britannia, or at or near Skead's Mills, in the said township, which shall be designated and known as section one ; Section one.

(*b.* A line from a point at or near the Ottawa River, in the township of Hull, in the province of Quebec, opposite Britannia or Skead's Mills, in the township of Nepean, to the village of Aylmer, and thence to some point in the county of Pontiac, which shall be designated and known as section two ; Section two.

(*c.*) A line from a point at or near the Ottawa River, in the township of Hull, in the province of Quebec, opposite Britannia Section three.

or Skead's Mills, in the township of Nepean, to some point in the city of Hull, which shall be designated and known as section three ;

Section four or bridge section.

(*d.*) The bridge over the Ottawa River, with its approaches appurtenances and any lines of railway constructed thereon, and any lines of railway connecting the said bridge with any other railway with which the Company is by this Act authorized to make connection, and not forming part of any of the lines designated as sections one, two and three, and the said bridge and lines of railway thereon and connecting therewith, shall be designated and known as section four or "the bridge section."

Amount of bonds, &c., limited.

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

Bridge bonds.

**27.** The Company may issue bonds, debentures or other securities to the extent of five hundred thousand dollars for its bridge mentioned in this Act, which shall be called "bridge bonds" ; and such bonds shall be secured by a deed of mortgage specifying the security therefor, and such deed may provide that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds.

Bonds may be issued on separate sections.

**28.** The Company may issue the bonds, debentures and other securities authorized to be issued by this Act, separately with respect to each of the said sections, or as to certain sections combined, or on the whole line of the railway of the Company ; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section in respect to which they are issued and upon the rents and revenues thereof and upon all the property of the Company belonging to such section.

Issue of bonds subject to *The Railway Act.*

**29.** The said bonds, debentures and other securities to be issued under the provisions of sections twenty-seven, twenty-eight and twenty-nine of this Act shall be made and issued as provided in sections ninety-three to ninety-eight, inclusive, of *The Railway Act*, and the said sections ninety-three to ninety-eight of *The Railway Act* shall apply to and form part of this Act.

Agreement with another company.

**30.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Ottawa and Gatineau Railway Company, the Pontiac and Pacific Junction Railway Company or the Ottawa Electric Railway Company or any other line of railway or electric railway or tramway in the county of Carleton, or in the county of Ottawa, or in the county of Pontiac, for conveying or leasing its railway to such company, in whole or in part, or any rights or powers acquired

by it, as also the surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with anyone of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit.

Agreements to be sanctioned by shareholders and by Governor in Council.

**31.** The agreements mentioned in section seventeen, paragraphs (*d*) and (*e*) and in section thirty of this Act shall have no force or effect until each 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 the 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.

R. S. C., c. 118.

**32.** *The Companies Clauses Act*, excepting sections eighteen and thirty-nine thereof, shall apply to the Company.

1888, c. 29.

**33.** Excepting as hereinbefore provided, *The Railway Act* shall not apply to the Company.

Time for construction limited.

**34.** The construction of the said railway shall be commenced within two years and completed within six years from the passing of this Act; and the construction of the said bridge and any other work in the Ottawa River shall be commenced within four years and completed within eight years from the passing of this Act: otherwise the powers granted for the construction thereof shall be void and of no effect as respects so much of the work as then remains uncompleted.

No. 54.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Ottawa and Aylmer Railway and Bridge Company.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

MR. ROBILLARD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 55.] **BILL.** [1895.

An Act to incorporate The Langenburg and Southern Railway Company.

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.** Andrew Allan, Hugh A. Allan, Andrew A. Allan, James B Allan, A. A. McKenzie and Charles McEachren, all of the city of Montreal, and Bryce J. Allan, of the city of Boston, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Langenburg and Southern Railway Company," hereinafter called "the Company."

Corporate name.

Head office

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

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 village or station of Langenburg, on the line of the Manitoba and North-Western Railway Company, in the district of Assiniboia, in the North-West Territories, to a point on the line of the Canadian Pacific Railway Company between Red Jacket, in the said district, and Elkhorn, in the province of Manitoba, and also a branch to Binscarth, in the said province of Manitoba.

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 thereon.

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

Annual general meeting.

**6.** The annual general meeting of the shareholders shall be held on the third Monday in January of each year.

Number of directors.

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

Amount of bonds, &c., limited.

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

Agreement with another company.

**9.** The Company may enter into any agreement with any other railway company within the province of Manitoba or the North-West Territories for purchasing or leasing the railway of the Company, or any part thereof, or the use thereof at any time or times, or for any period, to such other company, or for purchasing or leasing or for hiring from such other company any railway, or part thereof, or the use thereof, or for purchasing or leasing or hiring any locomotives, tenders or movable property, or for an amalgamation with such company upon such terms as are agreed upon; and generally make any agreement or arrangement with any such other company, touching the use by one or the other, or by both companies, of the railway, or movable property, of one or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; 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 of the shareholders and 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 hereby incorporated runs, and in which a newspaper is published.

No. 55.

5me Session, 7me Parlement, 58 Victor

An Act to incorporate the Lang and Southern Railway Company

Received and read a first time, Tues May, 1895.
Second reading, Wednesday, 8th May

(PRIVATE BILL.)

MR. MCDONALD (Assi

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Maj
1895

No. 56.] **BILL.** [1895.

An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited.

WHEREAS, the Nova Scotia Steel Company, Limited, has by its petition prayed for the passing of an Act to amend the Act of incorporation of the Company, chapter one hundred and seventeen of the Statutes of 1894, and 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:— Preamble. 1894, c. 117.

**1.** The sale as set out in an indenture dated the thirty-first day of December, one thousand eight hundred and ninety-four, made between the Nova Scotia Steel and Forge Company, Limited, and the Nova Scotia Steel Company, Limited, and registered in the office of the Secretary of State of Canada, of all the business, franchises, undertaking, property rights, privileges and assets of the Nova Scotia Steel and Forge Company, Limited, to the Nova Scotia Steel Company, Limited, under the provisions of chapter one hundred and seventeen of the Statutes of 1894, is hereby confirmed. Sale confirmed.

**2.** Section ten of the said Act, chapter one hundred and seventeen of the Statutes of 1894, is hereby amended by striking out subsection (*b*), and substituting the following therefor:— Section 10, c. 117 of 1894, amended.

"(*b.*) Hypothecate, mortgage or pledge the real and personal property and franchises of the Company, or any part thereof, to secure any sums borrowed by the Company."

No. 56.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

Mr. FRASER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 57.] **BILL.** [1895.

An Act to incorporate the Trail Creek and Columbia Railway Company.

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 Canada, declares and enacts as follows:—

Incorporation.

Corporate name.

**1.** Harry Abbott, John Milne Browning, and William Ferriman Salsbury, 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 Trail Creek and Columbia Railway Company," hereinafter called "the Company."

Declaratory.

**2.** The works hereinafter mentioned are hereby declared to be works for the general advantage of Canada.

Head office.

**3.** The head office of the Company shall be in the city of Vancouver, or such other place in Great Britain or Canada as the directors from time to time determine by by-law.

Line of railway described.

**4.** The Company may lay out, construct and operate a railway of a gauge of not less than three feet, from a point at or near the mines known as the "Trail Creek Mines," in the district of Kootenay, in the province of British Columbia, to such point on the Columbia river as near the junction of the said Trail Creek and the Columbia river, as will admit of reasonably workable gradients; with power to extend said railway to a connection with the Columbia and Kootenay Railway at or near the junction of the Kootenay and Columbia rivers.

Provisional directors.

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

Capital stock and calls thereon.

**6.** The capital stock of the Company shall be three 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.

First meeting of shareholders.

**7.** Notwithstanding the provision contained in section thirty-six of *The Railway Act*, the provisional directors may call the meeting provided for by that section by giving two weeks'

notice thereof in one daily newspaper published in the city of Vancouver, and by mailing postpaid by registered letter to the last known address of each shareholder a notice of such meeting.

Annual general meeting.

**8.** The annual general meeting of the shareholders shall be held on the first Tuesday in March in each year.

Number of directors.

**9.** 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.

Number may be increased.

2. The shareholders may, by by-law passed at any general meeting or special meeting duly called for the purpose, increase the number of directors to any number not exceeding nine.

Proxies and quorum of directors.

**10.** The directors may vote and act by proxy, but such proxies shall be held by directors only; no director shall hold more than two proxies; and no meeting of directors shall be competent to transact business unless at least two directors are present thereat in person; but if the number of directors is increased to nine, as provided in the next preceding section, no meeting of directors shall be competent to transact business unless at least four directors are present thereat in person.

Proxy to be valid during one year only.

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.

Amount of bonds, &c., limited.

**11.** 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.

Agreements with another company.

**12.** The Company may enter into an agreement with any railway or navigation or canal company for conveying or leasing to any 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, franchises, 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 sale, lease, or amalgamation, or the agreement therefor, has first been sanctioned by the consent in writing of every shareholder of the Company, or, failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a special general meeting duly called for the purpose and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette* and in one newspaper in each of the electoral districts through which the railway of the Company hereby incorporated runs and in which a newspaper is published, for at least four weeks previous to the hearing of such application.

Sanction of the shareholders and of the Governor in Council.

Notice of application for approval.

**13.** The Company may purchase, own, construct, charter, equip, navigate, and sell steamboats and other vessels upon the Columbia river, and upon other rivers, lakes and streams tributable thereto; and may purchase, construct, own, lease, use and sell docks, warehouses, grain elevators, and other works for facilitating transportation upon the said rivers, lakes, or streams, or any of them.

Power to build steamboats, docks, &c.

No. 57.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Trail Creek and Columbia Railway Company.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

Mr. MARA.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 58.] **BILL.** [1895.

# An Act respecting the Red Mountain Railway Company.

Preamble.

WHEREAS the Red Mountain Railway Company was incorporated by an Act of the legislature of British Columbia, passed in the 56th year of Her Majesty's reign, chapter sixty-one, intituled *An Act to incorporate the Red Mountain Railway Company*; and whereas the said Company is thereby authorized to build its railway of a gauge of four feet eight and one-half inches from a point on the right fork of Sheep Creek, at or near the junction of the said fork with the international boundary line, thence running north along the said creek to Red Mountain and the Trail Creek mines in the Province of British Columbia, and to construct branch lines as in the said Act is provided; and whereas the said Company has by its petition prayed that its railway be declared to be a work for the general advantage of Canada, and the said Company, a body corporate within the jurisdiction of the parliament of Canada, and that certain additional powers as hereinafter set forth be conferred upon 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, declares and enacts as follows:—

B.C., 56th Vic., c. 61.

Declaratory.

**1.** The undertaking of the Red Mountain Railway Company, a Company incorporated by an Act of the legislature of British Columbia, 56 Victoria, chapter sixty-one, and hereinafter called "The Company," is hereby declared to be a work for the general advantage of Canada.

Declaratory.

**2.** The Company as now organized and constituted under the said Act of the legislature of British Columbia is hereby declared to be a body corporate and politic within the legislative authority of the parliament of Canada; and this Act and *The Railway Act* of Canada shall apply to the Company and its undertaking instead of the said Act of incorporation and the British Columbia Railway Act: Provided, that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the last mentioned Acts of the legislature of British Columbia up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled, and to all of which liabilities the Company shall continue to be subject.

Proviso: existing rights saved.

Head office.

**3.** The head office of the Company shall be in the city of Victoria, or at such other place in the province of British Columbia as the Company from time to time by by-law appoints.

Line of railway described.

**4.** The Company may lay out, construct and operate a railway of a gauge of not less than three feet, and of not more than four feet eight and one-half inches, from a point on the right fork of Sheep Creek, at or near the junction of the said fork with the international boundary line, thence running north along the said creek to Red Mountain and the Trail Creek Mines, in the province of British Columbia.

Capital stock and calls thereon.

**5.** The capital stock of the Company shall be one million dollars divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem expedient, but no one call shall exceed twenty per cent of the shares subscribed by any shareholder nor shall a greater amount than fifty per cent of the amount subscribed be called in any one year; and the capital stock of the Company, as authorized by the Act of the legislature of British Columbia before mentioned, shall be deemed to be the same as the capital stock mentioned in this Act, and no right or claim to any share thereof shall be prejudiced by anything contained in this Act.

Increase of capital stock, 1888, c. 29.

**6.** The Company may increase its capital stock in the manner provided by *The Railway Act.*

Annual general meeting.

**7.** The annual general meeting of the shareholders shall be held on the second Wednesday of July in each year.

Number of directors.

**8.** 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., limited.

**9.** 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.

Bonds may be issued on the whole railway on specified sections.

**10.** The Company may issue the bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect to which the same are thus respectively issued, and upon the rents and revenues thereof and upon all the property of the Company appertaining or belonging to such section, branch or extension.

Time for construction and expenditure limited.

**11.** If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within seven years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

**12.** The Company may enter into an agreement with any other company for conveying or leasing to such company the railway of the Red Mountain Railway Company, 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 amalgation with such company; and may also form a connection at the international boundary line with The Columbia and Red Mountain Railway Company, a corporation organized under the laws of the state of Washington, and generally with the railway system of the United States, and enter into any agreement to that effect, the whole upon 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 provided that such agreement has also received the approval of the Governor-in-Council;

Agreement with another company.

Subject to the approval of the shareholders and of the Governor in Council.

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 electoral district through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for approval.

**13.** The Company may for any purpose in the opinion of its directors connected with its undertaking acquire, equip, man, work and own, or may hire or charter or freight any ship, barge or vessel, and may use the same in any manner, and may contract for and undertake the transport by water of passengers and goods and other things, and may acquire by agreement, take on lease or hire, or contract for the use of warehouses, wharves, quays, tramways, bridges, roads and docks.

Power to acquire vessels, &c.

**14.** The Company may enter into contracts with owners, charterers or freighters of any ship, barge or vessel for the transport or forwarding of passengers or cattle, goods or other things passing or intended to pass over any part of a railway whether owned or worked by the Company or not, and such contracts may include provisions for charging through or special rates for any part of such traffic.

Agreements with owners of vessels, &c.

**15.** The Company may construct, operate and maintain one or more branches from convenient points on its main line, to any mine adjacent to its main line: Provided, however, that no such branch shall exceed twenty miles in length.

Branches.

Proviso: length limited.

**16.** The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and may acquire by purchase, lease or otherwise any telegraph or telephone line connecting with the said lines along the route of the said railway and branches, and may establish offices for the transmission of mes-

Telegraph and telephone lines.

sages for the public and collect tolls for so doing; and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease any of the Company's lines or any portion thereof.

Company may enter upon public roads.

**17.** With the consent of the municipal council or other authority having jurisdiction over the roads and streets of any city, town, municipality or district, the Company may, by its 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, district, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its lines of telegraph and telephone upon, along,

May erect poles.

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 deems necessary for making, completing and supporting, using, working and maintaining the system of

And stretch wires.

communication by telegraph and telephone; and may stretch wires and other telegraphic and telephonic contrivances there-

And break up roads.

on; and, as often as the Company, its 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:—

Travel not to be obstructed.

(*a.*) The company shall not in the construction or operation of its telegraph or telephone lines 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.

(*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 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 its agents, servants or workmen cause to individuals or property in carrying out or maintaining any of its said works;

Trees.

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

Approval of municipality.

(*g.*) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires underground, shall be subject to the supervision of such engineer or other person

as the council appoints for that purpose, 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 streets shall in all cases be restored as far as possible to its former condition by and at the expense of the company;

Company may be required to carry wires under ground.

(*h.*) No Act of Parliament requiring the company, in case efficient means are devised for carrying telegraph or telephone wires underground, 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, and the company shall not be entitled to damages therefor;

Workmen to wear badges.

(*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;

Private rights saved.

(*j.*) Nothing in this section contained shall be deemed to authorize the company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of lines in certain cases.

(*k.*) If in the removal of buildings or in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the company so doing, it shall be lawful for any such person to remove the same at the expense of the company, doing no unnecessary damage thereby; and such notice may be given either at the office of the company or to any agent or officer of the company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the company, then either at the head office or to any agent or officer of the company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed.

Notice to the company.

Agreements with telegraph or telephone companies.

**18.** 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.

No. 58.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting The Red Mountain Railway Company.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

Mr. MARA.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 59.] **BILL.** [1895.

An Act to amend the Act to incorporate the School Savings Bank.

WHEREAS a petition has been presented praying for an Act to amend, as hereinafter mentioned, the Act incorporating the School Savings Bank, chapter sixty-seven of the Statutes of 1886; and whereas doubts have arisen as to the continued existence and validity of the said School Savings Bank since the first day of July, one thousand eight hundred and ninety-one, and it is expedient to remove such doubts 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:— Preamble. 1886, c. 67.

**1.** Subject to the provisions of this Act, chapter sixty-seven of the Statutes of 1886, intituled *An Act to incorporate the School Savings Bank*, is hereby declared to be in force, and shall continue and remain in force until the first day of July, one thousand nine hundred and one. Chapter 67 of 1886 revived.

**2.** Section five of the said Act is hereby repealed and the following substituted therefor:— Section 5 repealed.

"**5.** The capital stock shall be one million dollars, in shares of twenty-five dollars each, of which two hundred and fifty thousand dollars shall be subscribed and paid up in cash and deposited in some chartered bank in the province of Quebec, before the bank is organized by the election of its directors; but so soon as the said amount has been subscribed and paid in, the provisional directors shall call a meeting of the subscribers for the election of directors in accordance with the provisions of this Act; and at such meeting, seven duly qualified shareholders shall be elected to manage the affairs of the bank; the remainder of the stock shall be issued in proportion to the increase of the business of the bank, as the Minister of Finance prescribes." Capital stock. Election and number of directors.

**3.** Section sixteen of the said Act is hereby repealed and in lieu thereof it is hereby enacted that the bank shall invest its moneys, including its paid-up capital, in the manner provided by chapter thirty-two of the Statutes of 1890, with respect to certain savings banks in the Province of Quebec. Section 16 repealed. Investments by bank.

**4.** The bank shall not receive deposits until the Treasury Board shall be satisfied that the required amount of capital has been subscribed and paid in cash. When deposits may be received.

Death of depositor.

**5.** In the event of the death of a depositor any sum to his credit may be paid out to the person entitled to letters of administration to the estate of the deceased, without any necessity for the issue of such letters of administration, in any province where such letters of administration are required.

1890, c. 32 to apply.

**6.** The provisions of chapter thirty-two of the Statutes of 1890, intituled *An Act respecting certain Savings Banks in the Province of Quebec*, shall extend and apply to the said School Savings Bank in the same manner and to the same extent as it applies and extends to the savings banks mentioned in the second section of that Act.

Saving bank stamps.

**7.** The bank may issue a series of savings bank stamps, of one, two, three, four, five, six, seven, eight, nine, ten, twenty, thirty, forty, fifty cents and one dollar, the design, color and shape of which shall be subject to the approval of the Minister of Finance.

No. 59.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act to amend the Act to incorporate the School Savings Bank.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

MR. PELLETIER.

OTTAWA
Printed by S. E. DAWSON
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1895

No. 60.] **BILL.** [1895.

An Act respecting the St. Catherines and Niagara Central Railway Company and to change the name of the Company to the Niagara, Hamilton and Pacific Railway Company.

Preamble.

WHEREAS the St. Catharines and Niagara Central Railway Company, hereinafter 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:—

1887, c. 60; 1888, c. 78-79; 1890, c. 54; 1891, c. 87; 1892, c. 58; 1894, c. 92.

Extension authorized.

**1.** The Company may extend its line through the city of Hamilton to a point in or near the city of Brantford in the county of Brant, and from thence to a point in or near the Town of Woodstock in the county of Oxford; and may also build a branch line from some point upon the said extension from Hamilton to Woodstock, to the Village of Port Dover in the county of Norfolk or to the Village of Port Burwell in the county of Elgin; and may also construct a loop line from a some point in or near the town of Thorold in the county of Welland in a direct line or as nearly as may be to a point on the main line between the city of St. Catharines and the unincorporated village of Jordan in the township of Louth.

Rights as to extension.

**2** The Company shall have and may exercise in respect of the said extensions of the said railway all the rights, powers franchises and privileges conferred upon it by its Act of incorporation and the various acts passed from time to time amending the same.

Name of company changed.

**3.** The name of the Company is hereby changed to that of "The Niagara, Hamilton and Pacific Railway Company," and the principal offices of the Company shall be the city of Hamilton instead of in the city of St. Catharines, as provided by the Act of incorporation, and all the general meetings of the Company shall be held in the city of Hamilton.

Effect of change of name.

**4.** The Company under its said name as changed as aforesaid shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act, under the provisions of the Act of incorporation and the several acts heretofore passed amending the same, have been held, exercised and enjoyed by the Company in as full and ample a manner as if the Company had continued under its original name; and all real and

personal property, shares or stock, obligations, debts, claims, rights, powers and privileges of the Company shall after the passing of this Act be held and vested in the company under the name of "The Niagara, Hamilton and Pacific Railway Company"; and all the shareholders of the Company shall continue shareholders in all respects as before the change of name aforesaid; and no contract or engagement entered into by or with the Company and no liability incurred by it shall be affected by the change of name; and all actions or proceedings commenced by or against the Company prior to the passing of this Act may be continued and proceeded with by or against the Company under its former name.

Agreement with another company.

**5.** The Company may purchase, lease of amalgamate with The Hamilton Radial Electric Railway Company either in whole or as to such branches only of the said last mentioned Company as are authorized to be constructed and operated from the city of Hamilton to the city of Guelph and from the city of Hamilton to the town of Berlin, or may make such running or traffic arrangements with the said Company as may be deemed advantageous and advisable.

No. 60.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act respecting the St. Catharines and Niagara Central Railway Company and to change the name of the Company to the Niagara, Hamilton and Pacific Railway Company.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

PRIVATE BILL.

MR. MCKAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 60.] **BILL.** [1895.

# An Act respecting the St. Catherines and Niagara Central Railway Company and to change the name of the Company to the Niagara, Hamilton and Pacific Railway Company.

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

Preamble.

WHEREAS the St. Catharines and Niagara Central Railway Company, hereinafter 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:—

1887, c. 60; 1888, c. 78-79; 1890, c. 54; 1891, c. 87; 1892, c. 58; 1894, c. 92.

Extension authorized.

**1.** The Company may extend its line through the city of Hamilton to a point in or near the city of Brantford in the county of Brant, and from thence to a point in or near the town of Woodstock in the county of Oxford; and may also build a branch line from some point upon the said extension from Hamilton to Woodstock, to the village of Port Dover in the county of Norfolk or to the village of Port Burwell in the county of Elgin; and may also construct a loop line from some point in or near the town of Thorold in the county of Welland in a direct line or as nearly as may be to a point on the main line between the city of St. Catharines and the unincorporated village of Jordan in the township of Louth.

Time for construction limited.

**2.** Such extension, branch line and loop line shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted for such construction shall cease and be null and void as respects so much thereof as then remains uncompleted.

Train arrangements.

**3.** All passenger trains scheduled to run between Hamilton and the Niagara River and timed to stop at any station between Hamilton and the town of Niagara Falls shall run through and stop at the city of St. Catharines, and the said railway shall be operated so as to run at least four passenger trains daily each way between the Niagara River and the city of Hamilton, which said trains shall pass through and stop at the principal station in the city of St. Catharines.

Rights as to extension.

**4.** Subject to the provisions of *The Railway Act*, the Company shall have and may exercise in respect to the said extensions of the said railway all the rights, powers franchises and privileges conferred upon it by its Act of incorporation and the various Acts passed from time to time amending the same.

Name of company changed.

**5.** The name of the Company is hereby changed from "The St. Catharines and Niagara Central Railway Company" to "The Niagara, Hamilton and Pacific Railway Company,"

Existing rights saved.

but such change in name shall not in any way impair, alter or affect the rights or liabilities of the company, nor in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of, or against the said Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Head office.

**6.** The principal offices of the Company shall be the city of Hamilton instead of in the city of St. Catharines, as provided by the Act of incorporation, and all the general meetings of the Company shall be held in the city of Hamilton.

Conditions precedent to coming into force of sections five and six.

**7.** Sections five and six of this Act shall have no force or effect until the board of directors of the Company shall have passed a resolution declaring the agreement referred to in by-law number nine hundred and seventy-five of the corporation of the city of St. Catharines (hereinafter mentioned) to have been complied with by William F. Forsyth or his assigns to the satisfaction of the said board nor until notice of such resolution and of the said sections taking effect shall have been published by one insertion thereof in the *Canada Gazette.*

By-law confirmed.

**8.** By-law number nine hundred and seventy-five of the corporation of the city of St. Catharines passed on the twenty-seventh day of May, one thousand eight hundred and ninety-five, a copy of which is filed in the office of the Secretary of State of Canada, is hereby confirmed and made valid so far as the same is within the powers of the Parliament of Canada, and shall in all courts and places be taken and held to be legal, valid and binding in all respects whatsoever upon the respective parties thereto.

Agreements with another company.

**9.** The Company may enter into an agreement with the Hamilton Radial Electric Railway Company, for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the 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 of the shareholders and 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 counties through which the railway of the Company runs, and in which a newspaper is published.

No. 60.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the St. Catharines and Niagara Central Railway Company and to change the name of the Company to the Niagara, Hamilton and Pacific Railway Company.

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

(PRIVATE BILL.)

MR. MCKAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 61.] **BILL.** [1895.

An Act respecting the "Alliance Nationale."

WHEREAS the "Alliance Nationale," incorporated by an Act of the Legislature of the province of Quebec, fifty-six Victoria, chapter eighty-four, has by its petition prayed that an Act be passed declaring the said society a body corporate and politic within the legislative authority of the Parliament of Canada and extending its powers beyond those granted by the said Act of the legislature of the province of Quebec, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows: Preamble. Que. 56 Vic., c. 84.

**1.** The "Alliance Nationale," hereinafter called "the Society", as now organized and constituted under the Act of the legislature of the province of Quebec, fifty-six Victoria, chapter eighty-four, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada: Provided that nothing in this Act shall affect anything done or any right or privilege acquired, or any liability incurred under the said Act of the legislature of the province of Quebec,—to all of which rights and privileges the Society shall continue to be entitled, and to all of which liabilities it shall continue to be subject. Declaratory. Proviso: existing rights saved.

**2.** The objects of the Society are— Objects of the Society.

(*a.*) To unite fraternelly all persons entitled to become members of the Society under its by-laws;

(*b.*) To give all moral and material aid in its power to its members and those dependent upon them;

(*c.*) To educate its members socially, morally and intellectually;

(*d.*) To establish a fund for the relief of its sick and distressed members in the manner and in the cases provided by its by-laws;

(*e.*) To establish a benefit fund, from which, on satisfactory evidence of the death of a member of the Society, or of a former member who has withdrawn from the Society after a specified period of membership, and who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the person designated by him, or to his lawful heirs, if no beneficiary be designated; or from which a sum may be paid to him, if he becomes completely and permanently incapacitated through illness or accident; the whole as laid down and enacted in the by-laws of the Society;

(*f.*) To secure for its members such other advantages as are, from time to time, designated by the constitution and by-laws of the Society.

Head office.

**3.** The head office of the Society shall be in the city of Montreal.

Branches.

**4.** Subject to the provisions from time to time enacted by the by-laws of the Society, branches, under the name of "*cercles*," may be established under the name and title designated in the charter granted by the Society; and the members of each branch shall be a body corporate and politic; but no such branch shall have power to establish benefit funds under paragraph (*e*) of section two of this Act; and each of such branches shall be incorporated under the corporated name of "Alliance Nationale, Cercle (giving the title of the branch), No"; and upon being established, and before proceeding to act as such corporation, the branch shall cause to be registered at full length, in the registry office of the city, county or registration division within which such branch is established, a declaration signed by the officers of such branch, stating the fact of such establishment, the date of the charter affecting it, the corporate name and the name of the officers in full.

Liability of branches.

**5.** The property of each branch only shall be liable for the debts and engagements of such branch, under the provisions of the by-laws.

Dissolution of branches.

**6.** Whenever, under the by-laws of the Society, any branch becomes dissolved, the Society shall have the option of taking over the property of such branch, provided it exercises such option within three months after the dissolution of such branch, evidenced by an instrument under the hand of the chief officer of the Society for the time being and the seal of the Society, and registered in the registry office for the registration division within the limits of which such property is situate,—whereupon the said property, whether real or personal, shall become vested in the Society, subject, however, to the payment of all the debts and liabilities of such branch, which it shall be incumbent on the Society to liquidate and discharge as the same may mature; and thereupon each creditor, when his debt becomes due, shall have a direct right of action against the Society for the enforcement of his lawful claims upon such branch. The Society shall sell the real estate so acquired within seven years after the dissolution of such branch.

Real estate to be sold.

Executive committee.

**7.** The executive committee of the Society shall consist of a general president, a general vice-president, a general secretary, a general treasurer, a principal medical officer, a legal adviser, and five directors, and such other officers as the general council from time to time appoints.

Composition of the executive committee.

2. The following persons: the general president, Hormisdas Laporte; the general vice-president, Joseph Marcellin Wilson; the general secretary, L. Joseph D. Papineau; the general treasurer, Alfred St. Cyr; the principal medical officer, Dr. Théodule Cypihot; the legal adviser, Siméon Beaudin, and

Alphonse C. Décary, J. Raymond Savignac, Joseph Contant, Napoléon E. Hamilton and J. E. Marcile, who now compose the executive committee of the Society, are hereby continued in their respective functions and shall constitute the executive committee of the Society, until they are replaced at the first regular convention of the Society, which shall take place during the month of August, one thousand eight hundred and ninety-six, the date and place whereof shall be determined by the executive committee under the by-laws of the Society; should, however, any vacancy occur amongst the said officers under the by-laws, such vacancy may be filled according to the provisions of the said by-laws.

Composition of the general council.

**8.** The general council shall consist of all the founders of the Society, viz.:—Hormisdas Laporte, J. M. Wilson, Alfred St. Cyr, Siméon Beaudin, A. C. Décary, J. R. Savignac, Joseph Contant, C. E. Leclère, E. Hurtubise, L. M. Delorme, A. O. Larin, J. B. Lalonde, A. Leblanc, G. Demers, A. Choquet, G. Larin, L. J. O. Beauchemin, O. Brunet, C. A. Geoffrion, Jos. A. Brunet, L. A. Lavallée, S. Demers, S. D. Vallières, E. Lemire, Alp. Valiquette, L. E. Morin, Jos. H. Nault, J. W. Blanchet, C. U. Ouellette, Joseph Lamoureux, Jos. Ethier, J. O. Mathieu, J. A. Martin, J. B. A. Martin, A. Benoit, A. Desjardins, O. Corbeil, X. Leduc, L. Cousineau, A. Lallemand, O. Rochon, O. Bourdon, J. C Jacotel, P. Vanier, J. A. Rodier, J. M. Fortier, J. T. Cardinal, C. H. Catelli, H. Barsalou, A. Malette, F. J. Granger, L. A. G. Jacques, C. A. Briggs, David Labonté, Joseph Bruchési, Gustave Lamothe, Gédéon Benoit, Vital Raby, J. B. Deschamps, Pierre Dubuc, Joseph Fortier, O. M. Augé, J. X. Perrault, J. U. Emard, Narcisse Lapointe, Philias Paquin and Herménégilde Dufort, all of the city of Montreal; L. J. D. Papineau, J. B. Villeneuve, Rev. R. C. Décarie, T. J. Aquin, F. Dagenais, E. J. Hébert, A. C. A. Bissonnette, F. St. Germain, O. David, N. F. Bédard, A. Délorme, S. Lachapelle, all of the city of St. Henri; Théodule Cypihot, L. Z. Mathieu, H. Fauteux, L. Desjardins, G. N. Ducharme, A. Montbriand, L. U. Lalonde, J. A. Gougeon, S. J. Girard, A. Ladouceur, all of the city of Ste. Cunégonde of Montreal; M. J. E. L. de la Vallée Poussin, T. E. Normand, M.P.P., of Trois Rivières; A. Doutre, of Beauharnois; J. B. Meloche, fils, of Ste. Geneviève; N. E. Hamilton, of Dorion village; L. Rivard, of Joliette; D. Martel, of Chambly-Bassin; Jos. Descarries, M.P.P., of Lachine; E. C. Bastien, of Vaudreuil; O. Dufresne, jr., of Longueuil; L. Constant, of Vaudreuil; Damase Pariseau, M.P.P., of Boucherville; and of all other members delegated by the branches under the by-laws of the society.

Term of office of members of general council.

2. The above mentioned members and those who are delegated by the branches under the by-laws, shall constitute the general council of the Society until replaced at the first regular convention of the Society, to be held as aforesaid.

Powers of executive committee and of branches.

**9.** The duties, rights, privileges, powers, obligations and attributions both of the executive committee and of the branches shall be those conferred and imposed upon them by the by-laws made by the general council.

By-laws. Meetings.

**10.** The general council may by by-law—

(*a.*) Determine the manner and date of convocation of any regular, extraordinary, general or special meeting, and fix the quorum meetings of the council or of the executive committee or branches;

Admission of members, &c.

(*b.*) Provide for the admission of new members, the election and appointment of officers, and generally for the direction and government of officers and members of the society;

Powers of officers, &c.

(*c.*) Determine the powers and duties of the officers and of the members of the executive committee and of the general council, as well as the rights, privileges, obligations, contributions, dues and instalments payable by the members of the Society, and under what circumstances they shall incur a partial or total forfeiture of the said rights and privileges and become liable to fines and to expulsion from the Society;

Special funds.

(*d.*) Establish, permit or order the establishment of special funds for the purpose of providing exclusively for the means of obtaining the objects approved of by this Act;

Charters to branches.

(*e.*) Determine under what conditions and subject to what formalities charters establishing branches shall be granted, maintained or withdrawn;

Administration of affairs.

(*f.*) Provide for the administration of the affairs of the Society in the fullest manner, both for the general council and executive committee and for the branches.

Delegation of powers.

**11.** The general council may under the by-laws of the Society, delegate to the executive committee, to the branches or to any officer of the committee whom it designates, such powers as are deemed expedient.

General powers of Society and of branches.

**12.** The Society and its branches may under its corporate name become a party to deeds and contracts, subscribe, draw, endorse, and transfer promissory notes, bills of exchange, obligations, securities and all titles, whether negotiable or not; and may from time to time, have, lease, receive, purchase and acquire, possess, use, and build on for the purposes of the society or for any of its branches, all the lands and movable and immovable property which are sold, assigned, bartered, given, bequeathed or granted to the Society or to any of its branches, and may sell, hypothecate or lease the same: Provided, that annual value of such immovable property shall not exceed the sum of twenty thousand dollars, as respects immovables acquired by the Society, or the sum of five thousand dollars, as respects immovables acquired by any branch.

Making and amending of by-laws.

**13.** The majority of the members of the general council, present at any regular or extraordinary meeting, may make by-laws as aforesaid, but such by laws shall not be amended, altered or modified except upon a vote of two-thirds of the members of the general council, present at a regular or extraordinary meeting of the said general council.

Monies payable to members not seizable.

**14.** No sum of money to which a person is entitled under this Act and the by-laws of the Society shall be liable to seizure, either before or after judgment.

**15.** The amount of the endowment certificate shall be the exclusive property of the bearer thereof, who may dispose of such certificate in the manner and subject to the forms prescribed by the by-laws. Endowment certificate.

2. Minors are also empowered to dispose of their endowment certificates but not by will. Minors.

**16.** Any member who has made his endowment certificate payable to one or more persons, may revoke the benefit thus conferred either with respect to one or more or to all the persons benefited thereby; such revocation shall be made in the manner determined by the by-laws, or by will, except in the case of a minor, and a duly certified copy of such will shall be served on the Society within thirty days after the death of the person insured; and failing service of a copy of such will, within the delay aforesaid, the Society shall be discharged from all liability by paying the amount of the endowment certificate according to the provisions of the by-laws. Revocation of benefits.

**17.** The amount of the endowment certificate shall not be deemed to come from the succession or from the community of the holder thereof, and the fact of accepting the amount of such certificate shall not imply, on the part of the beneficiary, acceptance of the succession or of the community of such holder. Effect of acceptance of endowment certificate.

**18.** The right to claim from the Society or any of its branches, any of the benefits granted by this Act or the by-laws shall be prescribed by the lapse of two years from the date that such benefits become due and payable. Prescription.

**19.** Any member may withdraw from the Society on complying with its by-laws. Resignation of members.

**20.** Any other benevolent society, whether incorporated or not or any branch thereof may amalgamate with the Society, on such terms and conditions as are determined by the general council of the Society and accepted by a majority of the members of such society or branch. Amalgamation with other societies.

**21.** Within three months from the coming into force of this Act, a certified copy of the present constitution and laws of the Society and of its form of endowment certificate or contract shall be deposited in the offices of the Secretary of State of Canada and of the Superintendent of Insurance, and copies of any future changes or amendments thereto shall be so deposited within three months from their adoption by the Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues. Documents to be filed. Penalty for contravention.

**22.** Nothing herein contained shall be held to exempt the Society from the effect of any legislation hereafter passed by the Parliament of Canada in respect to any insurance powers exercised by friendly societies. Future legislation to apply.

**23.** The word "by-laws" in this Act, shall include the constitution and by-laws made or which may hereafter be made by the general council of the Society. Interpretation "by-laws."

No. 61.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the "Alliance Nationale."

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

Mr. LACHAPELLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 62.] **BILL.** [1895.

# An Act respecting the Buffalo and Fort Erie Bridge Company.

Preamble.

1891, c. 65; 1893, c. 64.

WHEREAS the Buffalo and Fort Erie Bridge Company has petitioned for the passing of an Act to revive its Act of incorporation and the Act amending the same, and to extend the times limited for the commencement and completion of its undertakings; and also to extend the limits within which its bridge may be built, and to change the location of the head office, 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:

Chapters 65 of 1891 and 64 of 1893 revived.

Time for construction extended.

**1.** Subject to the provivions of this Act, the Act incorporating the Buffalo and Fort Erie Bridge Company, being chapter sixty-five of the Statutes of 1891 and the Act amending the same, being chapter sixty-four of the Statutes of 1893, are hereby revived and declared to be in force, and the times limited by the said Acts for the commencement and completion of the undertakings of the Company are hereby extended as follows: The works authorized by chapter sixty-five of the Statutes of 1891 and by chapter sixty-four of the Statutes of 1893 shall be commenced within three years and completed within six years from the passing of this Act, otherwise the powers granted by the said Acts and this Act shall cease and be null and void.

Section 3 of chapter 65 of 1891 amended.

Location of bridge changed.

**2.** Section three of chapter sixty-five of the Statutes of 1891 is hereby amended by striking out on lines four, five and six the following words: "in or near the village of Fort Erie above the International Bridge, to a point in or near the city of Buffalo," and inserting instead thereof the following "south of the foot or north end of Grand Island to a point on the opposite side."

Section 2 of chapter 65 of 1891 amended.

Head office changed.

**3.** Section two of chapter sixty-five of the Statutes of 1891, is hereby amended by substituting the words "town of Niagara Falls" for the words "village of Fort Erie" in the first and second lines of said section.

Substituted section 1, c. 65 of 1893 amended.

**4.** The section substituted by section one of chapter sixty-four of the Statutes of 1893 for section one of chapter sixty-five of the Statutes of 1891 is hereby amended by substituting, in the first line thereof, the name "W. T. Jennings" for "M. E. Dunlap."

No. 62.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Buffalo and Fort Erie Bridge Company.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

MR. LOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 63.] **BILL.** [1895.

An Act respecting the St. Lawrence and Adirondack Railway Company.

Preamble. 1888, c. 64; 1893, c. 60; 1894, c. 93.

WHEREAS the St. Lawrence and Adirondack Railway Company, hereinafter called "the Company," has by its petition prayed for the passing of an Act to further amend, as hereinafter mentioned, 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:—

New section substituted for s. 10, c. 64, of 1888.

**1.** Section ten of chapter sixty-four of the Statutes of 1888, incorporating the St. Lawrence and Adirondack Railway Company is hereby repealed, and the following substituted therefor:—

Issue of bonds.

"**10.** The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature to the coupons attached to such bonds may be engraved; and such bonds 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.

Disposal of bonds.

"2. The directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking.

Amount limited.

"3. The amount of such bonds so issued, sold or pledged, shall not exceed thirty thousand dollars per mile of the said railway and branches, and may be issued only in proportion to the length of railway constructed or under contract to be constructed."

No. 63.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the St. Lawrence and Adirondack Railway Company.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

(PRIVATE BILL.)

MR. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 64] **BILL.** [1895.

# An Act respecting the Canada Southern Railway Company.

Preamble—1874, c. 68; 1875, c. 66; 1878, c. 27; 1882, c. 68; 1885, c. 15; 1888, c. 59, 60, 61; 1892, c. 34; 1894, c. 66.

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 authorized by such Acts, and as yet unconstructed, 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:—

Time for construction extended. 1888, c. 61.

**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 years from the fourth day of May, one thousand eight hundred and ninety-five; and the powers conferred by the said Acts, in respect to such lines and branches, are hereby revived and confirmed, and shall, if the said lines or branches are not commenced and completed as herein provided for the construction thereof, be null and void as respects so much of the railway as then remains uncompleted.

Power to lease railway to the Leamington and St. Clair Company.

Proviso:

Sanction of the share holders.

**2.** In addition to the powers granted by the third section of chapter sixty-eight of the Statutes of 1882, and the third section of chapter sixty-one of the Statutes of 1888, it shall be lawful for the said Canada Southern Railway Company to lease the railway of the Leamington and St. Clair Railway Company on such terms and conditions and for such period as the directors of the said companies agree upon: Provided that such agreement has been first sanctioned by a two-thirds majority vote of the shareholders of the Canada Southern Railway Company, present in person or represented by proxy at any annual meeting or any special meeting called for the purpose of sanctioning such agreement.

No. 64.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Canada Southern Railway Company.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

PRIVATE BILL.

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 65.] **BILL.** [1895.

An Act to amend the Railway Act by providing greater security for passengers and employees and in other respects.

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

Cars fitted with air-brakes to be provided with certain device.

**1.** All cars fitted with air-brakes shall, within two years from the passing of this Act, be provided with an automatic device in the hose coupling of such air-brakes, or in the train pipes, so arranged that after the cars are coupled the connection between such brakes and the air-pump on the locomotive cannot be broken, or the coupling deranged, accidentally or otherwise, without the knowledge of the engineer, and that his assistance, by operating the air-pump, shall be required in opening or closing the connection of the air-brakes throughout the train.

Attachments for box freight cars.

**2.** Every box freight car built in Canada for use on Canadian railways shall, after the passing of this Act, be provided with the following attachments for the security of railway employees :—

(*a.*) Automatic extension running boards, so arranged that there shall be a continuous pathway from car to car ;

(*b.*) A continuous rail, with sufficient and firm supports, at a height of three feet, on one side of each running board, along the roof of the car ;

(*c.*) Outside ladders on both sides of one end of the car, projecting far enough below the frame of the car to allow of a step of the ladder being placed below the frame, and provided with such step,—such ladders to be placed close to the end of the side to which they are attached ;

(*d.*) Arched iron rails, extending from the top of the end support of the running-board rail above provided for, and from a similar support on the other side of such running board, at the end of the car to which such ladders are attached, to the side of the ladders at the corner of the roof of the car, and so arranged as to be easily grasped by, and to assist, persons climbing on to the roof by means of such ladders.

As to cars not built in Canada.

2. Every such car, the property of Canadian railways, for use in Canada, shall, within three years from the passing of this Act, be fitted with the foregoing attachments.

Penalty.

3. The penalty for building cars not fitted with such attachments shall be ten dollars for each car, in addition to the penalty provided by the next following section.

Penalty.

**3.** The penalty for using any cars not built or fitted in accordance with the provisions of this Act, after the respective dates hereinabove specified, shall be five dollars for each car for every day or part of a day during which it is so used.

Position of cars in train.

**4.** When cars fitted with automatic couplings are made up in a train with cars not so fitted, the cars with automatic couplings shall be coupled together, and those not so fitted shall be coupled together, so that there shall be only one coupling in the train between cars with automatic couplings and those without them.

2. When cars fitted with air-brakes are made up in a train with cars not so fitted, the cars with air-brakes shall be placed next to the locomotive, and the air-brakes shall be coupled and used in braking such cars.

3. When flat cars are made up in a train with other cars, the flat cars shall be coupled together.

Pay for overtime.

**5.** Every conductor, engineer, fireman, baggageman and brakesman who is paid by the trip or by the mile, shall be entitled to extra pay for overtime *pro rata* of his ordinary pay per trip or per mile, for every hour or part of an hour beyond ten hours (or whatever shorter time may be agreed on as the schedule time for a trip), during which he is delayed on his trip by accident, stress of weather or other cause not arising from his own neglect of duty.

Hours of labour of yardmen, &c.

**6.** Every yardman and other person employed about a station or shunting yard, or on a shunting engine, shall be allowed one hour for a meal between noon and two o'clock in the afternoon, and one hour between midnight and two o'clock in the morning.

Compensation if employee is injured.

**7.** Every employee of a railway company injured while in the discharge of his duty shall, for every day during which he is thereby unfitted for duty, be entitled to compensation from the railway company at the rate of not less than sixty per cent of his average earnings per day for the last month previous to such injury.

If permanently disabled.

2. Every such employee permanently disabled while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than three thousand dollars.

If killed.

3. The legal representatives of every employee who is killed, or who dies from injuries received while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than three thousand dollars.

Other recourse not affected.

4. The foregoing compensation shall be without prejudice to any further damages which a court of law may adjudge to any such employee or his legal representatives as against any railway company, and shall not be capable of being renounced or given up by such employee by any agreement or contract with the railway company, for value or otherwise, or of being made void by any rules or regulations of the railway company.

Right to damages cannot be renounced.

5. The foregoing provisions as to compensation shall be void in the case of any employee whose injury, disablement or death is caused by his own negligence,—the burden of proof of such negligence being upon the railway company; but if such injury, disablement or death occurs in the handling or use of trains, locomotives, cars or appliances which are out of repair, or insufficient, or not in accordance with the provisions of this Act, the railway company shall not be allowed to plead contributory negligence on the part of the employee so injured, disabled or killed. Contributory negligence.

No. 65.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Railway Act by providing greater security for passengers and employees, and in other respects.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

Mr. Casey.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No 66.] **BILL.** [1895.

An Act further to amend the Penitentiary Act.

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

Inspector of penitentiaries to perform duties of accountant.

**1.** At any time after the present accountant of penitentiaries ceases to hold that office, the Governor in Council may abolish the said office ; and upon such abolition, the duties and powers thereunto appertaining shall devolve upon and be performed and be exercisable by the inspector of penitentiaries.

R.S.C., c. 182, s. 70 repealed.

**2.** Section seventy of *The Penitentiary Act*, chapter one hundred and eighty-two of the Revised Statutes, is hereby repealed and the following substituted therefor :—

If convict is insane at expiration of sentence.

"**70.** If the term of imprisonment of any convict expires, or is determined by remission of sentence or otherwise, while such convict is detained as insane in the ward for the insane, he may continue to be detained therein pending the proceedings authorized by this Act ; and in such case the surgeon shall forthwith certify to the warden whether the person is sane or insane."

Insane convict.

**3.** When the surgeon of a penitentiary reports in writing to the warden that any convict confined in such penitentiary is insane, and ought to be removed to an asylum for the insane, the warden shall report the facts to the inspector.

His removal to asylum, if arrangement exists with province.

2. The Governor General may thereupon, if an arrangement exists with the Lieutenant-Governor of any province for the maintenance of such convict in an asylum for the insane of the province, by warrant signed by the Secretary of State or by such other officer as is from time to time authorized by the Governor in Council in that behalf, direct the removal of such insane convict to the custody of the keeper or person in charge of such asylum, for the unexpired portion of his sentence ; and the warden of the penitentiary, when required so to do, shall deliver up to the constable or other officer or person who produces such warrant, the insane convict, together with a copy, attested by the warden, of the sentence and date of his conviction, as given to the warden on reception of the convict into his custody ; and the constable or other officer or person shall give a receipt therefor, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with such attested copy, into the custody of the keeper or person in charge of such asylum, who shall give a receipt therefor ; and the convict shall be kept in custody in such asylum under his

sentence, until the expiration or sooner determination thereof, or until his removal elsewhere under the provisions of this Act, or his discharge by law.

His return to the penitentiary, if he becomes sane.

3. If, before the expiration of his sentence, any convict so detained in an asylum recovers his reason, and such recovery is certified to by the surgeon or medical officer in charge of such asylum, the Governor General may in like manner direct the removal of such convict from such asylum to the penitentiary from which he came, or to some other penitentiary; and thereupon such convict may in like manner be removed and delivered again to the warden of such penitentiary, where he shall be kept in custody under his sentence.

No. 66.

5th Session, 7th Parliament, 58 Victoria, 1895

An Act further to amend the Penitentiary Act.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

Sir CHARLES HIBBERT TUPPER.

OTTAWA
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1895

No. 67.] **BILL.** [1895.

An Act further to amend the Fisheries Act.

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

1. The subsection substituted by section six of chapter fifty-one of the statutes of 1894 for subsection two of section fifteen of *The Fisheries Act*, chapter ninety-five of the Revised Statutes, is hereby repealed and the following substituted therefor :— R.S.C., c. 95, s. 15 amended.

"2. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remants thereof, mill rubbish or sawdust or any other deleterious substance, in any water frequented by any of the kinds of fish mentioned in this Act, shall be liable, for a first offence, to a penalty of twenty dollars and costs,—for the second offence, to a penalty not exceeding forty dollars and costs, and also in addition thereto a further penalty not exceeding ten dollars for every day during which such offence is continued,—and for the third or any subsequent offence, to a penalty not exceeding one hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued : Provided always, that the Minister of Marine and Fisheries may except from the operation of this subsection, wholly or partially, any stream or streams with respect to which he considers that its enforcement is not requisite in the public interest ; but no such exemption shall be granted or shall have any force or effect after the thirtieth day of June, one thousand eight hundred and ninety-seven." Pollution of waters prohibited. Proviso : exemption of certain waters

2. Any exemptions granted by the Minister of Marine and Fisheries under subsection two of section fifteen of *The Fisheries Act* and in force on the thirtieth day of April, one thousand eight hundred and ninety-five, shall remain in force until the said thirtieth day of June, one thousand eight hundred and ninety-seven, unless sooner revoked by the Minister of Marine and Fisheries ; and all penalties incurred or to which any person has become liable, under the section substituted by the said section six of chapter fifty-one of the statutes of 1894, with respect to any stream or streams which were exempt from the operation of subsection two of section fifteen of *The Fisheries Act* upon the thirtieth day of April, one thousand eight hundred and ninety-five, are hereby remitted. Exemptions in force on April 30, 1894, continued in force.

No. 67.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to further amend the Fisheries Act.

Received and read a first time, Tuesday, 7th May, 1895.
Second reading, Wednesday, 8th May, 1895.

MR. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 68] **BILL.** [1895.

An Act further to amend the Dominion Elections Act.

**1.** The section substituted for section four of *The Dominion Elections Act*, chapter eight of the Revised Statutes, by section one of chapter thirteen of the statutes of 1894, is hereby repealed and the following substituted therefor :— R.S.C., c. 8, s. 4 repealed.

"**4.** The Governor General shall, except as hereinafter mentioned, fix the day for the nomination of candidates at the election, and shall, at every general election, fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Algoma and Nipissing, in the province of Ontario, and of Gaspé and Chicoutimi and Saguenay, in the province of Quebec." Day of nomination of candidates.

**2.** The subsection substituted for subsection three of section fourteen of the said Act by section two of chapter thirteen of the statutes of 1894, is hereby repealed and the following substituted therefor :— Section 14 amended.

"3. In the electoral districts of Gaspé and Chicoutimi and Saguenay, in the province of Quebec, the returning officer shall fix the day for the nomination of candidates, and also the day and places for holding the polls; the nomination in the said electoral districts shall take place not less than fifteen days nor more than thirty days after the proclamation hereinafter required has been posted up ; and the day for holding the polls shall be not less than fifteen days nor more than thirty days after the day on which the nomination is to take place, neither the day of nomination nor the day of posting the proclamation being reckoned." Nomination and polling days in Gaspé and Chicoutimi and Saguenay.

**3.** The section substituted for section sixteen of the said Act by section three of chapter thirteen of the statutes of 1894, is hereby repealed and the following substituted therefor :— Section 16 repealed.

"**16.** Within ten days after the reception of the writ in the electoral districts of Algoma and Nipissing, in the province of Ontario, within twenty days after such reception in the electoral districts of Gaspé and Chicoutimi and Saguenay, in the province of Quebec, and within eight days after such reception in the other electoral districts of Canada, the returning officer shall, by proclamation under his hand, issued in the English and French languages in every electoral district in the province of Quebec and in the province of Manitoba, and in the English language only in the other electoral districts, indicate— Proclamatio by returning officer.

"(*a.*) The place and time fixed for the nomination of candidates;

"(*b.*) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

"(*c.*) The several polling stations fixed by him, and the territorial limits to which they respectively apply;

"(*d.*) The time when and the place where the returning officer will sum up the number of votes given to the several candidates;

Form. "Such proclamation shall be in the form E in the first schedule to this Act."

No. 68.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Dominion Elections Act.

Received and read a first time, Thursday, 9th May, 1895.
Second reading, Friday, 10th May, 1895.

Mr. MONTAGUE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 69.] **BILL.** [1895.

An Act respecting the Voters' Lists of 1895.

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

Lists of voters need not be revised for 1895.

**1.** It shall not be necessary that any revision of the lists of voters prepared in accordance with the provisions of *The Electoral Franchise Act*, shall be proceeded with during the present year, one thousand eight hundred and ninety-five, but the lists of voters in force at the time of the passing of this Act shall continue in force until they are finally revised, in accordance with the provisions of the said Act, in the year one thousand eight hundred and ninety-six.

No. 69.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Voters' Lists of 1895.

Received and read a first time, Thursday, 9th May, 1895.
Second reading, Friday, 10th May, 1895.

MR. MONTAGUE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 70.] **BILL.** [1895

An Act respecting the Temiscouata Railway Company.

Preamble. 1887, c. 71; 1893, c. 61.

WHEREAS the Temiscouata Railway Company, hereinafter called "The Company", has by its petition prayed for the passing of an Act for the purposes 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:—

New section substituted for s. 1, c. 61 of 1893.

**1.** Section one of chapter sixty-one of the Statutes of 1893, intituled *An Act respecting the Temiscouata Railway Company*, is hereby repealed, and the following substituted therefor:—

Extension from Edmundston to the Intercolonial Railway.

"1. The Company may lay out, construct and operate an extension of its line of railway from Edmunston, in the province of New Brunswick, to a point on the Intercolonial Railway at or near Berry's Mills, or at or near Moncton, or to some point on said railway between said last mentioned places.

Time for construction limited.

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

Issue of bonds on extension.

**2.** The provisions of the original charter of the Company and of the Act confirming the same as to the issue of bonds and otherwise in respect to its main line, shall apply also to the extension hereby authorized.

Chap. 61 of 1893, except first and last sections, revived.

**3.** The provisions of chapter sixty-one of the Statutes of 1893, except the first and last sections thereof, are hereby revived and declared to be in force.

Time for construction of bridge limited.

**4.** The bridge authorized by the said Act to be constructed shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void.

No. 70.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Temiscouata Railway Company.

Received and read a first time, Friday, 10th May, 1895.
Second reading, Monday, 13th May, 1895.

PRIVATE BILL.

Mr. McAlister.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 71.] **BILL.** [1895

An Act to incorporate the Camp Harmony Angling Club.

Preamble.

WHEREAS William C. Whitney, Oliver H. Paynes, Charles F. Lawrence, all of the city of New York, in the state of New York, one of the United States, William H. Sage, of the town of Ithaca, and Dean Sage, of the city of Albany, in the said state of New York, have by their petition prayed that they be incorporated as a club for the purpose of acquiring by purchase, lease or otherwise lands, riparian rights, fishing and sporting interests in and in the vicinity of the waters of the rivers Restigouche and Upsalquitch in the provinces of Quebec and New Brunswick, and to erect and maintain buildings, wharfs and other stuctures for the purposes of the Club, and to manage such Club, 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 the House of Commons of Canada, enacts as follows:—

Incorporation.

1. The said William C. Whitney, Oliver H. Paynes, Charles F. Lawrence, William H. Sage and Dean Sage together with such other persons as become shareholders in the Club hereby incorporated, are hereby constituted a body corporate under the name of "The Camp Harmony Angling Club" hereinafter called "the Club."

Corporate name.

Head office.

2. The head office of the Club shall be in the parish of Eldon, in the county of Restigouche, in the province of New Brunswick, or at such other place in Canada as the Club from time to time by by-law determines.

Capital stock and calls thereon.

3. The capital stock of the Club shall be forty thousand dollars divided into shares of eight thousand dollars each, and may be called up from time to time by the directors as they deem necessary.

Provisional directors.

4. The persons named in the first section of this Act shall be the provisional directors of the Club.

First meeting of directors.

5. So soon as twenty per cent of the amount of the capital stock has been subscribed and ten per cent of such subscribed stock paid into one of the chartered banks in Canada, the provisional directors shall call a general meeting of the shareholders, to be held at such place in Canada as the provisional directors determine, for the purpose of electing the first directors of the Club and of transacting any other business that may be done at shareholders meetings.

Notice of meeting.

2. A notice in writing signed by or on behalf of the provisional directors of the date and place of holding such meeting, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previously to the holding thereof, shall be deemed sufficient notice of such meeting.

General powers.

**6.** The Club may from time to time acquire and hold by purchase, lease license or otherwise such lands, riparian rights and fishing rights on the Restigouche and Upsalquitch Rivers, and in other places in the provinces of New-Brunswick and Quebec (including lands, riparian rights, lease-hold and other interests in fishing rights owned by all or any of the said petitioners) as is deemed advisable by the Club; and also may purchase and hold angling licenses from any government, and from time to time may sell, demise and sublet such lands, rights and privileges or portions thereof or interests therein, and may build on and improve the said lands and other interests in lands that the Club may from time to time acquire; and may erect, construct and maintain buildings, wharves, boats and other vessels for the purposes of the Club.

Number of directors.

**7.** Until otherwise determined by the by-laws of the Club, the affairs of the Club shall be administered by a board of three directors, who shall be elected by ballot or in such other manner as declared by by-law of the Club and who shall hold office until the election of their successors. A majority of the board shall constitute a quorum.

Officers.

**8.** The Board may from their number elect a president, a vice-president, and a secretary-treasurer or a secretary and treasurer.

Transfer of shares.

**9.** No share shall be transferable without the consent of three-fifths of the members of such club evidenced by a resolution passed at a general or special meeting of the Club, nor without the consent of the board of directors of the Club.

Effect of transfers.

2. No transferee of any share shall be entitled to any rights or privileges as a member or to a voice in the affairs of the Club until he shall have been duly elected a member of the Club.

Member ceasing to be shareholder.

**10.** Any member of the Club ceasing to be a shareholder in the Club shall thereupon cease to be a member of the Club.

Election of members.

**11.** Except as regards the original incorporators herein, no person shall be a member of the Club, until duly elected to such membership in such manner as is prescribed by the by-laws of the Club.

By-laws.

**12.** The Directors may from time to time make by-laws regulating the conduct of the members of the Club when on the Club premises, and fixing the terms upon which visitors may be admitted to the privileges of the Club.

Questions at meetings how determined.

**13.** All questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote

in case of an equality of votes. With this exception no member shall be entitled to more than one vote at any meeting of the Club.

Increase of capital stock.

**14.** The shareholders of the Club by a majority of four-fifths may at any time after the whole capital stock of the Club has been paid up make a by-law for increasing the capital stock of the Club to any amount which they consider requisite for the due carrying out of the business of the Club, but so that the total capital stock be not increased beyond the sum of one hundred and four thousand dollars and each share of such increased capital stock shall be eight thousand dollars, and may be called up from time to time in the like manner as is provided herein for calling up the original authorized capital stock.

R.S.C., c. 118.

**15.** Sections nine, eighteen, thirty-three, thirty-four, thirty-eight, thirty-nine, and forty-one and paragraphs (*c*), (*d*) and (*f*) of section eleven of *The Companies Clauses Act* shall not apply to the Club.

No. 71.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Camp Harmony Angling Club.

Received and read a first time, Friday, 10th May, 1895.
Second reading, Monday, 13th May, 1895.

PRIVATE BILL.

Mr. SUTHERLAND.

OTTAWA
Printed by S. E. DAWSON
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1895

No. 72.] **BILL.** [1895.

An Act to consolidate and amend the Acts relating to The Imperial Trusts Company of Canada.

Preamble.

WHEREAS The Imperial Trusts Company of Canada, hereinafter called the Company, has by its petition prayed that the Acts relating to the Company, being chapter one hundred and fifteen of the Statutes of 1887, and chapter one hundred and one of the Statutes of 1890, be consolidated 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:—

1887, c. 115; 1890, c. 101.

Repeal of Acts.

**1.** The Acts of the Parliament of Canada relating to the Company, with the exception of those portions of chapter one hundred and fifteen of the Statutes of 1887 which relate to the incorporation of the Company, shall be and the same are hereby repealed, but all acts, matters and things done by the Company under the Acts hereby repealed shall stand and remain valid, and every right acquired and every obligation or liability undertaken or incurred previous to the repeal hereby made shall be saved, nor shall such repeal affect the validity of anything done previous thereto pursuant to any of the repealed enactments as to any by-law of the Company heretofore made.

Existing rights saved.

Company's existence continued.

**2.** The Company shall continue to be a body corporate by the name of "The Imperial Trusts Company of Canada" with the usual powers and rights of bodies corporate and by that name may make and receive all deeds, conveyances, transfers, assignments and contracts necessary to carry the provisions of this Act into effect and to promote the objects and business of the said corporation; and all claims and liabilities either in favour of or against the Company under all or any of the aforesaid repealed Acts shall continue to exist in favour of or against the Company as fully and effectually to all intents and purposes as they would have done under the said repealed Acts.

Capital stock and increase thereof.

**3.** The capital stock of the Company shall be five hundred thousand dollars in shares of one hundred dollars each, and the Company may from time to time increase the capital stock to an amount not exceeding in the whole one million dollars by a resolution adopted by a majority in number and amount of the shareholders at a meeting specially called for that purpose; and if the capital stock is at any time increased, the shareholders at the time of such increase shall be primarily entitles to a *pro rata* allotment of such increase.

Effect of repeal on shareholders.

**4.** All persons or corporations who have at the time of the passing of this Act subscribed for or hold shares in the Company under and by virtue of the said Acts hereby repealed, shall be and continue to be shareholders in the Company and liable for any portion of the shares held by them still unpaid, in the same manner and to the same extent as they were liable under the Acts hereby repealed; and it shall be permissible for the directors of the Company to make calls on the said shares in the same way, and to the same extent as if they had been subscribed for by the parties holding the same after the passing of this Act, and the liability of such shareholders with regard to such calls shall be the same as if they had been shares subscribed for by such shareholders after the passing of this Act. All mortgages, property and securities of any kind whatsoever held by the Company and all contracts entered into by and with the Company previous to the passing of this Act shall continue to vest in the Company and to be good and valid securities in the hands of the Company after the passing of this Act, and as binding on the parties liable thereon and to the same extent as they were previous to the passing of this Act.

Mortgages, &c.

Preference shares.

**5.** The directors may by by-law cause any part of the capital stock not exceeding five hundred thousand dollars to be issued as preference stock having priority over the ordinary shares of the Company, either for repayment of the capital invested in them or as to dividend or as to both capital and dividend; and such by-law may declare that the holders of such preference stock shall be entitled to receive out of the profits of the Company, as a first charge, cumulative preference dividends at such rate as may be fixed by-law on the amount for the time being paid up on such preference shares held by them respectively: Provided always that the said by-law shall not have any force or effect whatever until it has been sanctioned by the vote of the shareholders representing at least two-thirds of the issued capital stock, present in person or represented by proxy at a special general meeting of the Company duly called for considering such by-law; and provided also that nothing in this section contained shall affect or impair the rights of creditors of the Company.

Proviso: sanction of shareholders.

Directors.

**6.** The property and business of the Company shall be managed by a board of directors, one of whom shall be chosen president, and one vice-president: Provided always that the president, vice-president and directors of the Company elected at the last annual general meeting of the Company under the Acts hereby repealed shall continue to hold the same position under this Act until the next annual general meeting of the Company held under this Act.

Proviso: present directors continued.

Head office and local boards.

**7.** The head office of the Company shall be in the city of Toronto, but the Company may open offices and appoint local boards in the city of Montreal and in such other places as may be required for the proper conduct of the Company's business.

**8.** The annual general meeting of the Company shall be held in Toronto on such day in each and every year as the by-laws appoint, and fifteen days previous notice shall be given of such meeting in such manner as the by-laws of the Company direct. Annual general meeting.

**9.** No shareholder shall be eligible for election as a director unless he holds in his own right at least forty shares upon which all calls due have been paid, and a shareholder holding a share which is not paid up or owing money to the Company shall have no power to transfer his shares in the Company until the consent of the board of directors has been obtained to such transfer. Qualification of directors. Transfer of shares.

**10.** If any director makes an assigment for the benefit of creditors or comes within the operations of any insolvent law then in force he shall *ipso facto* cease to be a director and his seat at the board of directors shall he filled by the appointment by the remaining directors of a shareholder qualified for election, such appointment to hold good until the next regular election of directors. Vacation of office of director.

**11.** Calls on shares subscribed for in the Company may be made by the board of directors at such times and in such manner as they deem proper, provided that no more than twenty-five per cent shall be called up within one year, and if a shareholder does not pay any call when due, the directors may declare the shares of such shareholder forfeited together with any amounts already paid thereon, and may sell such shares as forfeited and appropriate the proceeds of such sale with all moneys already paid thereon to the Company; the directors may re-issue such shares to any person and appropriate the money received therefor to the Company, but no such forfeiture shall be construed to limit or affect the right of the Company to sue for and recover all such calls; and in case of suit interest may be collected upon the call from the date on which the same became payable. Calls on stock. Forfeiture of shares.

**12.** The Company may accept and execute all such trusts of every description as may be committed to them by any person or by any corporation or by any court of law or equity in Canada or elsewere; and may take and accept by grant, assignment, transfer, devise and bequest and hold any real and personal estate on any trust created in accordance with law and lawfully execute such trusts with regard to the same, upon such terms as to remuneration and otherwise as are agreed upon or as the court shall in case of disability approve; and the Company may generally act as agent or attorney for the transaction of business and the management and winding up of estates, the collection of rents, interest, dividends, mortgages, bonds, bills, notes and other securities and also act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any corporation, association or municipality and receive and manage any sinking fund therefor on such terms as are agreed upon. General powers.

Company may act as tutor, executor, &c.

**13.** The Company may accept and hold the office of tutor, receiver, trustee, assignee, executor and administrator, guardian of any minor, or committee of any lunatic, if appointed thereto in accordance with the law of any province in which they do business, and in so far as under such law they may legally do so; and the accounts of the Company in respect thereof shall be regularly settled and adjusted by the proper officers or tribunals, and the Company may be allowed all proper remuneration and legal, usual and customary costs, charges and expenses for the care and management of any estate or trust so committed to them.

Adjustment of accounts.

Investment of trust moneys.

**14.** The investment of trust moneys by the Company shall be—

(*a.*) Upon first mortgages of improved freehold or leasehold property of ample value in the settled portions of Canada;

(*b.*) Or in the public stocks, funds or government securities of the Dominion of Canada or of any of the provinces thereof, or guaranteed thereby respectively; or in the bonds or debentures of any municipal corporation, other than towns with a population of less than five thousand, or whose annual rate of assessment exceeds two cents on the dollar, and villages in any of the said provinces, or in the public stocks, funds or government securities of the United Kingdom or any of the colonies or dependencies thereof;

(*c.*) Or as may be directed or limited by the terms of any trust declared or affecting the same, or the order, judgment or decree of the court from which the same shall have been received.

Monies of each trust to be kept separate.

**15.** The moneys and securities of each trust shall always be kept distinct from those of the Company, and in separate accounts and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the Company, and so invested that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall in the receipt of rents and in the overseeing and management of trust and other property, keep distinct records and accounts of all operations connected therewith: Provided always that in the management of money and property held by the Company as trustee under the powers conferred by this Act the Company may, unless the authority making the appointment shall at the time of the making of such appointment otherwise direct, invest the same in a general trust fund of the Company; and provided also that the total amount of mony of any one trust invested in the said general trust fund shall not, at any time, exceed two thousand dollars.

Proviso: investment in general trust fund.

Guarantee of repayment.

**16.** The Company may also guarantee the repayment of the principal or interest or of both on any moneys entrusted to the Company for investment on such terms and conditions as are agreed upon.

Trust monies not liable for debts of Company.

**17.** The moneys, properties and securities received or held by the Company under the provisions of this Act upon trust or as agents for any person or persons, shall not be liable for the debts or obligations of the Company.

Advances and loans.

**18.** The Company may lend or advance money to any company or individual whose estate the company may be winding up or managing on the security of any part of the estate ; the Company may also purchase, sell or guarantee or lend its own money on any of the securities mentioned in the foregoing sections and bank stocks, or on the bonds or debentures of any incorporated building society or loan company, or on the security of real estate or any interest therein, or on the stocks or funds of any government or province, or the shares or debentures of any company or municipality, British, Canadian or American.

Transactions on stocks, &c.

**19.** The Company may also, with the consent of the owners, borrow against or lend on any stocks, bonds or other property hypothecated to the Company, and may raise money by the issue of its own debentures against any stocks, funds, bonds or securities held by it ; but nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking or insurance.

Real estate to be held by company limited.

**20.** The Company may hold such real estate, not exceeding ten thousand dollars in annual value, as is necessary for the transaction of its business and further, any real estate of whatever value which being mortgaged to it may be acquired for the protection of its investments, and may from time to time mortgage, sell, lease or otherwise dispose of such real estate : Provided always that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired.

Proviso : sale of real estate.

Annual statement for Minister of Finance.

**21.** The Company shall prepare and present to the Minister of Finance annually, a statement verified by oath of the president, manager or secretary setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company and the value of trust property held by it and such other details as the said Minister requires, and the said statement shall be made up to the 31st day of December in each year.

1890, c. 31.

**22.** Sections thirty-eight, thirty-nine, forty, forty-one and forty-two of *The Bank Act* shall be applicable to and regulate the transmission of shares in the Company.

R.S.C., c. 118.

**23.** Section eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

No. 72.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to consolidate and amend the Acts relating to the Imperial Trusts Company of Canada.

Received and read a first time, Friday, 10th May, 1895.
Second reading, Monday, 13th May, 1895.

(PRIVATE BILL.)

Mr. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
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1895

No. 73.] **BILL.** [1895.

An Act to incorporate the Calgary and Lethbridge Railway and Irrigation Company.

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.** Peter McCarthy, James Walker, Wesley F. Orr, John Ryan Costigan, William Christian Meyer and George K. Leeson, all of the city of Calgary; Donald Watson Davis, M.P., of the town of Macleod, in the district of Alberta; and John Lincham, of Dewdney, in said district, together with such other persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Calgary and Lethbridge Railway and Irrigation Company," hereinafter called "the Company."

Corporate name.

Head office.

**2.** The head office of the Company shall be at the city of Calgary or at such other place as the Company by by-law appoints.

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 on or near the line of the Canadian Pacific railway at or near the city of Calgary; thence running in a southerly direction to a point on or near the Little Bow River; thence in a south-easterly direction in as direct practicable a line as may be to the town of Lethbridge, with power to construct a branch line to the town of Macleod.

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 thereon.

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

Annual general meeting.

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

Number of directors.

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

Amount of bonds, &c., limited.

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

Agreement with another company.

**9.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Rocky Mountain Railway and Coal Company, the Calgary and Edmonton Railway Company, the Alberta Railway and Coal Company, the Red Deer Valley Railway and Coal Company or the Great Falls and Canada 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 any such company [or may acquire any such company by lease, purchase or otherwise], 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 two-thirds in value of the stock are present in person or represented by proxy, and that it has also been approved by the Governor in Council.

Approval of the shareholders and of the Governor in Council.

Notice of applicotion for approval.

2. Such approval shall not be signified until after the 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 hereby incorporated runs and in which a newspaper is published.

Irrigation powers.

**10.** [The Company shall have and exercise all the rights, powers and privileges as an irrigation company which could be obtained by any incorporated company under the provisions of *The North-West Irrigation Act*, and may acquire by purchase or otherwise, land for the purposes of irrigation, and lease, sell or otherwise dispose of such lands.]

1894, c. 30.

Corporation of Calgary may acquire rights of company.

**11.** [The Corporation of the city of Calgary may take over by gift or purchase all the right and franchise of this Company or of the Alberta Southern Railway Company and deal with such franchises or either of them in the same manner and to the same extent as if they had remained the property of the incorporators or stockholders thereof.]

No. 73.

5th Session, 7th Parliament, 58 Victoria, 1

BILL.

An Act to incorporate the Calgary & Lethbridge Railway and Irrigat Company.

Received and read a first time, Friday, 1 May, 1895.
Second reading, Monday, 13th May, 1895

(PRIVATE BILL.)

Mr. DAVIS

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 74.] **BILL.** [1895.

An Act further to amend the Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.

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

**1.** Section five of the *Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels*, chapter ninety-six of the Revised Statutes, as amended by chapter forty-two of the statutes of 1891, and by chapter eighteen of the statutes of 1892, is hereby amended by adding the following subsection thereto:— R.S.C., c. 96, s. 5 amended.

"2. The Minister of Marine and Fisheries, whenever he deems it expedient to cause enquiry to be made into and concerning any matter connected with the said grant or the payment thereof, may direct any fishery officer to enquire into and concerning such matter; and such fishery officer shall have all the powers and authority of a commissioner appointed under the provisions of the *Act respecting the making of certain investigations under oath*, chapter one hundred and fifteen of the Revised Statutes, and the provisions of the said last mentioned Act, in so far as they are applicable, shall apply to the enquiry held by such peace officer." Fishery officer may be appointed to hold enquiry. His powers. R.S.C., c. 115.

No. 74.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.

Received and read a first time, Friday, 10th May, 1895.
Second reading, Monday, 13th May, 1895.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

N° 75.] **BILL.** [1895.

An Act to revive and amend the Act respecting the Lake Manitoba Railway and Canal Company.

Preamble.

WHEREAS the several persons incorporated under the name of the Lake Manitoba Railway and Canal 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:—

1889, c. 57; 1890, c. 79; 1892, c. 41.

Chapter 41 of 1892 revived and time for expenditure of 15 p.c. of capital stock and for completion of railway extended.

**1.** Subject to the provisions of this Act, the Act respecting the Lake Manitoba Railway and Canal Company, being chapter forty-one of the Statutes of 1892, is hereby revived and declared to be in force, and the time limited for the expenditure of fifteen per cent of the amount of the capital stock required by section eighty-nine of *The Railway Act* is hereby extended for the period of three years from the passing of this Act; and if such expenditure is not so made, and if the railway is not completed within five years from the passing of this Act, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Location of railway.

**2.** The Company may, at its option, and in addition to the powers contained in the said Act, begin its said railway from a point at or near Arden, on the line of the Manitoba and North-Western Railway, and may also extend the said railway from a point at or near lake Dauphin to a point at or near Swan lake.

N° 75.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to revive and amend the Act respecting the Lake Manitoba Railway and Canal Company.

Received and read a first, Monday, 13th May, 1895.
Second reading, Tuesday, 14th May, 1895.

(PRIVATE BILL.)

Mr. NORTHRUP.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 76.] **BILL.** [1895.

An Act in further amendment of the Dominion Elections Act.

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

R.S.C., c. 8, s. 46 repealed.

**1.** The section substituted by section four of chapter thirteen of the statutes of 1894 for section forty-six of *The Dominion Elections Act*, chapter eight of the Revised Statutes, is hereby repealed and the following substituted therefor:—

Mode of voting and marking ballots, &c.

"**46.** The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross or crosses with a pencil on the white circular space or spaces opposite to the name or names of the candidate or candidates for whom he intends to vote, and shall then fold up such ballot paper so that the initials on the back can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials and the number upon the counterfoil that it is the same which he furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box."

No. 76.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act in further amendment of the Dominion Elections Act.

Received and read a first time, Monday, 13th May, 1895.
Second reading, Tuesday, 14th May, 1895.

Mr. DAVIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 77] **BILL.** [1895.

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

WHEREAS a petition has been presented praying that chapter one hundred and four of the Statutes of 1894 incorporating the St. Clair and Erie Ship Canal 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. 1894, c. 104.

**1.** Section twenty-two of chapter one hundred and four of the Statutes of 1894, being the Act of incorporation of the said Company, is hereby amended by striking out the words "five million dollars" in the third line of the said section, and by substituting therefor the words "eight million dollars." Section 22, c. 104 of 1894 amended.

No. 77.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

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

Received and read a first time, Tuesday, 14th May, 1895.
Second reading, Wednesday, 15th May, 1895.

(PRIVATE BILL.)

Mr. TISDALE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 78.] **BILL.** [1895.

An Act to incorporate "The Permanent Reserve Life Association of Canada."

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed for an Act to incorporate them as an association for the purposes and with the 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.** Henry Betts Taylor, Lyman Theophilus Barclay, Francis Rae, M. D., Thomas C. Irving, Charles Taylor, Lt-Col. Melville D. Dawson, George A. Ross, Robert Mathison, and Jeremiah H. Long, together with such persons as become members of the Association hereby incorporated, are hereby constituted a body corporate under the name of "The Permanent Reserve Life Association of Canada", hereinafter called "the Association."

Corporate name.

Objects of Association.

**2.** The objects of the Association are to unite its members for their mutual benefit and financial support; and by means of assessments upon, dues, donations or other payments by its members, to make provision for assisting widows and orphans of deceased members, and for securing pecuniary benefits to widows, heirs and beneficiaries of deceased members; and generally to transact the business of life insurance on the assessment system exclusively upon the lives of its members; and the Association may make assessments upon its members from time to time for such amounts and in such manner as the by-laws determine for all or any of the said purposes, and may also by by-laws provide conditions upon which, in case of non-payment of any assessments or dues by any member, his membership shall cease and he shall have no claim upon the property or assets of the Association.

Powers of Association.

**3.** The Association may effect contracts of insurance throughout Canada and elsewhere and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of the Association.

Certificates of membership and policies of insurance.

**4.** The Association may issue certificates of membership and may issue policies of insurance upon the lives of its members, but shall not issue any policy of insurance until it has received at least five hundred applications for membership, calling for an amount of insurance not less than five hundred thousand dollars.

Provisional directors.

**5.** The nine persons named in the first section of this Act shall be provisional directors for the organization of the Association, and shall elect a provisional president from among themselves, and they shall hold office until the meeting of the Association provided for in the next ensuing section.

First meeting of Association.

**6.** Within sixty days from the passing of this Act, a meeting of the members of the Association shall be called to elect directors, all of whom shall be members of the Association, and to make by-laws governing the election of directors, and the appointment of officers, and prescribing and defining their duties and powers, regulating the admission of new members, the amount and the time and the manner of payments of assessments, dues and other payments by members, and fixing the date of the annual general meeting, and such other by-laws as are proper and necessary.

Head office.

**7.** Until otherwise determined by the directors, the head office of the Association shall be in the town of Whitby 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.

Annual general meeting.

**8.** An annual general meeting of the Association shall be held at the head office of the Association on such date as is fixed by by-law, at which meeting a statement of the affairs of the Association shall be submitted.

Investment of funds.

**9.** The Association may invest its funds in the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of the policies of the Association, or on the security of any of the said debentures, bonds, stocks, securities or policies, or on the security of paid-up shares of any building society, loan or investment company and whether such debentures, bonds, stocks, securities, policies or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Association or to any officer of the Association or other person in trust for the Association 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 Association, or in the name of trustees as aforesaid for the Association, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Association on the security of any of such classes of property above referred to.

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

Reserve fund.

**10.** The Association shall by its by-laws provide for the accumulation and the management and control of a reserve Fund which shall not be less than the proceeds of one mortuary assessment on all certificates or policy holders thereof.

Power to hold real estate.

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

Proviso: real estate to be sold within seven years.

R.S.C., c. 124.

**12.** This Act, and the Association hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in *The Insurance Act*, and any Act amending the same.

R.S.C., c. 118.

**13.** Notwithstanding anything contained in *The Companies Clauses Act*, sections seven, eleven (except paragraphs *c* and *e* thereof) twelve, thirteen (except paragraphs *a*, *b* and *c* thereof), fourteen and thirty-five of the said Act, shall extend and apply to the Association and shall form part of this Act in so far as they are not inconsistent with any of the provisions hereinbefore contained.

No. 78.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Permanent Reserve Life Association of Canada.

Received and read a first time, Tuesday, 14th May, 1895.
Second reading, Wednesday, 15th May, 1895.

PRIVATE BILL.

Mr. Edgar.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 79] **BILL.** [1895.

An Act to incorporate Gilmour and Hughson, Limited.

WHEREAS John Gilmour and Ward C. Hughson, both of the city of Ottawa, in the province of Ontario, lumber merchants, and Nelson H. Salisbury, Frank C. Hughson and John C. Hughson, all of the city of Albany, in the state of New York, one of the United States, lumber merchants, have by their petition represented that they are desirous of becoming incorporated under the name of "Gilmour and Hughson, Limited," and have prayed that an Act be passed for that purpose; 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.** The said John Gilmour, Ward C. Hughson, Nelson H. Salisbury, Frank C. Hughson and John C. Hughson, and such other persons as hereafter become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of "Gilmour and Hughson, Limited," hereinafter called "the Company." Incorporation. Corporate name.

**2.** The Company may— General powers.

(*a.*) Carry on throughout Canada and elsewhere the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and all other business incident thereto or connected therewith, 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, paper and other products from wood or wood materials; and also of bricks of every material, and also of woollen and cotton goods and fabrics; 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, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, moveable and immoveable, and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose 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;

(*b.*) Purchase or otherwise acquire and work mines, mineral and mining rights, lands, hereditaments and chattels in Canada,

and may crush, smelt, reduce and amalgamate the ore, to render marketable the produce and to develop the resources of such mines, and to crush, smelt, reduce and amalgamate the produce of any mines, whether belonging to the said Company or not ;

(*c.*) 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 ;

(*d.*) 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 ;

(*e.*) Also construct, erect, maintain and operate, plant, machinery, houses, buildings and other works for the generation and production of electricity, for the purpose of lighting and heating the mills, buildings, platforms, docks and other works and property of the Company, and for the purpose of operating the machinery, tramcars and plant of the Company, and for the production, sale and distribution of electricity for light, heat and power ;

(*f.*) 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 thinks fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company.

Limitation as to real estate.

2. 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.

Power to purchase business of Gilmour and Hughson.

**3.** The Company may also purchase, take over, or otherwise acquire all or any of the businesses now being carried on by the firm of Gilmour and Hughson, at the city of Hull, in the province of Quebec and elsewhere, and the whole or any of the good will, stock in trade, assets and property, real and personal, moveable and immoveable, of the said firm of Gilmour and Hughson, 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 firm of Gilmour and Hughson, and also the obligations affecting the assets and property so purchased or acquired from them.

Shares in boom or river improvement 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.

**5.** The Company may take, accept, indorse 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. Promissory notes, &c. Proviso.

**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. Borrowing powers.

**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 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, hypothec, pledge or charge upon such of the property and assets of the Company as are described in the mortgage deed, hypothec, pledge or charge; and such mortgage deed, hypothec, pledge or charge may give to the holders of the said debentures, or the trustee or trustees for such holders named in such mortgage deed, hypothec, pledge or charge, such powers, powers of sale, rights and remedies as are specified in such mortgage deed, hypothec, pledge or charge. Bonding powers. Proviso: Amount of bonds limited.

**8.** The capital stock of the Company shall be two hundred thousand dollars divided into shares of one hundred dollars each. Capital stock.

**9.** John Gilmour, Ward C. Hughson, Nelson H. Salisbury, and Frank C. Hughson, shall be the first or provisional directors of the Company, and shall hold office as such until re-placed 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 city of Ottawa, at Provisional directors. R.S.C., c. 118.

Proviso: Notice of meetings of directors.

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.

Quorum.

A majority of the provisional directors shall form a quorum.

First meeting of shareholders.

**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 city of Ottawa 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.

Notice.

Effect of vacancies among directors.

**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.

Calls.

**12.** A call shall be deemed to have been duly made at the time when the resolution of the directors authorizing such call was passed.

Head office.

**13.** The head office of the Company shall be at the city of Ottawa, and 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 the province of Ontario shall be at the city of Ottawa aforesaid.

R.S.C., c. 118.

**14.** *The Companies Clauses Act*, except section eighteen thereof, and except so far as inconsistent with the express provisions of this Act, shall be deemed to be incorporated herewith.

No. 79.

5th Session, 7th Parliament, 58 Victoria

BILL.

An Act to incorporate "Gilmour Hughson, Limited."

Received and read a first time, Tuesday, May, 1895.
Second reading, Wednesday, 15th May,

(PRIVATE BILL.)

MR. EDWARD

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 80 ] **BILL.** [1895.

# An Act to incorporate the Lindsay, Haliburton and Mattawa Railway Company.

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.** James Mortimer, Wm. Gainer, J. W. Watson, and Michael Brown, all of the village of Minden, in the provisional county of Haliburton, in the province of Ontario ; William McArthur, John H. Brandon, and Frank Sandford, all of the village of Fenelon Falls ; John H. Harvey and M. O. Revell, both of the village of Coboconk ; John Dobson, Sam. Hughes and Robert Bryans, all of the town of Lindsay, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Lindsay, Haliburton and Mattawa Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

**2.** The head office of the Company shall be in the town of Lindsay, in the county of Victoria, province of Ontario.

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 village of Gelert, or the village of Haliburton, on the Midland division of the Grand Trunk Railway, to a point at or near the village of Mattawa, in the district of Nipissing, crossing the streams forming the Madawaska and Petawawa rivers, and near Great Opeongo Lake, with a branch line starting from or near the aforesaid village of Gelert towards the village of Minden, and onwards *via* the village of Dorset or Colebridge, to a point at or near the village of Huntsville in Muskoka, ; and with another branch from the main line at or near Great Opeongo Lake to the Ottawa River at a point between Deux Rivières and Rockliffe, in the county of Renfrew.

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.

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

Annual general meeting.

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

Number of directors.

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

Amount of bonds, &c., limited.

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

Agreements with another company.

**9.** The Company may enter into an agreement with the Grand Trunk Railway Company of Canada 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:

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

No. 80.

5th Session, 7th Parliament, 58 Victori

BILL.

An Act to incorporate the Lindsay, burton and Mattawa Railway Comp

Received and read a first time, Tuesda May, 1895.
Second reading, Wednesday, 15th May

(PRIVATE BILL.)

MR. HUG

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majes
1895

No. 81] **BILL.** [1895.

An Act to incorporate the Ontario Accident Insurance Company.

Preamble.

WHEREAS the persons hereinafter mentioned have by their petition prayed to be incorporated as a company for the purpose of carrying on the business of accident insurance in all its branches 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.** Larratt W. Smith, Goldwin Smith, Arthur Lionel Eastmure, I. N. Shenstone, William Henry Pearson, J. Herbert Mason, William R. Brock, William Davies, James Frederick Smith, Francis J. Lightbourn, Robert Edward Colborne Jarvis, Edmund T. Lightbourn and John Greer, all of the city of Toronto ; R. Shaw Wood, of the city of London ; J. H. Brock, of the city of Winnipeg ; Edward L. Bond, of the city of Montreal ; John H. Tildon, of the city of Hamilton ; Thomas E. Kenny, of the city of Halifax, M.P. ; the Honourable Andrew G. Blair, of the city of St. John, New Brunswick, and John J. Banfield, of the city of Vancouver, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body politic and corporate under the name of "The Ontario Accident Insurance Company," hereinafter called "the Company."

Corporate name.

Head office and branch offices.

**2.** The head office of the Company shall be in the city of Toronto, in the province of Ontario, and branches, sub-boards or agencies may be established and maintained either within Canada or elsewhere in such manner as the directors from time to time appoint.

Capital stock.

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

Capital stock may be increased.

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

Provisional directors.

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

Quorum.

majority 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, 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 whatever is necessary to organize the Company.

Proxies.

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

Powers and business of corporation.

**5.** The Company may make and effect contracts of insurance with any persons against all accidents or casualities of whatsoever nature or from whatsoever cause arising to individuals, whereby the insured may suffer loss or injury or be disabled, or in case of death from any accident or casuality secure to the representative of the person assured the payment of a certain sum of money,upon such terms and conditions as are agreed upon, and in like manner may also make and effect contracts of indemnity with any persons against claims and demands of the workmen and employees of such persons, or of the legal representatives of such workmen and employees, in respect to accidents or casualities of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses.

First meeting of shareholders.

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

Directors.

Toronto, at which 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 directors.

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

Amount of stock to be held by one person, limited.

**7.** The largest amount of stock which any person shall hold in the Company at any one time shall be two hundred shares: Provided that the directors may at any time by by-law provide that any person may hold such greater number of shares of the capital stock as is provided in such by-law; but such by-law shall have no effect until it has been submitted to and confirmed by two-thirds in value of the shareholders present or representd at a special general meeting of the shareholders duly called for that purpose.

Payment of capital stock.

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

such subsequent instalment shall be given: Provided that the Company shall not commence the business of insurance until at least twenty-five thousand dollars of capital stock have been paid in cash into the funds of the Campany, 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. Proviso.

**9.** The affairs of the Company shall be managed by a board of not less than seven nor more than twenty directors, of whom a majority, resident in Toronto, shall form a quorum. Number and quorum of directors.

**10.** A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business at its head office; and at such meeting a statement of the affairs of the Company shall be submitted; and special general or extraordinary meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting. Annual general meetings. Special general meetings.

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

**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 security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionnally 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 a 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 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 judgments recovered against any person, or in security for the payment thereof or of any part thereof. Conditions of loans.

Additional security.

3. The Company may also take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is 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.

Real estate.

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

Proviso.

R.S.C., c. 124.

**14.** 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. 118.

**15.** *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.

No. 81.

5th Session, 7th Parliament, 58 Victoria,

BILL.

An Act to incorporate the Ontario Accident Insurance Company.

Received and read a first time, Tuesday, May, 1895.
Second reading, Wednesday, 15th May,

(PRIVATE BILL.)

MR. MONCRIEF

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 82.] **BILL.** [1895.

# An Act respecting the Kingston and Pembroke Railway Company.

Preamble.

WHEREAS the Kingston and Pembroke Railway Company, hereinafter called "the Company," has by its petition prayed for certain amendments, as hereinafter set forth, to the Acts relating 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:—

1871, c. 49; 1879, c. 61; 1883, c. 64; 1884, c. 59; 1889, c. 77; 1889, c. 78.

Time for completion of railway and branches extended.

**1.** The time for the completion of the said railway and the branches authorized by the said Acts is hereby extended for the period of ten years from the passing of this Act; and if the railway and branches are not then completed, then the powers granted by the Acts relating to the Company and this Act shall cease and be null and void as respects so much of the railway and branches as then remains uncompleted.

Agreement with anothor company.

Sanction of shareholders and of the Governor in Council.

**2.** The Company may enter into an agreement with any railway company for selling, 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, or under any agreement or contract or otherwise howsoever, as also the surveys, plans, works, plant, material, machinery, lands and other property to it belonging, or for an amalgamation with such company on such terms and conditions and subject to such restrictions as to the directors seem fit; and may sell, convey or lease according to such agreement, provided the 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 one half 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.

Redemption of first preference bonds already issued.

1879, c. 61.

**3.** The Company may with the consent of two thirds of the shareholders and upon receiving the written consent of the holders of two thirds of its preference bonds or debentures heretofore issued, pursuant to the powers contained in chapter sixty-one of the statutes of 1879, call in all its first preference bonds or debentures so issued, and redeem the same by giving to the holders of the said bonds or debentures in lieu thereof and of the interest due thereon, bonds, debentures or other securities bearing interest at the rate of four per cent per annum; and the Company is hereby authorized to issue bonds to the extent

New issue of first preference bonds.

of ten thousand dollars per mile of their railway and branches, including sidings at the time of such issue, including so much as is constructed or under contract to be constructed; such new issue of bonds and debentures to be first preference bonds and debentures to be first used for redeeming the said first preference bonds and debentures already issued and dated, the first day of January A. D. 1882, the balance for the general purposes of the Company: Provided that nothing herein contained shall be taken in any way to limit the power of the Company to issue second preference bonds as provided by chapter sixty-one of the statutes of 1879.

Proviso: Company's right to issue second preference bonds not affected.

1888, c. 29, ss. 93-97 to apply to issue of bonds.

2. Sections ninety-three to ninety-seven, inclusive of *The Railway Act* shall apply to the bonds, debentures or other securities to be issued in lieu of those issued, as well as to the other bonds, debentures or other securities hereby authorized.

Interest on redeemed bonds shall cease.

3. The Company so soon as it has received the consent aforesaid shall give notice of the same in the manner provided by the Act of incorporation for giving notice of meetings, and thereafter all interest on the said first preference bonds or debentures already issued by the Company shall cease, and no action shall be brought by the holders thereof against the Company save to obtain the bonds or debentures hereby authorized to be issued in lieu thereof.

Interest on bonds how paid.

**4.** Any interest payable to the holders of the said first preference bonds or debentures, that cannot be paid by debentures or other securities hereby authorized to be issued, shall be paid in lawful money of Canada to the said holders by the Company at the time of the exchange of such bonds or debentures.

Capital stock reduced.

**5.** The ordinary capital stock of the Company is hereby reduced from the sum of five million dollars to the sum of one million dollars, divided into shares of ten dollars each.

Issue of preference stock.

**6.** The directors of the Company under the authority of the shareholders to them given at any annual meeting or at any special meeting specially called for the purpose, at which meeting shareholders representing at least two thirds in value of the capital stock of the Company are present in person or represented by proxy, may, in addition to the stock already issued, issue preference stock to the amount of one million dollars in shares of ten dollars each, entitling the holders thereof, in priority to all other shareholders, to a non-cumulative dividend, payable thereon at such rate not exceeding five per cent per annum as the directors think fit, out of the net earnings of the Company, after the interest on all outstanding first preference bonds or debentures is paid, and such preference stock shall be first offered *prorata* to the holders of the ordinary stock on such terms as are authorized as aforesaid.

Said stock may be issued in payment of debts of company.

2. Such stock may be issued to any bondholder accepting the same in payment of any claim for principal or interest on any of the first mortgage bonds of the Company, or to any creditor in payment of any claim against the Company, and the provisions of section thirty-nine of *The Railway Act* shall apply to such stock, but only with reference to the future construction of the railway.

1889, c. 29, s. 39.

3. The holders of such preference stock shall have the rights privileges and qualifications of holders of ordinary capital stock for voting at meetings of the Company or for being directors. Rights of holders of preference stock.

No. 82.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Kingston and Pembroke Railway Company.

Received and read a first time, Tuesday, 14th May, 1895.
Second reading, Wednesday, 15th May, 1895.

(PRIVATE BILL.)

MR. METCALFE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1894

No. 83.] **BILL.** [1895.

An Act respecting The Eastern Assurance Company of Canada.

WHEREAS the Eastern Assurance Company of Canada has by its petition represented that the further continuance of its business is undesirable and the directors have resolved to dispose of the business and affairs of the Company to the Union Assurance Society of London, England, and an agreement, a copy of which is contained in the schedule hereto, has been entered into between the said Union Assurance Society of London and the said Eastern Assurance Company of Canada; and whereas it appears to be in the interest of the said Eastern Assurance Company of Canada and of the shareholders thereof that the said agreement be carried out and legalised and confirmed, 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. 1888, c. 96.

**1.** The said agreement, a copy of which is contained in the schedule hereto, is hereby approved, ratified and confirmed and declared to be valid and operative as and from the date thereof. Agreement confirmed.

**2.** Upon payment by the Union Assurance Society of London of the sum of one hundred and twenty-five thousand dollars mentioned in said agreement, the said Society or its nominees shall thereupon become the holders of all the shares of the capital stock of the said Eastern Assurance Company of Canada and the said Eastern Assurance Company of Canada may, if the said Union Assurance Society of London or its nominees (the then shareholders of said Eastern Assurance Company of Canada) so decide, continue the business of the said Eastern Assurance Company of Canada. Transfer of affairs of the company to the Union Assurance Society of London.

SCHEDULE.

MEMORANDUM of agreement made and entered into this twenty-sixth day of April in the year of our Lord one thousand eight hundred and ninety-five, between the Eastern Assurance Company of Canada a body corporate and politic whose head office is at Halifax, in the province of Nova Scotia, of the one part and the Union Assurance Society, whose head office is at 81 Cornhill, London, England, of the other part.

Whereas at the regular annual meeting of the said Eastern Assurance Company the following resolution was duly and regularly passed, viz;—

"That the directors be and are hereby authorised in their "discretion to apply to the Dominion Parliament for amend-

" ments to the charter or Act of Incorporation of the Eastern " Assurance Company of Canada, reducing its authorised and " subscribed capital from one million dollars to five hundred " thousand dollars, and its paid up capital from two hundred " and fifty thousand dollars to two hundred thousand dollars, " with power to carry the amount of such reduction of paid up " capital to a reserve fund.

" Provided, however, should the foregoing legislation be " not obtained, or the further continuation of the business " from any cause be deemed undesirable, the directors are " hereby authorized to dispose of the business and affairs of " this Company in such manner as they may deem to be in " the best interest of its shareholders."

And whereas owing to serious losses the further continuance of the business is deemed undesirable by the directors of the said Eastern Assurance Company, and the directors have resolved to dispose of the business and affairs of the Company to the said Union Assurance Society.

Now therefore it is mutually agreed as follows :—

1st. The said Union Assurance Society agrees to, and does hereby, reinsure all risks of the said Eastern Assurance Company outstanding at noon standard time on the day of the date hereof under policies, interim receipts, certificates or other contracts against loss or damage by fire and or lightning upon property wheresoever situate in the Dominion of Canada, or the Colony of Newfoundland heretofore issued by said Eastern Assurance Company it being understood and agreed that said Union Assurance Society shall have the benefit of all the policies or contracts of reinsurance in favor of the said Eastern Assurance Company upon risks covered by the said policies. And the Eastern Assurance Company and its agents shall cease writing within fifteen days from the date of the signing of this agreement, unless otherwise directed the Union Assurance Society as provided by clause 13 hereof, and the Union Assurance Society shall be liable for all risks so taken and shall be entitled to the premiums payable therefor.

2nd. Notices and proofs of loss and all other notices required to be given or which the insured under any policy of the said Eastern Assurance Company has the right to give may be served upon the said Union Assurance Society and such notice shall have the same force and effect as if made upon the said Eastern Assurance Company or an agent duly authorised by it and the said Union Assurance Society may also in the name of the said Eastern Assurance Company give any notice under any policy now outstanding which the Eastern Assurance Company would be entitled to give if this agreement had not been made.

3rd. The said Union Assurance Society is also authorised and hereby expressly agrees at its own expense to adjust all claims for loss or damage under the policies so reinsured by it and that after any such loss or damage shall have been adjusted it will within the period required by the policy pay the same to the insured thereunder and assume all liabilities resting upon said Eastern Assurance Company by virtue of such policies and each and every of them.

4th. In case any claims made under any policy of the said Eastern Assurance Company shall be disputed and an action

shall be brought against the said Eastern Assurance Company by the claimant notice of such action shall be promptly given to the said Union Assurance Society and that Society shall be entitled to defend the said action in the name of the said Eastern Assurance Company but shall be liable for all the costs of such defense and shall be entitled to any costs which may be awarded in favor of the said Eastern Assurance Company in such action. In case such action should result in a judgment in favour of the claimant the said Union Assurance Society agrees to indemnify and save harmless the said Eastern Assurance Company against any loss on account of such judgment.

5th. In case the said Union Assurance Society shall avail itself of the privileges of cancelling any policy of the said Eastern Assurance Company the said Union Assurance Society shall pay the amount of return premium required and it shall also pay the return premium in case any such policy shall be cancelled by the holder thereof; and the consideration payable under this agreement as reinsurance premium shall not be affected by such cancellation.

6th. The said Union Assurance Society also agrees to assume and does hereby assume and agree to pay, settle or adjust and satisfy each and every claim liability and obligation of every nature and kind whatsoever of the said Eastern Assurance Company mentioned in the schedule hereto annexed marked "A" and to indemnify and save harmless the said Eastern Assurance Company against each and every such claim liability and obligation.

7th. The said Eastern Assurance Company hereby assigns, transfers and conveys to said Union Assurance Society all its assets, business, good will and property of every nature and kind whatsoever (except the securities enumerated in the schedule hereto annexed marked "B")

8th. The said Union Assurance Society shall pay to the said Eastern Assurance Company on or before the 30th day of June A.D. 1895, the sum of one hundred and twenty-five thousand dollars with interest thereon from the date hereof at the rate of 4 per 100 per annum.

9th. Upon payment of the said sum of one hundred and twenty-five thousand dollars and interest as aforesaid on or before the said 30th day of June A.D. 1895 the said Eastern Assurance Company agrees to assign, convey and make over to said Union Assurance Society the said securities mentioned in said schedule "B" and in the meantime and until such payment they shall be held by said Eastern Assurance Company as security for such payment.

10th. If the said Union Assurance Society shall on or before the 30th day of June 1895 request the said Eastern Assurance Company in writing so to do the said Eastern Assurance Company agrees that it will use its best endeavors to secure from each and every of the shareholders of said Company proper and legal transfers of the shares of the capital stock of said company held by them respectively to said Union Assurance Society or its nominees or appointees.

11th. It is further agreed that the paragraphs hereof numbered 6th, 7th, 8th, 9th and 10th shall not take effect unless and until the Eastern Assurance Company shall on or before

the 30th day of June 1895 secure an Act of Parliament legalising this agreement or the said Company shall obtain the consent and concurrence in writing of all the shareholders of said Company thereto to the satisfaction of the Union Assurance Society or an assignment and transfer of all of the shares of the capital stock of said Company to Honourable H. H. Fuller upon trust to be conveyed to said Union Assurance Society or their nominee or nominees when the payment provided for by the 8th paragraph hereof shall be made by the said Union Assurance Society to said Eastern Assurance Company, and upon the happening of such events or any of them the said clauses take effect as of the date of this agreement.

12th. There shall be paid in cash by the Eastern Assurance Company the sum of twenty-five thousand dollars on account of premium for the reinsurance mentioned in clauses one to five hereof both inclusive, and if the said Eastern Assurance Company shall not obtain the legislation or the consent and concurrence in writing of all the shareholders of said Company, or an assignment and transfer of all the shares of the capital stock of said Company to the Hon. H. H. Fuller, as provided by the last preceding paragraph on or before the 30th day of June, A.D. 1895, then the said Eastern Assurance Company will on that date pay to the said Union Assurance Society as a consideration or premium for the reinsurance referred to in the paragraphs hereof numbered from first to fifth, both inclusive, a sum to be computed and ascertained as follows;—namely, —the *pro rata* unearned premium of the unexpired term on each policy reinsured shall be computed and ascertained and from the aggregate of such *pro rata* of unearned premiums there shall be deducted the *pro rata* of unearned premiums on policies on contracts of reinsurance reinsuring the said Eastern Assurance Company in respect to such policies and from the balance there shall be deducted a rebate or commission of fifteen per cent, and the net balance remaining after deducting such commission shall be the premium for reinsurance, and it shall be paid over to the said Union Assurance Society on the 29th day of June, A.D. 1895, less the sum of twenty-five thousand dollars hereinbefore mentioned as paid on account thereof.

In case; for any reason, payment shall not be made on the day above specified, interest on the amount at the rate of four per cent per annum shall be computed up to the date of payment.

In case any payment shall be anticipated by the said Eastern Assurance Company, it shall be entitled to a rebate or discount at the same rate from the date of the actual payment up to the time when the payment would be obligatory.

13th. In case clauses six to ten hereof, both inclusive, become operative as hereinbefore provided, then it is understood and agreed that the Eastern Assurance Company shall receive credit for the payment of twenty-five thousand dollars made under the provisions of clause twelve hereof in the transfer of assets to the said Union Assurance Society.

14th. The said Eastern Assurance Company agrees that the business of said Company shall be continued until the 30th day of June, A.D. 1895, on behalf of and at the costs, risk and expense of said Union Assurance Society and under the direction of said Union Assurance Society.

15th. The Union Assurance Society further agrees that if only clauses numbered from one to five, both inclusive, are brought into force, that it will deposit and keep on deposit at Ottawa at its own cost and expense and out of its own funds such amount as shall be found necessary under the provisions of the "Insurance Act" in connection with the said Assurance so transferred. And if the said clauses numbered from six to ten, both inclusive, are brought into force, then the said Union Assurance Society will deposit and keep on deposit at Ottawa at its own cost and expense and out of its own funds such amount as shall be found necessary under the provisions of the "Insurance Act" in connection with the said business and liabilities so to be transferred thereby.

In Testimony Whereof the said Eastern Assurance Company has caused these presents to be executed by the Hon. Hyacinthe H. Fuller, the president, and Charles C. Hole, the secretary of the said Company, and the corporate seal thereof to be hereto affixed. And the said Union Assurance Society has caused these presents to be executed in its name and on its behalf by Thomas L. Morrissey, its attorney and resident manager in Canada, duly authorized in that behalf.

H. H. FULLER, *President*,
CHARLES C. HOLE, *Secretary*.

Union Assurance Society of London, by
T. L. MORRISSEY,
*Attorney and Resident Manager for Canada.*

Signed, sealed and delivered in the presence of }

CHARLES D. CORY.

[Seal of the Eastern Assurance Company of Canada.]

SCHEDULE "A" referred to in agreement dated 26th day of April, A.D. 1895, between the Eastern Assurance Company of Canada and the Union Assurance Society of London.

| | |
|---|---|
| Overdrawn account at Bank of Nova Scotia, Halifax and accrued interest | $ 26,359 69 |
| Outstanding losses as per schedule attached hereto marked No. 1 | 30,044 90 |
| Amount estimated to cancel risks not reinsured by Union Assurance Society | 12,570 65 |
| All other liabilities including among other things, the following, viz., salaries, rents and all other expenses now due or which may become due or be incurred at the head office and Montreal Branch or any other branch or agency of the Eastern Assurance Company of Canada, premiums due other Companies for reinsurance, salvage due other Companies, taxes, underwriters, Associations, fees, or assessments, advertising, legal and adjustment expenses, subscriptions to newspapers, journals, Fire Record, and commercial agencies, cost of legislation on amendment to charter, | |

postages, telegraphing, telephone rents, such amount over and above the $12,570.65 hereinbefore mentioned, as may be paid for the covering by reinsurance of outstanding risks of the Ætna Insurance Company of Hartford, (reinsured by said Eastern Assurance Company) from the date of this agreement. The whole, however, not to exceed the sum of.... 10,630 26

$79,605 50

(L.S.) ROBT. E. HARRIS, *Notary Public.*
Nova Scotia.

Schedule No. 1 to Schedule "A".

OUTSTANDING Losses Eastern Assurance Company at noon April 26th, 1895.

| Agency. | Loss No. | No. of Policy or entry. | Name of Assured. | Loss Estimated at. |
|---|---|---|---|---|
| 1893. | | | | |
| General | 241 | 6377 | J. A. Wakefield | $ 500 00 |
| do | 242 | 7108 | do | 750 00 |
| Atlanta | 375 | 1689 | J. A. Redding | 500 00 |
| Pacific | 477 | 919 | Metz & Co | 1,250 00 |
| 1894. | | | | |
| General | 9 | 8329 | H. McShane Mfg Co | 950 00 |
| Atlanta | 80 | 4298 | Francis M. Way | 1,000 00 |
| Dallas | 119 | 13 | Lewis Bailie & Co | 200 00 |
| New York | 301 | 4586 | Louis Gordon | 1,000 00 |
| Mountain | 306 | 256 | Rosebud Mfg. & Millg. Co | 1,300 00 |
| Chicago | 348 | 1067 | G. W. Hoffman | 1 50 |
| Milwaukee | 357 | 3854 | Sioux City Pkg. Co | 12 00 |
| New York | 403 | 6087 | 42nd & Grand St. Ferry R. R. Co | 125 00 |
| General | 411 | 13800 | Fahnley & McCrae | 113 00 |
| 1895. | | | | |
| Chicago | 4 | 1432 | McVicar Theatre Co | 48 00 |
| General | 5 | 12868 | C. B. Woodworth Sons Co | 54 00 |
| New York | 6 | 4448 | Est. Mayer Schulze | 12 50 |
| General | 9 | 1148 | Edward Malley | 24 34 |
| Dallas | 11 | 44 | W. B. Hewitt | 200 00 |
| General | 13 | 6420 | Daniel P. Erwin | 500 00 |
| New York | 14 | 1372 | Susan R. Lawton | 217 41 |
| General | 15 | 13304 | Ray & Co | 833 33 |
| do | 17 | 13298 | Sheridan Brick wks | 333 33 |
| Chicago | 19 | 1404 | Ed. Hart | 37 50 |
| General | 20 | 8664 | Ed. Mallinckrodt | 90 76 |
| Atlanta | 23 | 2894 | B. W. Canady | 1,000 00 |
| Milwaukee | 24 | 2236 | Sisters of St. Francis | 84 00 |
| Chicago | 25 | 1448 | Western Electric Co | 1 14 |
| New York | 26 | 5773 | Est. W. C. Rhinelander | 30 00 |
| General | 27 | 13050 | Louis Frich | 73 68 |
| do | 28 | 13678 | Kratvchvill Millg Co | 95 |
| do | 29 | 13707 | Atwater Millg Co | 50 00 |
| New York | 30 | 4202 | Thos. Mott | 500 00 |
| do | 31 | 1726 | Rector, &c., Grace Church | 60 00 |
| Manitoba | | 18214 | J. H. Beck | 150 00 |
| Toronto | | 11658<br>1259 | Western (Hart. R. & Co.) | 1,500 00 |
| St. John | 129, 94 | 2197, 315 | Miller Bros | 1,600 00 |
| Ætna Ins. Co. | 23 | 4144 | Mrs. V. E. Hawley | 44 00 |
| Manitoba | 27 | 31298 | James Bell | 1,500 00 |
| Halifax | 50 & 51 | 3099 & 3233, 768 & 851 | N. S. Power Co | 648 54 |

## Schedule No. 1 to Schedule "A."—*Concluded.*

OUTSTANDING Losses Eastern Assurance Company at noon April 26th, 1895.

| Agency. | Loss No. | No. of Policy or entry. | Name of Assured. | Loss Estimated at. |
|---|---|---|---|---|
| 1895. | | | | $ cts. |
| Manitoba | 54 | 31098 | Dalton & Co | 1,000 00 |
| Toronto | 59 | 10381 / 1312 | R. Simpson | 2,500 00 |
| do | 61 | 12109 | do | all reinsured |
| Manitoba | 63 | 31071 | Presbyterian Church, Glenboro' | 1,000 00 |
| Montreal | 65 | 24244 | Mrs. M. Clement | 12 00 |
| C. P. R. Schedule | 75 | 26259 | Western Assce Co. | 31 25 |
| do do | 75½ | 26255 | do do | 6 83 |
| Manitoba | 78 | 31158 | J. F. Caldwell | 566 93 |
| do | 84 | 31126 | Wright, Garland & Co | 18 00 |
| C.P.R. Schedule | 89 | 26259 | Western Assce Co. | 12 50 |
| Ontario Genl | 90 | 32399 | W. R. Tudhope | 60 00 |
| do do | 91 | 8937, 2758 | Janet Fairbairn | 1,000 00 |
| Moncton | 92 | 18827, 505 | Mrs. Mary O'Leary | 200 00 |
| Manitoba | 93 | 15474 | School Dist. No. 1 | 2,000 00 |
| St. John | 94 | 24489, 413 | A. Cushing & Co | 1,500 00 |
| Toronto | 95 | 12248 | Western Assurance Co. | 331 00 |
| Ætna | 98 | 3864 | Henry Devonport | 125 00 |
| do | 99 | 4033 | F. E. Cox | 5 00 |
| Moncton | 102 | 21443 | E. O. Steeves | 1,500 00 |
| Montreal | 103 | 24379 | F. Auger | 11 10 |
| | | | | $ 28,990 15 |
| Ont. Genl | 104 | 32234 | P. Gilligan | 999 45 |
| Moncton | 105 | 21663, 431 | T. B. Leblanc | 40 00 |
| do | 106 | 21660, 545 | do | 15 00 |
| | Total. | | | $ 30,044 90 |

(L. S.) Robt. E. Harris, *Notary Public.*
Nova Scotia.

SCHEDULE "B" referred to in agreement dated 26th day of April, A. D. 1895, between the Eastern Assurance Company of Canada and the Union Assurance Society of London.

| Debentures. | Par Value. | Estimated market value. |
|---|---|---|
| | $ | $ |
| Province of Nova Scotia | 50,000 @ 1·04 | 52,000 |
| City of Halifax | 30,000 @ 1·05 | 31,500 |
| Town of Wolfville | 15,000 @ 1·02½ | 15,375 |
| do Dartmouth | 5,000 @ 1·03 | 5,150 |
| do St. John, N. B. | 8,000 @ 1·14 | 8,912 |
| do Guelph | 4,000 @ 1.06 | 4,240 |
| do Galt | 8,000 @ 1·05½ | 8,440 |
| Totals | $120,000 | $ 125,617 |

(L. S.) ROBT. E. HARRIS, *Notary Public.*
Nova Scotia.

I, Robert E. Harris, a Notary Public duly authorized commissioned and sworn, residing and practising at Halifax in the province of Nova Scotia do hereby certify that Charles D. Cory, subscribing witness to the foregoing indenture made oath before me on this first day of May, A.D., 1895, that he was personally present and did see the said Indenture duly executed by the Honourable Hyacinthe H. Fuller, President, and Charles C. Hole, Secretary of the Eastern Assurance Company of Canada, and the corporate seal of the said Company duly affixed, and did also see the same duly executed by the Union Assurance Society of London, by Thomas L. Morrisey, its attorney and resident manager in Canada duly authorised in that behalf.

In testimony whereof I have hereunto set my hand and seal of office this first day of May in the year of our Lord one thousand eight hundred and ninety-five, at Halifax aforesaid.

(L.S.) ROBERT E. HARRIS, *Notary Public.*
Nova Scotia.

No. 83.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act respecting the Eastern Assurance Company of Canada.

Received and read a first time, Wednesday, 15th May, 1895.
Second reading, Friday, 17th May, 1895.

(PRIVATE BILL.)

Mr. FRASER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No 84.] **BILL.** [1895.

An Act to amend the Act incorporating the Supreme Court of the Independent Order of Foresters.

Preamble.

WHEREAS the Supreme Court of the Independent Order of Foresters has by its petition prayed to have its Act of incorporation 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:— 1889, c. 104.

Paragraph (*e*) of s. 1 of c. 104 of 1889 amended.

**1.** Paragraph (*e*) of section one of chapter one hundred and four of the Statutes of 1889, intituled *An Act to incorporate the Supreme Court of the Independent Order of Foresters*, is hereby amended by striking out the word "three" in the fourth line and substituting therefor the word "five."

Section 3 amended.

**2.** Section three of the said Act is hereby amended by striking out the words "paragraphs (*d*) and (*e*)" in the tenth line thereof and substituting therefor "paragraph (*e*)."

Section 6 amended.

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

Investment of surplus funds.

"2. The surplus funds of the Society may also be invested in securities of the United States, or in state securities of any state thereof in which the Independent Order of Foresters has branches duly established, or in securities of the United Kingdom: Provided always, that not more than one-fourth of the said surplus funds shall at any time be so invested either in the United States or in the United Kingdom."

Section 8 amended.

**4.** Section eight of the said Act is hereby amended by inserting after the word "therewith" in the fourth line the words "within Canada."

No. 84.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Act incorporating the Supreme Court of the Independent Order of Foresters.

Received and read a first time, Thursday, 16th May, 1895.
Second reading, Friday. 17th May, 1895.

(PRIVATE BILL.)

Mr. NORTHRUP.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 85.] **BILL.** [1895.

An Act to incorporate the Hamilton and Lake Erie Power Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition represented that they are desirous of being incorporated under the name of *The Hamilton and Lake Erie Power Company*, for the purpose of utilizing a portion of the natural water supply of the Niagara and Welland rivers, with the object of promoting manufacturing industries, and inducing the establishment in Canada of manufacturies and other businesses; and for the purpose aforesaid of building a water course and raceway from some point on the Welland river not nearer than fifteen miles, nor more than thirty miles from its junction with the Niagara river, thence northerly, using the natural watercourses wherever available to some point on Lake Ontario; and for the purpose of building, constructing, equipping maintaining and operating electrical works to be erected on the said water course and raceway for the production of electrical energy in light, heat and power for sale and distribution in the country, towns and cities in the vicinity of the said electrical works; and further that the construction and operation of the said works will be a great advantage to the people of Canada, especially to the country, towns and cities in the vicinity thereof that can be reached therefrom, including the cities of Hamilton and St. Catharines, by supplying the inhabitants thereof and the cities themselves and the electrical and other railways running in reach thereof, with electrical power, light and heat at the lowest possible cost; and whereas the said petitioners have prayed for the incorporation of 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, declares and enacts as follows:—

Incorporation.

**1.** Alexander Manning, Alexander Nelson, Sidney Finlay McKinnon, Henry M. Pellatt, Samuel Clarke Biggs, Edward Æmilius Jarvis, Albert Romaine Lewis, Thomas Home and Peter Ryan, all of the city of Toronto; Frederick Dillabaugh, Alexander Bryson Osborne and Francis Fitzgerald, all of the city of Hamilton; James Kerr Osborne and Edward Field Hebden, both of the said city of Toronto, and the Reverend William James West, of Niagara falls, in the State of New York, together with such persons and corporations as become shareholders in the company hereby incorporated are hereby constituted a body corporate and politic under the name of *The Hamilton and Lake Erie Power Company*, hereinafter called "the Company."

Corporate name.

Provisiona irectors.

**2.** The first ten persons named in in the next preceding section are hereby constituted the first or provisional directors of the Company.

Capital stock.

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

Watercourse may be built by Company.

**4.** The Company may construct, equip, maintain and operate a watercourse and raceway from some point on the Welland River not nearer than fifteen miles, nor more than thirty miles from its junction with the Niagara River, northerly, to a point on the Jordan River, thence to Lake Ontario; and also from a point on the said watercourse and raceway to the Twelve Mile Creek, thence following the said creek to Lake Ontario; and also may construct, equip, maintain and operate all such works, dams, and wing-dams, docks, sluices and conduits, and accessories and buildings as are necessary to give full effect to the intent of this Act, with power to dredge, deepen and widen the said Welland River from its mouth to the point of intersection with the said water course and raceway with the said Welland River, and also to dredge, deepen and widen the Jordan River and the Twelve Mile Creek from the point of intersection with the said watercourse and raceway to Lake Ontario if so found expedient for the purposes of the Company; and the Company may use the waters of Lake Erie, the Niagara River, the Welland River and such other waters and streams as are available for that purpose, in such quantities as are requisite and necessary for the efficient and satisfactory running of the said works, and for the purposes aforesaid: Provided however, that nothing herein contained shall permit of any power given in this Act, being exercised in such a way as to interfere with the navigation of any rivers or navigable water; provided further that none of the works authorized by this Act shall be commenced until the plans thereof shall first have been submitted to the Governor-in-Council and his sanction thereto has been obtained.

Proviso: not to interfere with navigation.

Proviso: plans to be approved by Governor in Council.

Supply of power, etc.

**5.** The Company may supply persons with water and with hydraulic, electric, water or other power, for use for any purpose by means of cables, machinery or other appliances and at such rates and upon such conditions as are agreed upon between the Company and such persons; and may construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of light, heat and power; and construct, maintain and operate intakes, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the Company; and conduct, store, sell and supply electricity and pneumatic power, and with such pneumatic, electric or such other conductors or devices, conduct or convey or furnish or receive such electricity or power to or from any person or corporations at any place or places, through, under, over or along any property with respect to which they have acquired the right, and through, under, over or along streets, highways and public places of any municipality or across or along any water within the province of Ontario, by the erection of the necessary fix-

tures, including poles, posts, piers or abutments for sustaining the wires or conduits subject however to the following provisions that is to say :—

(*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; Travel not to be obstructed.

(*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 ; Height of wires.

(*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 ; Kind of poles.

(*d.*) Whenever, in case of fire, it becomes necessary for its extinction or in 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 ; Cutting poles or wires in case of fire.

(*e.*) The Company shall be responsible for all damage which its agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized ; Liability for damage.

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

(*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 such engineer or 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 electric 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 enfringement 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 readily be identified ; Workmen to wear badges.

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

(*k.*) If in the removal of buildings, or if in the exercise of the public right of travelling on or using any public road, highway or street, it becomes necessary that the said wires or poles Temporary removal of lines.

be temporarily removed, it shall be the duty of the Company at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the head office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed;

Provision to be made for water and drainage.

(*l.*) The Company shall make due provision for, take care and dispose of all water and drainage to the extent it disturbs or interferes with the same, whether from artificial drains, natural streams, or watercourses, which drains, natural streams or watercourses the said watercourse and raceway crosses, touches or interferes with and which are in existence at the time of the construction of the said watercourse and raceway;

Disputes how settled.

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

Consent of municipalities.

(*n.*) The authority herein given with respect to such streets, highways, and public places, shall only be exercised subject to such agreement with respect thereto as is made between the Company and the said municipalities respectively, and under and subject to any by-law of the councils of the said municipalities passed in pursuance thereof.

Power to hold stock in other corporation.

**6.** The Company may take and hold stock in any corporation created for or engaged in the business of using or supplying the water of the Niagara or Welland Rivers, or of any corporation created for or engaged in the use of power, light or heat derived from such water, and may hold stock in any corporation which contracts to purchase, lease, or use any power or property of the Company, and its stock may also be owned, held and voted on by any such corporation having the right to acquire the same.

Number, qualification and quorum of directors.

**7.** At the first meeting of shareholders and at each annual meeting, the shareholders assembled who have paid all calls due on their shares shall choose ten persons to be directors of the Company, each of whom shall own at least twenty shares of the capital stock of the Company absolutely in his own right, and not be in arrears in respect to any call thereon, the

majority of whom shall form a quorum, and one or more of whom may be paid directors of the Company; and the majority of the directors of the Company so chosen shall at all times be persons resident in Canada, and subjects of Her Majesty by birth or naturalization.

Head office.

**8.** The head office of the Company shall be at the city of Hamilton or such place in Canada as the shareholders by by-law from time to time direct.

Amount of bonds, etc., limited.

**9.** The Company may issue bonds, debentures or other securities in the manner provided by section ninety-three of *The Railway Act* to an amount not exceeding three millions of dollars.

Time for construction limited.

**10.** The construction of the said works shall be commenced within three years, and completed within six years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as then remain uncompleted.

Telephone and telegraph line.

**11.** The Company may, subject to the provisions contained in section five of this Act, construct a telephone line and telegraph line in connection with, but for the purposes only of their watercourse and raceway and the works connected with and the business done by the Company.

Annual general meeting.

**12.** The annual general meeting of the shareholders of the Company shall be held on the first Tuesday in May in each year or at such other date as is fixed by by-law of the Company.

Grants in aid of undertaking.

**13.** The Company may receive from any government or municipal council, or from any person, aid towards the construction, equipment or maintenance of the works hereby authorised by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee or exemption from taxation or assessment.

1888, c. 29.

**14.** *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the company and to its undertakings.

Interpretation "Company."

2. Wherever in *The Railway Act* the word "Company" occurs, it shall mean the company hereby incorporated.

"Railway."

3. Wherever in *The Railway Act* the word "Railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or the Company hereby incorporated, mean the watercourses and raceway or other works authorised by this Act to be constructed.

"Land.

4. Wherever in *The Railway Act* the word "land" occurs, it shall be held to include any privilege or easement required by the Company for constructing or operating the works authorised by this Act, or any portion thereof, or over, or along any land, without the necessity of acquiring a title in fee, simple.

Supply of electric light, etc., to municipalities.

**15.** The Company on the one part and the council of the corporation of any municipality within a practicable distance of the Company's works on the other part, may enter into and carry into effect any agreement for a supply of electric heat, light and power and water, or either or any or all of them, as the case may require, upon such terms as are agreed upon by and between the Company and any such council; and for the purpose of supplying any municipality or the inhabitants thereof with water or electric heat, light, power or any or all of them, the Company may, with the approval of the Governor in Council erect, construct, lay down and operate overhead or underground wires, mains, conduits, or other conductors of water electric heat, light or power, through any other municipality after obtaining the consent of the last mentioned municipality by by-law duly passed by the council thereof.

Rights of aliens.

**16.** Aliens as well as British subjects, whether resident in Canada or elsewhere, may be shareholders in the Company, and all of such shareholders shall be entitled to vote on their shares equally with British subjects and shall also, subject to the restriction in section seven of this Act, be eligible to hold office as directors or otherwise in the Company and in all other ways shall enjoy all rights and privileges of shareholders as fully as they could do if British subjects.

R.S.C., c. 118.

**17.** *The Companies Clauses Act* shall not apply to the company.

Declaratory.

**18.** The works authorized by this Act are hereby declared to be works for the general advantage of Canada.

No. 85.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act to incorporate The Hamilton and Lake Erie Power Company.

Received and read a first time, Thursday, 16th May, 1895.
Second reading, Friday, 17th May, 1895

(PRIVATE BILL.)

MR. MCKAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 86] **BILL.** [1895.

An Act to incorporate the Canada Insurance Promotion Association, Limited.

Preamble. WHEREAS the persons hereinafter mentioned have by their petition prayed to be incorporated for the purposes and with the 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.** Alfred A. Thibaudeau, Romeo Prévost, L. Alphonse Boyer, Joseph P. B. Casgrain, A. G. McBean, Henry Fitzwilliam Bellew, Henry Cosgrove Bellew, Edgar F. E. Barthe, all of the city of Montreal, together with such persons as become members of the Association hereby incorporated are hereby constituted a body corporate under the name of "the Canada Insurance Promotion Association, Limited" hereinafter called "the Association."

Corporate name.

Capital stock. **2.** The capital stock of the Association shall be ten thousand dollars, divided into shares of fifty dollars each. The directors may increase the capital stock at any time and from time to time to an amount not exceeding twenty thousand dollars, after the whole capital stock has been subscribed for and fifty per cent thereof paid in cash; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has been submitted to and confirmed by a majority in number and amount of the shareholders thereof at an annual general meeting or at a special meeting of said shareholders duly called for that purpose.

Subscribing members. **3.** The Association may admit subscribing members not being shareholders, but who on certain conditions as hereinafter set forth shall enjoy certain privileges and profits of membership.

Objects of the Association. **4.** The objects of the Association shall be the union of its members for their mutual advantage and benefit, and the encouragement and promotion of insurance (life and accident) among them by means of subscriptions to be applied to the purchase of and to the continuance of insurance.

Association may effect contracts of insurance. **5.** The Association may carry on the business of insurance brokerage or agency and effect, for the benefit of its members, and after the usual manner of insurance brokers, contracts of insurance with regularly chartered life or accident insurance companies, recognized and doing business in Canada. It shall

distribute a certain fixed amount of insurance equally among all the subscribing members; create a special fund for the continuance or keeping in force of policies of insurance effected through the Association, and the balance, if any, being the property of the Association, shall be set aside for the purpose of securing a certain number of insurance policies which shall be distributed by lot among the said subscribing members having a joint interest therein. And for the said purposes a meeting of the Association shall be held after due notice, at the head office of the Association at least once in each year.

First meeting of shareholders.

**6.** Within thirty days after the passing of this Act a meeting of the shareholders of the Association shall be called for the election of directors; and for the purpose of making by-laws governing the election of directors and other officers, and prescribing and defining their duties and powers, regulating the admission of subscribing members, the amount, and the time and manner of payment of subscriptions by subscribing members, and generally of passing such by-laws as are proper and necessary.

Certificate of membership.

**7.** Every person who is admitted as a subscribing member, shall receive an accident policy of one thousand dollars in a regularly chartered insurance company, and a certificate of membership, on which certificate shall be printed the by-laws, rules and regulations of membership and the conditions thereof.

Head office and local agencies.

**8.** The head office of the Association shall be in the city of Montreal, but the shareholders may at any general meeting, change the location of the same to any place in Canada; and the Association may open local agencies throughout Canada.

No. 86.

5th Session, 7th Parliament, 58 Victoria,

BILL.

An Act to incorporate the Canada In
ance Promotion Association, Limite

Received and read a first time, Thurs
16th May, 1895.
Second reading, Friday, 17th May, 1895.

(PRIVATE BILL.)

Mr. CHOQUETTE

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 87] **BILL.** [1895.

# An Act to incorporate the James Bay Railway Company.

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.

Corporate name.

**1.** William McKenzie, Hugh D. Lumsden, George A. Cox, Frederic Nicholls and Donald D. Mann, together with such persons as become shareholders in the Company hereby incorporated are hereby constituted, a body corporate under the name of "The James Bay Railway Company", hereinafter called "the Company."

Head office.

**2.** The head office of the Company shall be in the city of Toronto.

Line of railway described.

**3.** The Company may lay out, construct and operate a railway of the guage of four feet, eight and one half inches from Parry Sound, province of Ontario, or from a point on the line of the Canadian Pacific railway, between Sudbury Junction and North Bay, in the said province, to a point on James Bay, at or near where Moose river enters the said Bay in the said province.

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 thereon.

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

Annual general meeting.

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

Number of directors.

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

Amount of bonds, &c., limited.

**8.** 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.

Agreement with another company.

**9.** The Company may enter into an agreement for amalgamating with any other railway Company, or for acquiring or leasing the railway of any other Company, or for conveying or leasing to any other 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, 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 it has also received the approval of the Governor in Council.

Sanction of the shareholders and 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 hereby incorporated runs, and in which a newspaper is published.

Power to build steamboats, docks, &c.

**10.** The Company may own, construct, charter and navigate steamboats and other vessels upon the Georgian Bay and upon James Bay, and upon rivers and other waters connected therewith, and also upon all lakes and rivers upon the line of their said railway, and may construct, own, lease and use docks, warehouses, grain elevators, and other works for facilitating transportation upon the said rivers or streams or other waters or any of them.

No 87.

5th Session, 7th Parliament, 58 Victoria, 1

BILL.

An Act to incorporate the James Railway Company.

Received and read a first time, Thurs 16th May, 1895.
Second reading, Friday, 17th May, 1895.

(PRIVATE BILL.)

MR. MACDONELL (Algom

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 88.] **BILL.** [1895.

An Act respecting the South Shore Railway Company, Limited.

WHEREAS, by chapter one hundred and thirty of the Statutes of 1892 of the legislature of the province of Nova Scotia, intituled: *An Act to incorporate the South Shore Railway Company, Limited*, the said South Shore Railway Company, Limited, hereinafter called "The Company," was incorporated with all powers, rights, privileges and immunities in the said Act mentioned, and for the purpose, among other things, of constructing and operating a line of railway from a point at or near Yarmouth harbour, Yarmouth, Nova Scotia, or on the Dominion Atlantic Railway in the said township of Yarmouth, to be thereafter decided upon; thence to and along the Yarmouth harbour and on through the town and townships of Yarmouth and Argyle in the county of Yarmouth; thence through the western district of Shelburne county, touching Barrington, and thence to Shelburne; and whereas the company has under the powers conferred upon it by the said Act constructed and completed in part a portion of its said line of railway and desires to extend its line to a point in or near the city of Halifax in the said province of Nova Scotia; and whereas the Company has by its petition, prayed to be made a railway corporation under and within the jurisdiction of the Parliament of Canada, with such additional rights, privileges and immunities as to the Parliament of Canada seem proper, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble. N.S., 1892, c. 130.

**1.** The undertaking of the South Shore Railway Company, Limited, a company incorporated as above mentioned and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada. Declaratory.

**2.** The Company as now organized and constituted under the said Act of the province of Nova Scotia is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Railway Act* of Canada shall apply to the Company and its undertaking instead of the said Act of the province of Nova Scotia and the Railway Act of Nova Scotia: Provided, that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the said Act of the province of Nova Scotia prior to the time of the passing of Declaratory. Proviso: existing rights saved.

this Act,—to all of which rights and privileges the Company shall continue to be entitled and to all of which liabilities the Company shall continue to be subject.

Head office.

**3.** The head office of the Company shall be in the town of Yarmouth aforesaid, or in such other place within or without Canada, as is determined by the shareholders at a general or special meeting called for that purpose.

Line of railway described.

**4.** 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 harbour of Yarmouth, Nova Scotia, thence passing through the counties of Yarmouth, Shelburne, Queens, Lunenburg and Halifax, to a point in or near the city of Halifax, Nova Scotia, the said line of railway to touch at Barrington and Shelburne in Shelburne county, at Bridgewater in Lunenburg county and at such other points or places in the counties of Yarmouth, Shelburne, Queens, Lunenburg and Halifax as is decided upon by the Company; and the Company may, for the purposes of building its line of railway and in connection with the approval of its maps or plans, divide it into sections of not less than ten miles each.

Branches.

2. The Company may also from time to time lay out, construct and operate branch lines of railway from its main line to and into Lockport in Shelburne county and to and into such other points and places in Yarmouth, Shelburne, Queens, Lunenburg and Halifax counties as is from time to time decided upon by the company, and such branch lines shall be of such gauge as the company determines.

Powers.

**5.** The company may—

Vessels, &c.

(*a.*) Construct, purchase or otherwise acquire, lease, hire, charter, obtain, control, navigate and keep in repair ships and vessels, propelled by steam or otherwise, and may carry and convey therein goods, mails and freight to, at, from and betweed any ports or places out of Canada, and also to, from and between any ports and places out of Canada and may carry on a general transportation service, and may sell, lease, charter or otherwise dispose of the said ships or vessels or any of them;

Generating electricity.

(*b*) The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway, or any branch or part thereof, and ship lines and may operate the said railway or any branch or part thereof by electricity;

Construction of telegraph and telephone lines.

(*c.*) The Company may construct, equip, acquire and operate telegraph and telephone lines in connection with its railway and ship lines and its general undertaking;

Carriage of goods.

(*d.*) The Company may collect freight, wharfage and store charges, and may carry on the business of common carriers, expressmen, forwarding agents, wharfingers and warehousemen, and for all and any of the purposes aforesaid may construct, purchase, lease, hire or otherwise acquire such roads, railways, tramways, waterways, lands, wharves, docks, elevators, warehouses and other buildings with the plant, furniture and fittings for the same, as the company deems necessary, and may sell, lease or otherwise dispose of the same, or of any part or parcel thereof;

(*e.*) The Company may carry on the business of hotel keepers and innkeepers and for that purpose may erect, purchase, lease, rent, hire or otherwise acquire one or more inns or hotels, the furniture and equipment for the same and the lands to be connected therewith, and may sell, lease, or otherwise dispose of the same or any part or parcel thereof; Hotels, &c.

(*f.*) The Company may purchase or otherwise acquire and operate any tramway, electric railway, telegraph or telephone line or any other property, right or privilege, and any charter, corporate rights, franchises and powers of any other corporation incorporated to carry on business in the province of Nova Scotia or owned or enjoyed by any person or firm with full powers to sell or dispose of the same as is deemed desirable, and pay therefor in capital stock of the Company issued as fully paid-up and unassessable, or in bonds, debentures or other securities of the Company, or in money; or may enter into any arrangement with any such other person or corporation for the working or carrying on by the Company of any such business or undertaking as is hereinbefore mentioned, and in connection therewith for assuming the liabilities of any such person or corporation in respect thereto, and thereafter subscribe for, purchase or otherwise acquire and hold or dispose of the whole or any part of the shares, stock, debentures or other securities of any other person or corporation with whom the Company has entered into any arrangement or contract under the provisions of this paragraph; Purchase of telegraph and telephone lines, &c.

(*g.*) The Company may also purchase, lease, rent, hire or otherwise acquire, improve, operate and manage lands, waters, foreshores, beaches, streams and any other property, privileges, rights and easements for boating, bathing, fishing, hunting and every variety of entertainment, enjoyment and comfort of tourists, hotel guests, huntsmen, fishermen, sportsmen, and patrons of its railways, hotels or any part or portion of its general undertaking, and may sell, lease, hire, rent or mortgage or otherwise dispose of the same as seems meet and desirable in the interests of the Company. Lands, &c.

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

**7.** The annual general meeting of the shareholders of the Company shall be held on the first Wednesday in April each year and all meetings of the shareholders of the Company shall be held in the town of Yarmouth, Nova Scotia, or at any other place in the province of Nova Scotia to which the head office of the Company is transferred under the provisions hereof. Annual general meeting.

**8.** At each general annual 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, one or more of whom may be paid directors of the Company. Number of directors.

**9.** Meetings of directors may legally be held at any place in or out of Canada, and five directors shall form a quorum for the transaction of the business of the Company. Meetings of directors, Quorum.

Amount of bonds, &c., limited.

**10.** The directors of the Company being first authorized by a resolution passed at a special general meeting of its shareholders, may from time to time, 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.

Additional bonds.

**11.** The directors of the Company, being first authorized by a resolution passed at a special general meeting of the shareholders duly called for that purpose, may from time to time issue additional bonds in aid of the acquisition or construction of any steam or other vessel which by this Act it is authorized to acquire or construct, or in aid of the acquisition or construction of any wharf, dock, inn, hotel or warehouse property, fittings, furniture, plant or appliance or lands not exceeding in amount the cost of such vessel or other property.

Power of issuing bonds, how exercised.

**12.** The power of issuing bonds, debentures or other securities conferred upon the directors of the Company by the last two preceding sections, shall be exercised as follows:—

Sanction of shareholders.

(*a*) Every such issue shall be first sanctioned by and at a special general meeting called for that purpose in the manner provided by section forty-one of *The Railway Act*, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company shall be present in person or represented by proxy;

Security.

(*b*) Every such issue shall be secured by a deed or mortgage executed by the Company in such form and containing such provisions as are approved of by such special general meeting as aforesaid, but not inconsistent with the law or with the provisions of this Act. Each of the said deeds or mortgages shall be made to a trustee, to be appointed at such special general meeting for that purpose, and shall clearly describe or designate the property or class of property of the Company which it is proposed or intended to encumber and to which it relates, and shall also state whether such property is present, future or both. It shall also state the rate of interest, not exceeding six per cent per annum, payable upon the bonds, debentures or other securities to be so issued, and the place and time of payment of such interest and of the principal money or capital thereof, and such other conditions, provisions and restrictions as seem requisite for the effectual carrying out of the terms thereof and for the protection of the holders of such bonds, debentures or other securities; and each such deed or mortgage shall create a lien, charge and encumbrance for the benefit of the holders of the said bonds, debentures or other securities, with respect to which it is made, upon the property or class of property of the Company therein described or designated in the manner and to the extent therein specified;

Lien on property, &c., of the company.

(*c*) Each such deed or mortgage may create a charge, lien and encumbrance upon the whole or any part or parcel of the property, assets, rents and revenues of the Company, present future or both, described or designated therein, but such rents and revenues shall be subject, in the first instance, to the

penalty imposed for non-compliance with the requirements of *The Railway Act*, and next, to the payment of the working expenditure of the Company;

(*d*) Each such bond or mortgage shall be filed or registered in accordance with the laws affecting the transfer or encumbrance of the class or description of property to which such deed or mortgage relates; Registration.

(*e*) Every such deed or mortgage shall, pursuant to a vote or resolution of the directors, be executed under the seal of the Company and shall be signed by its president or vice-president and countersigned by its secrteary; Execution of deed.

(*f*) All bonds, debentures or other securities hereby authorized shall be signed by the president or vice-president and countersigned by the secretary, which counter-signature and the signature to the coupons attached to the same may be printed or engraved; Signature of bonds, &c.

(*g.*) No such bond, debenture or other security shall be for a less sum than one hundred dollars; and the said bonds, debentures and other securities may be made payable to bearer and in that case shall be transferable by delivery until registration thereof. Amount of each bond limited.

**13.** The Company, in addition to other powers under *The Railway Act*, may, if it cannot agree for the purchase thereof with the owner of the land required for wharfs, docks, elevators, or warehouses, cause a map or plan and book of reference to be made of the land required for any of the purposes aforesaid and all the provisions of sections one hundred and seven and one hundred and eleven, both inclusive of *The Railway Act*, shall apply to the subject matter of this section and to the obtaining of such land and determining the compensation therefor. Expropriation powers.

**14.** The Company, in connection with its powers hereby granted of carrying on a general forwarding, express and agency business in like manner as has been customary with expres and forwarding companies, may store, receive, control and manage all property and effects committed or entrusted to it for storage or transmission and may ensure such property in the name of the Company, recover such insurances, and in respect of all such property and effects the Company may in its own name make all manner of suits and proceedings for the protection thereof, or for indemnity for the destruction thereof and take all lawful means for the protection, safe-keeping, management and disposition thereof as if such property belonged to the Company, subject to the obligations of the Company to account to the owners or consignees thereof and subject also to such defences as would be available against the real owners or consignees thereof. Storage of goods, &c.

**15.** The company may recover all charges, subject to which goods or commodities may come into its possession, and on payment of such back-charges and without any formal transfer, the Company shall have the same lien for the amount thereof upon such goods or commodities as the person or corporation to whom such charges were originally due had upon such goods Payment of charges on goods.

or commodities while in their possession, and the Company shall be subrogated by such payment in the rights and remedies of such reason or corporation for such charges.

Sale of goods for freight.

**16.** The Company, in the event of non-payment of freight, advances, transportation and other charges when due upon goods or effects in its possession or under its control, may sell by public auction the goods or effects whereon such advances or other charges have been made or are due and owing in respect thereto, and retain the proceeds, or so much thereof as is equal to the amount due to or legally claimable by the Company with charges and costs of sale, returning the surplus, if any to the owners thereof; but no such sale shall take place until or unless, prior to such sale, thirty days' notice of the time and place thereof and of the amount of the charges or moneys payable to or claimed by the Company in respect to such goods or effects, shall be given by registered letter transmitted through the post office to the owner, consignor or consignee of such goods or effects, unless otherwise provided in the contract between the parties, or unless the goods are perishable or subject to waste or deterioration, and a sale at an earlier date is ordered by the port warden or two disinterested merchants after a survey shall have been held thereon.

Notice of sale.

Special general meeting of shareholders.

**17.** Within one month after the passing of this Act, a special general meeting of the shareholders of the Company shall be called and held in the town of Yarmouth. This meeting shall be called by the president, who shall notify each shareholder of the time and place of the holding thereof by registered letter, mailed, postage paid, to the last known address of each shareholder not less than ten days previous to the day fixed for such meeting, and no other notice of such meeting shall be necessary; and at such meeting four additional directors may be elected, the capital stock of the Company increased and any other business in connection with the organization or affairs of the Company transacted.

Election of additional directors.

Notice.

2. The notice of such meeting need not specify the business to be transacted thereat, and the directors elected thereat shall hold office only until the next ensuing annual meeting or until their successors are duly appointed: Provided that such special general meeting shall not be held if the day fixed for the annual general meeting of the shareholders of the Company shall be less than thirty days from the date of passing of this Act.

Proviso.

Time for construction limited.

**18.** If the portion of the main line of the Company's railway lying between the towns of Yarmouth and Shelburne is not finished and put into operation within three years after the passing of this Act, and if the portion of the main line of the Company's railway between Shelburne and Halifax is not finished and put in operation in seven years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Agreement with another company.

**19.** The Company may enter into an agreement for the acquisition, purchase or lease of the railways and undertakings of the Coast Railway Company of Nova Scotia, Limited, and

the Nova Scotia Southern Railway Company, Limited, or of either of them in whole or in part, as also the surveys, plans, works, plant, material, machinery, subsidies and contracts for subsidy and other property belonging thereto or to either of them, or for an amalgamation with the said Companies or either of them, on such terms and conditions 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 received the approval of the Governor in Council.

Approval of the shareholders and of the Governor in Council.

2. Such approval shall not be signified until after the 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 hereby incorporated runs and in which a newspaper is published.

Notice of application for approval.

No. 88.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the South Shore Railway Company, Limited.

Received and read a first time, Thursday, 16th May, 1895.
Second reading, Friday, 17th May, 1895.

(PRIVATE BILL.)

Mr. WHITE (Shelburne.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No 89.] **BILL.** [1895.

An Act respecting the Thousand Islands Railway Company.

Preamble.

WHEREAS the Thousand Islands Railway Company, hereinafter called "the Company," has by its petition prayed that an Act be passed conferring on the Company certain additional powers hereinafter set forth, and it is expedient to grant the prayers of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1888, c. 75.

Use of electricity authorized.

**1.** The Company may operate its railway and branches or any part thereof by electricity.

Extension of railway.

**2.** The Company may extend its railway or branches from some point on its present line to the city of Kingston and to Rockport and Brockville.

Issue of bonds.

**3.** The Company may, in lieu of the bonds authorized to be issued under the provisions of chapter seventy-five of the Statutes of 1888, and subject to the provisions contained in section four of this Act, 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 such bonds, debentures or other securities may be of three classes, viz:—

"A" bonds.

(*a.*) "A" bonds which may be issued to an amount not exceeding ten thousand dollars per mile of the railway and branches constructed or under contract to be constructed; such bonds shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form and be a first charge upon the whole of the property, assets, rents, and revenues of the Company present or future or both;

"B" bonds.

(*b.*) "B" bonds which may be issued to an amount not exceeding six thousand dollars per mile of the railway and branches constructed or under contract to be constructed; such bonds shall, subject to the provisions contained in section ninety-four of *The Railway Act* and to the "A" bonds hereinbefore mentioned, form and be a second charge upon the whole of the property assets, rents and revenues of the Company, present or future or both;

"C" bonds.

(*c.*) "C" bonds which may be issued to an amount not exceeding four thousand dollars per mile of the railway or branches constructed, or under contract to be constructed; such bonds shall, subject to the provisions contained in section ninety-

four of *The Railway Act* and to the "A" and "B" bonds hereinbefore mentioned, form and be a third charge upon the whole of the property, assets, rents and revenues of the company present or future or both.

Application of bonds.

**4.** The said bonds as issued shall be applied first in redeeming, by exchange or otherwise, all the outstanding bonds of the railway and all interest coupons due or to fall due thereon, on such terms and conditions and in such manner as is agreed upon by the directors of the company and the holders of the bonds, and the remainder shall be applied to the completion and equipment of the railway.

Time for construction limited.

**5.** The time for the completion of the railway and branches of the company is hereby extended for a period of five years from the passing of this Act, and if the railway and branches and the extensions authorized by section two of this Act are not then completed then the powers relative to such construction shall cease and be null and void as respects so much of the undertaking as then remain uncompleted.

No. 89.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Thousand Islands Railway Company.

Received and read a first time, Thursday, 16th May, 1895.
Second reading, Friday, 17th May, 1895.

(PRIVATE BILL.)

MR. TAYLOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 90.] **BILL.** [1895.

An Act re-pecting the Oshawa Railway Company.

WHEREAS the Oshawa Railway Company, hereinafter called the Company, has by its petition prayed for the passing of an Act to re-arrange its capital stock and for other purposes 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. 1887, c. 92; 1891, c. 91.

**1.** Fifteen hundred of the unsubscribed and unissued shares of the capital stock of the Company, representing the nominal value of one hundred and fifty thousand dollars, are hereby cancelled and extinguished. Shares cancelled.

**2.** Notwithstanding anything contained in the Acts relating to the Company or any other Act, the directors may receive surrenders from the present shareholders of the stock now subscribed for and held by them, and may issue to the said shareholders in lieu thereof new paid up non-assessable stock in shares of one hundred dollars, one share of such new stock being issued in exchange for each hundred dollars actually paid up in cash by the said shareholders on the stock so surrendered. Surrenders of stock

2. The directors may re-issue and sell either by public auction or private sale and in such manner and on such terms as to them seems meet the surrendered shares remaining after the issue herein provided for. Sale of surrendered shares.

**3.** The register of the shareholders of the Company shall be amended in accordance with the provisions of this Act. Register to be amended.

**4.** Nothing in this Act shall be construed so as to lessen the liability of the shareholders of the Company to the present creditors thereof. Saving.

**5.** The Company may, in lieu of the bonds authorized to be issued under the provisions of chapter ninety-two of the Statutes of 1887, 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 such bonds, debentures or other securities may be of three classes, viz.:— Issue of bonds.

(*a.*) "A" bonds which may be issued to an amount not exceeding eight thousand dollars per mile of the railway and branches constructed or under contract to be constructed; such bonds shall, subject to the provisions contained in section "A" bonds.

ninety-four of *The Railway Act*, form and be a first charge upon the whole of the property, assets, rents and revenues of the Company, present or future or both ;

"B" bonds.

(*b.*) "B" bonds which may be issued to an amount not exceeding six thousand dollars per mile of the railway and branches constructed or under contract to be constructed, such bonds shall, subject to the provisions contained in section ninety-four of *The Railway Act*, and to the "A" bonds hereinbefore mentioned, form and be a second charge upon the whole of the property, assets, rents and revenues of the Company, present or future or both ;

"C" bonds.

(*c.*) "C" bonds which may be issued to an amount not exceeding six thousand dollars per mile of the railway and branches constructed or under contract to be constructed ; such bonds shall, subject to the provisions contained in section ninety-four of *The Railway Act* and to the "A" and "B" bonds hereinbefore mentioned, form and be a third charge upon the whole of the property, assets, rents and revenues of the Company, present or future or both.

By-law and agreement confirmed.

**6.** By-law number five hundred and forty-two passed by the municipal corporation of the township of East Whitby on the twenty-second day of August, one thousand eight hundred and ninety-four, to authorize the said Company to construct a railway on and along certain highways in the said township and an agreement made on the same date between the Company and the said corporation, as set out in schedules "A" and "B" to chapter one hundred and nine of the Statutes of 1895 of the legislature of the province of Ontario, and the agreements made the seventeenth day of May, one thousand eight hundred and ninety-four, and the thirteenth day of November, one thousand eight hundred and ninety-four, between the corporation of the town of Oshawa and the Company, as set out in Schedules "A" and "B" to chapter one hundred and ten of the Statutes of 1895 of the said province, are hereby confirmed and declared, so far as it is within the legislative authority of the Parliament of Canada to do so, to be binding upon the several parties thereto according to the terms thereof.

Time for construction limited.

**7.** The time for the completion of the railway and branches of the Company is hereby extended for a period of five years from the passing of this Act, and if the railway and branches are not then completed 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.

No. 90.

5th Session, 7th Parliament, 58 Victori

BILL.

An Act respecting the Oshawa R
Company.

Received and read a first time, Th
16th May, 1895.
Second reading, Friday, 17th May, 18

(PRIVATE BILL.)

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OTTAWA
Printed by S. E. DAWSON
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1895

No. 91.] **BILL.** [1895.

An Act to amend the law respecting the Lobster Fishery.

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

**1.** Section three of chapter fifty-one of the statutes of 1894 is hereby repealed, and the following substituted therefor :— 1894, c. 51, s. 3 repealed.

"**3.** *The Fisheries Act* is hereby further amended by adding the following section thereto immediately after section ten :— R.S.C., c. 95 amended.

"**10A.** No one shall, at any time, can or cure lobsters, except under license from the Minister of Marine and Fisheries; and such license may be in the form in the schedule to this Act. License to can or cure lobsters.

" 2. A fee of ten dollars shall be paid for each such license; but on and after the first day of January, one thousand eight hundred and ninety-six, the fee shall be at the rate of two dollars per one hundred cases or fraction of one hundred cases, containing lobsters canned or cured under such license. Fee.

" 3. Every case or package containing lobsters canned or cured in Canada shall, before being removed from the factory or canning establishment where such lobsters have been canned or cured, and every case imported into Canada shall, before being taken out of bond, be labelled with a stamp provided by the Minister of Marine and Fisheries: Provided, that the Minister of Marine and Fisheries may grant a permit for the removal of legally packed cases from one factory to another before being labelled for final shipment. Cases to be labelled. Proviso.

" 4. The owner or manager of every lobster factory or canning establishment in Canada shall, under a penalty not exceeding four hundred dollars and costs, send to the Minister of Marine and Fisheries, not later than the first day of September in every year, a true return of the number of fishermen employed and of the lobster traps used in his factory or canning establishment, of the number of persons employed in each factory or canning establishment, distinguishing the sexes, and of the number of cases of lobsters packed during the season, together with such other details and particulars as are from time to time required by the Minister of Marine and Fisheries. Annual return from each lobster factory.

" 5. The manager or proprieter of every lobster factory or canning establishment shall, on demand, produce his license to any fishery officer ; and upon refusing to do so, or otherwise obstructing any such officer in the discharge of his duty, he shall be subject to a penalty not exceeding four hundred dollars and costs. Penalty for obstructing fishery officer.

Preservation of eggs.

"6. On the request of any person authorized or employed by the Minister of Marine and Fisheries to hatch lobsters, and under a penalty not exceeding five dollars and costs for each refusal, the manager or owner of every lobster factory or canning establishment shall, as far as possible and with due care, take from and keep, in such manner as is from time to time prescribed by the Minister of Marine and Fisheries, all eggs attached to lobsters brought to such factory or canning establishment and deliver such eggs to a person authorized by the Minister of Marine and Fisheries to receive them.

Defacing stamps.

"7. Every person who, with fraudulent intent,—

"(*a.*) Alters, defaces or obliterates, wholly or partially, or causes to be altered, defaced or obliterated any label or stamp which has been affixed, under the provisions of subsection three, upon any case or package used for the purpose of carrying, importing or exporting canned or cured lobsters, or—

Counterfeiting, etc.

"(*b.*) Counterfeits any such label or stamp, or affixes upon any such case or package any stamp purporting to be the stamp

Penalty.

duly authorized under subsection three,—shall incur a penalty of forty dollars and costs.

1894, c. 51, s. 11 repealed.

**2.** Section eleven of the said chapter fifty-one of the statutes of 1894 is hereby repealed and the following substituted therefor :—

Form of lobster fishery license.

"**11.** The Schedule to *The Fishery Act* is hereby amended by adding thereto the following form :—

"LOBSTER LICENSE (PACKING.)

"18.....

"The herein named in consideration of the payment of the sum of dollars is hereby licensed during the open season of this Year to can, or cure Lobsters in quantity not exceeding cases. For each hundred cases or fraction of one hundred cases packed in excess of the maximum quantity named a further fee at the rate of two dollars per hundred cases or fraction thereof shall be paid on or before the 1st of September 18 .

(Signed),

"*Minister of Marine and Fisheries.*

"Granted this day of 18 ."

No. 91.

5th Session, 7th Parliament, 58 Victori

BILL.

An Act to amend the law respecti
Lobster Fishery.

Received and read a first time, Th
16th May, 1895.
Second reading, Friday, 17th May, 18

Mr. Costi

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Maje
1895

No. 91.] **BILL.** [1895.

# An Act to amend the law respecting the Lobster Fishery.

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

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

**1.** Section three of chapter fifty-one of the statutes of 1894 is hereby repealed, and the following substituted therefor :— 1894, c. 51, s. 3 repealed.

"**3.** *The Fisheries Act* is hereby further amended by adding the following section thereto immediately after section ten :— R.S.C., c. 95 amended.

"**10A.** No one shall, at any time, can or cure lobsters, except under license from the Minister of Marine and Fisheries. License to can or cure lobsters.

" 2. A fee of ten dollars shall be paid for each such license; but on and after the first day of January, one thousand eight hundred and ninety-six, the fee shall be at the rate of two dollars per one hundred cases or fraction of one hundred cases, containing lobsters canned or cured under such license,—each case to contain forty-eight one-pound cans. Fee.

" 3. Every case or package containing lobsters canned or cured in Canada before being removed from the factory or canning establishment, where such lobsters have been canned or cured, or if not removed on or before the day upon which the close season commences, then within seven days after the commencement of the close season, shall be labelled or stamped with such label or stamp as is prescribed by the Minister of Marine and Fisheries; and all unused labels or stamps shall immediately thereafter be returned to the Minister of Marine and Fisheries: Provided, however, that the Minister of Marine and Fisheries may grant a permit for the removal of legally packed cases from any factory to any store or building before being labelled or stamped for final shipment. Cases to be labelled or stamped. Proviso.

" Every case or package not so labelled or stamped, or which, being unlabelled or unstamped, is removed without a permit from the Minister of Marine and Fisheries, shall be liable to seizure, and upon seizure shall thereby be confiscated to Her Majesty; and the owner, packer or exporter of any such case or package shall be liable to a penalty not exceeding twenty dollars and costs. Penalty.

" 4. Every case imported into Canada shall immediately upon being imported be labelled or stamped with such label or stamp as is prescribed by the Minister of Marine and Fisheries. Imported cases

" Every case or package not so marked, labelled or stamped shall be liable to seizure, and upon seizure shall thereby be Penalty.

confiscated to Her Majesty ; and the owner, packer or exporter of any such case or package shall be liable to a penalty not exceeding forty dollars and costs.

Annual return from each lobster factory.

"5. The owner or manager of every lobster factory or canning establishment in Canada shall, under a penalty not exceeding four hundred dollars and costs, send to the Minister of Marine and Fisheries, not later than the first day of September in every year, a true return of the number of fishermen employed and of the lobster traps used in his factory or canning establishment, of the number of persons employed in each factory or canning establishment, distinguishing the sexes, and of the number of cases of lobsters packed during the season, together with such other details and particulars as are from time to time required by the Minister of Marine and Fisheries.

Obliteration of labels, &c., on empty cases.

"6. Any label or stamp prescribed by the Minister of Marine and Fisheries, upon any empty case or package, shall be entirely obliterated and destroyed within seven days after the commencement of the close season. Whenever any labelled or stamped case or package, containing canned or cured lobsters, is opened or emptied, the label or stamp thereon shall be entirely obliterated and destroyed by the person in whose hands the same is, unless such case or package is opened or emptied for the purpose of testing or repacking the canned or cured lobsters contained therein, the burden of proof of which shall be on the owner or packer of such package or case.

Penalty for obstructing fishery officer.

"7. The manager or proprieter of every lobster factory or canning establishment shall, on demand, produce his license to any fishery officer ; and upon refusing to do so, or otherwise obstructing any such officer in the discharge of his duty, he shall be subject to a penalty not exceeding four hundred dollars and costs.

Preservation of eggs.

"8. On the request of any person authorized or employed by the Minister of Marine and Fisheries to hatch lobsters, and under a penalty not exceeding five dollars and costs for each refusal, the manager or owner of every lobster factory or canning establishment shall, as far as possible and with due care, take from and keep, in such manner as is from time to time prescribed by the Minister of Marine and Fisheries, all eggs attached to lobsters brought to such factory or canning establishment and deliver such eggs to a person authorized by the Minister of Marine and Fisheries to receive them.

Penalty for counterfeiting labels, &c.

"9. Every person who counterfeits or alters any label or stamp, duly authorized under subsection three, or, with fraudulent intent, labels or stamps any case or package with any label or stamp purporting to be the label or stamp authorized under subsection three, shall incur a penalty of forty dollars and costs."

1894, c. 51, s. 11 repealed.

**2.** Section eleven of the said chapter fifty-one of the statutes of 1894 is hereby repealed.

No. 91.

5th Session, 7th Parliament, 58 Victo

BILL.

An Act to amend the law respect
Lobster Fishery.

*(Reprinted as proposed to be amended
mittee of the Whole.)*

Mr. Cos

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Maj
1895

No. 92.] **BILL.** [1895.

An Act further to amend the Insurance Act.

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

**1.** Subsections one and seven of the section substituted by section eight of chapter twenty of the statutes of 1894, for section twenty of *The Insurance Act*, chapter one hundred and twenty-four of the Revised Statutes, are hereby repealed and the following substituted therefor:— R.S.C., c. 124, s. 20 amended.

"**20.** Every company incorporated or legally formed elsewhere than in Canada, and at present licensed or hereafter licensed under this Act, and every company which is subject to the provisions of this Act, shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statements shall, as to the Canada business of such company, be the same, so far as applicable, as is required of Canadian companies, and as to its general business, shall be in such form as such company is required by law to furnish to the government of the country in which its head office is situate; and where such company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders, and, in the event of no such statement being submitted to such members or shareholders, shall show in concise form the assets and liabilities of the company at such balancing day and the income and expenditure of the company for the year ending on such balancing day. The blank forms of the statements of the Canada business shall be supplied by the superintendent. Annual statement by company. Form.

"7. The statements mentioned in the next preceding section and the statements of Canada business provided for in the first subsection of this section shall be deposited in the office of the superintendent on the first day of January next following the date thereof, or within two months thereafter; and every statement of general business provided for in the said first subsection of this section shall be deposited in the office of the superintendent within fifteen days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within fifteen days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided however, that no such statement of general business need be so deposit- Date for deposit of statement. Proviso.

ed earlier than the first day of May, nor shall it be so deposited later than the thirtieth day of June next following the date thereof. The date of a statement in this subsection referred to is the date at which the condition and affairs of the company are shown."

Date of statement.

Interpretation: "annual statement."

**2.** The words "annual statement" in the section substituted by section eight of chapter twenty of the statutes of 1894 for section twenty-one of *The Insurance Act* shall, in the case of companies incorporated or legally formed elsewhere than in Canada, be deemed to include both the statement of the Canada business and the statement of the general business provided for in the subsection hereby substituted for subsection one of section twenty of *The Insurance Act*, as amended by chapter twenty of the statutes of 1894.

Renewals of licenses for 1895 confirmed.

Penalties remitted.

**3.** The renewals of licenses under *The Insurance Act* for the year now current are hereby confirmed, and any penalties incurred with respect to the statements of general business required to be filed in pursuance of the said Act are hereby remitted.

Section 39, ss. 2, to apply to assessment companies.

Proviso.

**4.** Notwithstanding anything in *The Insurance Act* contained, subsection two of section thirty-nine thereof shall apply to companies incorporated or legally formed in Canada for the purpose of carrying on the business of life insurance on the assessment plan: Provided, that this section shall not interfere with the renewal of certificates of registration heretofore granted.

No. 92.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Insurance Act.

Received and read a first time, Monday, 20th May, 1895.
Second reading, Wednesday, 22nd May, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1894

No. 93.] **BILL.** [1895.

An Act respecting the discharge of a mortgage to Her Majesty, known as the Markland Mortgage.

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

Discharge of Markland mortgage authorized.

**1.** The Minister of Finance and Receiver General is hereby authorized to execute, on behalf of Her Majesty, a release and discharge of a certain mortgage given to Her Majesty in the year one thousand eight hundred and fifty-eight by the Honourable George H. Markland, upon certain properties in the City of Kingston, in the Province of Ontario, which were sold in the year one thousand eight hundred and sixty-two under the said mortgage, and to convey the properties so sold, freed and discharged from the said mortgage, and so far as Her Majesty can convey them, to the persons now entitled to the said properties, on payment of such part of the purchase money now remaining unpaid as the Minister of Finance and Receiver General deems expedient in the public interest, and either with or without interest, and on such other terms and conditions as are agreed upon.

Conveyance of property on certain conditions.

No. 93.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the discharge of a mortgage to Her Majesty, known as the Markland Mortgage.

Received and read a first time, Monday, 20th May, 1895.
Second reading, Wednesday, 22nd May, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 94.] **BILL.** [1895.

An Act further to amend the Post Office Act.

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

**1.** *The Post Office Act*, chapter thirty-five of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section sixty-four :— R.S.C., c. 35, amended.

"6 A. No contractor for carrying the mail, and no mail courier, mail driver, or postilion employed for carrying the mail shall, while transporting the mail or any mail matter, convey or transport in his vehicle, spirituous or intoxicating liquors from one place to another, either for himself or for another person. Spirituous liquors not to be carried with the mail.

"2 Any person contravening this section shall incur, for each offence, a fine not less than twenty nor exceeding forty dollars. Penalty.

"3. Any fine incurred under this section may be sued for and recovered by any private prosecutor, in his own name, by a summary prosecution before any justice of the peace having jurisdiction in the territorial division wherein the offence is committed. The prosecution shall be commenced within three months after the commission of the offence, and the whole fine shall belong to the prosecutor. Recovery of fine.

"4. In default of payment (either immediately or within the delay allowed by the convicting magistrate), of any fine imposed under this section, with costs of prosecution, the defendant shall be imprisoned in the common gaol of the territorial division wherein the offence is committed, for a period not exceeding two months, unless the said fine and costs of prosecution, together with the additional costs of arrest, conveyance and commitment of the said defendant to the said common gaol are sooner paid. Imprisonment in default of payment.

"5. Any contractor for carrying the mail who violates the provisions of this section, shall, in addition to the fine hereinabove provided, be liable to the immediate forfeiture and cancellation of his contract, without any indemnity for his loss thereby; and any mail courier, mail driver or postilion who violates the provisions of this section, shall thereby be disqualified from being employed as such mail courier, mail driver or postilion for any mail contractor. Forfeiture of contract.

"6. In every contract for carrying the mail, a clause shall be inserted binding the contractor not to transport nor convey, with the mail or any mail matter, either by himself or his mail courier, mail driver or postilion, spirituous or intoxicating liquors, and not to suffer the same to be done by any of his mail couriers, mail drivers or postilions : Provided always, that Clause to be inserted in contracts for carrying mail.

the absence of such a clause in any mail contract, shall be no excuse or indemnity for any person contravening any of the provisions of this section.

Railway and steamboat owners excepted.

"7. The provisions of this section shall not apply to the proprietors of any railway or steamboat, conveying the mail under contract, nor to their servants, when transporting spirituous or intoxicating liquors in the ordinary course of trade and commerce."

No. 94.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Post Office Act.

Received and read a first time, Tuesday, 20th May, 1895.
Second reading, Wednesday, 21st May, 1895.

Sir Hector L. Langevin.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 95] **BILL.** [1895.

# An Act to incorporate The Grand Falls Water Power and Boom Company.

WHEREAS it is desirable that a company should be incorporated for the purpose of utilizing a portion of the natural water supply of the St. John River, which is a navigable stream, with the object of promoting manufacturing industries; and whereas the persons hereinafter named have by their petition represented that the incorporation of the Company hereinafter named with the powers set forth will effect the aforesaid objects and have prayed for the incorporation of 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, declares and enacts as follows:— Preamble.

**1.** Redfield Proctor, of Proctor, Vermont, Carrol S. Page, of Hyde Park, Vermont, James Manchester of St. John, New Brunswick, Clinton Smith, of Middlebury, Vermont, Edward Jack of Fredericton, New Brunswick, Walter Armstrong, of Ottawa, Ontario, and such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Grand Falls Water Power and Boom Company," hereinafter called "the Company." Incorporation. Corporate name.

**2.** The Company may construct, equip, maintain and operate a canal and hydraulic raceway at or near the Grand Falls of the St. John River in the county of Victoria and province of New Brunswick from any point on or near the commons land on the shore of said river at the basin above said falls to some point on the commons land near the lower basin, such canal and raceway to be made either by an open cutting or by means of a tunnel which shall conduct a portion of the waters of the St. John River, under the surface of the soil, to such point on the commons land at the lower basin as is most fit and and proper for the development of the power to be derived therefrom; and may build at the head of the Grand Falls and in the narrows and gorge between the upper and lower basins aforesaid and below them all such dams, wing dams, sluices, conduits, and buildings as are necessary; and construct, attach to the shores and banks of the St. John River in the vicinity of the Grand Falls, and maintain, side booms, piers, wharves, slips, or other works necessary for the operating of any saw or pulp mills or other manufactories, such side booms and piers to be extended from the upper basin above the Grand Falls up the St. John River to such a distance as is necessary to hold all the logs, timber and wood Canal, etc., may be built.

of any kind at the saw or pulp mills or other manufactories which may be built by the Company at or near the Grand Falls; and construct piers, wharves, slips and booms at the lower basin for the purpose aforesaid; and acquire by lease from the municipality of the county of Victoria or other competent authority the commons at Grand Falls; purchase and acquire lands, timber leases or other properties of any kind; and construct and operate pulp mills, saw mills, or other works or manufactories of any kind at or near the upper or lower basins aforesaid: Provided however that nothing herein contained shall permit of any power being exercised in such a way as to interfere with the navigation of the said river; and provided further that none of the works authorized by this Act shall be commenced until the plans thereof have been submitted to the Governor in Council and his sanction thereto has been obtained.

Proviso: not to interfere with navigation.

Proviso: Plans to be approved by the Governor in Council.

Supply of power, etc.

**3.** The Company, by means of and through the works aforesaid, may supply persons with water, hydraulic, electric or other power for use or for any purpose by means of wires, cables, machinery, or other appliances, at such rates and upon such conditions as are agreed upon between the Company and such persons; and may construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of power, light and heat, and may connect the said wires, cables or other appliances with those of any electric light or power company in the United States; and may also contract with such Company to work the said electric light or power jointly; the Company may also erect poles and do all other things necessary for the transmission of power or light as fully and effectually as the circumstances of the case may require, subject, however, to the following provisions; that is to say:—

Travel 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;

Height of wires.

(*b*) The Company shall not affix any wires 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 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 in 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 damages which its agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized;

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

(*g*) In all municipalities the opening up of streets for the erection of poles or for carrying the wires underground, shall be subject to the direction and approval of such engineer or 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 electric 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, its servants, workmen or agents to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works without the previous assent of the owner or occupant of the property for the time being; Private rights saved.

(*k.*) If in the removal of buildings or if in the exercise of the public right of travelling on or using any public road, highway or street it becomes necessary that the said wires or poles be temporarily removed it shall be the duty of the Company at its own expense upon reasonable notice in writing from any person requiring the same, to remove such wires or poles and in default of the Company so doing, it shall be lawful for such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the head office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the said head office or to any agent or officer of the Company, in the nearest or any adjoining municipality to that in which such wires or poles require to be removed; Temporary removal of lines.

(*l.*) The Company shall make due provision for, take care and dispose of all water and drainage to the extent it disturbs or interferes with the same, whether from artificial drains, natural streams or watercourses, which drains natural streams or watercourses the said canal crosses, touches, or interferes with and which are in existence at the time of the construction of the said canal; Provision to be made for water or drainage.

(*m.*) All subsequent questions, disputes or complaints as to the construction of new drains and as to the alteration, enlargement and change of existing drains and natural streams or watercourses, and as to who shall make such alterations, enlargements and changes, and by whom the expense thereof shall be paid, as also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next Disputes how settled.

preceding paragraph, shall be inquired into, heard and determined by the Railway Committee of the Privy Council in the same manner as is provided for other matters to be inquired into, heard and determined by the said Committee under *The Railway Act ;*

Consent of municipality.

(*n.*) The authority herein given with respect to such streets, highways and public places shall only be exercised subject to such agreement with respect thereto as is made between the Company and the said municipalities respectively and under and subject to any by-law of the councils of the said municipalities passed in pursuance thereof.

Provisional directors.

**4.** The persons mentioned by name in section one shall be and are hereby constituted provisional directors of the Company, and all meetings of the provisional directors shall be held at the head office of the Company.

Capital stock and calls thereon.

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

Number, qualification and quorum of directors.

**6.** At the first meeting of shareholders and at each annual meeting the shareholders assembled who have paid all calls due on their shares shall choose six persons to be directors of the Company each of whom shall own at least twenty shares of the capital stock of the Company absolutely and in his own right and not in arrears in respect of any call thereon the majority of whom shall form a quorum and one or more of whom may be paid directors of the Company.

Head office.

**7.** The head office of the Company shall be at the city of Fredericton or at such place in Canada as the shareholders by by-law from time to time direct.

Annual general meeting.

**8.** The annual general meeting of the shareholders shall be held on the last Wednesday in September in each year or at such other date as is fixed by by-law of the Company.

Amount of bonds, etc., limited.

**9.** The Company may issue bonds, debentures or other securities in the manner provided by section ninety-three of *The Railway Act* to an amount not exceeding five hundred thousand dollars.

Time for construction limited.

**10.** The construction of the said works shall be commenced within five years and completed within eight years from the passing of this Act otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as then remain uncompleted.

1888, c. 29.

**11.** *The Railway Act* so far as applicable and when not inconsistent with this Act shall apply to the Company and to its undertakings.

Interpretation "Company."

2. Wherever in *The Railway Act* the word "Company" occurs it shall mean the Company hereby incorporated.

"Railway."

3. Wherever in *The Railway Act* the word "Railway" occurs it shall, unless the context otherwise requires in so far

as it applies to the provisions of this Act or the Company hereby incorporated, mean the canal or ditch or hydraulic raceway or other works authorized by this Act to be constructed.

"Land."

4. Wherever in *The Railway Act* the word "land" occurs it shall be held to include any privilege or easement required by the Company for constructing or operating the works authorized by this Act or any portion thereof on, over or along any land, without the necessity of acquiring a title in fee simple.

R.S.C., c. 118.

**12.** *The Companies Clauses Act* shall not apply to the Company.

Declaratory.

**13.** The works authorized by this Act are hereby declared to be works for the general advantage of Canada.

No. 95.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Grand Falls Water Power and Boom Company.

Received and read a first time, Tuesday, 21st May, 1895.
Second reading, Wednesday, 22nd May, 1895.

(PRIVATE BILL.)

Mr. McAlister.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 96.] **BILL.** [1895.

An Act to incorporate the International Radial Railway Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate the the following lines of railway, and for other 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, declares and enacts as follows:— Preamble.

**1.** Alexander Burns, Alexander McKay, John Hoodless, James Edwin O'Reilly, Thomas Miller, Frederick A. Carpenter, Peter D. Crerar, Thomas Ramsay, William N. Myles, Richard H. McKay, Arthur H. McKeown and James Frank Smith, all of the city of Hamilton; Thomas Bain, of the town of Dundas; William Andrews, of the city of Guelph, and Edward J. Powell, of the city of London, in the province of Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The International Radial Company," hereinafter called "the Company." Incorporation. Corporate name.

**2.** The head office of the Company shall be in the city of Hamilton, in the province of Ontario. Head office.

**3.** The Company may lay out, construct and operate lines of railway of the gauge of four feet, eight and one-half inches, radiating from a central point in or near the city of Hamilton to the following terminal points:— Line of railway described.

(*a.*) To the town of Waterloo, in the county of Waterloo, passing through or near the towns of Galt, Preston, and Berlin, with a branch from some point on the said line between Hamilton and Waterloo to the city of Guelph, in the county of Wellington;

(*b.*) Also to a point on the Niagara River in or near the village of Fort Erie, in the county of Welland, passing through the counties of Wentworth, Lincoln and Welland, with a branch from some point on the said line to a point on the shore of Lake Erie near the mouth of the Grand River, passing through or near the village of Dunnville;

(*c.*) Also to the town of St. Marys, in the county of Perth, passing through or near the city of Brantford and the town of Woodstock, with a branch from a point on the said line to the shore of Lake Erie, in or near the village of Port Burwell.

**4.** The undertaking hereby authorized is declared to be a work for the general advantage of Canada. Declaratory.

Power to build docks, etc.

**5.** The Company, at any point where the railway, or any branch thereof, touches or crosses any navigable waters, may for the purposes of its business, build, equip, and operate docks and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharfs and buildings, and may convey passengers and freight, between ports in Canada, and ports outside of Canada, and may carry on a general transportation service in connection with the said railway and may sell and dispose of such vessels.

Water and steam power.

**6.** The Company may acquire and utilize water and steam power for the purposes of generating electricity for lighting and motor purposes in connection with its railway, or any branch or part thereof, and may operate the said railway or any branch or part thereof by electricity.

Expropriation powers.

**7.** The Campany, in addition to its powers under *The Railway Act*, may, if it cannot agree for the purchase thereof with the owner of the land required for wharves, docks, elevators or warehouses, cause a map or plan and book of reference to be made of the land required for any of the purposes aforesaid; and all the provisions of sections one hundred and seven to one hundred and eleven (both inclusive) of *The Railway Act* shall apply to the subject matter of this section and to the obtaining of such land and determining the compensation therefor.

Surveys, etc.

2. The Company may take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, and may make a book of reference in accordance with the provisions of section one hundred and twenty-three of *The Railway Act*, and deposit it, as required by the clauses of *The Railway Act* with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the Company from time to time sees fit, so that no one of such sections or portions shall be less than twenty miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of *The Railway Act* and the amendments thereto, applied to, included in or incorporated with this Act, shall apply to and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys had been taken and made of the lands through which the whole of the railways are to pass, together with the map or plan of the whole thereof and of their whole course and direction, and of the lands intended to be passed through and taken, and the book of reference of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of *The Railway Act* with respect to plans and surveys.

Provisional directors.

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

2. If any provisional director dies or resigns before the first general meeting of the Company the vacancy may be filled by the remaining provisional directors. Vacancies.

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

**10.** Notwithstanding anything contained in *The Railway Act*, the provisional directors, for the purposes of commencing construction of any section of the said railway not to be less than twenty miles in length, may, so soon as twenty per cent of two hundred thousand dollars of the capital stock or such larger sum as is equal to two thousand five hundred dollars per mile of such section, has been subscribed, and ten per cent paid thereon into one of the chartered banks in Canada, call a meeting of the subscribers and proceed to the construction of a section of the said railway in the manner prescribed by *The Railway Act*. Amount to be subscribed before construction.

2. Before commencing construction of a second section of the railway measuring not less than twenty miles in length, twenty-five per cent of two hundred thousand dollars more of the unsubscribed capital stock, or such larger sum as is equal to two thousand five hunred dollars per mile of such section, shall be subscribed, and ten per cent paid thereon as aforesaid.

3. In like manner the construction of any further section or sections of the said proposed railways measuring not less than twenty miles each may be commenced as aforesaid when not less than two hundred thousand dollars of the capital stock of the Company, in addition to all capital stock of the Company already subscribed for sections previously commenced, as hereinbefore provided, or such larger sum as shall be equal to two thousand five hundred dollars per mile of such section, has been subscribed, and ten per cent paid thereon as aforesaid.

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

**12.** At such annual meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose eleven persons to be directors of the Company, one or more of whom may be paid directors of the Company. Number of 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, and six thousand dollars per mile additional debentures for each mile double-tracked, 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, etc., limited.

**14.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Canada Southern Railway Company or the New York Central Railroad Company for conveying or leasing to such companies, or any one of them, the railway of the Company hereby incorporated, in Agreement with another company.

whole or in part, or any rights 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 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 of the shareholders and of the Governor in Council.

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 hereby incorporated runs and in which a newspaper is published.

Notice of application for approval.

Purchase of other railways

**15.** The Company may acquire by purchase or lease the whole or any part of the railway and works, capital stock, assets, rights, privileges, property and franchise of the Hamilton and Dundas Street Railway Company, the Galt, Preston and Hespler Street Railway Company and the Berlin and Waterloo Street Railway Company, or any of them, upon such terms and conditions as are agreed upon by the directors of the said companies, or may enter, into agreement with the said street railway companies, or any of them, for the use by the Company hereby incorporated of the railways, stations, cars or other property of any of the said street railway companies, or with reference to any service by one of said companies to the other, with reference to the price or compensation to be paid for such services or for the construction of one or more branch railways or of one or more tramways to facilitate the connection between the railways of the two companies: Provided that no such agreement shall be valid until it has been ratified by two-thirds of the votes at special general meetings of the shareholders of each company 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 until it has been approved of by The Railway Committee of the Privy Council and also by the municipal councils of the municipalities in or through which the said street railways run, and that every such agreement shall be subject to any statute now in force respecting the powers and obligations of any of the said street railway companies, parties to such agreement.

Proviso: approval of the shareholders and of the railway committee.

Agreement to be filed in office of Secretary of State.

**16.** A duplicate of each agreement, conveyance or lease referred to in section fourteen and fifteen of this Act, duly ratified and approved, shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Gazette* containing such notice shall be *prima facie* evidence of the requisites of this Act having been complied with.

**17.** The Company may grant or lease to any person the right to erect on the grounds belonging to the Company, warehouses, elevators, or other buildings or works, for the purpose of giving greater facilities to the public in doing business with the Company; and the buildings or works so erected shall not be bound by or subject to any mortgage or lien on the property of the Company, without the consent of the owner of such buildings or works.

Warehouses, etc., on grounds of the company.

**18.** The Company may construct, equip, acquire and operate telegraph and telephone lines along the whole line of its railway and branches, and may establish offices for the transmission of messages for the public, and, for the purpose of erecting and working such telegraph and telephone lines, the Company may enter into a contract with any other company.

Telegraph and telephone lines.

**19.** With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality the Company may, by its 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 its line of telegraph or 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 deems 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, its 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:—

Company may enter upon public roads.

May erect poles.

And stretch wires.

And break up roads.

(*a*) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or water courses, 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;

Travel not to be obstructed.

(*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;

Height of wires.

(*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;

Kind of poles.

(*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;

Cutting poles or wires in case of fire.

Liability for damages.

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

Trees.

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

Approval of municipality.

(*g*) In all municipalities the opening up of streets for the erecting of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or 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;

Company may be required to carry wires under ground.

(*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;

Workmen tp wear badges.

(*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;

Private rights saved.

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

Temporary removal of lines or poles.

(*k.*) If in the removal of buildings or in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed.

Notice to the company.

Arrangements with telegraph or telephone company.

**20.** 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.

No. 96.

5th Session, 7th Parliament, 58 Victor

An Act to incorporate the Interr
Radial Railway Company.

BILL.

Received and read a first time, Wed
22nd May, 1895.
Second reading, Wednesday, 29th Ma

(PRIVATE BILL.)

MR. MA

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Ma
1895

N° 97.] **BILL.** [1895.

An Act respecting the Clifton Suspension Bridge Company.

Preamble

WHEREAS the Clifton Suspension Bridge Company has by its petition prayed for the passing of an Act to extend the time limited for the commencement and completion of 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:—

1868, c. 82; 1869, c. 66; 1876, c. 49; 1894, c. 97.

Section 9 of c. 97 of 1894 repealed and time for construction extended.

**1.** Section nine of chapter ninety-seven of the Statutes of 1894 is hereby repealed and in lieu thereof it is hereby enacted, that the bridge authorized by section two of the said Act shall be commenced within one year and completed within three years from the passing of this Act, otherwise the powers granted for the construction thereof shall cease and be null and void.

No. 97.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Clifton Suspension Bridge Company.

Received and read a first time, Tuesday, 28th May, 1895.
Second reading, Wednesday, 29th May, 1895.

PRIVATE BILL.

Mr. NORTHRUP.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 98.] **BILL.** [1895.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company.

Preamble.

WHEREAS the Quebec, Montmorency and Charlevoix Railway Company was incorporated by an Act of the legislature of the province of Quebec, forty-four and forty-five Victoria, chapter forty-four, which Act was amended by Acts of the same legislature, forty-eight Victoria, chapter seventy-eight, fifty-three Victoria, chapter, one hundred and nine, fifty-four Victoria, chapter ninety, fifty-five and fifty-six Victoria, chapter sixty-nine and fifty-seven Victoria, chapter seventy-one, and in consequence the provisions regulating the powers, rights and obligations of the Company are contained in a number of Acts, some of the clauses of which have been repealed or amended, and others have ceased to be useful or applicable; and whereas it is expedient to embody in one Act such provisions of the said several Acts as shall be retained in force and applicable to the Company; and whereas the Company by its petition has prayed for such consolidation, and that it be declared a body corporate within the jurisdiction of the Parliament of Canada, and has asked that certain other powers hereinafter set forth be conferred upon 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, declares and enacts as follows:—

Que., 44-45 V., c. 44; Que., 48 V., c. 78; Que., 53 V., c. 109; Que., 54 V., c. 90; Que., 55-56 V., c. 69; Que., 57 V., c. 71.

Declaratory.

**1.** The undertaking of the Quebec, Montmorency and Charlevoix Railway Company, a body incorporated as mentioned in the preamble, and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Declaratory.

**2.** The Company as now organized and constituted under the said Acts of the province of Quebec is hereby declared to be a body politic and corporate within the legislative authority of the Parliament of Canada; and this Act and *The Railway Act* of Canada shall apply to the Company and its undertaking instead of the said Acts of the province of Quebec and the Railway Act of Quebec: Provided that nothing in this section shall affect anything done, any rights or privilege acquired, or any liability incurred under the said Acts of the province of Quebec prior to the time of the passing of this Act—to all which rights and privileges the Company shall continue to be entitled and to all of which liabilities the Company shall continue to be subject.

Proviso: existing rights saved.

Head office.

**3.** The head office of the Company shall be in the city of Quebec, but may be changed to any other place in Canada, if

a by-law duly adopted at a general or special meeting of the shareholders sanctions such change.

Annual general meeting.

**4.** The annual general meeting of the shareholders of the Company shall be held on the second Tuesday in October of each year at a time specified in the notices calling the such meeting, which notice shall be published in one newspaper in the English language and in one newspaper in the French language in the city of Quebec, for at least two weeks preceding the date of the meeting.

Special meetings.

2. Notice of special meetings shall be given in like manner.

Capital stock.

**5.** The capital stock of the Company shall be two million dollars, divided into shares of one hundred dollars each, and the subscriptions thereto and the allotments thereof made under the authority of the said Acts of the legislature of Quebec are hereby ratified and confirmed.

Directors continued in office.

**6.** The board of directors of the Company presently in office shall continue to be the directors until legally replaced at the next annual meeting.

Number, quorum and increase of directors.

2. The board of directors shall consist of seven members qualified as provided in *The Railway Act*, the majority of whom shall form a quorum. The number of directors may be increased to nine under a by-law to that effect.

Paid directors.

3. The directors may employ one or more of their number as paid directors.

Proxies.

4. The directors may act and vote by proxy, such proxy to be held by a director, and no director shall hold more than two such proxies, and at least two directors shall be personally present for the transaction of business.

Duration of proxies.

5. 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.

Powers.

**7.** The Company may :—

Bridges.

(*a.*) Lay out, construct, maintain, work, use and manage railway bridges over any nagivable stream on its lines, extensions, or branches;

Vessels, &c.

(*b.*) Build, purchase, acquire, charter, lease, possess, work and operate steam and other vessels on any lakes, rivers or navigable waters, for such purposes in connection with its undertaking, as it deems proper and expedient, and enter into arrangements and agreements with owners of steam and other vessels for such purposes;

Wharves, &c.

(*c.*) Construct, equip and maintain wharves, docks, elevators, warehouses, and other buildings requisite for carrying on the traffic of the Company;

Lands, &c.

(*d.*) Acquire and hold lands, timber licenses, fishing limits, mining rights and other property of a like nature and work the same for its own profit;

Saw mills, &c.

(*e.*) Erect, operate and maintain saw-mills, manufacture and sell lumber and acquire waterways, construct ditches, flumes, roads and tramways and do all such other things as are conducive to carrying on the business of lumbermen, saw-mill owners and manufactnrers of lumber;

(*f.*) Build, purchase, lease and manage hotels and dwelling houses along the line of its railway ; Hotels.

(*g.*) Buy, lease, acquire, sell and mortgage, coal, iron, asbestos, phosphates and other minerals, lands and mines, and mine and work, coal, iron, asbestos, phosphates and other minerals and otherwise operate such mines ; and manufacture and sell the products of such mines and lands, and likewise purchase, sell, mortgage, construct and own all buildings, machinery and plant requisite and necessary for carrying on or operating such business. Mines.

**8.** The Company may use and employ for the locomotion and propulsion of its cars, vehicles and rolling stock and wherever power is required, electricity in all its forms, steam, and any approved mechanical power or other means, agency or force for such purposes that science or invention may develop,—and shall have all rights, powers and privileges necessary and essential to the management, operation and maintenance of its line as an electrical system, either in whole or in part ; and may acquire, use and develop every kind of electrical force, power and energy required or useful in the working of its undertaking, and apply such agencies and motive powers for all its uses and purposes, and in this connection the Company may:— Power for propulsion of cars.

(*a.*) Acquire lands and erect, use and manage works, machinery and plant for the generating, transmission, distribution and sale of electric power and energy for any purpose whatever ; Generating electricity.

(*b.*) Build and maintain power houses and stations for the development of electrical force and energy and the distribution thereof ; and buy or lease the factories or stations of other like companies or acquire and own the rights and powers of companies maintaining and operating such power and energy, or acquire and manage shares in the capital stock of such companies, or lease their works, equipments and appurtenances ; Power houses, &c.

(*c.*) Acquire, by lease, purchase or otherwise any exclusive rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights ; Patent rights.

(*d.*) Distribute and sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting the same into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used ; Surplus power.

(*e.*) Supply cities, towns and municipalities with electric power, light and heat at such prices and charges as are fixed upon, and collect the revenues therefrom by legal process. Supply of light, &c.

**9.** The Company may maintain, manage, run and operate by means of steam, electricity or other approved motive power upon the standard gauge of four feet eight and a-half inches or other gauge useful or applicable, with single or double track, that portion of its main line now constructed and in operation, running from a point in the city of Quebec along the northwesterly shore of the river St. Lawrence to Cap Tourmente, a distance of about thirty-five miles. Power to operate railway already constructed.

Power to build other lines.

2. The Company may lay out, construct, equip and operate with single or double track of standard gauge, or other useful or applicable gauge, the following lines:—

Extension through St. Sauveur.

(*a.*) An extension from the present terminus in the city of Quebec to some point on the north shore of the river St. Lawrence at or near Allan's Wharf, and in a westerly direction through St. Sauveur; and such lines, extensions or branches throughout the district of Quebec as are deemed useful or advantageous;

Extension from Cap Tourmente.

(*b.*) An extension of the main line from its present terminus at Cap Tourmente, along the northerly shore of the river St. Lawrence to the village of Murray Bay or to any point on Ha Ha Bay; and thence crossing the river Saguenay and continuing in a north-easterly direction along the shore of the river St. Lawrence to a point in Labrador near the Straits of Belle Isle;

Length of other extensions limited.

(*c.*) Also any branch lines or extensions that are necessary from any point on the main line: Provided that except for the purpose of connecting with other railways, such branches do not exceed a length of thirty miles.

Street railway in the city of Quebec.

3. The company may lay out, construct, equip, manage and operate with single or double track of any useful or approved gauge by means of electricity or other mechanical or approved motive power, force or energy, lines of railway along, over and throughout all or any of the streets in the city of Quebec, or roads in the neighbourhood thereof, or in the adjoining parishes, and for such purposes erect above ground all necessary constructions, including posts and other supports essential for the working of an electric railway, the whole subject to the consent of the city of Quebec and the Quebec North Shore Turnpike Trustees, and upon the conditions agreed upon between them and the company with respect to the streets and roads under their respective control.

Drains and fences.

**10.** The Company shall not be bound to make drains and fences of a greater size or more expensive than the drains and fences made on the lands traversed by the railway, by the owners of such lands, and in any case, the company shall not be bound to make fences and drains in places where the line of the railway is wholly situate within the water mark of the highest tides; and in the event of the land of the railway of the Company being situate partly within and partly without the water mark of the highest tides as above mentioned, the Company shall not be bound to make drains and fences, except on the portion which is situate outside the highest tide mark: Provided, however, that the Company shall not close or obstruct line ditches or other drains made by the owners of lands traversed by the railway of the Company, and in existence at the time the railway is built.

Proviso: ditches not to be obstructed.

Telegraph and telephone lines.

**11.** The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches and across any rivers or canals that intervene, and shall have and enjoy all the rights, powers, privileges and immunities, essential and appertaining to the construction and maintenance of such lines; 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 with any other company.

Branch telegraph and telephone lines.

2. The Company may construct, erect, sell, purchase, lease, let, equip, work and maintain any other line of telegraph and telephone, not exceeding thirty miles in length in any one case, to connect the lines constructed or to be constructed along the line of its railway with any other 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 of such lines, or any portion thereof.

Company may enter on public roads.

**12.** With the consent of the municipal council or other authority having jurisdiction over the roads and streets of any city, town, municipality or district, the Company may, by its 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, district, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its 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 deems 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, its 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.

And stretch wires.

And break up roads.

Travel not to be obstructed.

(*a.*) The Company shall not in the construction or operation of its telegraph or telephone lines 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.

(*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 its agents, servants or workmen cause to individuals or property in carrying out or maintaining any of its said works;

Trees.

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

Approval of municipality.

(*g.*) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires underground, shall be subject to the supervision of such engineer or other person as the council appoints for that purpose, 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 streets shall in all cases be restored as far as possible to its former condition by and at the expense of the company;

Company may be required to carry wires under ground.

(*h.*) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires underground, 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, and the Company shall not be entitled to damages therefor;

Workmen to wear badges.

(*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;

Private rights saved.

(*j.*) Nothing in this section contained shall be deemed to authorize the company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of lines in certain cases.

(*k.*) If in the removal of buildings or in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed.

Notice to the company.

Arrangements with other companies.

**13.** The Company may enter into any 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, or with any electrical power Company for the use or lease of electric power, force or energy, or for the management and distribution of the same.

Agreement with the city of Quebec.

**14.** The Company may enter into an agreement with the city of Quebec for the acquiring of the franchises, rights, immunities and privileges necessary for the construction and maintenance of a system of electric railway upon and throughout the streets of the said city, and any such agreement, together with the stipulations and conditions thereof entered into by and between the Company and the city of Quebec, for the said purpose, shall be valid and binding.

Purchase of Quebec street railways.

2. The Company may acquire, purchase and own the rights, privileges, franchises, railway, works, plant, equipment and materials, of the Quebec Street Railway Company and the St. John Street Railway Company, and may convert the lines of the said companies into an electric system, and may conduct and manage their affairs in such manner as appears to the Company most advantageous, and as is sanctioned by the city of Quebec; and any agreement entered into for such purposes shall be valid and binding.

Purchase of rights of the Montmorency Electric Power Co.

3. The Company may purchase, use, own, manage and operate the works, buildings, plant and machinery, of the Montmorency Electric Power Company, or may acquire, own and manage the capital shares of the said company or any portion thereof, or may lease its rights, powers and products, or amalgamate with the said company, or enter into any agreement therewith for the use, lease, conrol or management of its buildings, machinery and products, and all such contracts shall be valid and binding.

Lines in cities, towns, &c.

**15.** The Company may construct and carry the said lines of railway along and upon such streets and highways in any city, town, village or municipality when thereto authorized under any resolution of or agreement with the corporations respectively having jurisdiction over the same, and subject to any restrictions therein or herein contained and under and subject to any agreements to be made between the councils of any of the said corporations and the Company.

Conduits and poles.

**16.** The Company, subject to any restrictions contained in any resolution or agreement with any city, town, village or municipality having jurisdiction over any of the streets or highways upon which it is authorized to carry its lines of railway as aforesaid, may lay conduits under or erect poles and wires along, over and upon any of the public roads and highways of the said municipalities respectively; and may also acquire the right to lay conduits under or to erect poles and wires along, over and upon and to convey electricity required for the working of the railway or lighting the same upon, over, or under lands other than the right of way of the railway, and upon, over, under or across any streams, rivers, lakes or waters; and for any of the purposes aforesaid may erect the necessary fixtures, including posts, piers or abutments for sustaining wires, cables, conduits and other electrical appliances.

Agreements with cities, towns, &c.

**17.** The municipal council of any city, town, village or municipality through which the said railway is constructed may, subject to the provisions of this Act, make and enter into an agreement with the Company relating to the construction of the said railway, for the paving, macadamizing, repairing

and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water-pipes in the said streets and highways, the location of the railway and the particular streets along which it shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, and the rates to be paid on freight, the time in which the works are to be commenced, the manner of proceeding with the such works and the time for completion, and generally for the safety and convenience of passengers.

By-laws to carry into effect agreements with municipalities.

**18.** The municipal council of any city, town, village or municipality through which the said railway passes, may make by-laws for the purpose of carrying into effect any such agreement; and such by laws may contain all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience to such by-laws, and forfacilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway passes.

Rights of the Company's vehicles.

**19.** The vehicles of the Company shall have the right to use the tracks of the Company as against all other vehicles whatever, and all other vehicles using the said tracks shall turn out of the said tracks and permit the vehicles of the Company to pass, and shall in no case and under no pretence whatever obstruct or hinder the passage on and the free use of the said tracks for the vehicles of the Company.

Fares.

**20.** The fare shall be due and payable by every passenger on entering the car; and any person who refuses to pay the fare when demanded by the conductor or driver, and refuses to leave the car when requested to do so by the conductor or driver, shall on summary conviction thereof before a justice of the peace be liable to a fine of not less than ten dollars.

Agreement with another company.

**21.** The Company may enter into any agreement with any other railway company within the provinces of Quebec or Ontario, for disposing of or leasing the railway of the Company, or any part thereof or for the use thereof at any time, or for any period, to such other company, or for purchasing or leasing or for hiring from such other company any railway or part thereof or for the use thereof, or for purchasing or leasing or hiring any locomotives, tenders or movable property, and generally may make any agreement with any such other company, touching the use by one or the other, or by both companies, of the railway or movable property, of one or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor.

Amalgamation with other companies, subject to approval of shareholders.

2. The Company may amalgamate with any other railway company, and may accept and receive such company as forming part of the Company; and such amalgamation may be by deed, which, however, shall not have any force or effect until it has been submitted to the shareholders of both com-

panies at meetings of such shareholders respectively, duly called for the purpose thereof and approved by them; and such amalgamated company shall bear the name stipulated in the deed and shall be subject with regard to division of assets and obligations, and the apportionment of stock and securities, to the special provisions contained in the said deed for the regulation thereof.

Agreement with Governments.

**22.** The Company may enter into similar agreements to those mentioned in the next preceding section with the government of Canada or with the government of the province of Quebec.

No fences necessary on unoccupied crown lands.

**23.** Whenever the railway of the Company crosses crown lands, the Company shall not be bound to construct along the line of the railway any fences, ditches, road or farm crossings, so long as such lands are not occupied by *bonâ fide* settlers in lawful possession of the lands occupied by them.

Power to purchase lands and receive gifts.

**24.** The Company, for the purpose of aiding the construction, equipment or maintenance of its undertaking, may purchase lands from the government of Canada, or from the government of any province of Canada, or from any corporation, company or person, and may hold, dispose of, sell, pledge or mortgage such lands; and it may also receive from the government of Canada or from any province of Canada or from any corporation, company or person for a like purpose any grant, gift or bonus of real or personal property or any sums of money, or it may receive the same in payment of stock or securities of the Company and alienate, dispose of, pledge or mortgage the same for the purposes of the Company.

Power to hold shares in other companies.

**25.** The Company may purchase, hold, own and manage shares of the capital stock of any corporate company with which it does business, or with which it has entered into agreements, or with the lines of which its railway connects, and dispose of said shares and exercise all the rights and privileges in regard thereto appertaining to any shareholder in such company; and the Company may appoint an agent or proxy for such purpose and delegate any of its directors or shareholders for the purpose of holding any office or station in such company.

Preference stock.

**26.** The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person, may issue preference stock to an amount not exceeding one hundred shares of one hundred dollars each per mile, that is to say, ten thousand dollars per mile for every mile of railway or branches constructed or under contract to be constructed, entitling the holder thereof, in priority to all other shareholders, to a cumulative dividend, payable thereon at such rate not exceeding eight per cent per annum, as the directors think fit, out of the net earnings of the Company, after the interest on the first mortgage bonds is paid.

Existing preference stock confirmed.

2. Such preferential shares or stock as have been already authorized by the said Acts of the legislature of Quebec and any allotments made under the said authority are hereby ratified and confirmed.

Rights of holders.

3. The holders of such preference stock shall have the rights, privileges and qualifications of holders of capital stock for voting at meetings of the Company or for being directors.

Paid up stock.

**27.** The Company may issue as fully paid up stock both common and preferred shares, and may, upon such terms as the directors deem in the Company's interests, pay and allot such shares in satisfaction of right of way, plant, rolling stock, mining and smelting plant, or materials of any kind; and for services or work done by contractors, engineers, solicitors and other persons engaged in promoting the undertakings or works of the Company, and allot and pay over such fully paid shares in whole or partial payment for the purchasing, leasing or other acquisition of coal, iron, copper and other mines or mining areas or leases thereof, and of the railway's rolling stock, wharves, lands, ships, plant, power, appurtenances, and other property which the Company is hereby authorized to acquire, construct, operate or own, and in payment of the shares, bonds or other obligations of other companies which the Company is hereby authorized to acquire; and such allotment by the directors shall be binding on the Company, and the said shares shall constitute fully paid up stock and shall not be assessable or subject to any calls for any purpose whatsoever, and the holders of said stock allotted or paid as aforesaid shall not be subject to any personal liability whatsoever in respect thereto.

Amount of bonds limited.

**28.** The Company may make and issue in the manner provided by and subject to the provisions of *The Railway Act* bonds not exceeding in the whole thirty thousand dollars per mile of single track of its railway, extensions, branches and sidings, constructed or under contract to be constructed, and may secure such bonds in the manner provided by *The Railway Act*: Provided that the total amount of the bonds issued or to be issued, shall not, in any case exceed the said sum per mile.

Interest.

2. The bonds issued as aforesaid may bear such rate of interest as the Company deems advantageous.

Existing bonds to be cancelled before new bonds issued.

3. The bond hereby authorized shall not be issued or put in circulation until all interim or other bonds heretofore issued by the Company are redeemed, withdrawn and cancelled.

Line divided into sections.

**29.** The Company may divide its undertaking into sections as follows:—

Montmorency division.

(*a.*) The lines from the terminal station in the lower town, city of Quebec, extending to Cap Tourmente including all the branches and extensions thereof shall be designated and known as section number one, or the "Montmorency Division," and the mileage thereof shall be considered for purposes of this Act as forming a length of about fifty miles.

(*b.*) The lines within the city of Quebec subject to its franchise and those west of the St. Charles river operated by electricity shall be designated as section number two, or the "Citadel Division." Citadel division.

(*c.*) These lines extending from Cap Tourmente in a northeasterly direction shall be designated as section number three, or the "Saguenay Division." Saguenay division.

**30.** The Company may issue the shares, bonds and other securities authorized to be issued by this Act, separately with respect to each of the said sections, or as to certain sections combined, or on the whole line of the railway of the Company, and such bonds or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section in respect to which they are issued and upon the rents and revenues thereof and upon all the property of the Company belonging to such section. Bonds, &c., may be issued separately as to sections.

**31.** Conveyances of lands to the Company for the purposes and exercise of the powers given by this Act made in the form in the schedule to this Act, or to the like effect, shall be sufficient conveyance to the Company, its successors and assigns, of the estate and interest, and sufficient bar of dower, where such dower exists, respectively of all persons executing the same, and such conveyance shall be registered in such manner and upon such proof of execution as is required by the registry laws of the province or territory where the land is situate, and the registrar's fee therefor shall not exceed fifty cents. Conveyances of land how made.

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## SCHEDULE.

### DEED OF SALE.

Know all men by these presents, that I (*or* we) (*names of vendors*) in consideration of $ paid to me by the Quebec, Montmorency and Charlevoix Railway Company, which sum I hereby acknowledge to have received as compensation for the value of the land hereinafter described, and for all damages resulting from the expropriation thereof, as well as for all other damages caused by the exercise of the Company's franchises thereon, grant, sell and convey that certain tract or parcel of land (*describe the land*) selected and designated by the said Company for the purposes of its railway, to have and to hold the said land, premises and appurtenances unto the said Quebec, Montmorency aud Charlevoix Railway Company, its successors and assigns forever (*here insert any other clauses, covenants or conditions required*).

Witness my hand at this day of one thousand

Signed, sealed and delivered in presence of

No. 98.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company.

Received and read a first time, Tuesday, 28th May, 1895. Second reading, Wednesday, 29th May, 1895.

(PRIVATE BILL.)

Mr. AMYOT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 99.] **BILL.** [1895.

An Act to repeal the Electoral Franchise Act and amending Acts.

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

R.S.C., c. 5, and amendments, repealed.

**1.** Chapter five of the Revised Statutes of Canada, intituled *An Act respecting the Electoral Franchise*, and all amendments thereto, are hereby repealed.

Provincial franchises to apply to Dominion elections.

**2.** The electoral franchise law now in force in each of the Provinces of Canada, in so far as it relates to the election of members of the various Legislative Assemblies, shall be applicable to and is hereby adopted as the electoral franchise law of and for the election of members of the House of Commons of Canada, in each of the said Provinces respectively.

Powers of returning officers and others.

**3.** The returning officers, deputy returning officers, poll clerks and other officials hereafter appointed for the purpose of conducting and holding elections of members of the House of Commons of Canada, shall have the same powers and authority as the returning officers, deputy returning officers and other officials in the several Provinces now have under the election law in force in each of such Provinces respectively.

Qualification of voters.

**4.** All persons qualified to vote at the election of representatives in the House of Assembly or Legislative Assembly of the several Provinces, and no others, shall be entitled to vote at the election of members of the House of Commons of Canada, for the several electoral districts comprised within such Provinces respectively; and all lists of voters made and prepared, and which would, according to the laws in force in the said several Provinces, be used if the election were that of a representative or representatives to the House of Assembly or Legislative Assembly of the Province in which the election is held (where such lists are required to be made) shall be the lists of voters which shall be used at the elections of members of the House of Commons to be held under the provisions of this Act.

Voters' lists.

Case of Dominion employees disfranchised by provincial law.

**5.** If the electoral franchise law of a Province disfranchises, without cause, any person in the public service of Canada during at least six months and in receipt of a salary of at least three hundred dollars a year, the Governor in Council may adopt such measures as he deems necessary to qualify such person to vote at an election of a member of the House of Commons.

Indians.

**6.** The Governor in Council may adopt such measures as he deems necessary to prevent the disfranchisement of Indians entitled under the Acts hereby repealed to vote at an election of a member of the House of Commons.

Commencement of Act.

**7.** This Act shall take effect only upon the dissolution of the next Parliament. 5

No. 99.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to repeal the Electoral Franchise Act and amending Acts.

Received and read a first time, Wednesday, 29th May, 1895.
Second reading, Thursday, 30th May, 1895.

Mr. PELLETIER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No 100] **BILL.** [1895.

An Act to incorporate the Dominion Trusts Company.

WHEREAS the persons hereinafter named have petitioned to be incorporated for the purpose of executing and administering estates and as a safe deposit company and for the transaction of all business in connection therewith, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

**1.** James Armstrong, John Worthington Dowd, James Todhunter and John Jeremiah Cook, of the city of Toronto; Henry Cargill, of the village of Cargill, William Frederick Roome, of the town of Glencoe; Thomas Fraser Wallace, of the village of Woodbridge; Alexander Stuart and Donald Cameron, of the city of London; Samuel Hughes, of the town of Lindsay, and James D. Mills, of the town of Annapolis, in the province of Nova Scotia, together with such persons as become shareholders in the corporation hereby created are hereby constituted a body corporate under the name of "The Dominion Trusts Company," hereinafter called "The Company." Incorporation. Corporate name.

**2.** The head office of the Company shall be in the city of Toronto but the directors may establish branch offices and local directorates at the cities of London, Ottawa and Kingston and at such other places in Canada and elsewhere as they determine. Head office.

**3.** The Company may: Powers.

(*a.*) Take, receive and hold all estates and property real and personal which are granted, committed, transferred or conveyed to it upon any trust whatsoever not contrary to law, at any time, by any association, society, person or body corporate or by any order, judgment or decree of any court in Canada or elsewhere; Holding of estates on trust.

(*b.*) Administer, fulfil and discharge the duties of such trusts for such remuneration as is agreed upon; Administration.

(*c.*) Act generally as agent or attorney for the transaction of business, the management of estates, the collection of rents, interests, dividends, mortgages, bonds, bills, notes and securities for money; Management of estates, etc.

(*d.*) Act as agent for the purpose of issuing or countersigning the certificates of stock, bonds or other obligations of any corporation, association or municipality, and receive and manage any sinking fund therefor, on such terms as are agreed upon; Issuing stock, etc.

Annuities.

(*e.*) Grant and sell terminable and life annuities;

Investment of proceeds of annuities.

(*f.*) Invest the proceeds of the sale of annuities and all moneys of the Company, other than their capital reserve or accumulated profits, and all moneys entrusted to them for investment upon the security of or in the purchase of annuities, mortgages, upon freehold lands in Canada and debentures of municipalities throughout Canada, and all securities in which trustees are by law authorised to invest trust moneys;

Guarantee of investments.

(*g.*) Guarantee any investments made by the Company as agent or otherwise, provided that nothing herein shall be held either to restrict or to extend the powers of the Company as trustee or agent under the terms of any trust or agency that is conferred upon it;

Sales, etc.

(*h*) Sell, pledge or mortgage any mortgage or other security or any real or personal property held by the Company and execute all requisite conveyances in respect thereof;

Monies in trust.

(*i*) Receive moneys in trust and otherwise for purposes herein specified and invest and accumulate the same at such rates of interest as may be obtained therefor;

Execution of trusts.

(*j*) Accept and execute all such trusts of every description and nature as are entrusted to the Company by any government, body corporate, association, society or person, or committed or transferred to it by any order, judgment or decree of any court in Canada or elsewhere; accept and execute the offices of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic and perform the duties of such offices or trusts as fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge or prothonotary for an appointment to any such office or trust, such court, judge or prothonotary may appoint the Company with its consent to hold such office or trust, and may substitute if necessary for any obligations required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the Company; take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise any real or personal estate upon any lawful trusts, and perform and execute such trusts according to the terms and for the purposes declared, established or agreed upon respecting such estate; accept from and execute trusts for married women in respect to their separate property real or personal and act as agents for them in the management of such separate property; guarantee re-payment of the principal or payment of the interest, or both, of any moneys entrusted to the Company for investment, on such terms and conditions as are agreed upon; act as agents for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government, municipal or other corporate body duly authorized to issue and make the same, and hold such stock bonds, debentures or other securities for money as agent or trustee; and act generally as fiscal or other agent for such government or corporate body;

Winding up estates, etc.

(*k*) Act as agent or attorney for winding up estates, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, debentures or other securities or evidences of debt or

demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust or general agency ;

(*l*) Be the custodian, on such terms as are agreed upon, of any jewellery, plate or other valuable property and of deeds, wills, debentures and other evidences of title or indebtedness ; Custody of jewellery, etc.

(*m*) Act as investing and managing agent of estates and properties and on behalf of executors, administrators and trustees and of any other persons or corporations ; Management of estates.

(*n.*) Receive and collect such remuneration for its services as is agreed upon or as previously fixed from time to time by its by-laws, and all usual and customary charges, costs and expenses ; Remuneration.

(*o.*) Make, enter into, deliver, accept and receive all deeds, assurances, transfers, assignments, grants and contracts necessary to carry the provisions of this charter into effect, and to promote the objects and designs of the Company. Deeds.

**4.** The powers and authority hereby conferred upon and granted to the Company shall not have any force or effect in any province in any respect in which they conflict with the laws of such province. Powers to be subject to provincial laws.

**5.** The Company shall invest trust moneys as follows and may manage, sell or dispose of such investments as the terms of the trusts require :— Investment of trust monies.

(*a.*) Upon first mortgages, privileges and hypothecs of improved freehold or leasehold property of ample value in Canada, and the Company may accept personal property or covenants by way of collateral security thereto ; or On mortgages.

(*b.*) In the stock, funds or government securities of Canada or any province of Canada, or of the United States, or guaranteed thereby respectively, or in the bonds or debentures of any municipal corporation in any such province other than municipal corporations having a population of less than two thousand inhabitants or an annual rate of assessment exceeding two cents on the dollar, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or any of the colonies or dependencies thereof; or On public securities.

(*c.*) In such securities as are specified by the terms of any trust, or by the order, judgment or decree of a court, judge or prothonotary. On securities specified by court.

2. Nothing in this section shall prevent the Company from holding securities of any other kind that form or are part of any trust estate which comes into its hands ; and it may hold such securities subject to the trusts and legal obligations attaching thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise. Holding of securities.

**6.** The moneys and securities of each trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other, in the registers and other books of account to be kept by the Company, so that at no Trust monies to be kept distinct.

time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall, in the receipt of rents, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: Provided always, that in the management of money and property held by the Company as trustees, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment, at the time of the making of such appointment, otherwise directs, invest such money and property in a general trust fund of the Company; provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed four thousand dollars.

Proviso: investment in general trust fund.

Amount limited.

Trust monies not liable for debts of the company.

**7.** Moneys, properties and securities received or held by the Company upon trust or as agent of any person or body corporate, shall not be liable for the debts or obligations of the Company. The liabilities of the Company to the persons interested in an estate held by the Company upon any trust or office shall be the same as if the said estates had been held by any private person in such capacities respectively, and their powers shall be the same, and the whole of the capital stock of the Company together with its property and effects, shall be taken and considered as security for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatsoever, but no shareholder in the Company shall be liable to any greater extent than the amount unpaid upon any stock held by him

Account of administration.

**8.** In case of the appointment of the Company to any trust or office by any court in Canada, judge or prothonotary thereof, the Company shall not be required to give any security, but such court, judge or prothonotary may, from time, require the Company to render an account of its administration of the particular trust or office to which it has been so appointed; and may from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such court, judge or prothonotary; and the expenses of such investigation shall be borne as ordered by such court, judge or prothonotary.

Real estate.

**9.** The Company may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of ten thousand dollars, and beyond any real estate of whatever value which being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same; but the Company shall sell any real estate acquired in satisfaction of any debt due to itself, other than as trustee or in any official capacity, within seven years after such acquisition, otherwise such real estate shall revert to the previous owner, or his heirs or assigns.

Sale of real estate acquired in satisfaction of debts.

Investment of the funds of the company.

**10.** The Company may invest any moneys forming part of its own capital, or reserve or accumulated profit thereon, in

the securities mentioned in section five of this Act or in the bonds or debentures of any incorporated building society or loan company, or on the security of real estate in Canada or of any interest in such real estate, as the directors deem expedient.

Company not to issue notes as money.

**11.** Nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking, or of insurance and the Company shall not have power to issue debentures.

Capital stock and increase thereof.

**12.** The capital stock of the Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and the Company may, after the whole capital stock has been subscribed and one hundred thousand dollars have been paid thereon in cash, from time to time increase the capital stock to an amount not exceeding in the whole five hundred thousand dollars, by a resolution adopted by a majority in number and amount of the shareholders at a meeting specially called for that purpose ; and if the capital stock is at any time increased, the shareholders at the time of such increase shall have a preferential right to a *pro rata* allotment of such increase.

Preference shares.

**13.** The directors may, by by-law, issue any part of the capital stock, not exceeding fifty per cent thereof, as preference shares or terminable debentures or both and such by-law may declare that the holders of preference shares or debenture stock shall be entitled to receive out of the profits of the Company, as a first charge, a cumulative preferential dividend not exceeding five per cent per annum on the amount for the time being paid upon preference shares or debenture stock held by them respectively, and such by-law may also give such debenture stock priority as respects redemption or,—in the event of final distribution of assets,—repayment of capital.

Sanction of shareholders.

2. Such by-law shall not have any force or effect whatever until it has been sanctioned by a vote of the shareholders representing at least two-thirds of the issued capital stock of the Company, present or represented by proxy at a general meeting of the Company duly called for considering the same.

Directors.

**14.** The property, affairs and business of the Company shall be managed by a board of not less than nine nor more than seventeen directors ; which board, in the first instance and until another is chosen and appointed, as hereinafter provided, shall consist provisionally of the persons named in the first section of this Act, of which provisional directors a majority shall be a quorum.

Time of commencement of business.

**15.** The Company may commence business as soon as not less than one hundred thousand dollars of its capital stock have been *bona fide* subscribed, and twenty-five per cent thereof has been paid up in cash, but not before; and so soon as such subscription has been made and the said amount has been paid up, the directors shall call a general meeting of the share-

First meeting of shareholders.

holders,—to be held at such time and place, in the city of Toronto, as the directors appoint, of which meeting not less than two weeks' notice shall be given by advertisement in one newspaper published in the city of Toronto, and by circular addressed and registered to each shareholder not then in arrear at his last known address,—for the purpose of passing by-laws, and electing directors.

Qualification of directors.

**16.** No shareholder shall be eligible for election as a director unless he holds in his own right at least ten shares upon which all calls due have been paid ; and if any director makes any assignment for the benefit of his creditors, or comes within the operation of any insolvent law then in force, or ceases to hold ten shares in his own right, he shall *ipso facto* cease to be a director, and his place may be filled for the remainder of the term by the directors from among the qualified shareholders of the Company.

Calls on stock.

**17.** Calls for payment of subscriptions to the capital stock of the Company may be made by the board of directors at such times and in such proportions as they deem proper: Provided that not more than twenty-five per cent shall be called up within any one year.

Provis : Amount limited.

R.S.C., c. 118.

**18.** Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

Annual statement for Minister of Finance.

**19.** The Company shall prepare and annually transmit to the Minister of Finance a statement in duplicate, verified by the oath of the president, manager or secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company and the trust property held by it, and such other details as the Minister requires ; and such statement shall be made in each year up to the thirty-first day of December.

No. 100.

5th Session, 7th Parliament, 58 Victor

BILL.

An Act to incorporate the Do Trusts Company.

Received and read a first time, Th 30th May, 1895.
Second reading, Friday, 31st May, 18

(PRIVATE BILL.)

Mr. SMITH (Onta

OTTAWA
Printed by S. E. DAWSON
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1895

N° 101.] **BILL.** [1895.

An Act to incorporate the Domestic and Foreign Missionary Society of the Church of England in Canada.

Preamble.

WHEREAS the provincial synod of the Church of England in Canada, representing the dioceses of Nova Scotia, Fredericton, Quebec, Montreal, Ontario, Toronto, Niagara, Huron and Algoma, by canon number XIX. of the canons of the said synod, created a society called the Domestic and Foreign Missionary Society of the Church of England in Canada, consisting of all the members of the said church in the said dioceses, and placed the said Society under the control of a general board of management constituted as provided in the said canon; and whereas the object of the said society is the collection and administration of the general missionary funds of the said church in the said dioceses, in connection with missions in the north-western part of Canada and the diocese of Algoma, and missions in foreign lands; and whereas it will assist and promote the work of the said society if it is incorporared, and the said society has by its petition asked that it be incorporated and have conferred on it the powers of a corporation, 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 Domestic and Foreign Missionary Society of the Church of England in Canada, as at present constituted under canon number nineteen of the provincial synod of the Church of England in Canada, as set out in the schedule to this Act, is hereby constituted a body corporate under the name and style of "The Domestic and Foreign Missionary Society of the Church of England in Canada," hereinafter called "the Society."

Corporate name.

Government of the Society.

**2.** The Society shall be governed and controlled and the board of management of the Society shall be constituted as provided by the said canon number nineteen; and the said canon shall continue to govern the Society and shall remain in force until repealed, altered or amended by the said provincial synod.

Repeal, etc., of canon governing the Society.

**3.** The said provincial synod may at any time repeal, alter or amend the said canon number nineteen, and may substitute other provisions for the management and control of the Society.

Power to hold property.

**4.** The Society may acquire, hold, take and receive gifts, conveyances, devises and bequests of land or of personal property or of any estate or interest therein in any province of

Canada, and may use, sell or dispose of the same or any part thereof, and may apply the proceeds of such property for the purposes for which the Society has been organized.

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## SCHEDULE.

DOMESTIC AND FOREIGN MISSIONARY SOCIETY OF THE CHURCH OF ENGLAND IN CANADA.

1. *Canon XIX. (Provincial Synod) on the constitution of the Society.*

Art. I.—This Society shall be called the Domestic and Foreign Missionary Society of the Church of England in Canada.

Art. II.—This Society shall consist of all persons who are members of this church.

Art. III.—The Society shall be under the control of a general board of missions, consisting of the bishops of this ecclesiastical province, and the clerical and lay delegates for the time being of the provincial Synod, together with the board of management as herein described.

On the third day of each triennial session of the provincial Synod, the business of the Synod shall be suspended, to allow the business connected with this Society to be transacted.

Art. IV.—There shall be a board of management which shall consist of all the bishops of this ecclesiastical province and the secretary and treasurer of the board, members ex-officio, together with two clergymen and two laymen from each diocese, to be appointed by the general board on the nomination of each diocesan Synod, which nomination shall be made by such Synod at the meeting next preceding the triennial session of the provincial Synod, and this board shall have, as far as possible, the collection and administration of the general missionary funds of the church (subject to the provisions hereinafter set forth), and shall remain in office until their successors are appointed, and shall have power to fill any vacancies that may occur in their number. Eight members shall constitute a quorum. This board of management shall, when the general board is not in session, exercise all the powers of the general board, and shall report to the general board of missions on or before the third day of such triennial session of the provincial Synod. The board shall meet at such times and places as they shall think fit.

Art. V.—The board of management is authorized to appoint such committees as it may deem desirable, and such officers as shall be needful for carrying on its work, and may frame such rules and regulations (not inconsistent with the constitution and canons of the provincial Synod) as may be necessary for the transaction of its business.

Art. VI.—It is recommended that the funds collected in the several dioceses for mission work under this canon be sent to the board, and the appropriation therefrom on behalf of domestic missions shall be made in gross, to be distributed by the local authorities of dioceses to which appropriations shall have been made.

Appropriations on behalf of Foreign Missions shall be made to the great missionary societies of the mother church in England, or in such other manner as the board of management may direct, provided that contributions specially appropriated shall be paid in strict accordance with the wishes of the donors. Nothing in this canon, however, shall be held in anywise to interfere with or affect the several diocesan mission funds, or with any other existing agreements made by any parish for special missionary aid.

Art. VII.—In connection with the board of management there shall be in each diocese of the province a corresponding committee, or board of missions, to be constituted as such diocese may determine, who shall report all statistics and other information relating to the general purposes for which the Society is organized.

The diocesan board of missions, as at present constituted, shall be the corresponding committee, or boards, until other committees, or boards, shall have been appointed under the provisions of this canon.

The first board of management shall be appointed by the provincial Synod of this session (1883).

No. 101.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to incorporate the Domestic and Foreign Missionary Society of the Church of England in Canada.

Received and read a first time, Thursday, 30st May, 1895.
Second reading, Friday, 31th May, 1895.

(PRIVATE BILL.)

MR. COCKBURN.

OTTAWA
Printed by S. E. DAWSON
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1895

No. 102]. **BILL.** [1895

# An Act further to amend the Civil Service Superannuation Act.

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

**1.** Section two of *The Civil Service Superannuation Act*, chapter eighteen of the Revised Statutes, is hereby amended by adding thereto the following subsections :— R.S.C., c. 18, section 2 amended.

"2. The Governor in Council may, at any time, by Order in Council, on the recommendation of the Treasury Board, declare that this Act shall not apply to any class of officers, clerks, employees or servants hereinabove designated ; and thereupon, from the date of such Order in Council, or from a date therein specified, the class designated in such Order in Council shall cease to be included within the provisions of this Act: Provided always, that such Order in Council shall not in any way apply to any officer, clerk, employee or servant contributing to either Superannuation Fund No. 1 or No. 2 at the time it comes into force. Power of Governor in Council to exclude certain person from operation of Superannuation Act. Saving.

"3. Such Order in Council shall be laid before Parliament at its then current or next ensuing session." Return to Parliament.

**2.** Section three of the said Act is hereby amended as follows :— Section 3 amended.

(*a.*) By striking out the word "three" in the seventh line thereof and substituting therefor the word "five ;" Average of five years.

(*b.*) By striking out the word "ten" wherever it occurs in the said section and substituting therefor the word "fifteen ;" Fifteen years' service requisite.

(*c.*) By striking out the word "eleven" wherever it occurs and substituting therefor the word "sixteen ;" Rates of allowance for each year beyond 15 and up to 35.

(*d.*) By striking out the word "twelve" in the eleventh line thereof and substituting therefor the word "seventeen ;"

**3.** Section six of the said Act is hereby amended as follows :— Section 6 amended.

(*a.*) By striking out the word "two" in the fourth line thereof and substituting therefor the words "three and one-half ;" Deductions from salaries increased.

(*b.*). By striking out the words "one and a-quarter" in the fifth and sixth line thereof and substituting therefor the word "three ;"

(*c.*) By striking out the following words in the eighth, ninth and tenth lines thereof: "but such deduction shall be made only during the first thirty-five years of service." Deductions not to cease after 35 years service.

Section 7 repealed.

**4.** Section seven of the said Act is hereby repealed.

Section 10 amended.

**5.** Section ten of the said Act is hereby amended by striking out the word "three" in the twelfth line thereof and substituting therefor the word "five."

Section 14 repealed.

**6.** Section fourteen of the said Act is hereby repealed and the following section substituted therefor:—

Discretionary power of Governor in Council.

"**14.** The Governor General may make rules and regulations, either general or special, not inconsistent with this Act, determining, in case of doubt, to what persons or class of persons the provisions of this Act do or do not apply, and determining the conditions on which and the manner in which they shall apply in any case or class of cases, and may make any other rules or regulations necessary for the proper and efficient carrying out of this Act.

Return to Parliament.

"2. Copies of all rules and regulations so made shall be laid before Parliament at its then current or next ensuing session."

Act not to apply to present contributors to fund, except as to increased deductions.

**7.** The foregoing provisions of this Act, with the exception of paragraphs (*a*) and (*b*) of section three, shall not apply to any person contributing to either Superannuation Fund No. 1 or No. 2 at the time of the coming into force of this Act; and *The Superannuation Act*, and chapter twelve of the statutes of 1893 in amendment thereof, shall, as to such persons, except as in this section provided, be read and construed as if this Act had not been passed.

1893, c. 13, s. 15 repealed.

**8.** Section fifteen of *Civil Service Insurance Act*, chapter thirteen of the statutes of 1893, is hereby repealed.

Commencement of Act.

**9.** This Act shall come into force on the day of 189

No. 102.

5th Session, 7th Parliament, 58 Victor

BILL.

An Act further to amend the The Service Superannuation Act.

Received and read a first time, Th 30th May, 1895.
Second reading, Friday, 31st May, 189

MR. FOST

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majest
1895

No. 105.] **BILL.** [1885

# An Act to incorporate The Ottawa Land and Security Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed for the incorporation of a company for the purposes 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.** George H. Weatherhead, Charles J. Peusey, Samuel Hughes, M.P., Alexander McKay, M.P., and B. W. Clarke, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of "the Ottawa Land and Security Company," hereinafter called "The Company."

Corporate name.

General powers.

**2.** The Company may acquire and hold, by lease, purchase, or other legal title, lands, houses, buildings, building material, or premises, buy lands and premises of all description at tax sales and accept deeds and grants thereof and hold and dispose of or otherwise deal with said lands and premises ; and may construct, erect, build and maintain houses or other buildings, and lease, exchange, sell, convey, dispose of, mortgage and charge such houses or buildings as the Company sees fit ; and may also invest in or lend its money on the security of mortgages on real estate, whether freehold or leasehold, on Dominion or provincial government bonds or debentures, municipal securities or debentures of, or issued for or at the instance of any school section or board of school trustees, or on the bonds or debentures of any building society or loan company, or on the security of the stock or shares of any building society or loan company, of any fire, life or accident insurance company ; and may purchase mortgages of real estate, whether freehold or leasehold, that are approved of by the directors and may resell the same as they deem advisable, and for any such purpose may execute such deeds, assignments or other instruments as are necessary ; and with respect to all such matters the Company may enter into, make and enforce all such contracts, stipulations, agreements, and conditions, as its directors for the time being deem necessary for carrying out the same : Provided always, that all real estate so mortgaged to it by way of security as aforesaid and subsequently 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 as aforesaid, otherwise it shall revert to the previous owner or to his heirs or assigns.

Proviso : real estate to be sold.

Capital stock.

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

Increase of capital stock.

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

Allotment of increased stock.

3. Any new stock of such increase shall be allotted to the then shareholders of the Company, either at par or at such a rate of premium as is determined by the directors under the authority of the shareholders in the manner in this section provided: Provided always that any of such increased stock, which shall not be taken up and subscribed for by any shareholder within the time prescribed by the directors, may be offered for subscription to the public in such manner and on such terms as are determined by the directors.

Proviso.

Borrowing powers.

**4.** The directors may from time to time borrow money at such rates of interest and upon such terms as they think proper, and may, for such purpose issue bonds or debentures under the seal of the Company, for sums of not less then one hundred dollars each: Provided always that the aggregate of such bonds or debentures shall not exceed the amount of principal money remaining unpaid on the mortgages or other real estate securities, including the value of real estate at such time held by the Company, and that in estimating the liabilities of the Company, the amount of cash actually in the hands of the Company, or deposited to its credit in any chartered bank, shall be deducted therefrom.

Proviso: amount limited.

Head office.

**5.** The head office of the Company shall be at the city of Ottawa, but the directors may establish branch offices and local directorates at such other places in Canada as they determine.

Directors.

**6.** The stock, property and affairs of the Company shall be under the management of a board of not less than eight nor more than fifteen directors, the majority of whom shall be a quorum and one of whom shall be elected president, and another vice-president by the directors; each director shall be a shareholder, and possess in his own right not less than twenty shares of the capital stock of the Company on which all calls due have been paid; and the persons mentioned by name in the first section of this Act shall constitute the first or provisional directors of the Company.

Provisional directors.

Debenture stock.

**7.** The directors may issue debenture stock which shall be treated and considered as part of the regular debenture debt of the Company, in such amounts and manner, on such terms and bearing such rate of interest as they think proper, but subject to the limitations in this Act provided, so that the amount borrowed on the security of debentures or debenture stock, shall not in the whole, exceed the authorized limit of the borrowing powers of the Company.

**8.** Debenture stock issued pursuant to this Act shall be entered by the Company in a register to be kept for that purpose, wherein shall be set forth the names and addresses of the several persons, from time to time, entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and such stock shall be transferable in such amonts and in such manner as the directors determine. Register of debenture stock.

2. The Company shall, on demand, deliver to every holder of debenture stock a certificate, stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject; but no other rights or privileges shall be conferred upon the holders of debenture stock, in respect thereto, than are held or enjoyed by the holders of debentures of the Company. Certificate of debenture stock.

3. All transfers of the debenture stock of the Company shall be registered at the head office of the Company, in Ottawa, but the Company may have transfer books of such debenture stock in Great Britain or elsewhere, in which transfers of the said debenture stock may be made; but all such transfers shall also be entered in the book to be kept at the head office in Ottawa. Transfers.

4. Holders of the debentures of the Company may, with the consent of the directors, at any time, exchange such debentures for debenture stock. Exchange of debentures for debenture stock.

5. The debenture stock issued shall rank equally with the debentures issued by the Company. Rank of debenture stock.

6. The Company may, from time to time, purchase in the open market and redeem any portion of the debenture stock, representing moneys which the directors, by a resolution duly made, determine not to be required for the business of the Company, but such purchase, paying off, or redemption, shall not in any wise extend, limit or prejudice the exercice of the borrowing powers of the Company under this Act. Redemption of debenture stock.

**9.** Upon an agreement being made by the Company for the sale of any real estate, or houses or other buildings erected by the Company, it shall be lawful to carry out the said sale by way of a lease, at a rental payable in advance or otherwise, and without waiving any of the rights of a landlord; and the Company may stipulate in such lease, that upon the punctual payment of the rents thereby reserved and upon the performance of the covenants and conditions therein contained, the property shall belong to the lessee, and that he shall thereupon be entitled to a conveyance thereof; and the certificate of the manager and other chief officers of the Company given by the authority of the directors, and endorsed upon the lease, shall be *prima facie* evidence that all payments have been made, and all conditions performed up to the date thereof, and thereupon, and not before, the said property mentioned in the said lease shall vest in the lessee or intending purchaser, and he shall be entitled to receive a conveyance of the lands in the said lease mentioned. Sale of real estate by means of lease.

**10.** In case of default for three months in the payment of the rent reserved in any lease made by the Company, or of the non-performance of any of the covenants therein contained, the Company may enforce payment of such rent, or take pos- Case of default in payment of rent.

session of the property intended to be sold, upon giving to the intending purchaser or lessee thirty days notice in writing to vacate and deliver back the said property; and the Company may sell the said property, and apply the proceeds of such sale to the payment of all sums of money, interest and other charges due to the Company; and the Company may enforce its rights in respect thereto either by foreclosure, or by an action or proceeding in either of the superior courts: Provided that nothing herein contained shall be construed to limit or affect the ordinary rights and remedies which the Company may have under the said lease.

Proviso: ordinary rights of company saved.

Conditions precedent to beginning business operations.

Powers subject to provincial laws.

**11.** The Company shall not commence business operations under this Act untill at least two hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars paid in; nor shall any powers and authority hereby conferred upon and granted to the Company which conflict with the laws of any province have any force or effect in any province in any respect in which they conflict with the laws of such province.

Annual return to be made to Minister of Finance.

**12.** The Company shall lay before the Minister of Finance and Receiver General annual returns, containing a general statement of the affairs of the Company, which returns shall be presented and made in each year up to the thirty-first day of December.

Company may act as an agent.

**13.** The Company may act as an agent and may hold, invest, and deal with such lands, moneys, mortgages, securities or debts as are transferred or delivered to the Company as agent, and shall have the same power in respect of such lands, moneys, mortgages, securities or debts as if they belonged to the Company, as well as all the powers and rights which the corporations or parties so transferring or delivering the same might or could exercise, and the Company may give such guarantee as is agreed upon for the proceeds of the same, or for the repayment of principal or interest or both of any such moneys, mortgages, securities, or debts.

R.S.C., c. 118.

**14.** Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

No. 105.

5th Session, 7th Parliament, 58 Victoria,

BILL.

An Act to incorporate The Ottawa and Security Company.

Received and read a first time, Monday June, 1895.
Second reading, Wednesday, 5th June,

(PRIVATE BILL.)

Mr. McKAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 106] **BILL.** [1895.

An Act in further amendment of the Criminal Code, 1892.

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

**1.** *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— 1892, c. 29 amended.

SCHEDULE.

Section 3. The numbering, lettering and order of the several heads of subjects and paragraphs of this section, in the French version thereof, which do not correspond with the English text, are hereby amended, so as to correspond with the English version.

By adding the following section, immediately after section 195 :—

"195 A. A disorderly house is a house, room, set of rooms, or place of any kind, such as has been defined and held by the common law to be a disorderly house."

Section 198. By repealing subsection one and substituting the following therefor :—

"198. Everyone is guilty of an indictable offence and liable to one year's imprisonment, who keeps a disorderly house, that is to say, a common bawdy house, disorderly house, common gaming house or common betting house as hereinbefore defined, or who is an inmate or habitual frequenter of any such house."

Section 263. By repealing paragraph (*b*) and substituting the following therefor :—

"(*b*). Assaults, obstructs, molests or hinders any peace officer or public officer in the lawful performance or execution of his duty, or any person acting in aid of such officer ; or assaults, obstructs, molest or hinders any peace officer or public officer, or any person acting in aid of such officer, with intent thereby to prevent the performance of their duty."

Section 785. By inserting after the word "province," in the third and fourth lines, the following words : "or in the province of Quebec, before a recorder, judge of a county or circuit court, judge of the sessions of the peace, police magistrate or district magistrate."

No. 106.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act in further amendment of the Criminal Code, 1892.

Received and read a first time, Tuesday, 4th June, 1895.
Second reading, Wednesday, 5th June, 1895.

Mr. LAVERGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 107.] **BILL.** [1895.

An Act further to amend the Canada Temperance Act.

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

R.S.C., c. 106, s. 108 repealed.

**1.** The section substituted by section ten of chapter thirty-four of the statutes of 1888 for section one hundred and eight of *The Canada Temperance Act*, chapter one hundred and six of the Revised Statutes, is hereby repealed and the following substituted therefor :—

Warrant may be granted to search for liquor on receipt of certain information on oath.

"**108.** If a credible witness proves upon oath before the stipendiary, police or sitting magistrate, commissioner of a parish court, recorder, judge of the sessions of the peace, justices of the peace, sheriff or mayor, or before one of the justices of the peace before whom any prosecution for an offence against the provisions of the second part of this Act is brought, that there is reasonable ground for belief that any intoxicating liquor with respect to which such offence has been committed, is in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft or other place, such officer may grant a warrant, by virtue whereof it shall be lawful for the person named in such warrant, at any time within ten days from the date thereof, to enter, and if need be by force, the place named in the warrant, and every part thereof, or the premises connected therewith, and to examine the same and search for intoxicating liquors therein ; and for such purpose such person may, with such assistance as he deems expedient, break open any door lock or fastening of such premises or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor ; and in the event of any intoxicating liquor being so found on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of the second part of this Act; and in case no conviction is made, and in case no person shall within two months after the seizure establish his ownership to the satisfaction of the said officer, then the said officer may, at any time after the expiration of the said two months, order and direct that the person named in the said warrant shall destroy the said liquor, or any part thereof; and the said person shall forthwith destroy it, or any part thereof, as directed in such order ; and any information to obtain a warrant under this section may be in the form M in the schedule to this Act, and any search warrant under this section may be in the form N in the said schedule."

Entry of premises.

Presumption, if liquor is found.

Destruction of liquor in certain case.

Form of information and warrant.

Section 115 amended.

**2.** Paragraph (*a.*) of section one hundred and fifteen of the said Act is hereby repealed and the following substituted therefor :—

Subsequent offence to be first inquired into, and then previous convictions.

"(*a.*) The justices or magistrate or other officer shall in the first instance inquire concerning such subsequent offence, and if the accused is found guilty thereof he shall then, and not before, be asked, if present in court, whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted, he may be convicted accordingly ; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the justices or police magistrate or other officer shall then inquire concerning such previous conviction or convictions ; and if the accused is not present, the court shall proceed in the same manner as if he had been present and had denied that he was so previously convicted."

No. 107.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Canada Temperance Act.

Received and read a first time, Wednesday, 5th June, 1895.
Second reading, Thursday, 6th June, 1895.

Mr. FLINT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 108.] **BILL.** [1895.

An Act respecting the assignment and attachment of the salaries of public employees.

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

Public employee may assign part of his salary.

**1.** Any person employed in any branch of the public service of Canada may make a written assignment to any other person of part of his future salary, in the proportion hereinafter prescribed ; and the deputy-head or chief officer under whom such person is employed shall, upon being notified by him in writing of such assignment, direct the accountant by whom such public employee's salary is paid to pay it in accordance with such assignment.

Judgment creditor may attach part of employee's salary.

**2.** Any judgment creditor of any such public employee may attach part of his future salary, in the proportion hereinafter prescribed, by serving on the accountant by whom such public employee's salary is paid an order to that effect made by a judge of the court in which judgment was recovered ; and the accountant shall pay such employee's salary in accordance with such order.

Proportion in which salary may be assigned or attached.

**3.** The proportion in which a public employee's salary may be assigned or attached, as hereinbefore provided, shall be as follows :—

(*a.*) Not more than one-fifth of each month's pay, if his salary is six hundred dollars a year or less ;

(*b.*) Not more than one-fourth of each month's pay, if his salary exceeds six hundred dollars but does not exceed one thousand four hundred dollars ;

(*c.*) Not more than one-third of each month's pay, if his salary exceeds one thousand four hundred dollars.

If salary is insufficient to satisfy all claims.

**4.** If such part of a public employee's salary is insufficient to satisfy all the claims made upon it under this Act, the attachments under section two shall rank first.

No. 108.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the assignment and attachment of the salaries of public employees.

Received and read a first time, Wednesday, 5th June, 1895.
Second reading, Thursday, 6th June, 1895.

Mr. BÉCHARD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 111.) **BILL.** [1895.

An Act better to secure the Independence of Parliament.

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

No person to accept an office of emolument under Government while he is a member or within a year after dissolution.

**1.** Except as provided by chapter eleven of the Revised Statutes, intituled *An Act respecting the Senate and House of Commons*, no person shall be eligible to be appointed to any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown, or at the nomination of any of the members or officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, while he is a member of the House of Commons or until at least one year has elapsed since the dissolution of the parliament of which he was a member.

No. 111.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act better to secure the Independence of Parliament.

Received and read a first time, Friday, 7th June, 1895.
Second reading, Monday, 10th June, 1895.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 112.] **BILL.** [1895.

An Act to amend the law relating to conspiracies and combinations formed in restraint of trade.

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

1892, c 29, s. 520 amended.

**1.** Paragraphs (*c*) and (*d*) of section 520 of *The Criminal Code*, 1892, are hereby repealed and the following paragraphs substituted therefor :—

Combinations in restraint of trade.

"(*c.*) To prevent, limit, or lessen the manufacture or production of any such article or commodity, or to enhance the price thereof; or—

"(*d.*) To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property."

No. 112.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the law relating to conspiracies and combinations formed in restraint of trade.

Received and read a first time, Friday, 7th June, 1895.
Second reading, Monday, 10th June, 1895.

Mr. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 113] **BILL.** [1895.

An Act to amend chapter 10 of the Statutes of 1892, respecting the Harbour Commissioners of Three Rivers.

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

1892, c. 10, s. 6 repealed.

**1.** Section six of chapter ten of the Statutes of 1892, intituled *An Act respecting the Harbour Commissioners of Three Rivers*, is hereby repealed and the following substituted therefor:—

Payment to be made to Government.

"**6.** No loan shall be effected, and no debentures shall create any lien or charge on the said harbour, until the said Commissioners have paid to the Government of Canada the sum of fifteen thousand dollars."

No. 113.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend chapter 10 of the Statutes of 1892, respecting the Harbour Commissioners of Three Rivers.

Received and read a first time, Friday, 7th June, 1895.
Second reading, Monday, 10th June, 1895.

Mr. Foster.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 114] **BILL.** [1895.

# An Act to amend the Act respecting Roads and Road Allowances in the Province of Manitoba.

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

R.S.C., c. 49, s. 1 repealed.

**1.** Section one of chapter forty-nine of the Revised Statutes, intituled *An Act respecting Roads and Road Allowances in the province of Manitoba.* is hereby repealed and the following substituted therefor :—

Certain road allowances, the property of the province.

"**1.** All road allowances in townships surveyed aud subdivided, and all road allowances set out on block lines surveyed, in the province of Manitoba shall be the property of the said province; and it is hereby declared that all road allowances in townships heretofore surveyed and subdivided, and all road allowances set out on block lines heretofore surveyed in the said province, became the property of the said province upon the confirmation of the survey."

Section 5 repealed.

**2.** Section five of the said Act is hereby repealed and the following substituted therefor :—

Transfer of certain lands to the province.

"**5.** The Governor in Council may, on the report of the Minister of the Interior, transfer to the province of Manitoba. (*a*) The several roads provided for by the next preceding section ;

(*b.*) All road allowances around, adjoining, or leading to park lots or portions of sections within the outer two miles of any parish in the said province, as such road allowances are shown on the plan of the Dominion Government survey of such outer two miles;

"(*c.*) All road allowances between lots in the inner two miles of any parish in the said province, as such road allowances are shown on the plan of the Dominion Government survey of such inner two miles."

Section 6 repealed.

**3.** Section 6 of the said Act is hereby repealed and the following substituted therefore :—

Land, how vested, and on what conditions.

"**6.** The unpatented land forming part of any road transferred to the province by or under this Act or declared by this Act to become the property of the province shall be vested in the province, the legal title thereto remaining in the Crown for the public uses of the province; but no such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council: Provided always, that in the case of any such road situate within the limits of an

Proviso.

organized municipality within the province the consent of the Lieutenant Governor in Council shall alone be necessary."

Certain lands in Winnipeg transferred to the province.

**4.** All roads, trails, road allowances, highways, or great highways of any of the classes referred to in the said Act, as hereby amended, which are shown on any sectional plan of the City of Winnipeg which has been prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba, are hereby transferred to and vested in the province of Manitoba; and the boundaries and lines of all such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, are hereby declared to be the true boundaries therof, whether or not they are the true boundaries and lines according to any Dominion Government survey thoreof.

Declaratory as to boundaries of such lands.

Certain lands in Winnipeg may be transferred to the province.

**5.** The Governor in Council may, on the report of the Minister of the Interior, transfer to the province of Manitoba all such roads, trails, road allowances, highways and great highways as are referred to in the next preceding section, and which are shown on any sectional plan of the city of Winnipeg hereafter prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba; and the Governor in Council may declare the boundaries and lines of any such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, to be the true boundaries and lines, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

Declaratory as to boundaries.

Closing of roads on lands transferred.

**6.** Upon the transfer to the province of Manitoba taking place under either of the last two preceding sections, all roads, trails, road allowances, highways and great highways provided for by the said Act, as hereby amended, within the limits covered by any such sectional plan, except such roads, trails, road allowances, highways and great highways as are shown on such sectional plans, shall be and remain closed.

Opening of colonization roads.

**7.** The Lieutenant-Governor of Manitoba in Council may at any time, with the consent of the Governor in Council, where it is deemed advisable to do so for the purposes of settlement and colonization, direct roads to be opened through any unpatented lands, whether occupied or not, and whether such lands have been homesteaded, pre-empted, set apart or reserved for the benefit or use of any person; and such roads may thereafter be transferred to the province of Manitoba in the same manner as other roads are transferred under section five of the said Act, as hereby amended.

Such roads may be transferred to province.

Maintenance of roads heretofore opened.

**8.** Until the survey and transfer to the province of Manitoba of any road, road allowance, trail, highway or great highway, the Attorney General of Manitoba may take such proceedings as are necessary to keep open any road, trail, road allowance, highway or great highway heretofore used or opened.

**9.** Upon the transfer to the province of any road, trail, road allowance, highway or great highway, under the said Act, as hereby amended, the boundaries and lines thereof as shown on the plan of the Dominion Government survey thereof shall thereafter be the true boundaries and lines until varied under the provisions of the said Act: Provided, this section shall not apply to any of the several classes of roads or highways referred to in sections four or five of this Act. Boundaries of roads transferred. Proviso.

**10.** Nothing in this Act shall affect any right heretofore claimed, set up or adjudicated upon in any action or proceeding in a court of competent jurisdiction. Saving.

No. 114.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Act respecting Roads and Road Allowances in the Province of Manitoba.

Received and read a first time, Tuesday, 11th June, 1895.
Second reading, Wednesday, 12th June, 1895.

Mr. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 116] **BILL.** [1895.

An Act further to amend the Dominion Lands Act.

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

Grant of lands authorized.

1. Notwithstanding that the lands hereinafter in this section mentioned are school lands within the meaning of *The Dominion Lands Act*, the Minister of the Interior, under the direction of the Governor in Council, may grant to the several persons hereinafter named homestead entry for the parcels of such lands set opposite their respective names upon proof to his satisfaction that the said persons respectively were in *bonâ fide* occupation of such parcels prior to the first day of January, one thousand eight hundred and eighty, and that they continued to occupy and cultivate them same in accordance with the requirements of the provisions of the said Act relating to homesteads:—

W. J. Martin, for the N. E. $\frac{1}{4}$ of section 29, township 15, range 2, east of the 1st principal meridian;

Samuel Parsons, for the N. E. $\frac{1}{4}$ of section 11, township 11, range 4, east of the 1st principal meridian;

W. H. Coverdale, for the S. E. $\frac{1}{4}$ of section 11, township 15, range 1, east of the 1st principal meridian;

William Holmes, for the S. E. $\frac{1}{4}$ of section 29, township 10, range 6, east of the 1st principal meridian;

Jackson Holmes, for the N. E. $\frac{1}{4}$ of section 29, township 10, range 6, east of the 1st principal meridian;

William Guthrie, for the S. E. $\frac{1}{4}$ of section 11, township 14, range 1, west of the 1st principal meridian;

P. Martens, for the N. E. $\frac{1}{4}$ of section 11, township 3, range 5, west of the 1st principal meridian;

Henry Sutherland, for the S. W. $\frac{1}{4}$ of section 11, township 13, range 5, east of the 1st principal meridian.

Case of John Cathcart.

2. It having been established that John Cathcart, mentioned in section one of chapter eighteen of the statutes of 1893, is dead, and that the parcel for which the said John Cathcart claimed homestead entry was not the N. W. $\frac{1}{4}$ but the S. W. $\frac{1}{4}$ of section 11, township 13, range 1, east of the first principal meridian, the Minister of the Interior is hereby authorized, under the direction of the Governor in Council, to grant homestead entry to Isabella Cathcart, widow and administratrix of the said John Cathcart, for the said S. W. $\frac{1}{4}$ of said section 11, upon proof to the satisfaction of the said Minister that the said John Cathcart was in *bonâ fide* occupation of the said last mentioned quarter section prior to the first day of January, one thousand eight hundred and eighty, and that he or his

representatives continued to occupy and cultivate it in accordance with the requirements of the said homestead provisions of *The Dominion Lands Act*.

Case of George Aikman.

3. Notwithstanding that the lands in this section mentioned are school lands, the said Minister, under the direction of the Governor in Council, may also, upon proof to his satisfaction that George M. Aikman was in *bonâ fide* occupation of the N. W. ¼ of section 29, township 11, range 6, east of the first principal meridian prior to the first day of January, one thousand eight hundred and eighty, and occupied and cultivated the said quarter section in accordance with the requirements of the provisions of *The Dominion Lands Act* relating to homestead entry, grant to the said George M. Aikman a homestead entry for the N. E. ¼ of the said section 29 instead of for the said N. W. ¼, the latter quarter section having been otherwise disposed of and not being available for homestead entry.

Other lands may be set apart instead of those granted.

**2.** The said Minister may cause to be selected in lieu of the school lands described in the next preceding section, for which homestead entries are to be granted, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes of school endowment, and withdraw them from the operation of the clauses of *The Dominion Lands Act* relating to sale and homestead entry, and set them apart as school lands by a notice to that effect in the *Canada Gazette*.

No. 116.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Wednesday, 12th June, 1895.
Second reading, Thursday, 13th June, 1895.

Mr. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 117.] **BILL.** [1895.

An Act respecting "La Chambre de Commerce du district de Montréal."

Preamble.

WHEREAS "La Chambre de Commerce du district de Montréal," a body corporate and politic incorporated under the provisions of chapter one hundred and thirty of the Revised Statutes has by its petition prayed for power to acquire lands, issue debentures or other negotiable securities and to increase the number of its officers and committees, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to hold lands.

**1.** "La Chambre de Commerce du district de Montréal," hereinafter called "the Corporation," may take, lease, receive, purchase or otherwise acquire, use and manage any lands or other property, real or personal, and sell, mortgage or lease such property: Provided that the lands or real estate so acquired shall not exceed in value the sum of five hundred thousand dollars.

Borrowing powers.

**2.** The Corporation may borrow money to an amount not exceeding five hundred thousand dollars by means of the mortgage of its property or by the issue of debentures or partly by one of the said means and partly by the other, at such rates of interest and subject to such other conditions as are agreed upon.

Transfer of debentures.

**3.** The said debentures may be made payable to order or to bearer, and shall be transferrable by delivery or by endorsation as the Corporation determines.

Rank of debentures.

**4.** The said debentures, when issued, shall without registration form a first charge and mortgage on all the property, real and personal, of the Corporation, ranking after all mortgages or other charges then affecting such property, and all debentures of the same issue shall be equal in priority, irrespective of the date of their issue.

Officers and committees.

**5.** The Corporation, with the advice of its council, may, for the better administration of its affairs, appoint such officers or committees as it sees fit, other than those authorized to be named by chapter one hundred and thirty of the Revised Statutes.

No. 117.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting "La Chambre de Commerce du district de Montréal.

Received and read a first time, Friday, 14th June, 1895.
Second reading, Monday, 17th June, 1895.

(PRIVATE BILL.)

Mr. LEPINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 118.] **BILL.** [1895.

An Act to amend the Fisheries Act as respects the Salmon Fishery.

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

1889, c. 24 repealed.

R.S.C., c. 95, s. 8 amended.

**1.** Chapter twenty-four of the statutes of 1889 is hereby repealed, and the following subsection is hereby substituted for subsection five of section eight of *The Fisheries Act*, chapter ninety-five of the Revised Statutes:—

Use of nets for capture of salmon.

"5. The use of nets or other apparatus for the capture of salmon shall be confined to tidal waters, except in such rivers or portions of rivers as are fixed by the Governor in Council,—for which rivers or portions of rivers licenses may be granted for the capture of salmon, by set nets only, from the fifteenth day of June to the fifteenth day of August (both days inclusive), notwithstanding anything in this Act contained."

No. 118.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the Fisheries Act as respects the Salmon Fishery.

Received and read a first time, Wednesday, 19th June, 1895.
Second reading, Thursday, 0th June, 1895.

Mr. Costigan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895

No. 120] **BILL.** [1895.

An Act to amend the North-West Irrigation Act.

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

1894, c. 30, s. 2 amended.

**1.** Subsection (*b*) of section two of the North-west Irrigation Act, chapter thirty of the statutes of 1894, is hereby repealed and the following substituted therefor:—

"Agent" defined.

"(*b.*) The expression "agent" means the agent of Dominion lands for the district in which the land or water is situated."

Section 4 repealed.

**2.** Section four of the said Act is hereby repealed and the following substituted therefor:—

Right to use waters.

"**4.** The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the Crown and which is not a public right or a right common to the public, is established; and, save in the exercise of any legal right existing at the time of such diversion or use, no person shall divert or use any water from any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water, otherwise than under the provisions of this Act."

Retroaction.

2. The said Act shall be read and construed as if the section hereby substituted had originally formed part thereof instead of the section hereby repealed.

Section 7 amended.

**3.** Subsection one of section seven of the said Act is hereby repealed and the following substituted therefor:—

Persons already holding right must obtain license.

"**7.** Except for domestic purposes, as hereinafter described, every person who holds water rights of a class similar to those which may be acquired under this Act, or who, with or without authority, has constructed or is operating works for the utilization of water, shall obtain a license or authorization under this Act before the first day of July, one thousand eight hundred and ninety-six."

Section 12 amended.

**4.** Subsection one of section twelve of the said Act is hereby repealed and the following substituted therefor:—

Memorial, &c. to be filed by applicant for license.

"**12.** Except as hereinafter provided, any company applying for a license or authorization under this Act shall file with the minister and the agent a memorial setting forth the names of its shareholders and their places of residence, the date and manner of its incorporation, the names of its directors and

officers and their places of residence, the amount of the company's subscribed capital and the amount of its paid-up capital, the proposed method of raising further funds, if needed, and the purposes for which the company is incorported."

Section 13 repealed.

**5.** Section thirteen of the said Act is hereby repealed and the following sections are substituted therefor:—

Filing of memorial and plans with minister and with agent.

"**13.** The memorial and maps or plans shall be made in duplicate and signed by the applicant, or, if the applicant is a company, by the executive officers thereof, and shall be filed, after having been first submitted for correction and approval to some duly qualified officer of the Department of the Interior to be named by the minister, one copy with the minister and the other copy with the agent, and the same or a true copy thereof shall be open for examination by the public at all times in the Department of the Interior at Ottawa, and at the office of the agent.

Filing elsewhere.

"2. In any case where he thinks proper, the minister may direct that a copy be also filed in such other place or with such other official or person as he names for that purpose, and such copy also shall be open to public inspection.

Notice of filing.

"3. The applicant shall forthwith give public notice of such filing; such notice shall contain a statement of the nature of the rights applied for and the general location and character of the proposed works, and shall be published once in the *Canada Gazette*, and not less than once a week for a period of not less than thirty days nor more than ninety days, as the minister determines, in some newspaper published in the neighbourhood of the proposed works and to be named by the agent, and all objections to the proposed works shall be forwarded to the minister within such period.

Proceedings thereupon.

"4. The minister shall consider all objections filed and report thereon to the Governor in Council, who may thereupon by Order in Council authorize the construction of the said works with such changes or variations as are deemed necessary.

If ditch is of small capacity, statement only need be filed.

"**13A.** The applicant for a license for a ditch of less capacity than ten cubic feet of water per second shall not be required to provide the memorial and maps and plans called for by section twelve of this Act, or to give the notice in the *Canada Gazette* required by section thirteen of this Act, but shall file with the minister and the agent a written statement setting forth his name and residence, the source from which water is to be diverted, the point of diversion, the probable quantity of water to be used, the size and slope of the ditch, the works proposed to be constructed for the purposes of the undertaking, a description of the land upon which the water is to be used, and such other and fuller particulars as may be needful to a full understanding of the scheme.

Plan to be attached.

"2. Attached to the statement shall be a general plan on a scale of not less than one inch to a half mile, showing the source of supply, the position of proposed headworks, the location of the ditch, the tract of land to be irrigated through the proposed scheme, and the position and area of any and all ponds, reservoirs and basins intended to be constructed for the storage of water.

Other plans.

"3. There shall also be filed with the statement, plans in detail of bridges or culverts necessary for road or farm cross-

ings over or under the proposed works; also plans in detail of flumes, headworks, dams, or other structures to be erected in connection with the proposed works,—such plans to be on a scale of not less than one inch to four feet.

"4. Public notice of such filing shall forthwith be given by the applicant, in some newspaper published in the neighbourhood to be named by the agent, not less than once a week for a period not exceeding thirty days, within which time all protests against granting the rights applied for shall be forwarded to the minister. Notice of filing.

"5. The minister, after considering all objections filed, may authorize the construction of said works with such changes or variations as are deemed necessary." Proceedings thereupon.

**6.** Subsection one of section fifteen of the said Act is hereby repealed and the following substituted therefor:— Section 15 amended.

"**15.** No work, unless it comes within the class provided for by section 13A of this Act shall be commenced until the approval of the Governor in Council has been signified by public notice in the *Canada Gazette* and some newspaper published in the neighbourhood of the proposed works and named by the minister, which notice shall set forth the particulars mentioned in the memorial, with such changes or variations as the Governor in Council sees fit to order, and shall specify a time within which such works shall be completed. Such notice shall be published in not less than two successive issues of such newspaper, and shall be the authority for proceeding with the work. A copy of the notice shall also be recorded in a book specially kept for that purpose by the agent in the office for his district, and this record shall remain open for public inspection. If either the lands on which the water is to be applied or the waters to be used therefor are not confined to the territory assigned to any one agent, a record must be filed with each agent in whose territory any part thereof is situate." Notice before commencing works.

**7.** Section twenty-two of the said Act is hereby repealed and the following substituted therefor:— Section 22 repealed.

"**22.** All maps, plans and books of reference showing any lands necessary to be acquired under the provisions of this Act by any person or company for right of way or for any purpose in connection with the construction and maintenance of their works must be signed and certified correct by a duly qualified Dominion land surveyor. Such maps, plans and books of reference shall be forwarded in duplicate to the Department of the Interior, and after examination and approval by the proper officer, one copy shall be filed in the Department of the Interior and the other registered by the applicant in the registry office for the land titles district within which the lands affected by such surveys are situated. Maps, &c., to be certified and filed.

No. 120.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the North-West Irrigation Act.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Friday, 21st June, 1895.

Mr. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

N° 121.] **BILL.** [1895.

An Act further to amend the North-West Territories' Representation Act.

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

R.S.C., c. 7, s. 4 amended.

**1.** Subsection one of section four of *The North-West Territories' Representation Act*, chapter seven of the Revised Statutes, as amended by section one of chapter fifteen of the statutes of 1894, is hereby repealed and the following substituted therefor:—

Qualification of electors.

"**4.** Every person shall be qualified to vote at the election of a member under this Act who, not being an Indian, is a British subject and of the full age of twenty-one years, and has resided in the North-West Territories for at least twelve months, and in the electoral district for at least three months, immediately preceding the issue of the writ of election."

Form L amended.

**2.** The second paragraph of the form substituted for form L of the said Act by section thirteen of chapter fifteen of the statutes of 1894 is hereby repealed and the following substituted therefor:—

"If any elector finds that his name is not on the voters' list of the polling division to which he belongs, he may apply to the enumerator, not later than two days before the polling day, to have his name added to the said list."

2. The words "Here insert oath No. 1. See Form P," which follow the said second paragraph, are hereby struck out.

New form P.

**3.** Form P in the schedule to the said Act is hereby repealed, and the following substituted therefor:—

"P.

"*Oaths to be taken by electors.*

"No. 1.

"You do swear that you are a British subject, that you are not an Indian, that you are of the full age of twenty-one years, and that you have resided in the North-West Territories for at least twelve months, and in this electoral district for at least three months, immediately preceding the issue of the writ of election: So help you God.

"No. 2.

"You do swear that you have not received any money or other reward, nor have you accepted any promise made to you, directly or indirectly, to induce you to vote at this election, and that you have not before voted at this election in this electoral district, either at this or any other polling station: So help you God."

No. 121.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the North-West Territories' Representation Act.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Friday, 21st June, 1895.

Mr. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 122] **BILL.** [1895.

An Act further to amend the General Inspection Act.

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

**1.** Subsection three of section nineteen of *The General Inspection Act*, chapter ninety-nine of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 99, s. 18 amended.

"3. The Governor in Council may make regulations, whenever he deems it necessary to do so, for— Governor in Council may make regulations as to fees.

"(*a.*) Amending the tariff of fees to be paid to inspectors with respect to any articles or class of articles subject to inspection under this Act, and providing for the disposal of the said fees;

"(*b.*) The apportionment of fees, paid under this Act, between the inspectors and deputy inspectors; and—

"(*c*). Providing for the payment of fees to examiners appointed under this Act, by persons who present themselves for examination, or for any other business the said examiners are called upon to perform under this Act."

**2.** The said Act is hereby further amended by adding the following section thereto immediately after section forty-seven:—

"**47A.** For the purpose of verifying the statement made by any grain inspector of the quantity of grain inspected by him at any elevator, the books kept in connection with such elevator shall at all times be open to inspection by any duly authorized officer of the Department of Inland Revenue." Elevator books may be examined by Department.

No. 122.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the General Inspection Act.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Friday, 2 st June, 1895.

Mr. Wood.
(Brockville.)

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1894

No. 123.] **BILL.** [1895.

An Act further to amend the Public Works Act.

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

Public works not required for public purposes may be sold or leased.

**1.** Nothwithstanding anything in *The Public Works Act*, chapter thirty-six of the Revised Statutes, or in any other Act contained, any public work not required for public purposes may be sold or leased, under the authority of the Governor in Council; and the proceeds of such sale or lease shall be accounted for as public moneys: Provided always, that such public work shall, whenever practicable, be so sold or leased by tender or at public auction.

By auction, if practicable.

No. 123.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Public Works Act.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Friday, 21st June, 1895.

Mr. OUIMET.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 124.] **BILL.** [1895.

An Act further to amend the Act to readjust the Representation in the House of Commons.

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

1892, c. 11, s. 2 amended.

**1.** The paragraph lettered (*e*) of subsection three of section two of the *Act to readjust the Representation in the House of Commons*, being chapter eleven of the Statutes of 1892, is hereby repealed and the following substituted therefor:—

Electoral district of Berthier.

"(*e.*) The electoral district of Berthier shall consist of the town of Berthier, the parishes of Berthier, Lanoraie, St. Barthélemi, St. Cuthbert, St. Damien, St. Gabriel de Brandon, St. Michel des Saints, St. Norbert, and La Visitation de l'Ile du Pads, and the township of Prévost;"

Section 2 further amended.

**2.** The said subsection three of section two of the said Act is hereby further amended by adding the following paragraph thereto:—

Electoral district of Joliette.

"(*x.*) The township of Courcelles and the north-east part of the township of Joliette are hereby detached from the county of Berthier and annexed to the county of Joliette, for the purposes of representation in the House of Commons."

Lists for townships of Courcelles and Joliette.

**3.** The last lists of voters revised and certified for the townships of Courcelles and Joliette shall be those which shall be used until other lists for the said townships are revised and certified by the revising officer for the electoral district of Joliette, as that district is constituted by the *Act to readjust the Representation in the House of Commons*, chapter eleven of the statutes of 1892, as hereby amended.

No. 124.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act to re-adjust the Representation in the House of Commons.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Friday, 21st June, 1895.

Mr. OUIMET.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 125] **BILL.** [1895.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1895, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by Messages from His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirtieth day of June, one thousand eight hundred and ninety-five, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

**1.** This Act may be cited as *The Appropriation Act* (No. 1.) 1895.

Sum granted for financial year 1894-95, $1,143,054.28.

**2.** From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole one million one hundred and forty-three thousand and fifty-four dollars and twenty-eight cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and ninety-four, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and ninety-five, not otherwise provided for, and set forth in the Schedule to this Act, and also for the other purposes in the said schedule mentioned.

Special provisions as to certain items.

**3.** The amounts granted by this Act for the renewal of the superstructure of the pier at the lower entrance of Farran's Point Canal and for building lower gates at lock No. 22 of the said canal, and to renew the superstructure of the pier at the entrance to lock 22 of the Galops Canal, shall, unless sooner expended, be applicable for the said purposes until the first day of September, one thousand eight hundred and ninety-five; and the amount granted for continuing artesian boring in

the North-West Territories shall, unless sooner expended, be applicable for the said purpose until the thirty-first day of December, one thousand eight hundred and ninety-five.

Account to be rendered in detail.

**4.** A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

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# SCHEDULE.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1895, and the purposes for which they are granted.

| SERVICE. | Amount. | Total. |
|---|---|---|
| CHARGES OF MANAGEMENT. | $ cts. | $ cts. |
| Assistant Receiver General's Office, Charlottetown—Amount required to cover payment of the salary of the late T. Foley for March, 1893 | | 81 67 |
| CIVIL GOVERNMENT. | | |
| Department of Customs—To provide for payment to W. D. P. Bales, messenger, of amount voted in Supply Bill for fiscal year, 1894-95, for his salary at the maximum of the class, notwithstanding anything to the contrary in the Civil Service Act ... $ 80 00 | | |
| Further amount required for sundries ... 750 00 | | |
| | 830 00 | |
| Department of Trade and Commerce—To pay J. C. Carleton fer services as acting messenger during the months of June, August and October, 1894. | 68 33 | |
| Governor General's Secretary's Office—Further amount required for contingencies— | | |
| Printing ... $ 300 00 | | |
| Sundries ... 500 00 | | |
| | 800 00 | |
| Post Office Department—Further amount required for contingencies—Clerical and other assistance ... | 1,650 00 | |
| Department of Justice—To pay J. W. Hughes for his services from the 1st to the 31st January, 1895, notwithstanding anything in the Civil Service Act ... $ 77 50 | | |
| To pay F. H. Gisborne for extra services, notwithstanding anything in the Civil Service Act ... 150 00 | | |
| Penitentiary Branch—To pay H. B. S. Lane, in addition to his salary for acting as Accountant of Penitentiaries from 1st May, 1894, to 1st July, 1895 ... 200 00 | | |
| | 427 50 | |
| To recoup the vote for Unforeseen Expenses, the amount transferred by Orders in Council to the credit of the Contingencies Appropriation of these Departments— | | |
| Justice ... $3,500 00 | | |
| Marine and Fisheries ... 1,000 00 | | |
| Agriculture ... 1,500 00 | | |
| | 6,000 00 | |
| Carried forward ... | 9,775 83 | 81 67 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | | 9,775 83 | 81 67 |
| CIVIL GOVERNMENT—*Concluded.* | | | |
| Department of the Secretary of State—To pay G. de la Porte for services as an extra clerk in the Records Branch | | 62 00 | |
| Department of Indian Affairs—To provide an additional amount in the vote for extra clerks and messengers | $ 300 00 | | |
| To pay S. Bray, D.L.S., for work in settling Indian Reserve claims in the Pas Agency, and in surveying reserves in the same district | 150 00 | | |
| | | 450 00 | |
| ADMINISTRATION OF JUSTICE. | | | 10,287 83 |
| *British Columbia.* | | | |
| To pay Mr. Justice Crease, as local judge in Admiralty, Exchequer Court, as salary from 27th November, 1893, to 25th March, 1895, at $600 per annum | $ 796 02 | | |
| To pay Chief Justice Theodore Davie, of the Supreme Court of British Columbia, salary as local judge in Admiralty from 25th March, 1895, to 30th June, 1895, at $1,000 per annum | 268 49 | | |
| To provide for additional amount required for judges' circuit allowances, British Columbia | 500 00 | | |
| | | 1,564 51 | |
| *Ontario.* | | | |
| To provide for travelling expenses to judges holding weekly sittings of the High Court of Justice at Ottawa and London | | 500 00 | |
| *Quebec.* | | | |
| To pay Chief Justice Casault part of salary as senior puisne judge residing at Quebec from May 27th, 1894, to July 23rd, 1894, at $1,000 per annum | | 158 00 | |
| | | | 2,222 51 |
| PENITENTIARIES. | | | |
| St. Vincent de Paul Penitentiary—To pay guard W. W. Gibson, the difference between $400 and $500 per annum, from the 1st April, 1894, until 30th June, 1895, notwithstanding anything to the contrary in the Penitentiary Act | | 125 00 | |
| British Columbia Penitentiary—To pay Mr. Justice Drake for services as commissioner *re* investigation | $ 200 00 | | |
| To pay Geo. L. Foster, Accountant of Penitentiaries, the difference between $1,800 and $2,050, from the 24th October, 1894, until the 30th June, 1895 | 170 50 | | |
| | | 370 50 | |
| | | | 495 50 |
| LEGISLATION. | | | |
| House of Commons. | | | |
| Further amount required to pay for expenses of revision of the voters' lists | $ 40,000 00 | | |
| To provide for the payment of fifteen days' salary to each of the amanuenses to the official reporters for the session of 1893, eight at $45 each | 360 00 | | |
| To pay Hugh Sutherland, late member of Parliament for Winnipeg, balance of his sessional indemnity, 1886 | 469 00 | | |
| Carried forward | 40,829 00 | | 13,087 51 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | $ 40,829 00 | ..... | 13,087 51 |
| **LEGISLATION—*Concluded.*** | | | |
| Additional amount required for publishing debates | 10,000 00 | | |
| Additional amount required for committees, shorthand writers, witnesses, &c | 1,000 00 | | |
| To cover amount expended to 23rd July last on sessional translation, and amount expended during recess on translation (including Experimental Farm and Dairy Reports) | 1,830 00 | | |
| To pay two extra clerks for session of 1895, at $300 | 600 00 | | |
| To pay R. Boudreault, clerk to the leader of the Opposition for the sessions of 1894 and 1895, at $300 | 600 00 | | |
| To pay O. Durocher and J. O. Durocher for the privilege and authority to manufacture and to use in connection with the Dominion elections a certain invention described in the Patent of Canada, No. 30784 as "Ballot slip" | 2,500 00 | | |
| | | 57,359 00 | |
| | | | 57,884 00 |
| **LIBRARY OF PARLIAMENT.** | | | |
| To provide for the payment of the following sessional messengers for the balance of the session of 1894, over one hundred days, the appropriation for 1893-94 having been for one hundred days only, while the session lasted one hundred and thirty-one days— | | | |
| Joseph Lafontaine, 31 days at $2.50 | $ 77 50 | | |
| Thos. W. Hodgins, 31 days at $2.50 | 77 50 | | |
| | $ 155 00 | | |
| Also to provide for the payment of two extra or sessional messengers from the 18th April, to the 30th June, 1895, 74 days | 370 00 | | |
| | | 525 00 | |
| **ARTS, AGRICULTURE AND STATISTICS.** | | | |
| To meet expenses for promoting the dairy interest of Canada by placing fresh-made creamery butter on the British markets without deterioration, for securing recognition of its quality in that market | | 3,000 00 | |
| Jamaica Exhibition—To pay unsettled account | | 46 39 | |
| | | | 3,046 39 |
| **MILITIA.** | | | |
| Pay and allowances—Permanent Corps and Active Militia | | 45,000 00 | |
| Clothing and necessaries | | 33,000 00 | |
| Transport and freight—To pay railway and other claims | | 2,000 00 | |
| Monuments—Battlefields of Canada | | 4,000 00 | |
| Pay and allowances, Annual Drill, 1894-5 | | 7,000 00 | |
| Militia Annual Drill, 1894-5—To provide for drill in camps of instruction for the rural corps | | 220,000 00 | |
| | | | 311,000 00 |
| **RAILWAYS AND CANALS.** | | | |
| *(Chargeable to Capital.)* | | | |
| **SAULT STE. MARIE CANAL.** | | | |
| Construction | | ..... | 310,000 00 |
| Carried forward | | ..... | 695,017 90 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | | | 695,017 90 |
| **RAILWAYS AND CANALS.** | | | |
| *(Chargeable to Income.)* | | | |
| LACHINE CANAL. | | | |
| Repairs to breakwater, &c | $2,500 00 | | |
| To pay salaries and expenses in connection with the commission of inquiry into Lachine Canal expenditure | 6,700 00 | | |
| | | 9,200 00 | |
| RIDEAU CANAL. | | | |
| To complete swing bridge and approaches, &c., at Smith's Falls | $3,200 00 | | |
| To pay for land damages caused by overflow of water | 5,000 00 | | |
| | | 8,200 00 | |
| BEAUHARNOIS CANAL. | | | |
| To remove old obstructions across Lost Channel | $ 600 00 | | |
| To pay Moïse Brunet $45, Joseph Poirier $10, for damages by overflow | 55 00 | | |
| Valleyfield drain—To provide for overdraft | 1,236 33 | | |
| To pay Contractor Griers' final estimate | 799 21 | | |
| To pay Contractor Chagnon's men's back wages | 2,235 58 | | |
| To pay Contractor Chagnon's unpaid accounts | 1,302 54 | | |
| Expenses in connection therewith | 126 34 | | |
| To repair foundation of guard lock at Valleyfield | 4,500 00 | | |
| | | 10,855 00 | |
| CHAMBLY CANAL. | | | |
| To pay A. Hurteau & Frère for timber | $1,957 15 | | |
| To pay for land taken from A. Yule and A. F. Riddell | 1,100 00 | | |
| | | 3,057 15 | |
| CORNWALL CANAL. | | | |
| To complete Government sewer | $4,000 00 | | |
| To complete telephone line | 500 00 | | |
| For repairs on lock No. 15 | 3,000 00 | | |
| For repairs on lock No. 16 | 3,000 00 | | |
| To pay William Tackabury indemnity for injury received while on duty | 400 00 | | |
| | | 10,900 00 | |
| FARRAN'S POINT CANAL. | | | |
| To renew superstructure of pier at lower entrance | $8,000 00 | | |
| To build lower gates at lock No. 22 | 4,000 00 | | |
| | | 12,000 00 | |
| ST. ANN'S CANAL. | | | |
| To repair lock | | 150 00 | |
| TRENT CANAL. | | | |
| To assist in rebuilding Rosa's Bridge over Otonabee River | | 800 00 | |
| Carried forward | | 55,162 15 | 695,017 90 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | | 55,162 15 | 695,017 90 |
| RAILWAYS AND CANALS—*Concluded.* | | | |
| *(Chargeable to Income)*—Concluded. | | | |
| ST. PETER'S CANAL. | | | |
| To repair mitre sills, gates, floor and lock | $7,000 00 | | |
| To pay Donald Ferguson ⅔ of 3 months' wages during the time he was laid up from injuries received while on duty, from September 22nd, 1891, to December 22nd, 1891, at $1.15 per day | 59 80 | | |
| To pay James Sampson ⅔ of 3 months' wages during the time he was laid up from injuries received while on duty, from 1st January to 1st March, 1892, at $1.15 per day | 59 80 | | |
| | | 7,119 60 | |
| GALOPS CANAL. | | | |
| To renew superstructure of pier at entrance to lock 22 | | 3,500 00 | |
| WELLAND CANAL. | | | |
| To pay claim of North Cayuga Township for damage to road by floods | $567 00 | | |
| To pay R. E. Carle for time he was laid up disabled from accident by the falling of a derrick in yard at Port Dalhousie on 19th December, 1892 | 81 32 | | |
| | | 648 32 | |
| | | | 66,430 07 |
| PUBLIC WORKS. | | | |
| *(Chargeable to Income.)* | | | |
| PUBLIC BUILDINGS. | | | |
| *Prince Edward Island.* | | | |
| Charlottetown Dominion Building—To pay Committee of Queen Square grounds, Charlottetown, for keeping in order the portion of the square used in connection with the said building during 1893 and 1894 | $500 00 | | |
| *New Brunswick.* | | | |
| St. John Custom-house—To complete payments for works of construction, fittings, furniture and other supplies | 7,600 00 | | |
| *Maritime Provinces Generally.* | | | |
| Dominion Public Buildings—Renewals, improvements, repairs, &c. | 3,000 00 | | |
| *Quebec.* | | | |
| Dominion Public Buildings—Renewals, improvements, repairs, &c | $2,000 00 | | |
| Montreal Post Office | 3,000 00 | | |
| | 5,000 00 | | |
| Carried forward | 16,100 00 | | 761,447 97 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | $ 16,100 00 | | 761,447 97 |
| PUBLIC WORKS—*Continued.* | | | |
| *(Chargeable Income)*—Continued. | | | |
| *Ontario.* | | | |
| Brockville Public Building—To pay Tompkins, Crain & Co., contractors, amount due on final estimate | $2,475 37 | | |
| Cornwall Public Building—Balance due the late John James Brown, architect of Montreal, and to be paid to his legal representatives in full and final settlement of all claims for professional services rendered by the late Mr. Brown in connection with the said building | 131 32 | | |
| Peterborough Custom-house—Balance due contractor for grading, fencing, &c | 300 00 | | |
| Strathroy Public Building—Balance due contractors on final estimate | 215 00 | | |
| | 3,121 69 | | |
| *Manitoba.* | | | |
| Brandon Industrial School—To complete payments | 2,500 00 | | |
| *British Columbia.* | | | |
| Vancouver Public Building—To complete payment to contractors for construction and heating of building and to superintending architect | 1,367 94 | | |
| *Repairs, Furniture and Heating.* | | | |
| Rideau Hall, including grounds—Renewals, improvements, repairs, furniture and maintenance | 3,000 00 | | |
| Lighting Public Buildings throughout the Dominion | 15,000 00 | | |
| Heating Public Buildings, Ottawa, including salaries of engineers, firemen, elevator attendants and caretakers | 5,000 00 | | |
| Telephone Service—To pay arrears of rents of instruments used in 1893 and 1894 | 400 00 | | |
| | 23,400 00 | | |
| HARBOURS AND RIVERS. | | 46,489 63 | |
| *Nova Scotia.* | | | |
| South Ingonish Wharf—To provide for the amount of a judgment rendered in the Exchequer Court in the suit of the Queen *vs.* Murdoch G. McLeod, for the expropriation of a property required for wharf purposes, together with the costs recovered | $ 635 88 | | |
| Pictou Harbour—To provide for the purchase of a portion of Pictou Light Beach for harbour protection purposes | 350 00 | | |
| | 985 88 | | |
| *New Brunswick.* | | | |
| Hopewell Cape—To pay balance due for lumber required for repairs to ballast wharf | $ 317 69 | | |
| Buctouche Wharf—To complete payments in connection with word of repairs, &c., carried out in 1894-95 | 104 38 | | |
| | 422 07 | | |
| Carried forward | 1,407 95 | 46,489 63 | 761,447 97 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | $ 1,407 95 | 46,489 63 | 761,447 97 |
| PUBLIC WORKS—*Concluded.* | | | |
| *(Chargeablr to Income)*—Concluded. | | | |
| HARBOURS AND RIVERS—*Concluded.* | | | |
| *Maritime Provinces Generally.* | | | |
| General repairs and improvements to harbour and river works.. | 3,000 00 | | |
| *Quebec.* | | | |
| Rivière du Sud—For protection work at Montmagny | 5,000 00 | | |
| | | 9,407 95 | |
| SLIDES AND BOOMS. | | | |
| For new piers and booms, St. Maurice district | | 2,500 00 | |
| | | | 58,397 58 |
| MAIL SUBSIDIES AND STEAMBOAT SUBVENTIONS. | | | |
| To complete payment for steam communication between Prince Edward Island and the mainland, during the season of 1894 as per terms of contract | | 500 00 | |
| To pay the Bay of Fundy Steamship Co. for services performed in the month of June, 1893, between St. John, Digby and Annapolis | | 910 42 | |
| To pay the Furness Line for services between St. John, Halifax and London, in January, 1892 | | 1,000 00 | |
| To pay the Yarmouth Steamship Co. for steam communication between St. John and Halifax, *via* Yarmouth, during the season of 1894 | | 7,000 00 | |
| To pay Roderick McDonald balance on account of steamship service between Port Mulgrave, Arichat and Canso, Guysboro' and Port Hood, from 1893 to 1895 | | 3,000 00 | |
| | | | 12,410 42 |
| OCEAN AND RIVER SERVICE. | | | |
| To provide for a gratuity of 3 months' pay to the daughter of the late Captain Atkins, in his life time an officer on the steamer "Lansdowne," who died at Yarmouth, 12th Dec., 1894, and was over thirty years in the employ of the Government | | 135 00 | |
| Additional amount required for Winter Mail Service | | 1,000 00 | |
| | | | 1,135 00 |
| LIGHTHOUSE AND COAST SERVICE. | | | |
| To pay Wm. Howe, amount of account in connection with maintenance of lights above Montreal | | 32 90 | |
| To provide a gratuity to the widow of the late Wm. Smith who lost his life in the attempt to save the government buoy adrift from Portuguese shoals during the storm of the 15th April, 1895 | | 500 00 | |
| | | | 532 90 |
| SCIENTIFIC INSTITUTIONS. | | | |
| To provide the widow of the late J. R. Spencer, the amount of one year's salary due that officer while employed as an observer at Fort Churchill in 1885 | | 120 00 | |
| To provide for the refund of fines imposed on the owner of the "Golden City" | | 200 00 | |
| | | | 320 00 |
| Carried forward | | | 834,243 87 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | | | 834,243 87 |
| **FISHERIES.** | | | |
| To provide additional amount for legal expenses, including prosecutions *re* Fishing Bounty Frauds | | 4,000 00 | |
| To provide for the payment to Collectors of Customs for services in connection with the issuing of Fishing Licenses to United States fishing vessels during the year 1894 | | 338 80 | |
| To pay the following persons $15 each for services in compiling and forwarding daily reports in connection with Fisheries Intelligence Bureau during season 1894, viz.: J. P. Brennan, R. Benoit, C. P. Lelacheur, E. G. Randall, A. J. Clarke, T. C. Cook, S. Aucoin, J. M. Viets, J. Thurber, R. McLean, C. Owen, E. A. Calder, J. H. Dunlop, J. R. Ruggles, P. O'Toole, L. McKeen, J. M. McNutt, M. A. Dunn, Geo. Rowlings, A. G. Hamilton, P. T. Fougère, E. D. Tremaine, J. W. Taylor, E. E. Letson, D. Murray, J. A. D'Entremont, R. H. Bolmam, W. C. Henley, D. McAulay, D. Urquhart | | 435 00 | |
| To pay S. Wilmot moneys disbursed by him in connection with the Fish Hatchery in Ottawa, and the Ontario Fisheries Commission | | 78 60 | |
| To provide further amount for fisheries | | 4,500 00 | |
| To pay Wm. Howe amount of account in connection with Ottawa Hatchery and Fishery Exhibition | | 260 57 | |
| To provide further amount in connection with tidal service | | 1,500 00 | |
| | | | 11,112 97 |
| **INDIANS.** | | | |
| ONTARIO AND QUEBEC. | | | |
| To provide for excess of expenditure over revenue in the account for the payment of Robinson treaty annuities | $ 1,000 00 | | |
| To pay Messrs. Strickland and Burnham for islands Nos. 82 and 83 in Stony Lake | 228 20 | | |
| | | 1,228 20 | |
| NOVA SCOTIA. | | | |
| To provide an additional amount for medical attendance and medicines | $ 1,000 00 | | |
| To pay Daniel McNeil for legal services in the case of McLean *vs.* Livingston *et al.*, as taxed by the Department of Justice | 229 25 | | |
| To pay Alexander McDonald for legal services in connection with trespasses on the Malagawatch and Wycocomagh Reserves, county of Inverness, N.S., as taxed by the Department of Justice | 90 00 | | |
| | | 1,319 25 | |
| NEW BRUNSWICK. | | | |
| To provide an additional amount for medical attendance and medicines | | 700 00 | |
| BRITISH COLUMBIA. | | | |
| To provide additional amount for medical attendance and medicines | $ 4,000 00 | | |
| To provide an amount sufficient to pay the Department of Lands and Works, B.C., for the transport of F. A. Devereux, Indian Reserve Surveyor | 500 00 | | |
| | | 4,500 00 | |
| | | | 7,747 45 |
| Carried forward | | | 853,104 29 |

## SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | | | 853,104 29 |
| **GEOLOGICAL SURVEY DEPARTMENT.** | | | |
| Amount required to pay Printing Bureau, publication of maps, reports &c., stationery and printing, wages of temporary employees and advances to explorers on account of 1895-96 | | 8,000 00 | |
| To provide for continuing Artesian boring in North-West Territories | | 9,000 00 | |
| | | | 17,000 00 |
| **NORTH-WEST MOUNTED POLICE.** | | | |
| Required to complete the service of the year | | | 15,000 00 |
| **MISCELLANEOUS.** | | | |
| To meet balance of expense incurred in connection with the Colonial Conference held in Ottawa in June and July, 1894 | | 4,443 32 | |
| To remunerate the following officers for services in connection with the Colonial Conference, notwithstanding anything in the Civil Service Act to the contrary :— | | | |
| J. L. Payne, joint secretary | $200 00 | | |
| Douglas Stewart do | 200 00 | | |
| John Carleton, messenger | 100 00 | | |
| | | 500 00 | |
| To refund amount received by the Department of the Interior as bonus for a timber-berth in what was known as the Disputed Territory, after the award of the Boundary Commission, no timber having been cut | | 255 00 | |
| To pay grant to the Royal Canadian Humane Society | | 250 00 | |
| Further amount required to meet expenditure in connection with the Royal Commission on liquor traffic | | 8,000 00 | |
| To pay the Medicine Hat General Hospital— | | | |
| For the maintenance of R. VanLuven, from 10th May, 1891, to 30th November, 1892, 561 days at 50c. per day | $ 280 50 | | |
| For the maintenance of S. Johnson from 15th November, 1890, to 30th November, 1892, 746 days at 50c. per day | 373 00 | | |
| | | 653 50 | |
| To cover expenses of the late Sir J. S. D. Thompson's funeral | | 25,000 00 | |
| To pay contribution to the Lady Thompson fund | | 25,000 00 | |
| | | | 64,101 82 |
| **COLLECTION OF REVENUE.** | | | |
| CUSTOMS. | | | |
| To pay Miles Cowan, Clerk in Her Majesty's Customs at the Port of Windsor, Ont., an allowance in addition to his salary for services rendered while Acting Collector at that Port, from 1st June, 1889, to 30th November, 1892 | $ 600 00 | | |
| To meet legal expenses in the case of the Toronto Railway Company *vs.* the Queen | 1,143 79 | | |
| | | 1,743 79 | |
| WEIGHTS AND MEASURES. | | | |
| To pay Levi Werner compensation for loss by use of improperly verified measures | | 63 19 | |
| Carried forward | | 1,806 98 | 949,206 11 |

## SCHEDULE—*Continued.*

| Service. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | | 1,806 98 | 949,206 11 |
| COLLECTION OF REVENUE—*Concluded.* | | | |
| ELECTRIC LIGHT INSPECTION. | | | |
| To pay balance of purchase of standards | | 1,359 46 | |
| RAILWAYS AND CANALS. | | | |
| *Galops Canal.* | | | |
| To pay John Mallon for kitchen to house at lock 26 | $ 248 00 | | |
| *Beauharnois Canal.* | | | |
| To pay the widow of the late bridge tender, Pierre Leger, a gratuity of 2 months' salary | 76 00 | | |
| *Williamsburg Canal.* | | | |
| To pay collector of canal tolls, George Reid, $9 per month for travelling expenses as paymaster | 108 00 | | |
| *Cornwall Canal.* | | | |
| To pay F. Dawson wages from date at which he retired from duty to close of season of 1894, 240 days at $1.25 | 300 00 | | |
| *Rideau Canal.* | | | |
| To pay widow of late diver McGingran a gratuity of 2 months' salary | $ 100 00 | | |
| To pay John Redmond from date of his retiring from the service to date at which his superannuation took effect, 72 days at $1.25 | 90 00 | | |
| | 190 00 | | |
| *Welland Canal.* | | | |
| To pay Wm. McClory and Robert Edgraft from date at which they retired from duty to date at which superannuation took effect, $6\frac{2}{25}$ months each at $45 | 619 20 | | |
| *Lachine Canal—Repairs.* | | | |
| To repair breakwater at Lachine | $ 500 00 | | |
| do generator | 500 00 | | |
| For maintenance and lighting of Mill Street | 1,200 00 | | |
| To repair slope walls | 300 00 | | |
| | 2,500 00 | | |
| *Culbute Canal—Staff.* | | | |
| To grant 2 months' salary as a gratuity to Terrance Smith and A. McDonnell, whose services have been dispensed with in consequence of abandonment of the canal | 120 00 | | |
| | | 4,161 20 | |
| Carried forward | | 7,327 64 | 949,206 11 |

SCHEDULE—*Continued.*

| SERVICE. | | Amount. | Total. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| Brought forward | | 7,327 64 | 949,206 11 |
| COLLECTION OF REVENUE—*Concluded.* | | | |
| POST OFFICE. | | | |
| Amount required to complete the payments at the authorized rate for provisional allowance in Manitoba and British Columbia | $1,850 27 | | |
| Amount required to complete the payments for mail service on the Intercolonial Railway for the year 1894–95 | 19,289 09 | | |
| To compensate A. C. James, 2nd class railway mail clerk in the Manitoba Division, for loss of personal property, including a silver watch, gold chain and other articles, in an accident to the postal car at Mattawan Bridge, through the wrecking and burning of train No. 1, on the 9th June, 1894, on which train he was on duty | 79 00 | | |
| To compensate F. H. Smith, Assistant Post Office Inspector in the Toronto Postal Division, for loss of and damage to clothing and other articles while endeavouring to recover mail matter at Mattawan Bridge from wreck of Canadian Pacific mail train on 9th June, 1894 | 18 25 | | |
| To compensate W. Niblock for damage to his boat and loss of personal property while endeavouring to recover mail matter at Mattawan bridge from wreck of Canadian Pacific mail train, on the 9th June, 1894 | 7 25 | | |
| To compensate A. C. McNaughton for loss of personal property, including articles of clothing and other articles, while endeavouring to recover mail matter at Mattawan Bridge from wreck of Canadian Pacific mail train, on the 9th June, 1894. | 15 00 | | |
| Amount required to enable the Postmaster General to pay J. H. Bartlett, in addition to his present salary as 2nd class clerk, the sum of $60 for attending to the clock of the Ottawa Post Office | 60 00 | | |
| Amount required to complete the payments for ordinary mail service | 40,000 00 | | |
| | | 61,318 86 | |
| | | | 68,646 50 |
| OPEN ACCOUNT. | | | |
| To pay for the purchase and distribution of seed grain to needy settlers resident in the North-West Territories, chiefly in the district of Assiniboia | | | 55,000 00 |
| UNPROVIDED ITEMS, 1893–94. | | | |
| Amount required to cover unprovided items, as per Auditor General's Report, page lx | | | 70,201 67 |
| Total | | | 1,143,054 28 |

No. 125.

5th Session, 7th Parliament, 58 Victoria

BILL.

An Act for granting to Her Majest
tain sums of money required for d
ing certain expenses of the publi
vice, for the financial year endin
30th June, 1895, and for other pu
relating to the public service.

Received and read a first time, Thu
20th June, 1895.
Second reading, Friday, 21st June, 189

Mr. Fos

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majes
1895

No. 126.] **BILL.** [1895.

# An Act respecting Commercial Treaties affecting Canada.

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

Extension to certain foreign powers of advantages granted to France by treaty of 1893.

**1.** So soon as *The French Treaty Act*, 1894, chapter two of the statutes of 1894, is brought into force by proclamation of the Governor General, the advantages granted to France by the treaty with that power mentioned in the said Act, with respect to its commerce with Canada, shall extend to any and every other foreign power which by reason of the operation of such treaty is, under the provisions of a treaty with Great Britain, entitled, in whole or in part, to the same or to the like advantages with respect to its commerce with Canada, to the extent to which in manner aforesaid such other foreign power is entitled thereto ; and such advantages shall continue to so extend to such other foreign power so long as the said Act remains in force, or until the right of such other foreign power to such advantages under its treaty with Great Britain is sooner determined.

Suspension of inconsistent laws.

**2.** So long as such other foreign power continues to be entitled to such advantages, the operation of all laws inconsistent with its enjoyment of them shall be suspended to the extent to which they are so inconsistent.

Extension of advantages to Great Britain and her colonies.

**3.** The advantages so granted to France by the said treaty shall extend also to Great Britain and to the several British colonies and possessions with respect to their commerce with Canada, so long as France continues to be entitled to such advantages ; and during the period for which France is so entitled to such advantages, all laws inconsistent with the enjoyment thereof by Great Britain and such British Colonies and possessions shall be suspended to the extent to which they are so inconsistent

No. 126.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting Commercial Treaties affecting Canada.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Friday, 21st June, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 127] **BILL.** [1895.

# An Act further to amend the Act respecting the Judges of Provincial Courts.

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

R.S.C., c. 138 amended.

**1.** Chapter one hundred and thirty-eight of the Revised Statutes, intituled *An Act respecting the Judges of Provincial Courts*, is hereby amended by inserting the following section immediately after section ten thereof:—

Salaries of judges of Montreal Circuit Court.

"**10A.** The salaries of the Judges of the Circuit Court of the District of Montreal shall be as follows :—

"Two judges of the said court, each $3,000 per annum."

Section 11 amended.

**2.** The paragraph respecting Manitoba of section eleven of the said Act is hereby repealed and the following substituted therefor :—

Salaries of County Court judges, Manitoba.

"Five County Court Judges, each $2,000 per annum, during the first three years of service, and after three years of service, each $2,400 per annum."

Section 12 amended.

**3.** The section substituted for section twelve of the said Act by chapter twenty-seven of the Statutes of 1891, is hereby amended by striking out, in lines eleven and twelve, the words "the local Judge of the District of British Columbia, $600.00 per annum," and substituting therefor, "the local Judge of the District of British Columbia, $1,000 per annum."

Salaries of Local Judge, district of British Columbia,

No. 127.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act respecting the Judges of Provincial Courts.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Friday, 21st June, 1895.

Sir CHARLES HIBBERT TUPPER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 129.] **BILL.** [1895.

An Act to amend the law respecting the Superannuation of Judges of Provincial Courts.

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

**1.** Section fourteen of chapter one hundred and thirty-eight of the Revised Statutes, respecting the Judges of Provincial Courts, is hereby repealed and the following substituted therefor:— R.S.C., c. 138, s. 14 repealed.

"**14.** If any judge of a superior court, who has continued in the office of judge of a superior court in Canada, or in any of the provinces, for fifteen years or upwards, or who becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, resigns his office, Her Majesty may, by letters patent, under the great seal of Canada, reciting such period of office or such permanent infirmity, grant unto such judge an annuity equal to two-thirds of the salary annexed to the office he held at the time of his resignation, to commence immediately after his resignation and to continue thenceforth during his natural life. Superannuation allowance to judges of superior courts.

"2. Courts of Vice-Admiralty and the Maritime Court of Ontario shall be deemed to have been superior courts, local judges in Admiralty of the Exchequer Court to be judges of a superior court, and stipendiary magistrates within the North-West Territories to have been judges of a superior court, within the meaning of this section." What shall be deemed superior courts.

No. 129.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to amend the law respecting the Superanuation of Judges of Provincial Courts.

Received and read a first time, Friday, 21st June, 1895.
Second reading, Monday, 24th June, 1895.

Sir CHARLES HIBBERT TUPPER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 130.] **BILL.** [1895.

An Act further to amend the Civil Service Act.

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

**1.** Paragraph (*b*) of section ten of *The Civil Service Act*, chapter seventeen of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 17, s. 10 amended.

"(*b.*) No person shall be appointed to any place in the first or inside departmental division of the Civil Service other than that of a deputy head, on probation or otherwise, whose age exceeds thirty-five years or who has not attained the full age of fifteen years." Limits as to age.

**2.** Sections twenty-one, twenty-two and twenty-three of the said Act are hereby repealed: Provided, however, that such repeal shall not in any way affect any person who is now a third class clerk, or a permanent messenger, packer or sorter. Sections 21, 22 and 23 repealed as to future appointees.

**3.** The section substituted for section twenty-four of the said Act by section four of chapter twelve of the statutes of 1888 is hereby repealed and the following substituted therefor: Section 24 repealed.

"**24.** The salary of a clerk on appointment or promotion to any class shall begin at the minimum of such class." Initial salary.

**4.** Section twenty-nine of the said Act is hereby amended as follows:— Section 29 amended.

(*a.*) By striking out the words "in either division" in the seventh line thereof;

(*b.*) By striking out the words "temporary copyists" in the sixteenth line thereof; and

(*c.*) By striking out the words "Third-class clerkships in the first division" in the twenty-first line thereof, and substituting therefor the words "Second-class clerkships in the first division."

**5.** Section thirty of the said Act is hereby amended by striking out the words "for a place below that of a third-class clerk" in the fourth and fifth lines thereof, and substituting therefor the words "for an appointment which the passing of the preliminary examination is sufficient to qualify for." Section 30 amended.

**6.** Subsection three of section thirty-seven of the said Act is hereby repealed. Section 37 amended.

**7.** Section forty-seven of the said Act is hereby repealed and the following substituted therefor:— Section 47 repealed.

Employment of assistance in cases of temporary pressure.

"**47.** When from a temporary pressure of work or from any other cause extra assistance is required in any branch of either the first or second division, the Governor in Council may, on the report of the deputy head of the department, concurred in by the head of the department, that such extra assistance is required, authorize the employment of such number of temporary clerks, writers, messengers, porters, packers, or sorters, as are required to carry on the work of the deparment."

Examination required for temporary employees hereafter appointed.

**8.** Temporary clerks now employed may be continued in such temporary employment, notwithstanding their not having passed any examination, at such rate of pay, not exceeding their present rate of pay, as is fixed by the Governor-in-Council; but, except as aforesaid, no person shall be eligible to be employed as a temporary clerk or writer unless he has passed the qualifying examination required by *The Civil Service Act*, and no person shall be eligible to be employed as a temporary messenger, porter, packer or sorter, unless he has passed the preliminary examination required by the said Act.

Temporary employment, how continued.

**9.** Any person so employed may be continued in such employment by Order in Council passed on the report of the deputy head, concurred in by the head of the department, that his continued employment is necessary, but no temporary employment shall give to any person so employed any claim to permanent appointment or to continued or further temporary employment.

Remuneration,

**10.** The remuneration for temporary assistance shall be as follows:—

Of temporary clerk or writer;

(*a.*) In the case of a temporary clerk or writer, at the rate of four hundred dollars a year, and, in addition thereto, at the rate of twenty-five dollars a year for each optional subject, not exceeding two, in which he passed prior to such employment,—the optional subjects, for the purposes of this section, being book-keeping, shorthand and type-writing; and

Of temporary messenger, &c.

(*b*). In the case of a temporary messenger, porter, packer or sorter, at the rate of three hundred dollars a year:

Proviso, as to increases where employment is continuous.

Provided always, that where the employment is continuous the rate of remuneration may be increased from time to time, by amounts not exceeding thirty dollars in any one year, to a maximum of six hundred dollars in the case of a temporary clerk or writer, and to a maximum of five hundred dollars in the case of a messenger, porter, packer or sorter,—such increase to be granted only upon an Order in Council passed on the report of the deputy head of the department, concurred in by the head of the department, that the person recommended therefor is eligible for such increase and is deserving thereof.

Moneys to be specially voted.

**11.** The persons employed under the four next preceding sections shall be paid only out of moneys specially voted by Parliament for the purpose.

Schedule A amended.

**12.** Schedule A to *The Civil Service Act* is hereby amended by striking out the following words, in the seventh and eighth lines:—

"(*f*). Third-class clerks;

"(*g*). Messengers, packers and sorters."

No. 130.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Civil Service Act.

Received and read a first time, Monday, 24th June, 1895.
Second reading, Tuesday, 25th June, 1895.

MR. MONTAGUE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 131] **BILL.** [1895.

An Act to amend the Acts respecting Penitentiaries.

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

1887, c. 52, s. 8 amended.

**1.** Paragraph (*b.*) of section eight of chapter fifty-two of the statutes of 1887, intituled *An Act to amend the Penitentiary Act*, is hereby repealed and the following substituted therefor:

Residence and allowances of warden and deputy.

"(*b.*) Wardens and deputy wardens shall be entitled to free residence or quarters, and to such allowance of fuel and light as the Governor in Council deems necessary therefor; and the grounds or gardens attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labour, but otherwise no convict labour shall be employed in keeping in order or cultivating any grounds occupied by an officer;"

Convict labour on their grounds.

R.S.C., c. 182, s. 10 repealed.

**2.** Section ten of *The Penitentiary Act*, chapter one hundred and eighty-two of the Revised Statutes, is hereby repealed and the following substituted therefor:—

Construction and repair of buildings.

"**10.** The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Minister of Public Works, except in cases where, in the opinion of the Minister of Justice, such works can be performed by convict labour."

Section 32 amended.

**3.** Section thirty-two of the said Act is hereby amended by striking out the words "except the surgeon and chaplain" in the first and second lines thereof.

Section 33 amended.

**4.** Subsection four of the section substituted for section thirty-three of the said Act by section three of chapter fifty-two of the statutes of 1887, is hereby repealed and the following substituted therefor:—

When increase of salary shall take effect.

"4. Such yearly increase shall be payable from the first day of the official quarter next succeeding the date on which, from his length of service, any officer for whom such increase is recommended is eligible therefor."

New schedule of salaries.

**5.** The schedule substituted for the schedule to the said Act by section ten of chapter fifty-two of the statutes of 1887, is hereby repealed and the following schedule substituted therefor:

Proviso.

provided that the following schedule shall apply only to officers and servants hereafter appointed to the penitentiary service:—

"SCHEDULE OF SALARIES.

GENERAL.

| | |
|---|---|
| Warden (with free quarters, heated and lighted) | $2,000 |
| Accountant (to act as warden's clerk in any prison having under 300 inmates) | 1,200 |
| Surgeon | 1,500 |
| Chaplain | 800 |
| Schoolmaster and hospital overseer | 800 |
| Storekeeper (to act as custodian in any prison having under 300 inmates) | 700 |
| Steward | 700 |
| Matron (to act as sewing instructor) | 500 |
| Assistant matron (to act as sewing instructor) | 400 |
| Engineer and machinist | 1,000 |
| Fireman | 500 |
| Messenger | 500 |

POLICE.

| | |
|---|---|
| Deputy warden (with free quarters, heated and lighted; and to act as chief keeper in any prison having under 300 inmates) | $1,500 |
| Chief keeper | 800 |
| Keeper | 600 |
| Guard | 500 |
| Temporary police | 400 |

INDUSTRIAL.

| | |
|---|---|
| Chief trade instructor and custodian | $1,000 |
| Trade instructor | 700 |
| Teamster | 500" |

No. 131.

5th Session, 7th Parliament, 58 Victori

BILL.

An Act to amend the Acts respe
Penitentiaries.

Received and read a first time, Monday
June, 1895.
Second reading, Tuesday, 25th June, 18

Sir CHARLES HIBBERT TUPP

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 132.] **BILL.** [1895.

An Act to revive and amend the Acts to enable the city of Winnipeg to utilize the Assiniboine River water power.

Preamble

WHEREAS the city of Winnipeg has, by its petition, prayed for the passing of an Act to revive and extend the times for the commencement and completion of the works authorized by chapter eighty-nine of the statutes of 1889, intituled, *An Act to enable the city of Winnipeg to utilize the Assiniboine River water power*, as amended by chapter one hundred and eight of the statutes of 1891, and by chapter seventy-two of the statutes of 1893, 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:—

1889, c. 89; 1891, c. 108; 1893, c. 72.

1889, c. 89 revived and time for construction extended.

**1.** Chapter eighty-nine of the statutes of 1889, as amended by chapter one hundred and eight of the statutes of 1891, and by chapter seventy-two of the statutes of 1893, is hereby revived and declared to be in force, and the times limited for commencing and completing the works authorized by the said first-mentioned Act are hereby extended for two and four years, respectively, from the passing of this Act, and failing such commencement and completion within the said times, the powers granted for such construction shall cease and determine.

No. 132.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to revive and amend the Acts to enable the city of Winnipeg to utilize the Assiniboine River water power.

Received and read a first time, Tuesday, 25th June, 1895.
Second reading, Wednesday, 26th June, 1895.

(PRIVATE BILL.)

MR. MARTIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 133.] **BILL.** [1895.

An Act to again amend the Criminal Code, 1892.

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

1892, c. 29, s. 586 amended.

**1.** Paragraph (*c*) of section five hundred and eighty-six of *The Criminal Code*, 1892, is hereby amended by striking out the word "eight" in the eighth line thereof and substituting therefor the word "fifteen."

Section 857 amended.

**2.** Subsection one of section eight hundred and fifty-seven of the said Code, is hereby amended by striking out the word "eight" in the sixth line thereof and substituting therefor the word "fifteen."

No. 133.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to again amend the Criminal Code, 1892.

Received and read a first time, Tuesday, 25th June, 1895.
Second reading, Wednesday, 26th June, 1895.

Mr. LAVERGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No 134.] **BILL.** [1895.

An Act to legalize payments heretofore made to the general revenue fund of the North-West Territories of certain fines, penalties and forfeitures.

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

Payment of certain fines to N.-W. T. Gen.-Rev. Fund ratified.

**1.** Any payment heretofore made to the General Revenue Fund of the North-west Territories of any fine, penalty or forfeiture which belonged to Her Majesty for the public uses of Canada, or of any portion of any such fine, penalty or forfeiture, is hereby ratified; and it is hereby declared that the amount of such fine, penalty or forfeiture, or portion thereof, need not be paid over to Her Majesty to be applied to such public uses.

No. 134.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to legalize payments heretofore made to the general revenue fund of the North-West Territories of certain fine, penalties and forfeitures.

Received and read a first time, Tuesday, 25th June, 1895.
Second reading, Wednesday, 26th June, 1895.

MR. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 135.] **BILL.** [1895.

An Act further to amend the Acts respecting the North-west Territories.

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

R.S.C., c. 50, s. 13 amended.

**1.** Paragraph (5) of subsection one of the section substituted for section thirteen of *The North-west Territories Act*, chapter fifty of the Revised Statutes, by section six of chapter twenty-two of the Statutes of 1891, is hereby repealed and the following substituted therefor :—

Powers of Legislature.

"(5) Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners, and persons interested in the lands, in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands."

Section 13 further amended.

**2.** Sub-paragraph (*b*) of paragraph (7) of subsection one of section thirteen of the said Act, as the said sub-paragraph is enacted by section one of chapter seventeen of the Statutes of 1894, is hereby repealed and the following substituted therefor :—

Powers of Legislature.

"(*b.*) Railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies."

Resignation of member of Legislature.

**3.** Until the Legislative Assembly otherwise provides, which it may do, an elected member may resign his seat in the Assembly—

(*a.*) By giving, in his place in the Legislative Assembly, notice of his intention so to do ; or

(*b.*) By addressing and causing to be delivered to the Speaker a declaration of his intention so to do, made in writing under his hand and seal before two witnesses,—which declaration may be so made and delivered either during a session of the Legislative Assembly or in the interval between two sessions ; or

(*c.*) Before the Legislative Assembly of which he has been elected a member has met for the first time, by addressing and delivering to the Lieutenant Governor a declaration, made and witnessed as aforesaid, of his intention to resign his seat : Provided, that a member shall not resign while his election is lawfully contested, or until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery.

Resignation vacates seat.

2. The member so tendering his resignation shall be held to have vacated his seat, and shall cease to be a member of the Legislative Assembly.

Lieut-Gov. may appoint commissioners to enquire into certain matters.

4. The Lieutenant Governor may, when he deems it expedient to cause enquiry to be made into and concerning any matter within the jurisdiction of the Legislative Assembly, and connected with the good government of the Territories or the conduct of any part of the public business thereof, appoint commissioners to make such enquiry and to report thereon.

Power of commissioners to enforce attendance of witnesses, &c.

2. He may, by the commission by which he appoints them, confer upon the commissioners the power of summoning witnesses before them and of requiring such witnesses to give evidence on oath, orally or in writing, or on solemn affirmation if they are persons entitled to affirm in civil matters, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to enquire; and the commissioners shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, as is vested in any court of record in civil cases.

No. 135.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Acts respecting the North-west Territories.

Received and read a first time, Thursday, 27th June, 1895.
Second reading, Friday, 28th June, 1895.

Mr. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 136.] **BILL.** [1895.

An Act respecting the discharge of a mortgage to Her Majesty, known as the Markland Mortgage.

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

Discharge of Markland mortgage authorized.

**1.** The Minister of Finance and Receiver General is hereby authorized to execute, on behalf of Her Majesty, a release and discharge of a certain mortgage given to Her Majesty in the year one thousand eight hundred and fifty-eight by the Honourable George H. Markland, upon certain properties in the City of Kingston, in the Province of Ontario, which were sold in the year one thousand eight hundred and sixty-two under the said mortgage, and to convey the properties so sold, freed and discharged from the said mortgage, and so far as Her Majesty can convey them, to the persons now entitled to the said properties, on payment of such part of the purchase money now remaining unpaid as the Minister of Finance and Receiver General deems expedient in the public interest, and either with or without interest, and on such other terms and conditions as are agreed upon.

Conveyance of property on certain conditions.

No. 136.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the discharge of a mortgage to Her Majesty, known as the Markland Mortgage.

Received and read a first time, Friday, 28th June, 1895.
Second reading, Tuesday, 2nd July, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 140.] **BILL.** [1895.

An Act further to amend the Customs Act.

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

**1.** This Act may be cited as *The Customs Amendment Act*, 1895. Short title.

**2.** The subsection added to section four of *The Customs Act*, chapter thirty-two of the Revised Statutes, by section three of chapter fourteen of the statutes of 1888, is hereby repealed and the following substituted therefor:— R.S.C., c. 32, s. 4 amended.

"2. There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, the Assistant Commissioner of Customs, if there is one appointed, the Dominion Customs Appraisers and Assistant Dominion Customs Appraisers referred to in any Act respecting the Customs, and such other duly qualified officer or officers of Customs as the Governor in Council from time to time appoints, and the said board shall have such powers and perform such duties as are assigned to it by any Act of the Parliament of Canada or by the Governor in Council; and three members of such board shall form a quorum and be competent to transact the business of the board at any meeting thereof, whether regular, upon fixed days or dates, or special, called by the Chairman,—of which quorum one member shall be either the Commissioner of Customs, the Assistant Commissioner of Customs, or the Officer for the time being acting as Commissioner of Customs." Board of Customs.

No. 140.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Customs Act.

Received and read a first time, Friday, 5th July, 1895.
Second reading, Monday, 8th July, 1895

MR. WALLACE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No 142.] **BILL.** [1895.

An Act to encourage silver lead smelting.

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

Bounty on silver-lead ore smelted in Canada.

**1.** To encourage silver-lead smelting in Canada the Governor in Council may, subject to the following provisions, authorize the payment of a bounty not exceeding fifty cents per ton, and not exceeding in all one hundred and fifty thousand dollars, on Canadian silver-lead ore smelted in Canada between the first day of July, one thousand eight hundred and ninety-five, and the first day of July, one thousand nine hundred.

During what period.

Amount payable each year.

**2.** The said bounty shall not for any one year exceed the sum of thirty thousand dollars: Provided, that the said sum if unexpended, or any balance thereof unexpended, may be carried forward from year to year and may be paid for any year in addition to the sum of thirty thousand dollars authorized as above for such year.

Reduction of rate per ton in certain case.

**3.** If in any year the quantity of ore smelted is greater than will allow of the payment, out of the sum available for that year, of fifty cents per ton, then the bounty per ton for that year shall be reduced proportionately.

Works must be established before January 1, 1897.

**4.** The said bounty shall not be paid on any ores smelted in smelting works which are not established and in operation before the first day of January, one thousand eight hundred and ninety-seven.

Administration.

**5.** The payment of the said bounty shall be under the direction of the Minister of Trade and Commerce, subject to such regulations as are made by the Governor in Council.

Regulations.

**6.** The Governor in Council may make regulations in relation to the said bounty in order to prevent fraud and to insure the good effect of this Act.

Report to Parliament.

**7.** The said regulations shall be laid before Parliament within the first fifteen days of each session, with a statement of the money expended in payment of the said bounty, and of the persons to whom they were paid, and the places where the ore with respect to which they were paid was smelted, and such other particulars as tend to show the effect of the said bounty.

No. 142.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to encourage silver-lead smelting.

Received and read a first time, Tuesday, 9th July, 1895.
Second reading, Wednesday, 10th July, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

N° 143.] **BILL.** [1895.

An Act further to amend the Act respecting the Senate and House of Commons.

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

Days of absence during present session.

**1.** For the present session of Parliament, the deduction of eight dollars per day mentioned in section twenty-six of the *Act respecting the Senate and House of Commons*, being chapter eleven of the Revised Statutes, shall not be made for twelve days in the case of a member who has been absent from a sitting of the House of which he is a member, or of some committee thereof, during such number of days; but this provision shall not operate to extend the maximum amount mentioned in section twenty-five of the said Act, nor in the case of a member elected since the commencement of the present session shall it apply to days prior to his election.

Proviso.

No. 143.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Act respecting the Senate and House of Commons.

Received and read a first time, Wednesday, 10th July, 1895.
Second reading, Thursday, 11th July, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 144.] **BILL.** [1895.

An Act further to amend the Winding-Up Act.

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

R.S.C., c. 129, c. 78 repealed.

**1.** Section seventy-eight of *The Winding-Up Act*, being chapter one hundred and twenty-nine of the Revised Statutes, is hereby repealed and the following substituted therefor :—

Orders of court to be deemed judgments.

"**78.** Every order of the court or judge for the payment of money or costs, charges or expenses made under this Act shall be deemed a judgment of the court, and shall bind the lands, and may be enforced against the person or goods and chattels, lands and tenements of the person ordered to pay, in the manner in which judgments or decrees of any superior court obtained in any suit bind or may be enforced in the province where the court making the same is situate.

How to be executed.

Procedure.

"2. The practice from time to time in force in the superior courts or in any superior court in the province where any such order is made, with respect to the discovery of assets of judgment debtors, shall be applicable to and may be availed of in like manner for the discovery of the assets of any person who by such order is ordered to pay any money or costs, charges or expenses."

No. 144.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Winding-Up Act.

Received and read a first time, Monday, 15th July, 1895.
Second reading, Tuesday, 16th July, 1895.

Sir CHARLES HIBBERT TUPPER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 145] **BILL.** [1895.

An Act to authorize the Treasury Board to exempt certain societies from the operation of the Insurance Act.

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

Treasury Board may exempt certain societies from operation of R.S.C., c. 124.

**1.** In any case to which section forty-three of *The Insurance Act* does not apply, the Treasury Board may exempt from the provisions of the said Act any society or organization of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the granting of life, accident, sickness or disability insurance to the members thereof exclusively,—or any association for the purpose of life, accident, sickness or disability insurance, or any one or more of such kinds of insurance, formed in connection with such society or organization and exclusively from its members, and which insures such members exclusively,—upon its being established to the satisfaction of the Treasury Board that the occupation of the members of such society or association is of such a hazardous nature that they are either wholly unable to obtain insurance in the licensed insurance companies or are able to obtain it only to a limited extent and upon the payment of very high premiums.

No. 145.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act to authorize the Treasury Board to exempt certain societies from the operation of the Insurance Act.

Received and read a first time, Monday, 15th June, 1895.
Second reading, Tuesday, 16th June, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 146.] **BILL.** [1895.

An Act to amend the Customs Tariff, 1894.

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

**1.** Items 7, 31, 32, 55, 79, 80, 82, 152, 392, 393, 394, 396 and 397, in schedule A to *The Customs Tariff*, 1894, chapter thirty-three of the statutes of 1894, are hereby repealed and the following substituted therefor:— 1894, c. 33, schedule A amended.

"7. Spirituous or alcoholic liquors, distilled from any material, or containing or compounded from or with distilled spirits of any kind, and any mixture thereof with water, for every gallon thereof of the strength of proof, and when of a greater strength than that of proof, at the same rate on the increased quantity that there would be if the liquors were reduced to the strength of proof. When the liquors are of a less strength than that of proof, the duty shall be at a rate herein provided, but computed on a reduced quantity of the liquors in proportion to the lesser degree of strength; provided, however, that no reduction in quantity shall be computed or made on any liquors below the strength of fifteen per cent under proof, but all such liquors shall be computed as of the strength of fifteen per cent under proof, as follows:—

"(*a.*) Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine; gin of all kinds, n.e.s.; rum, whiskey and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyroxylic spirit or any substance known as wood spirit or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy; cordials and liqueurs of all kinds, n.e.s.; mescal, pulque, rum shrub, schiedam and other

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| | schnapps; tafia, angostura and similar alchoholic bitters or beverages, two dollars and twenty-five cents per gallon | $2.25 p. gall. |
| | "(*b.*) Spirits and strong waters of any kind, mixed with any ingredient or ingredients as being or known or designated as anodynes, elixirs, essences, extracts, lotions, tinctures or medicines, n.e.s., two dollars and twenty-five cents per gallon and thirty per cent *ad valorem* | $2.25 p. gall. & 30 p.c. |
| | "(*c.*) Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind, when in bottles or flasks containing not more than four ounces each, fifty per cent *ad valorem*; when in bottles, flasks, or other packages, containing more than four ounces each, two dollars and twenty-five cents per gallon and forty per cent *ad valorem* | 50 p.c. $2.25 p. gall. & 30 p.c. |
| | "(*d.*) Nitrous ether, sweet spirits of nitre and aromatic spirits of ammonia, two dollars and twenty-five cents per gallon and thirty per cent *ad valorem* | $2.25 p. gall. & 30 p.c. |
| | "(*e.*) Vermouth containing not more than thirty per cent, and ginger wine containing not more than twenty-six per cent of proof spirits, eighty cents per gallon; if containing more than these percentages, respectively, of proof spirits, two dollars and twenty-five cents per gallon | 80 c. p. gall. $2.25 p. gall. |
| "31. | Condensed milk, three and one-quarter cents per pound | 3¼c. per lb. |
| "32. | Condensed coffee, condensed coffee with milk, milk foods and all similar preparations, thirty per cent *ad valorem* | 30 p.c. |
| "55. | Biscuits of all kinds not sweetened, twenty-five per cent *ad valorem*; biscuits of all kinds sweetened, twenty-seven and one-half per cent *ad valorem* | 25 p.c. 27½ p.c. |
| "79. | Fruits in air tight cans or other packages, two and one-quarter cents per pound, the weight on which duty shall be payable to include the weight of the cans or other packages | 2¼c. per lb. |
| "80. | Fruits preserved in brandy, or preserved in other spirits, two dollars per gallon | $2 p. gall. |
| "82. | Jellies, jams and preserves, n.e.s., three and one-quarter cents per pound | 3¼c. p. lb. |

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|---|---|
| "152. Paints and colours, ground in spirits, and all spirit varnishes and lacquers, one dollar and twelve and a half cents per gallon | $1.12½c p. g. |
| "392. All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, one cent and fourteen hundredths of one cent per pound; sugar, n.e.s., not above number sixteen Dutch standard in colour, sugar drainings, or pumpings drained in transit, melado or concentrated melado, tank bottoms and sugar concrete, one half cent per pound; the usual packages in which imported to be free..... | 1 14/100c. p. lb.<br>½c. per lb. |
| "393. Glucose or grape sugar, glucose syrup and corn syrup, or any syrups containing any admixture thereof, one and one-quarter cent per pound..... | 1¼c. per lb. |
| "394. Sugar candy, brown or white, and confectionery, including sweetened gums, candied peel, and pop-corn, one-half cent per pound and thirty-five per cent *ad valorem* | ½c. per lb.<br>& 35 p.c. |
| "396. Syrups and molasses of all kinds, n.o.p., the product of the sugar cane or beet root, n.e.s., and all imitations thereof or substitutes therefor, three-quarters of a cent per pound..... | ¾c. p. lb. |
| "397. Molasses produced in the process of the manufacture of cane sugar from the juice of the cane, when imported in the original packages from the district where produced in the country where the cane was grown, and which has not been subjected to any process of treating or mixture after leaving the country from which originally shipped, the packages in which imported, when of wood, to be free— | |
| "(*a.*) Testing by polariscope, forty degrees or over, one and three-quarter cent per gallon... ... ... | 1¾c. p. gal. |
| "(*b.*) When testing by polariscope less than forty degrees and not less than thirty-five degrees, one and three-quarter cent per gallon, and in addition thereto, one cent per gallon for each degree or fraction of a degree less than forty degrees | 1¾c. p. gal. and 1c. additional p. degree." |

**2.** Schedule A to *The Customs Tariff*, 1894, is hereby further amended by inserting the following items therein :— Schedule A further amended.

| | |
|---|---|
| "199*a*. Salmon, fresh, n.e.s., one-half cent per pound, provided that such solmon may be imported free of duty upon proclamation of the Governor in Council, which may be issued whenever it ap- | |

pears to his satisfaction that fresh salmon may be imported into the United States from Canada free of duty..... ½ c. per lb.

"362*a*. Sawed boards, planks and deals planed or dressed on one or both sides, when the edges thereof are jointed or tongued and grooved, twenty-five per cent *ad valorem*, provided that such lumber may be imported free of duty upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar lumber from Canada may be imported into the United States free of duty..... 25 per cent."

Schedule B amended.

**3.** Item 708 in schedule B to *The Customs Tariff*, 1894, is hereby repealed.

Commencement of Act.

**4.** This Act shall be held to have come into force on the third day of May, in the present year, one thousand eight hundred and ninety-five.

No. 146.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act to amend the Customs Tariff, 1894.

Received and read a first time, Friday, 19th July, 1895.
Second reading, Saturday, 20th July, 1895.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 147.] **BILL.** [1895.

An Act further to amend the Inland Revenue Act.

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

**1.** The section substituted for section one hundred and thirty of *The Inland Revenue Act*, chapter thirty-four of the Revised Statutes, by section four of chapter forty-six of the statutes of 1891, is hereby repealed and the following substituted therefor :— R.S.C., c. 34, s. 130 repealed,

"**130.** There shall be imposed, levied and collected on all spirits distilled, the following duties of excise, which shall be paid to the collector of Inland Revenue, as herein provided, that is to say :— Excise duties on spirits.

"(*a.*) When the material used in the manufacture thereof consists of not less than ninety per cent, by weight, of raw or unmalted grain—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon, one dollar and seventy cents ; Made from raw grain.

"(*b.*) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid, or when manufactured from raw or unmalted grain, used in combination, in such proportions as the Department of Inland Revenue prescribes, with malted barley taken to the distillery in bond and on which no duty of customs or of excise has been paid—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and seventy-two cents; Made from malted barley.

"(*c.*) When manufactured exclusively from molasses, syrup, sugar, or other saccharine matter, taken to the distillery in bond and on which no duty of customs has been paid—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and seventy-three cents." Made from molasses, &c.

**2.** This Act shall be held to have come into force on the third day of May, in the present year one thousand eight hundred and ninety-five. Commencement of Act.

No. 147.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act further to amend the Inland Revenue Act.

Received and read a first time, Friday, 19th July, 1895.
Second reading, Saturday, 20th July, 1895.

MR. WOOD,
(Brockville).

OTTAWA
Imprimé par S. E. DAWSON
Imprimeur de Sa Très Excellente Majesté la Reine
1895

No. 148.] **BILL.** [1895.

An Act respecting the bounty on Beet-root Sugar.

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

Bounty on beet-root sugar produced in Canada.

**1.** The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of Canada, under such regulations and restrictions as are made by Order in Council, to the producers of any raw beet-root sugar produced in Canada wholly from beets grown therein, between the first day of July, one thousand eight hundred and ninety-five, and the first day of July, one thousand eight hundred and ninety-seven, of a bounty of seventy-five cents per one hundred pounds, and, in addition thereto, one cent per one hundred pounds for each degree or fraction of a degree over seventy degrees shown by the polariscope test,—such bounty in no case, however, to exceed in the aggregate one dollar per one hundred pounds.

Cost of Customs supervision.

**2.** The cost of customs supervision in connection with the carrying out of the provisions of this Act shall be paid by the producers above mentioned.

No. 148.

5th Session, 7th Parliament, 58 Victoria, 1895

# BILL.

An Act respecting the bounty on Beet-root Sugar.

Received and read a first time, Friday, 19th July, 1895.
Second reading, Saturday, 20th July, 1895.

MR. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

No. 150.] **BILL.** [1895.

# An Act respecting the Winnipeg Great Northern Railway Company.

Preamble.

WHEREAS the Winnipeg Great Northern Railway Company (formerly the Winnipeg and Hudson Bay Railway Company), hereinafter called the Company, is empowered by chapter eighty-one of the statutes of 1887, hereinafter called the Special Act, to build a railway from Winnipeg to Hudson Bay; and whereas, by chapter eighty-one of the statutes of 1891, hereinafter called the Aid Act, certain aid was granted to the Company; and whereas, in pursuance of the Aid Act, a contract, which bears date the eighteenth day of September, one thousand eight hundred and ninety-one, was entered into between the Governor in Council and the Company; and whereas it is expedient to amend the Aid Act, and to authorize and empower the Governor in Council to alter and amend the said contract, as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1887, c. 81; 1891, c. 81.

1891, c. 81, s. 1 repealed.

**1.** Section one of the Aid Act is repealed, and the following is substituted therefor:

Contract for transport may be made with the company.

"**1.** In order to enable the Winnipeg and Hudson Bay Railway Company to construct so much of their railway to Hudson Bay as reaches from the city of Winnipeg to the Saskatchewan River, the Governor in Council may enter into a contract with the Company for the transport of men, supplies, materials and mails, for a term of twenty years, and may pay to the Company for such services during the said term eight thousand dollars per annum in manner following, that is to say: one-half of the said sum of eighty thousand dollars to be paid annually, commencing from the date of the completion by the Company of one-half of their line to be constructed between Winnipeg and the Saskatchewan River; and the remaining one-half of the said sum of eighty thousand dollars to be paid annually, commencing from the date of the completion of the remaining half of their line to be constructed between Winnipeg and the Saskatchewan River: Provided, that such sums shall be paid in semi-annual instalments, and that the Company may sell the same or may assign the same by way of security for any bonds or other securities issued by the Company with respect to the Company's undertaking."

How consideration may be paid.

Proviso.

Contract may be altered.

**2.** The Governor in Council is hereby authorized and empowered to alter and modify the said contract in accordance with the terms of the Aid Act and of this Act.

Alternative line of railway.

**3.** Instead of the said railway so to be completed as aforesaid under the existing contract commencing as therein provided for at the north end of the forty miles already constructed by the Company, it may commence at or near Portage la Prairie and run northerly to a point of intersection with the Company's main line where the latter is located through township thirteen, or from Gladstone, and be continued to the Saskatchewan River: Provided however, that in the event of the Company not complying with the terms of this Act in so far as it relates to the construction of the first half of the Company's railway, the Governor in Council may, subject to the terms of the said Aid Act and of this Act, transfer the amount applicable to such first half of the Company's railway, namely forty thousand dollars per annum for twenty years, to a company authorized to construct a line of railway from Portage-la-Prairie or Gladstone to Lake Dauphin or thereabouts.

If company defaults, contract may be made with another company.

Railway to Water-Hen River.

**4.** The Company is hereby authorized and empowered to continue the construction of a line from the end of the forty miles already constructed, to a point on the main line near the Water-Hen River.

1887, c. 81, s. 33 repealed.

**5.** The section substituted by section one of chapter ninety-four of the statutes of 1894 for section thirty-three of chapter eighty-one of the statutes of 1887, is hereby repealed and the following substituted therefor :—

Time for construction extended.

"**33.** The main line of the railway shall be completed to the Saskatchewan River, by the thirty-first day of December, one thousand eight hundred and ninety-eight, otherwise the powers granted with respect to such construction shall be null and void as respects so much of the railway as then remains uncompleted."

No. 150.

5th Session, 7th Parliament, 58 Victoria

BILL.

An Act respecting the Winnipeg Northern Railway Company.

Received and read a first time, Saturday, 20th July, 1895.
Second reading, Saturday, 20th July, 1895.

Mr. HAGGA

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

SENATE BILL

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# A

# AN ACT RESPECTING INSOLVENCY.

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**Received** and read a first time, Monday, 29th April, 1895.

Second reading, Monday, 6th May, 1895.

The Honourable Sir MACKENZIE BOWELL.

# SENATE BILL. 1895

## An Act respecting Insolvency.

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

PRELIMINARY.

**1.** This Act may be cited as "The Insolvency Act, 1895." Short title.

**2.** In this Act, unless the context otherwise requires, or it is otherwise specially provided:— Interpretation.

(*a.*) "Insolvent" means a person in reference to whom or to whose estate a receiving order has been made under this Act; "Insolvent."

(*b.*) "Creditor" means any person, co-partnership or company to whom the debtor is indebted, whether primarily or otherwise, and whether as principal or surety, and whether such indebtedness is wholly or in part due and payable or not; "Creditor."

(*c.*) "Court," when used in reference to proceedings for the discharge of an insolvent under this Act, whether under a deed of composition and discharge, or otherwise, and in all cases of proceedings under this Act for a receiving order in reference to an incorporated company alleged to be insolvent and in all proceedings under this Act in reference to an incorporated company in respect of which a receiving order is made, means the Superior Court in the province of Quebec, the Court of Queen's Bench in the province of Manitoba, the High Court of Justice in the province of Ontario, and the Supreme Court in the other provinces and the North-west Territories. "Court" respecting composition and discharge, and incorporated companies.

In reference to all other proceedings "Court" means the County Court in the provinces of Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Manitoba and British Columbia, the Superior Court in the province of Quebec, and the Supreme Court in the North-west Territories, having jurisdiction in the district wherein proceedings are instituted under this Act, or if there is no such court having jurisdiction in a district in which proceedings may be instituted under this Act, then it means the court having jurisdiction in the nearest district in which there is such court. "Court" respecting all other proceedings.

Any action or proceeding to be taken or application or order made before, to or by any court having jurisdiction under this Act may be taken or made before, to or by a judge thereof, or before, to or by a junior or deputy judge when such is appointed, at chambers, or at any circuit, or session or sittings of the court, wherever held. Judge.

(*d.*) "District" means a county or district as defined for judicial purposes by the legislature of the province in which "District."

it is situated, or by the Governor in Council in regard to the North-west Territories of Canada, and includes territorial, provisional or temporary districts.

"Clerk of the court."

(*e.*) "Clerk of the court" means the prothonotary, clerk or registrar of the court or any division thereof.

"Official Gazette."

(*f.*) "Official Gazette" means the Official Gazette published under the authority of the Government of the province or territory wherein the proceedings under this Act are carried on.

"Date of insolvency."

(*g.*) "Date of insolvency" means the date of the making of a receiving order under this Act.

"Secured creditor"

(*h.*) "Secured creditor" means a creditor holding a mortgage, hypothec, charge or lien on the property of the debtor, or any part thereof, as security for a debt due to him from the debtor, and any creditor specially declared to hold security within the meaning of this Act.

"Official receiver."

(*i.*) "Official receiver" includes a person for the time being acting as "official receiver."

"Contributory."

(*j.*) The expression "Contributory" means a person liable to contribute to the assets of an incorporated company subject to the provisions of this Act. It also in proceedings for determining persons who are to be deemed contributories includes a person alleged to be a contributory.

## PART I.—APPLICATION OF ACT.

To whom Act applies.

**3.** This Act applies only to persons who as a means of livelihood, manufacture, buy, or otherwise acquire goods, wares, merchandise or commodities, ordinarily the subject of trade and commerce, and sell or otherwise dispose of the same to others, including commission merchants, whether they sell by auction or otherwise.

Continues to apply in certain cases.

(2.) If a person to whom this Act appplies ceases to carry on the business which makes him subject to its provisions, he shall nevertheless continue to be so subject so long as he has outstanding debts and liabilities contracted or incurred in the course of such business, which would under this Act be provable against his estate and which are not barred or prescribed by any Statute of Limitations or otherwise, but no proceedings shall be instituted against such person by a creditor under this Act unless founded upon a debt or liability contracted or incurred in the course of such business.

Companies to which Act does not apply.

(3.) Nothing in this Act shall be construed to make any of its provisions apply to the following companies, societies, or corporations, or any of them, that is to say, incorporated banks, savings banks, insurance companies, loan companies, building societies, railway companies (including electric and street railway companies), telegraph or telephone companies, or municipal, school, or other corporations of a public nature.

## PART II.—PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE OF DEBTOR.

### ACTS OF INSOLVENCY.

**4.** A person to whom this Act applies commits an act of insolvency, and becomes liable to have proceedings instituted against him under it in any of the following cases:—

Failure to meet liabilities generally.

(*a.*) If he ceases to meet his liabilities generally as they come due;

(*b.*) If he calls a meeting of his creditors for the purpose of compounding with them; or if he exhibits a statement showing his inability to meet his liabilities; or if he gives notice to any of his creditors that he has suspended or is about to suspend payment of his debts; or if he otherwise acknowledges his insolvency; Acknowledgment of insolvency.

(*c.*) If he absconds or is about to abscond from any province in Canada with intent to defraud his creditors, or any of them, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process; or if being out of any province in Canada, he so remains with a like intent; or if he conceals himself within the limits of Canada with a like intent; Absconding.

(*d.*) If he secretes or is about to secrete any part of his estate or effects with intent to defraud his creditors, or any of them, or to defeat or delay their remedies or demands; Secretion of property.

(*e.*) If he assigns, removes, or disposes of, or is about or attempts to assign, remove, or dispose of any of his property with intent to defraud, defeat, or delay his creditors, or any of them; Fraudulent assignment.

(*f.*) If he makes any general conveyance or assignment of his property for the benefit of his creditors; or if being unable to meet his liabilities in full he makes any sale or conveyance of the whole or of the main part of his stock in trade or assets without the consent of his creditors, or without satisfying their claims; General assignment or sale of stock.

(*g.*) If he permits any execution issued against him under which any of his chattels, stock in trade, assets, land, or property is seized, levied upon, or taken in execution, to remain unsatisfied until within four days of the time fixed by the sheriff or seizing officer for the sale thereof, or to remain unsatisfied for fifteen days after such seizure; Allowing execution to remain unsatisfied.

(*h.*) If with intent to defeat, defraud, or delay his creditors or any of them, he procures his chattels, stock in trade, assets, land, or property, or any portion thereof, to be seized, levied on, or taken under or by any process or execution. Procuring seizure of goods, &c.

RECEIVING ORDER.

**5.** Subject to the conditions of this Act, if a person to whom it applies commits an act of insolvency, the court may on the application of a creditor, and upon such facts and circumstances being shown as satisfy the court that the order should be made, make a receiving order under this Act. (Form No. 1.) Court may make receiving order.

**6.** A creditor shall not be entitled to make application for a receiving order unless— Conditions on which creditor may apply for receiving order.

(*a.*) The act of insolvency on which the application is founded, which act shall be disclosed in the affidavits in support of such application, occurred within three months immediately preceding the date of the making of such application;

(*b.*) The debt owing to the creditor, or if two or more creditors join in the application the aggregate amount of debts owing to such creditors, amounts to not less than two hundred and fifty dollars;

(*c.*) The debt is a liquidated sum payable either immediately or at some certain future time;

(*d.*) The debt had not been in whole or in part procured by the creditor to enable him to take proceedings under this Act, and the applicant is not acting in collusion with the debtor, or to procure him any undue advantage against his creditors or any of them ;

(*e.*) The debtor had at the time of the committing of the act of insolvency, or one of the acts of insolvency, upon which the application is founded, his residence, or his place of business, or his chief place of business, or one of his principal places of business, within the jurisdiction of the court.

"Secured creditor" making application, shall

Value security held by him.

Or state willingness to assign security for benefit of creditors generally.

**7.** A secured creditor making application for a receiving order shall either :—

(*a.*) Set a value upon the security held by him, and in such case he shall be considered as a creditor for the purposes of the application for the amount of the debt owing to him over and above the value so set ; or

(*b.*) State that he is willing to assign the security so held by him for the benefit of the creditors generally in the event of a receiving order being made, in which case he shall be considered a creditor for the full amount of the debt owing to him.

Verification of facts by affidavit.

**8.** All facts and circumstances relied upon by the creditor or creditors applying for a receiving order shall be verified by affidavit, and the court may require such further and other proof, by affidavit or otherwise, as it deems necessary.

Cases in which order may be made only after notice given to debtor of intention to apply therefor.

**9.** No receiving order shall be made upon the ground that the debtor has ceased to meet his liabilities generally as they become due unless it is shown to the satisfaction of the court that notice of the time and place of making the application for a receiving order together with copies of the affidavit or affidavits in support of such application, have been served on him at least three clear days before the time named in such notice for the making of the application, but the court may on special cause shown reduce the time of such notice as to it seems meet. (Form No. 2.)

Service of copy of order &c.

**10.** A copy of the receiving order and of the affidavit or affidavits on which the order was made, shall (unless the same have been already served) immediately upon the making of the order be served upon the insolvent, and, if the application is made without previous notice to him and the creditor or creditors making the application, or any of them, does not reside within the jurisdiction of the court, the insolvent shall also be served with a notice setting forth the name and place of residence or place of business of some person within the jurisdiction of the court, on whom or at whose place of residence or business any notices or other documents may be served in case the insolvent applies to set aside the receiving order as hereinafter provided.

Application to annul order made without previous notice.

**11.** If the receiving order has been made without previous notice to the insolvent of application therefor he may, within five days after service of the copy of the receiving order and of the other papers, notices and documents as provided in the last preceding section, and on one day's previous notice

to the creditor or creditors, upon whose application the order was made or any of them, apply to the court to annul the receiving order so made, and the court may extend the time for making such application.

Cases in which court may refuse application or annul order.

**12.** If on an application for a receiving order after notice to the debtor, or on an application to annul a receiving order made without previous notice to the debtor, the court is satisfied that the debtor has not committed the alleged act or acts of insolvency, or that he is not indebted to the creditor making the application, or that he is not indebted in an amount sufficient to entitle such creditor to make application for a receiving order under this Act, or that the claim of the creditor was procured in whole or in part to enable him to take proceedings under this Act, or that, if the act of insolvency or one of the acts of insolvency upon which the application is based is an act of insolvency under subheading (*a*) or (*g*) in section four of this Act, the debtor is able to pay his debts and his ceasing to meet his liabilities or failing to satisfy the execution was only temporary and was not done by the debtor with any fraudulent intent or caused by any fraud or by the insufficiency of the assets of the debtor to meet his liabilities, the court may refuse the application or may annul the receiving order and may make such order as to the costs of the proceedings as it thinks just.

Costs.

Court may refuse order when application is made merely to enforce payment of debt.

(2.) If it appears to the court on an application for a receiving order that the proceedings were taken by the creditor without reasonable grounds and merely as a means of enforcing payment of the debt due to him under colour of proceeding under this Act, the court may refuse the application and may order the creditor, in addition to the payment of costs of the proceedings, to pay to the debtor a sum of money not exceeding treble the amount of such costs, saving and reserving to the debtor any remedy or right of action he may have against the creditor for damages in consequence of the proceedings so instituted or taken.

Court may annul order of debts paid in full.

(3.) The court may at any time annul a receiving order if it is satisfied that the debts of the insolvent are paid in full, and a debt which is disputed by the insolvent is to be considered as paid in full if the insolvent gives security to the satisfaction of the court to pay the amount to be recovered in any proceeding for the recovery of or concerning such debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified is to be considered as paid in full if paid into court.

Sales, &c., made valid where order is annulled.

**13.** When a receiving order is annulled under this Act all sales and dispositions of property, payments made and acts theretofore lawfully done under and by virtue of this Act by the official receiver, liquidator, or any person acting under the authority of either of them, or by the court, are valid, but the estate and property of the insolvent shall upon such order being annulled vest in such person as the court may appoint, or, in default of such appointment, in the insolvent on such terms and subject to such conditions, if any, as the court may determine.

How estate and property may be vested.

Notice of order by court annulling receiv-

2. Notice of an order of the court annulling a receiving order and of any terms and conditions therein contained shall be

ing order to be published.

published by the official receiver, or by the liquidator, or by the insolvent, in the same manner as in this Act provided for notice of the appointment of the official receiver.

What order shall be acted on if receiving orders made in different districts.

**14.** If applications are made in different districts and a receiving order is made in more than one district, the receiving order made by the court having jurisdiction in the district within which was the chief place of business of the insolvent, or, if there is no recognized chief place of business, the receiving order made on the application presented by creditors to the largest amount, shall first be acted upon, and the proceedings on the other receiving orders shall on application of any interested party be stayed; but the court may, in any of the other districts, make any order it thinks necessary in the interests of the creditors for the proper protection of the estate of the insolvent within its jurisdiction.

Transfer of proceedings to another district.

**15.** If a receiving order has been made, and it is made to appear to the court by which such order is made, upon an application by the official receiver, or by the liquidator, or by a creditor having an unsecured claim of one hundred dollars or upwards, that from the situation of the property of the insolvent, or from other causes, the estate and effects could be better wound up and distributed in some other part of Canada, the court may, after such inquiry and on such terms as to it seem right, make an order that the estate of the insolvent be thereafter wound up and distributed in the district or place in Canada named in such order, and thereupon all subsequent proceedings in connection with the winding up and distribution of the estate shall be taken and had in the place or district named in such order, in all respects as if the receiving order had been made by the court having jurisdiction in such place or district; but no order made under this section shall in any way affect the validity of the receiving order or of any proceedings lawfully taken under or by virtue thereof.

Effects of receiving order as to remedies of creditors.

**16.** After the making of a receiving order no creditor shall have any remedy against the estate of the insolvent in respect of any debt provable under this Act except as in this Act provided, and no action shall be begun or instituted, nor shall actions then pending against the insolvent be continued, except with the leave of the court in which the same are instituted or pending, or a judge thereof, and on such terms as to such court or judge seem just; but, except as in this Act otherwise provided, nothing herein shall be construed to prevent a creditor having security for his debt or any part thereof from realizing upon or otherwise dealing with such security or any part thereof in the same manner and to the same extent as if the receiving order had not been made.

Secured debts may be realized.

OFFICIAL RECEIVERS.

Appointment of official receivers.

**17.** The Governor in Council, on the recommendation of the Treasury Board, may at any time after the passing of this Act, and from time to time, appoint such persons, not being members of either the Senate or House of Commons of Canada, or the civil service of Canada, as he thinks fit, to be official receivers under

this Act for the several districts, or such portions thereof as the Governor in Council thinks proper, and may remove any person so appointed. The official receiver shall also be an officer of the court of the district for which he is appointed, and the same person may be appointed to act in more than one district. To be officers of court.

(2.) If more than one official receiver is appointed for a district, or any portion thereof, the work shall be distributed between them in such manner as the court decides with a view to as equal a distribution of such work as may be had. Distribution of work.

(3.) In case no official receiver is appointed to a district, or in case of a vacancy through death, removal or otherwise of an official receiver, the sheriff of the county or district in which the proceedings are instituted shall act as official receiver until an official receiver is appointed. Sheriff to act till vacancy is filled.

(4.) In case of the temporary absence or the inability of the official receiver to act by reason of illness or otherwise, he may appoint some person to act for him as his agent or deputy, in which case he shall be answerable for the acts, neglects, or defaults of the person so appointed; or the Governor in Council on the recommendation of the Treasury Board, may appoint some person to act in the place of the official receiver during such temporary absence. The person so appointed by the Governor in Council shall give security to the satisfaction of the Treasury Board for the proper fulfilment of his duties while so acting. Provision for absence illness, &c., of receiver.

**18.** Each official receiver before being eligible to act as such shall give security to Her Majesty for the due fulfilment and discharge of his duties under this Act. Such security shall be in bonds of a guarantee company or in such other form as is approved of or prescribed by the Treasury Board, and shall be in such sum, not less than two thousand dollars and not more than twenty thousand dollars, as the Treasury Board requires, and shall be held as security for the benefit of the creditors of all estates which may come into his possession as official receiver. Such securities shall be deposited in the department of the Secretary of State, and a certificate of the security being so deposited and of the amount thereof, and of every renewal thereof, or change therein, shall, upon such security or renewal thereof or change therein being approved by the Treasury Board, be issued under the hand of the Secretary of State and filed with the clerk of the court having jurisdiction in the district for which the official receiver depositing the security is appointed. Security to be given by receiver. Nature and amount. Deposit of securities.

**19.** The receiving order shall vest in the official receiver therein named, and on the appointment of the liquidator in the liquidator, all the estate, right, title and interest of the insolvent in and to all property, real, personal and mixed, immovable and movable, including all books of account, vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, moneys and negotiable papers, stocks, bonds and other securities, and generally all assets of every kind and description whatsoever and wheresoever situate, of which the insolvent may be possessed or to which he may be entitled at the date of insolvency, or which he may thereafter acquire, or to which he may Vesting of property under receiving order.

become entitled at any time prior to his discharge under this Act, and the official receiver shall hold the same until the liquidator is appointed, and thereafter the liquidator shall hold the same in trust for the benefit of the insolvent and of his creditors, subject to the provisions of this Act; but such receiving order shall not vest in the official receiver or liquidator such property as is exempt from seizure and sale under execution by virtue of the several statutes in that behalf in the several provinces and territories of the Dominion respectively, nor any property which the insolvent holds as trustee for others, nor any money earned or received by the insolvent after the date of insolvency as salary or wages for services performed or rendered by him.

Certain property exempted.

Receiver to take possession.

**20.** The official receiver shall forthwith either personally, or by his agent, or deputy, take possession of the property vested in him by virtue of the receiving order, and he shall make such arrangements for its safe keeping and protection, by insurance or otherwise, as he thinks most expedient in the interests of the estate; and if the official receiver, or his agent or deputy is unable to obtain access to the interior of any house, shop, store, warehouse, or other premises of the insolvent, or in which the said property so vested in him, or any part thereof, is situate, by reason of the same being locked, barred, or fastened in any way, he may forcibly open the same in the presence of at least one witness.

Powers for that purpose

Receiving order to be registered against real estate.

(2.) The official receiver shall, on becoming aware of the insolvent holding real estate, forthwith register, in the proper registry office for the registry of transactions in connection with such real estate, a certificate of the clerk of the court under the seal of the court of the making of the receiving order or a certified copy of the receiving order. In the province of Quebec such certificate or certified copy shall be accompanied with a description of the real or immovable estate of the insolvent, and a notice that the same has by virtue of such receiving order been transferred to the official receiver.

Court may direct official receiver in certain cases to take proceedings, carry on business, &c.

(3.) The court may, on the application for the receiving order or at any time thereafter before the appointment of the liquidator, on the application of any creditor who has proved an unsecured claim to the amount of two hundred and fifty dollars or upwards, or, if two or more creditors join in the application, of creditors having unsecured claims aggregating two hundred and fifty dollars or upwards, and if it appears in the interest of the estate, make an order directing the official receiver to institute any proceedings which may be urgently necessary for the protection of the estate, or for the recovery or realization of any portion of the assets of the estate which might otherwise be lost, in whole or in part, before the appointment of the liquidator, or might become seriously depreciated in value before such appointment; or to sell and dispose of any portion of the estate which may be of a perishable nature; or to carry on until the first meeting of the creditors of the estate the business of the insolvent; and the court may by the same order appoint one or more persons (not exceeding three in all) being creditors having unsecured claims against the estate amounting to five hundred dollars and upwards or the employees or nominees of such creditors, to superintend and direct until the first meeting of creditors the official receiver in the performance of his duties under such order; and in default

Provisional inspectors.

of such appointment the official receiver shall perform his duties under the direction and control of the court; and the official receiver may employ such clerks and other assistants as may be necessary to enable him to perform the duties imposed upon him by such order. Clerks and assistants.

(4.) The official receiver or liquidator may by a general or special waiver, waive the necessity of presentment, protest and notice of dishonour of bills or notes drawn or endorsed by the insolvent and maturing after the date of the receiving order. Waiver of presentment, &c., by official receiver or liquidator.

PROCEEDINGS CONSEQUENT ON ORDER.

**21.** The official receiver immediately upon a receiving order being made shall publish notice thereof (Form No. 3) in the Official Gazette, and in at least one newspaper published in the district in which the proceedings are instituted. Such notice shall be published only once in each paper, unless the court when making the receiving order deems it expedient that more extended notice should be given, either in the district in which the proceedings are instituted or elsewhere, and in such case the court shall determine the notice to be given and the time, place and manner of publication thereof. Publication of notice of receiving order.

**22.** The insolvent shall immediately after the service of the receiving order, unless he makes an application to set the same aside, and, in such case, immediately after the refusal of such application, prepare for and furnish to the official receiver or liquidator a statement of all his liabilities direct and indirect, contingent and otherwise, showing the nature and amount thereof, together with the names and addresses of his creditors and the securities held by them so far as may be known to him, and also a statement of all his property and assets, which statements shall follow as nearly as may be Form No. 4 to this Act, and shall be accompanied with a full, clear and specific statement by the insolvent of the causes to which he attributes his insolvency, and such statements shall be verified by the insolvent under oath in Form No. 5.; and any statements or affidavits so made as in this section provided may be inspected without charge by any creditor, his clerk or agent, who may make copies thereof or extracts therefrom. Statement of liabilities and assets to be furnished by insolvent. Statement under oath by insolvent of causes of insolvency.

(2.) If the insolvent neglects or refuses to prepare and furnish such statements, or to verify the same under oath, or if he unduly delays the preparation thereof, the court may, on the application of a creditor having an unsecured claim against the estate of one hundred dollars or upwards, or of the liquidator, make an order directing such statements to be prepared, verified and furnished within the time named in such order, and in default of obedience by the insolvent to the order so made, the court may direct him to be imprisoned for a period of not more than six months, but in no case shall the holding of the first meeting of the creditors be delayed by the court or otherwise by reason of non-compliance with the requirements of this section. In case of neglect court may order statements to be made, &c. Penalty for disobedience to order of court.

**23.** The official receiver shall, immediately after the expiry of the time reserved to the insolvent to move to set aside the receiving order if no such motion is made, or immediately First meeting of creditors.

after such motion is refused if made, or immediately after the making of the receiving order with the consent in writing of the insolvent or without such consent where no right to move against the order is reserved to the insolvent by this Act, call a meeting of the creditors of the insolvent, to be held at the official receiver's office, or at some other convenient place within the district or portion thereof for which he is appointed.

Time for its holding and notice thereof.

(2.) Such meeting shall be held within ten days from the date after which the same may be called as aforesaid, and notice thereof (Form No. 6), shall be mailed, postpaid and registered, six days before the day named for holding such meeting, to each creditor of whose name and address the official receiver is cognizant, which notice shall be accompanied by a list of creditors having claims against the estate of one hundred dollars or upwards, with their addresses and the amount of their respective claims, and the aggregate amount of the claims of creditors under one hundred dollars, so far as known to the official receiver.

Calling meeting when receiver omits to do so.

(3.) If the official receiver omits to call the meeting as in this section provided, the court shall, on the application of any person interested, order the meeting to be called at the earliest practicable day thereafter, and if the omission has arisen through the neglect of the official receiver, the court shall order him to pay the costs of the application, otherwise the court may make such order as to the costs of the application as to it seems just.

Costs of application.

Adjournment of meeting in certain cases.

(4.) The court may, on the application of a creditor having an unsecured claim against the estate of one hundred dollars or upwards, and on being satisfied that there are creditors whose claims amount to at least one-third of the insolvent's direct liabilities, resident in any place or places whence their claims cannot with due diligence be received at or before the day appointed for the meeting, order the meeting to be adjourned to some day not later than two weeks from the day named in the notices calling the meeting, and such order shall be served on the official receiver, who shall forthwith mail to each creditor notice of such adjournment, and if such adjournment is ordered no business shall be transacted at the meeting first called, but the first meeting of creditors shall be held on the day named in the order.

Notice.

Adjournments.

(5.) The first or any meeting of creditors may be adjourned from time to time and no notice or advertisement of such adjournment shall be necessary.

Insolvent to attend first meeting.

(6.) The insolvent shall attend the first meeting of his creditors and any adjournment thereof.

Appointment, &c., of liquidator.

**24.** The creditors may at their first meeting appoint a liquidator of the estate of the insolvent and they may at a meeting specially called for the purpose, remove such liquidator and appoint another in his stead, or they may at any meeting appoint a liquidator in the stead of a liquidator who has died, resigned or refused to act.

Liquidator may be appointed by inspectors in certain cases.

(2.) If the liquidator so appointed is required to give security for the due performance of his duties, and if he fails to give the same within the time limited therefor as in this Act provided, or if he refused to act, or if he dies before the transfer of the estate to him, the inspectors may, within two days after

the expiration of the time limited for the giving of security, or within two days after such refusal to act or death, appoint a liquidator subject to confirmation at the next meeting of the creditors.

Court to make appointment in certain cases.

(3.) In the following cases the official receiver shall report the facts to the court :—

(*a.*) If the inspectors fail to appoint a liquidator within the delay limited in the next preceding subsection;

(*b.*) If no inspectors are appointed ;

in each of which two cases the said report shall be made upon the expiration of the time limited for giving security;

(*c.*) If the liquidator refuses to act ;

(*d.*) If the liquidator dies ;

(*e.*) If the liquidator is appointed by the creditors at their first meeting, in which case the report shall be made as soon as possible after the close of such meeting.

And thereupon in every case the court shall appoint the liquidator.

Liquidator to give notice of his appointment.

(4.) The liquidator shall without delay give notice of his appointment as such (Form No. 7) by advertisement to be inserted once in the Official Gazette and once in one newspaper (if any) pnblished in the district in which the proceedings are pending, and by notice mailed, post-paid, to each creditor.

Who may not be appointed liquidator or inspector.

**5.** No official receiver, nor the partner, agent, employee, or clerk of an official receiver, nor any person in the employ of a partnership or company of which he is a member, shall be appointed or be eligible for appointment as liquidator or inspector to any estate under this Act; nor shall any of such persons be employed by the liquidator in any manner, directly or indirectly, in the winding up of the estate ; nor shall any secured creditor, his partner, agent, clerk or employee, be appointed liquidator or be eligible to be so appointed.

Official receiver to account for and transfer estate to liquidator.

**26.** The official receiver shall, upon the appointment of the liquidator and without any delay from any cause or upon any pretence whatsoever, account to the liquidator for all the estate and property of the insolvent which has come into his possession, and pay over and deliver to the liquidator all such estate and property, including all sums of money, books, bills, notes, statements, accounts, proofs of claims, minutes of proceedings at meetings, papers and documents whatsoever, in his hands belonging to the estate, after deducting from the funds in his hands (if any) his remuneration, if the same is then fixed as hereinafter provided and agreed to by him, and all lawful costs, charges, expenses and disbursements paid or incurred by him in any way in connection with the estate ; and he shall also execute a deed of transfer of such estate and effects to the liquidator (Form No. 8), which shall be registered in case of the insolvent holding real estate in the proper registry office.

Costs and expenses of official receiver how defrayed.

**27.** All necessary costs, charges, expenses and disbursements, including travelling expenses, paid or incurred by the official receiver in connection with the performance of the duties imposed upon him by this Act, shall be defrayed by him out of the moneys which come into his hands as official

receiver; but if the insolvent has no available assets the official receiver shall not be required to incur any expense in relation to his estate.

Remuneration of official receiver.

(2.) The remuneration for the services of the official receiver may be fixed by the creditors at their first meeting, or by the inspectors, and in default of the amount being so fixed and agreed to by the official receiver at the time of the transfer of the estate as hereinbefore provided, or in case the amount so fixed by the creditors or by the inspectors is considered by the official receiver as insufficient remuneration for the services performed, the official receiver may apply to the court, giving notice to the liquidator of such application, and the court shall thereupon decide and determine the amount of such remuneration, having regard to the nature and value of the estate, the work done and services performed by the official receiver, and the responsibility involved.

Lien on estate for remuneration.

(3.) The official receiver shall have a first lien and charge upon the estate of the insolvent in the hands of the liquidator for his remuneration, expenses and disbursements, until the same are paid; and if any dispute arises as to any amount claimed, charged, incurred or disbursed by the official receiver, the dispute shall be referred to and decided by the court.

Court to decide disputes.

Costs.

(4.) The costs of all proceedings under this section shall be in the discretion of the court.

INSPECTORS.

Creditors to appoint inspectors.

**28.** The creditors may at any meeting appoint one or more inspectors, not exceeding five in all, who shall superintend and direct the proceedings of the liquidator in the management and winding up of the estate, and the creditors may confer upon the inspectors such special powers as they think proper, and they may revoke, change or annul such special powers, and they may also, at any subsequent meeting held for that purpose, revoke the appointment of any or all of the said inspectors, and upon such revocation, or in case of death, resignation, or absence from the province of an inspector, may appoint another in his stead; and anything to be done by the inspectors may be done by the majority, or by the sole inspector, if there is only one; but no inspector shall be paid any remuneration for his services unless the amount thereof is voted by the creditors at a general meeting, or at a meeting specially called for the purpose.

Powers and duties.

Remuneration of inspectors voted by creditors.

CONTROL OVER PERSON AND PROPERTY OF INSOLVENT.

Duty of insolvent until discharge.

**29.** The insolvent shall until he has obtained his discharge give such information to the official receiver, liquidator, or inspectors, respecting his estate and affairs, attend at such times on the official receiver, or liquidator, or inspectors, and at such meetings of his creditors, execute at the expense of the estate such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and to the distribution of the proceeds thereof amongst his creditors, as are reasonably required by the official receiver, liquidator, or inspectors, or as are prescribed by general rules made by virtue of this Act, or as are directed by the court by

any special order made in reference to any particular case, or made on the occasion of any special application by the official receiver, liquidator, or any creditor, or person interested; and he shall aid to the utmost of his power in the realization of his property and the distribution of the proceeds thereof among his creditors.

Compensation to insolvent for services.

(2.) The liquidator may from time to time, with the consent of the creditors or of the inspectors, make such allowance as he thinks just to the insolvent out of the estate as compensation for his services in connection with the winding up of his estate, but any such allowance may be reduced by the court.

Examination of insolvent on oath.

**30.** The creditors or the inspectors shall direct the insolvent to be examined upon oath before the liquidator, or before such person as they may name, touching his estate and effects, assets and liabilities, the conduct and management of his business, the causes of his insolvency and his affairs generally, and such liquidator or person may administer any necessary oath.

Time and place.

(2.) Such examination shall take place at such time and place as is appointed by the creditors, or by the inspectors, and it may be adjourned from time to time, but the court may, on the application of any person interested, and on being satisfied that the affairs of the insolvent have been sufficiently investigated, make an order directing that the examination be concluded by such time as is named in the order.

Conduct of examination.

(3.) Such examination may be conducted by counsel or by such persons as are appointed by the creditors or inspectors, and notes of the evidence given at such examination, which may be taken in shorthand, shall be deposited with the liquidator and shall be open to inspection, without charge, by any creditor or by the duly authorized representative of any creditor.

Penalty for non-compliance by insolvent.

(4.) In case the insolvent neglects or refuses to appear, or to be sworn, or to answer any proper questions, the court may, on the application of the examiner, or of any person interested, order that the insolvent be committed as for a contempt of court; and the court may make such order as to the payment of the costs of any application under this section as to it seems right.

Summoning persons to give information as to the insolvent or his estate.

**31.** The court may on the application of the liquidator, or of a creditor having an unsecured claim of one hundred dollars or upwards, summon before it any person, including the husband or wife of the insolvent, known or suspected to have in his possession any of the estate or effects of the insolvent, or any person who is represented to the court as capable of giving information concerning the insolvent, his dealings or property, and the court may require any such person to produce any documents in his custody or power or under his control, relating to the insolvent, his dealings or property.

Warrant may be issued to compel attendance.

(2.) If the person so summoned, after having been tendered the ordinary witness fees allowed in suits before the court and conduct money, without reasonable excuse, refuses to come before the court at the time appointed, the court may by warrant cause him to be apprehended and brought before it.

Examination may be on oath.

(3.) Such person may be examined upon oath concerning the insolvent, his dealings or property, by or before the court or

by or before such person and in such manner as the court directs, and such court or person may administer any necessary oath, and notes of the evidence given at any such examination, which may be taken in shorthand, shall be deposited with the clerk of the court, and a copy thereof shall be deposited with the liquidator and shall be open to inspection, without charge, by any creditor, or the duly authorized representative of any creditor, and the court may make such order as to the payment of the costs of any such examination as to it seems right.

Notes thereof to be filed.

Costs of examination.

Order to deliver property.

(4.) If on such examination such person admits that he has in his possession any property belonging to the insolvent, and to which the official receiver or liquidator is legally entitled, the court may order him to deliver to the official receiver, or to the liquidator, such property, or any part thereof, at such time, in such manner and on such terms as to the court seems just.

Penalty for non-compliance with above provisions.

(5.) In case of refusal to appear, or to be sworn, or to answer any questions that may lawfully be asked touching the insolvent, his dealings or property, or to produce any document which he is required to produce, or to obey any order of the court made under and by virtue of this section, the person so refusing may be committed as for a contempt of court.

When warrant for arrest of insolvent may be issued.

**32.** The court may, at the time of making a receiving order or at any time thereafter, on the application of the official receiver or of the liquidator, by warrant to the sheriff of the district, or other proper officer, cause the insolvent to be arrested, and any books, papers, moneys and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the court orders, if such facts and circumstances are shown by affidavit as satisfy the court—

If he is about to abscond or conceal himself.

(*a.*) That there is good and probable cause for believing that the insolvent is about to abscond and conceal himself to avoid service of papers, notices or documents required by this Act to be served on him, or to avoid appearance at any meeting of his creditors at which he is required to appear, or to avoid examination in respect of his affairs, or otherwise to avoid, delay, or embarrass any proceedings against him under this Act; or

If he is about to remove, conceal or destroy goods or documents.

(*b.*) That there is good and probable cause for believing that he is about to remove his goods with intent to prevent or delay possession being taken of them by the official receiver, or by the liquidator, or that he has concealed or destroyed or is about to conceal or destroy, any of his goods, or any books, documents, or writings, which might be of use to his creditors in the course of the proceedings under this Act; or

If he removes or disposes of goods exceeding $25 in value.

(*c.*) That without the leave of the official receiver, or liquidator, he was removed or disposed of any goods in his possession, which form a part of the estate vesting in the official receiver or in the liquidator, and which exceed in value the sum of twenty-five dollars; or

If he fails to attend meeting.

(*d.*) That without good cause shown he has failed to attend any meeting which he was required to attend under the provisions of this Act.

**33.** The court may, on the application of the official receiver or liquidator, and on special cause shown therefor, from time to time order that for such time, not exceeding three months, as the court thinks fit, the postmaster at the place of residence or at any place where the insolvent carried on business shall deliver, redirect, or send to the official receiver or liquidator of the estate of the insolvent, all letters and other mailable matter received by such postmaster addressed to the insolvent. All such letters or mailable matter so received by the official receiver or liquidator shall be opened and read by him in the presence of the insolvent, or after notice given him by letter through the post, and if they relate to the business of the insolvent or his estate they shall be retained by the official receiver or liquidator, otherwise they shall be resealed and endorsed as having been opened as aforesaid and shall be delivered or mailed to the insolvent. A register shall be kept by the official receiver or liquidator of all letters and mailable matter so received as aforesaid and the disposition thereof, which register and all letters and mailable matter so retained as aforesaid shall be open to inspection by the insolvent.

Postmaster may be ordered to send insolvent's letters to receiver or liquidator.

How letters so sent are to be dealt with.

Register to be kept of them.

Insolvent to have access thereto.

(2.) It shall be the duty of the insolvent at all times to deliver or transmit by post to the official receiver or liquidator all letters or other mailable matter received by him and appertaining to the business of the estate.

Insolvent's duty as to letters about estate business.

DISCHARGE OF INSOLVENT WITH CONSENT OF CREDITORS.

**34.** If the insolvent, at or any time after the first meeting of creditors, files with the liquidator a deed of composition and discharge executed by creditors entitled to vote who represent at least three-fourths in value of the claims of all the creditors then entitled to vote and a majority in number of such creditors having claims of one hundred dollars and upwards, the liquidator shall call a meeting of the creditors of the estate to take such deed of composition and discharge into consideration (Form No. 9), which meeting shall, unless the time for holding the same is extended by the court on the application of a creditor having an unsecured claim of one hundred dollars or upwards, be held within fourteen days from the date of the filing of the deed with the liquidator, and such meeting shall be attended by the insolvent, who shall be subject to examination thereat touching his property, conduct, dealings and affairs generally.

Meeting to consider composition and discharge, how and when called.

(2.) Such meeting shall be called by advertisement published once in the Official Gazette and once in one newspaper (if any) published in the district in which the proceedings are pending, stating the time, place, and object of the meeting, and also by notices, post-paid, mailed at least ten days before the meeting to the insolvent and to each of the creditors known to the liquidator or to the insolvent; and such notices to the creditors, in addition to stating the time, place and object of the meeting, shall state generally the terms of the deed of composition and discharge.

Notice of meeting.

(3.) In case of neglect or refusal on the part of the liquidator to call such meeting so that it may be held within the time above provided, the court may, on the application of the insolvent, or of any creditor having an unsecured claim of one

Provision for neglect or refusal to call meeting.

hundred dollars or upwards, direct such meeting to be held at such date and on such notice as to it seem proper; and the court shall, unless reasonable excuse for such neglect or refusal on the part of the liquidator is shown, order him personally to pay the costs of the application.

What deed must provide.

**35.** In no case shall a meeting be called to consider a deed of composition and discharge, nor shall the same be confirmed or any discharge thereunder effected, unless such deed provides for the immediate payment in full of all costs, charges and disbursements in connection with proceedings under this Act then remaining unpaid and of all claims declared by this Act to be privileged claims, and for the payment within one year from the date of such confirmation of at least one-half of the amount of claims provable against the estate, and no deed of composition and discharge, nor any discharge of the insolvent thereby effected, shall be binding on the creditors until such deed is confirmed by the court as hereinafter provided.

Deed not binding till confirmed by court.

Creditor may file letters of approval or disapproval of deed.

**36.** Any creditor may at any time before such meeting file with the liquidator a letter or document expressing his approval of or objection to such deed of composition and discharge, and such creditor shall thereupon be considered as having voted for or against the discharge of the insolvent as indicated by the tenor of such letter or document, and the deed may be executed by any creditor entitled to execute it at any time before it is filed by the liquidator with the clerk of the court.

Execution of deed.

Liquidator's certificate and what it shall contain.

**37.** The liquidator shall, after the holding of the meeting to take the deed of composition and discharge into consideration, annex to such deed a certificate in which he shall set forth:

(*a.*) The total amount of claims then proved against the estate in respect of which the creditors proving the same are entitled to vote, and the total amount of such claims represented by creditors who had executed the deed of composition and discharge;

(*b.*) The total number of creditors who had then proved claims, in respect of which they were entitled to vote, of one hundred dollars and upwards, and the total number of such creditors who had executed the deed of composition and discharge;

(*c.*) The number of creditors, who had proved claims on which they were entitled to vote, present or represented at the meeting to consider the deed, distinguishing the creditors having claims of under one hundred dollars from those having claims of one hundred dollars and upwards, and the respective amount of their claims.

(*d.*) The terms of any resolution relating to the discharge of the insolvent passed at such meeting, and the number of creditors voting for and against the same, distinguishing the creditors having claims of under one hundred dollars from those having claims of one hundred dollars and upwards, and the respective amount of their claims;

(*e.*) The ratio of dividend likely to be realized from the estate for the unsecured creditors, and the dividend or dividends declared, (if any).

(2.) The liquidator shall annex to such certificate copies of all documents filed with him, approving of or objecting to the confirmation of the deed or to the discharge of the insolvent thereunder, indicating the amount of claims represented by the several creditors who filed such documents, and he shall annex copies of the minutes of any examination of the insolvent and of any statements of the assets and liabilities of the insolvent. Documents to be annexed to certificate.

(3.) If there are creditors, who voted or offered to vote for or against any resolution or filed any letters or documents as aforesaid, or who executed such deed, and if such creditors have not proved their claims as required by this Act, or if their claims are of such a nature that in the opinion of the liquidator they are not affected by the discharge, or if such creditors are not entitled to vote in respect of such claims, the liquidator shall not include such creditors among those voting for or against the resolution, or as having executed such deed, but he shall in his certificate indicate the number of such claims and the amount and nature thereof, distinguishing the number of such creditors in favour of, and the number opposed to the confirmation of the deed, or to the discharge of the insolvent thereunder. How unproved or unaffected claims are to be treated.

(4.) The liquidator shall, within one week after the holding of the said meeting to take the deed of composition and discharge into consideration, file the deed, together with his certificate and all annexed papers and documents as above provided, with the clerk of the court, and shall keep a copy thereof on file in his own office, and the copy on file at the office of the liquidator shall be open at all reasonable hours to inspection, without charge, by the insolvent, or by any creditor, and the insolvent or any creditor may copy the same or make extracts therefrom. Liquidator to file deed, certificate, &c., with clerk of court. Copy to be kept on file in liquidator's office.

**38.** So soon as the deed of composition and discharge is filed by the insolvent with the liquidator, as hereinbefore provided, the insolvent may give notice (Form No. 10) of his intention to apply to the court for confirmation thereof, which notice shall be published once in the Official Gazette and once in one newspaper (if any) published in the place in which the proceedings are pending, and shall be mailed, post-paid, to the liquidator and to each of the creditors, at least twenty-one days before the day therein named for the hearing of the application. Notice of insolvent's application for confirmation.

**39.** The confirmation of such deed of composition and discharge may be opposed by the liquidator under the authority of the creditors or of the inspectors, or by any creditor, notwithstanding such creditor has executed such deed of composition and discharge. Confirmation may be opposed.

(2.) If a creditor who has executed a deed of composition and discharge opposes the confirmation thereof or the discharge of the insolvent thereunder, his claim shall be dealt with as if he had not executed such deed of composition and discharge, and if in consequence of such opposition the confirmation of the deed is refused on the ground that it has not been assented to by the requisite proportion of creditors in number or value, the creditor so opposing such confirmation shall pay all the costs of the insolvent in connection with such applica- Creditor who has executed deed may oppose confirmation thereof. Payment of costs in such cases.

tion for confirmation, unless it appears to the satisfaction of the court that he had just grounds for his action or for opposing the confirmation of the deed.

Hearing of application to confirm.

**40.** On the day named in the notice given by the insolvent in manner hereinbefore provided, or so soon thereafter as the court appoints, the court shall hear the application of the insolvent to confirm the deed of composition and discharge, and any person in objection or opposition thereto, and may thereupon make an order confirming the same; but no such order shall be made, nor shall the deed be confirmed unless it is shown to the satisfaction of the court, by affidavit or in such other way as the court directs, that all the notices, formalities and requirements of this Act in connection with the application of the insolvent to confirm the deed and the holding of the meeting of the creditors to consider the same and the filing of the deed and certificate of the liquidator and other documents, have been given, observed and complied with, and that the deed has been executed by creditors entitled to vote representing at least three-fourths in value of the claims of all creditors entitled to vote at the time of the filing of the deed by the liquidator with the clerk of the court and a majority in number of such creditors having claims of one hundred dollars or upwards, and that the deed in all respects conforms to the provisions of this Act, and that the examination under oath as provided by section thirty of this Act has been concluded; and the insolvent shall as a condition precedent to the confirmation of such deed make affidavit in form No. 11 hereto.

Requisites for order of confirmation.

Affidavit to be made.

Cases in which deed shall not be confirmed.

**41.** The deed of composition and discharge shall not be confirmed if it appears to the satisfaction of the court that the insolvent is guilty of an indictable offence under this Act, or has committed any act or made or entered into any contract, conveyance, mortgage, hypothec, sale, deposit, pledge, transfer, assignment, or payment, with intent to defraud his creditors or any of them or to give any creditor a fraudulent preference over other creditors, or is guilty of fraud or fraudulent practice in procuring the execution by his creditors, or any of them, of such deed, or is guilty of fraudulent retention, concealment or disposal of some portion of his estate and effects, or of evasion, prevarication, or false swearing upon examination as to his estate and effects, or of any fraud or fraudulent breach of trust.

Notice of application by insolvent for discharge without consent of creditors.

**42.** At or after the expiration of one year from the date of insolvency the insolvent may give notice (Form No. 12) of his intention to apply to the court for a discharge under this Act without consent of creditors, by publishing such notice for one month in the Official Gazette, and once a week for four weeks in one newspaper (if any) published in the district in which the proceedings are pending, and also by mailing such notice, post-paid, to each of his creditors at least one month before the time named therein for such application.

What must be proved before discharge may be granted.

**43.** The court may, on such application, make an order for the discharge of the insolvent, on proof being made to its satisfaction by affidavit or in such other manner as it directs, that

all the notices, formalities and requirements of this Act in reference to such application for discharge have been given, observed and complied with, and that the insolvent has delivered to the official receiver or liquidator all the property and assets of the estate which vested in them and all books of accounts and documents in any way relating to his estate, and has attended all meetings of creditors which he has been required to attend, and has submitted to examination as herein provided, and has aided by all means in his power in the discovery of his property and the realization thereof, and in every way has conformed to the provisions of this Act.

Opposition to confirmation of discharge.

**44.** Any creditor to whose claim the discharge would apply, or the liquidator under the authority of the creditors or of the inspectors, may oppose the application for discharge, and in such case the court shall hear under oath all parties and all evidence adduced, but nothing herein contained shall prevent the court, whether the application is opposed or not, from making, or ordering to be made in such manner as it thinks most expedient, any further or other investigation into the affairs of the insolvent, or the conduct or management of his business, or the method in which his books of accounts have been kept, or the dividend realized or likely to be realized from his estate, or his affairs generally, as it thinks right, or from refusing the discharge, or suspending the operation thereof, or imposing terms in connection therewith, as hereinafter provided; but in no case shall the discharge be granted if it appears to the court that the insolvent has been guilty of any act by reason of which, under the provisions of section forty-one of this Act, he would not be entitled to the confirmation of a deed of composition and discharge.

Powers of court as to further investigation, or refusal or suspension of discharge.

When discharge shall not be granted.

Cases in which confirmation may be refused or be made conditional.

**45.** The court may, on proof of any of the facts hereinafter set forth, refuse to grant the discharge, or may suspend the operation thereof for such period not exceeding five years as it thinks proper, or may grant such discharge subject to the payment by the insolvent, out of future earnings or after-acquired property, of the balance, or such part of the balance of the debts provable against his estate, in such manner and on such terms as the court may direct, and the court may, after the expiration of one year, modify such last mentioned order if it is satisfied by the insolvent that there is no reasonable probability of his being able to comply with the terms thereof.

(2.) The facts referred to in this section are—

(*a.*) That the insolvent has omitted to keep or has been negligent in keeping such books of account as are usual and proper in the business carried on by him and as would sufficiently disclose his business transactions and financial position within the three years immediately preceding the date of insolvency;

(*b.*) That he continued to trade after he believed himself or had good reason to believe himself to be insolvent;

(*c.*) That he contracted a debt provable against his estate without a reasonable expectation of being able to pay it (proof of which reasonable expectation as to debts contracted within thirty days before the date of insolvency shall be upon him);

(*d.*) That he has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(*e.*) That he has brought on or contributed to his insolvency by rash or hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs, or by recklessness in endorsing or becoming surety for others;

(*f.*) That he has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;

(*g.*) That he has on any previous occasion been adjudged bankrupt or insolvent, or made a composition or arrangement with his creditors, or has been refused his discharge under any insolvency Act, either under a deed of composition and discharge or otherwise;

(*h.*) That he has neglected or refused to attend a meeting of his creditors which he should have attended, or to give any information, or to answer any questions touching his estate, dealings or property, which he should have given or answered, or is wilfully in default in obeying any order lawfully made under this Act.

APPEAL IN CASES OF DISCHARGE.

By whom and when appeal may be had

**46.** The insolvent, or the liquidator under the authority of the creditors or of the inspectors, or any creditor, may appeal from any order of the court, or of a judge thereof, granting, refusing, or suspending such discharge, or the confirmation of a deed of composition and discharge, or imposing any conditions in connection therewith; but no appeal shall be allowed on the part of the liquidator, or of a creditor, unless he appeared at the hearing and opposed the discharge of the insolvent, or the confirmation of the deed; and the appeal in cases of composition and discharge shall be had only with the leave of the court or judge appealed from, and if the appeal is made from an order confirming, refusing or suspending the operation of a deed of composition and discharge, and it is made to appear to the satisfaction of the court, or of the judge, making the order, on the application of the insolvent, or of the liquidator under the authority of the creditors or of the inspectors, that in consequence of such appeal and the delay thereby occasioned the terms of the deed of composition and discharge cannot be carried into effect without injustice, or undue delay or loss to the creditors, or to the insolvent, the court may order that such deed of composition and discharge be cancelled and annulled, and that the liquidator proceed to wind up the estate as if such deed had not been executed.

Power of court to annul deed of composition when appeal causes injustice or undue delay, &c., in carrying out deed.

RECONVEYANCE OF ESTATE TO INSOLVENT.

Form and effect of deed of reconveyance.

**47.** The reconveyance of the estate of the insolvent by the liquidator to the insolvent, when such estate is to be reconveyed under the terms of a deed of composition and discharge confirmed by the court, may be by deed of transfer in Form No. 13 to this Act, duly executed according to the requirements of the law of the place where the same is executed or is to be registered, and such reconveyance shall vest in the insolvent the estate so conveyed subject to all terms and conditions contained in the deed of composition and discharge and in the order of the court confirming the same and subject to the provisions of this Act.

**48.** If the estate of the insolvent is reconveyed subject to the terms of a deed whereby his discharge is made conditional upon the composition or any portion thereof being paid, and default is made in any payment according to the terms of such deed, and such deed and the discharge therein contained cease to have effect, the liquidator may thereupon immediately resume and take possession of the estate and effects of the insolvent in the state and condition in which they then are, and he shall have the same powers and duties in reference thereto as if he had been appointed the liquidator thereof at the time he resumed and took possession thereof; but the title of any *bona fide* purchaser of any of the assets of the estate shall not be impaired or affected by such resumption of possession.

Revesting of estate in liquidator when conditions of composition are not fulfilled.

Powers and duties.

Proviso, as to purchasers.

(2.) In case the liquidator resumes possession of the estate and effects of the insolvent in manner in this section provided, the creditors whose claims were provable against the estate prior to the confirmation of the deed of composition shall have claims against the estate so resumed and be entitled to vote only for and in respect of the balance of the composition remaining unpaid, and all creditors whose claims were incurred subsequent to such confirmation shall have claims against the estate so resumed and be entitled to vote for and in respect of the full amount of their claims, but the claims of creditors for the balance of composition and for the full amount as aforesaid shall be concurrent claims and shall be paid and discharged in equal proportions, and upon their being paid and discharged in full, the creditors whose claims were provable before the confirmation of the deed shall become creditors of the estate for the amount unpaid of their original claims against the estate of the insolvent.

Ranking of creditors in case of resumption of possession of estate by liquidator.

EFFECT OF DISCHARGE.

**49.** The confirmation of a deed of composition and discharge or the order for the discharge of the insolvent as hereinbefore provided shall, subject to the terms and conditions of such deed or to any conditions contained in such order of discharge, free and discharge the insolvent from all debts and liabilities whatsoever (except such as are herein otherwise specially excepted) provable against his estate, by any creditor to whom he sent notice of his intention to apply for the confirmation of such deed or for such discharge, and whose name is set forth in any statement of liabilities or list of creditors furnished by him to the liquidator prior to the giving by him of notice of his intention to apply for the confirmation of the deed or for his discharge, or by any creditor who at any time files a proof of claim under this Act; provided always that if the holder of any negotiable paper is unknown, the insertion of the particulars of such paper in any statement of affairs or list of creditors, with the declaration that the holder thereof is unknown, shall bring the debt represented by such paper and the holder thereof within the operation of this section.

Debts from which discharge frees insolvent.

Provision for negotiable paper.

**50.** A discharge under this Act shall not apply without the express consent of the creditor to any privileged claim under this Act, nor to any judgment debt due by the insolvent as damages for assault, seduction, libel, slander or malicious

Debts which are unaffected by discharge except with consent of creditors.

arrest, nor to any debt due for the maintenance of a parent, wife or child, or as a penalty for any offence of which he had been convicted, nor to any debt due by him as assignee, tutor, curator, trustee, executor, or administrator, or under any order of court, or as a public officer, nor to debts or liabilities incurred by means of any fraud or fraudulent breach of trust to which he has been a party, nor to any debt or liability whereof he has obtained forbearance by any fraud to which he has been a party; and the creditor of any such debt may claim and accept a dividend thereon from the estate, or from the insolvent, without being by reason thereof in any respect affected by the discharge obtained by the insolvent.

Effect of discharge upon persons secondarily liable.

**51.** A discharge, or a deed of composition and discharge confirmed under this Act, whether consented to by the creditor or not, shall not affect the liability of any person secondarily liable to such creditor for the debts of the insolvent, as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, or in the liability of a partner or other person liable jointly with the insolvent to such creditor for any debt, nor shall it, without the consent of the creditor, affect any mortgage, hypothec, lien or collateral security held by such creditor as security for a debt thereby discharged.

Upon mortgages, &c.

Fraudulent and collusive discharges null.

**52.** Every discharge, or confirmation of discharge, obtained by fraud or fraudulent preference or practice, or by means of the consent of a creditor being procured by the payment, or promise of payment to such creditor, or to any creditor, or to any one on behalf of such creditor or of any creditor, of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever, shall be null and void.

Application of this Act in certain cases where a general assignment has been made before the passing of this Act.

**53.** Any person who, since the repeal of "The Insolvent Act of 1875" and before the coming into operation of this Act, made a general assignment of all his estate and effects for the benefit of all his creditors without preference or priority of any kind, may apply for a discharge under this Act at any time within three years after this Act comes into force, provided that the assignment made by the applicant was made at least one year before notice of the making of the application.

Notice thereof.

(2.) The applicant shall give notice of his intention to make such application by publishing the same and sending the same to his creditors in the manner provided in case of an insolvent making application for a discharge under this Act without the consent of his creditors; and the application may be opposed by any creditor on the same grounds, and the court shall have the same powers as in the case of an insolvent making application for discharge without consent of creditors, and the court may grant such application or may refuse it, or may suspend its operation or make it subject to conditions, or may make any order it may make in the case of an insolvent making application for discharge under this Act without consent of creditors, and the court may, at or before the hearing of any application under this section, direct the applicant to be examined under oath before such person as the court directs as to his estate and effects, assets and liabilities, the conduct and management of his business, the causes of his insolvency, and his affairs generally.

Powers of court.

Applicant may be examined under oath.

(3.) A discharge granted under this section shall, subject to the terms of the assignment and to any terms imposed by the court, free and discharge the applicant from all debts and liabilities to which the discharge of an insolvent under this Act would apply, due or owing by the applicant to creditors to whom notice of his intention to apply therefor was sent by the applicant; but a discharge under this section shall not make any change in nor affect in any way the liability of any person secondarily liable for a debt of the applicant as drawer, endorser, guarantor, surety, or otherwise, or in the liability of a partner or other person liable jointly with the applicant, nor shall it in any way affect, except as to the personal liability of the applicant, any mortgage, hypothec, registered judgment or execution, lien, or collateral security held by as creditor a security for any indebtedness of the applicant.

Effect of discharge.

Discharge not to affect in any way a person secondarily liable for debt of person discharged.

(4.) The costs of any proceedings under this section shall be paid by the applicant, and the court may make such order as to the time and manner of payment thereof as to it deems right.

Costs.

## PART III.—ADMINISTRATION OF PROPERTY.

### DEBTS PROVABLE AGAINST THE ESTATE.

**54.** Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, are not provable under this Act against the estate of the insolvent; but, save as aforesaid, all debts and liabilities, present or future, certain or contingent, direct or indirect, secured or unsecured, in whole or in part, to which the insolvent is subject at the date of insolvency, or to which he may become subject before his discharge by reason of any obligation incurred before the date of insolvency, are debts provable under this Act against his estate, all debts owing but not actually payable at such date being subject to rebate of interest.

All debts provable against estate except certain unliquidated demands.

Rebate of interest.

(2.) No costs incurred after the date of insolvency in suits against the insolvent shall be provable against the estate, but all the taxable costs incurred in proceedings against him up to that time shall be added to the debt or demand for the recovery of which such proceedings were instituted, and shall be provable against the estate as if they formed part of the original debt.

As to ranking of costs.

(3.) In the province of Quebec, the rights of the unpaid vendor shall cease from the delivery of the goods sold and all claims for provisions shall be considered as ordinary claims.

Rights of unpaid vendor and claim for provisions in Quebec.

**55.** All debts provable against the estate shall be proved by affidavit (Form No. 14) filed with the official receiver, or with the liquidator. Such affidavit shall set forth the nature and particulars of the debt and the amount due or owing, and whether or not security is held for the whole or any part of the debt, and the nature and particulars of such security, and whether such security has been assigned for the benefit of the estate or is retained by the creditor, and, if retained, the amount at which it is valued; and the affidavit shall be accompanied with the address of the creditor proving the debt, or an address, to which may be sent all notices required by this Act. If the claim is based in whole or in part on

Claims to be proved by affidavit.

What is to be stated in affidavit.

Address of creditor.

List of negotiable instruments to be annexed.

negotiable instruments, a list of such instruments shall be annexed to the proof of claim, setting forth the amount of each such instrument, its due date, and the names of all persons liable thereon, and in what capacity and in what order liable.

Law of set-off to apply.

**56.** The law of set-off as administered by the courts, whether of law or equity, shall apply to all debts provable under this Act, and also to all suits instituted by a liquidator for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off is affected by any of the provisions of this Act; and the claim of a creditor against the estate shall, unless herein otherwise specially provided, be the amount of his unsecured claim over and above any such set-off.

Privileged claims and how paid.

**57.** The following shall be privileged claims and shall be paid by the liquidator out of the assets in his hands in the order named, and before any dividend is paid to the creditors as hereinafter provided:—

Receiver's remuneration, &c.

(*a.*) The remuneration, charges and disbursements of the official receiver as hereinbefore provided;

Costs, &c., and liquidator's remuneration.

(*b.*) All necessary and proper costs, charges and disbursements up to the time of the declaration of a dividend paid by the liquidator in winding up the estate or in connection therewith; and the liquidator before declaring the final dividend shall set aside and reserve a sufficient amount to enable him to pay all necessary and proper costs, charges and disbursements in winding up the estate, including his own remuneration and costs of discharge;

Salaries and wages.

(*c.*) Any arrears of salary or wages due or owing and unpaid to persons in the employ of the insolvent at the date of insolvency, or within one month prior thereto, not exceeding three months of such arrears, but for any further arrears such persons shall have claims against the estate provable in the same way and with the same rights as to voting or otherwise as other unsecured creditors;

Claims for rent.

(*d.*) All claims in respect of rent made privileged claims by the fifth subsection of section seventy-three of this Act.

Joint and separate estates of partners, how to be treated.

**58.** In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

Secured creditor may assign security.

**59.** A secured creditor may before proving his claim assign the security to the official receiver, or to the liquidator, for the benefit of the estate, in which case he shall have a claim against the estate as an unsecured creditor for the full amount of his claim.

Otherwise must value security.

(2.) If the creditor does not assign his security as above provided, he shall in his proof of claim set a value thereon,

and the difference between the value so set, or any amendment thereof, and the amount of the claim of such creditor, shall be the amount of his claim against the estate, and the creditor shall at any time within twenty days in the case of security on personal property, or at any time within sixty days in the case of security on real or immovable property, after the appointment of the liquidator, if the claim was proved before such appointment, otherwise after the date of filing the proof of claim or amended proof of claim, at the request of the liquidator and on payment of the value or amended value then set upon such security, assign and transfer the same to the liquidator for the benefit of the estate.

Liquidator may demand assignment at value set.

(3.) The creditor may at any time amend the valuation and proof on showing to the satisfaction of the liquidator, or of the court, that the valuation and proof were made *bonâ fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation, but every such amendment shall be made at the cost of the creditor and upon such terms as the court orders, unless the liquidator allows the amendment without application to the court.

Amendment of valuation.

(4.) When a valuation has been amended as hereinbefore provided, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid, out of any money for the time being available for dividend, any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

Payment by or to creditor in respect of amended valuation.

(5.) Upon a claim or amended claim being filed with a valuation of the securities as aforesaid, it shall be the duty of the liquidator to procure the authority of the inspectors, or of the creditors, at their first meeting thereafter, to consent to the retention of such security by the creditor, or to require from him an assignment and delivery thereof as aforesaid, and if at such meeting of inspectors or creditors no decision is arrived at as to the course to be adopted, or if such meeting is not held within two weeks from the time of the appointment of the liquidator, if the proof of the claim is then filed, or, if not then filed, within two weeks from the time of filing such claim or amended claim, the liquidator shall act in the premises according to his discretion.

Liquidator's duty as to valued securities.

(6.) If a secured creditor sells or disposes of or realizes upon his security within the period during which he may be required to assign the same as herein provided, unless with the consent in writing of the official receiver or liquidator, the amount to be deducted from the claim as being the value of the security sold shall be the value set thereon in his proof of claim or amended claim, or the amount realized therefrom, whichever is the greater.

How amount of claims is to be settled when creditor realizes security.

**60.** If a creditor has a claim provable under this Act which is dependent upon a condition or contingency or for any other reason does not bear a certain value, such creditor shall in his proof of claim make an estimate of the value of such claim, or

Conditional and contingent claims, how valued.

if such claim is not proved at the time of the declaration of the first dividend and the condition or contingency has not then happened or the debt become certain, the liquidator under the instructions of the inspectors shall make an estimate of the value thereof, and any estimate so made by the claimant or by the liquidator may be amended and the claim revalued upon the happening of the condition or contingency, or upon the debt becoming certain at any time prior to the declaration of the last dividend. If any estimate so made is not agreed to between the claimant and the liquidator and no agreement can be reached by them as to the value of the claim, the matter shall be referred to the court, which shall direct the value to be assessed in such a way as to it seems most expedient and just in the interests of all concerned, and the value when so assessed and approved by the court, over and above any set-off or the value of any security held by the creditor, shall be the amount of the claim of such creditor against the estate. All costs in connection with the assessment of the value of such claim shall be in the discretion of the court.

Court to direct assessment of value when claimant and liquidator disagree.

Costs.

Valuation of negotiable instrument on which insolvent is only secondarily liable.

**61.** If a creditor holds a claim based upon a negotiable instrument upon which the insolvent is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be deemed to hold security within the meaning of this Act, and shall put a value on the liability of the party or parties primarily liable thereon as being his security for the payment thereof, but after the maturity of such liability and its non-payment he shall be entitled to amend and revalue his security.

Sureties who pay debts to have a claim against estate.

**62.** A person who being a surety or otherwise liable for a debt of the insolvent pays such debt, may prove a claim against the estate, and shall have the same rights as the person to whom he made such payment would have had on proving a claim in respect of such debt, or, if a claim has been proved against the estate in respect of such debt, he shall be substituted for the creditor so proving such claim, and the amount of such last mentioned creditor against the estate shall be reduced by the amount of the claim so substituted.

Amount of claim to be calculated from separate items of claim.

**63.** The amount due to a creditor upon each separate item of his claim at the date of insolvency, which remains due at the time of proving such claim, shall form part of the claim of such creditor against the estate until such item of claim is paid in full, except in cases of the deduction of the proceeds or of the value of his security as in this Act provided; but, except as herein otherwise specially provided, no claim, or part of a claim, shall be permitted to be proved against the estate more than once, whether the claim to prove is made by the same person or by different persons; and the liquidator may at any time require from any creditor a supplementary affidavit declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment; and until the creditor makes and files such affidavit with the liquidator, he shall not be collocated in any subsequent dividend sheet, and no dividend then declared shall be paid to such creditor.

Supplementary affidavits may be required.

EFFECT OF INSOLVENCY ON ANTECEDENT TRANSACTIONS.

Liens under writs or seizures not to avail against receiving order if sheriff has notice.

**64.** No creditor shall be entitled, except as herein otherwise provided, to retain as against the official receiver or liquidator any lien or privilege upon either the real or personal property of the insolvent given or created by the law of the province in which such property is situate for the amount of any debt, or of any interest thereon, by the issue or delivery to the sheriff or other proper officer of any writ of attachment or execution, or any other writ, or by levying upon or seizing under such writ the effects or estate of the insolvent, if a receiving order is made and notice thereof published or served on the sheriff before payment over to the creditor or creditors of the moneys actually levied under such writ; and the sheriff shall, upon demand and on payment of his costs in connection with such attachment, execution, levy or seizure, deliver the property so levied, seized or attached, or the proceeds thereof, to the official receiver or liquidator; provided, however, that in case real or immovable property has been advertised by him for sale, it may be sold by him in manner hereinafter provided; and provided also that nothing herein shall affect any lien or privilege for costs which the plaintiff possesses under the law of the province in which such writ was issued.

Sheriff to deliver property.

But may sell real property if sale advertised.

Lien for costs not affected.

Cases in which liens under registered judgments or executions are not affected.

(2.) Nothing herein shall affect any lien or privilege of a creditor on or against the real or immovable property of the insolvent acquired under the law of the province in which such property is situate by the registration of a judgment or of an execution, or of any memorial or notice thereof, if such lien or privilege was so acquired prior to the coming into operation of this Act, or if acquired since the coming into operation of this Act such lien or privilege was acquired at least three months prior to the date of insolvency.

Effect of receiving order as to acts of insolvent before its issue.

**65.** The issue of a receiving order renders null and void as against the official receiver or liquidator—

Gratuitous contracts and conveyances.

(*a.*) Every gratuitous contract or conveyance, or contract without consideration, or with a merely nominal consideration, respecting either real or personal estate, or immovable or movable property, or any sale, conveyance or assignment of his property constituting an act of insolvency under this Act, made by the insolvent with or to any person whomsoever, whether a creditor or not, within three months next preceding the date of insolvency;

Contracts, conveyances etc., done with intent to defraud.

(*b.*) Every contract, mortgage, hypothec, or conveyance made, or act done by the insolvent in respect of any estate, real or personal, immovable or movable, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the insolvent, whether a creditor or not, and having the effect of impeding, obstructing or delaying the creditors in their remedies, or of injuring them, or any of them, notwithstanding that such contract, mortgage, hypothec, conveyance or act is in consideration or in contemplation of marriage; and if made or done by a debtor unable to meet his engagements, and afterwards becoming insolvent, to or with a person knowing such inability or having probable

Presumption of intent to defraud.

cause for believing such inability to exist, or after such inability is public and notorious, whether such person is a creditor or not, it shall be presumed *primâ facie* to be made or done by such debtor with intent to defraud his creditors;

Preferences to creditors.

(*c.*) Every sale, mortgage, hypothec, deposit, pledge, or transfer of any property, real or personal, immovable or movable, or of any securities, rights or effects, made by the insolvent in contemplation of insolvency by way of payment or as security for payment to any creditor, whereby such creditor obtains a preference over the other creditors, and if made within thirty days next before the date of insolvency it shall be presumed *primâ facie* to have been so made in contemplation of insolvency;

Presumption thereof.

Payments within 30 days before insolvency.

(*d.*) Every payment made within thirty days next before the date of insolvency by the insolvent, being then unable to meet his engagements in full, to a person knowing such inability or having probable cause for believing the same to exist, and if any valuable security is given up in consideration of such payment, such security, or the value thereof, shall be restored to the creditor upon the repayment of the amount so paid;

Restitution.

Transfers and assignments of debts within 30 days before insolvency.

(*e.*) Every transfer or assignment of a debt or claim due by the insolvent, made within thirty days next before the date of insolvency to a person indebted to the insolvent and knowing or having probable cause for believing that he was then unable to meet his engagements in full, or made in contemplation of such insolvency, for the purpose of enabling the person to whom the same was transferred to set up the debt or claim so transferred by way of set-off or compensation against any debt or claim owing by him to the insolvent. The debt or claim due to the estate shall not be compensated or affected in any manner by a debt or claim so acquired, but the person to whom the same was so transferred may have a claim on the estate in the place and stead of the original creditor.

Contracts and conveyances voidable in certain cases.

**66.** A contract or conveyance for consideration respecting either real or personal estate by which creditors are injured or obstructed, made by a debtor afterwards becoming insolvent, and who was then unable to meet his engagements, with a person ignorant of such inability, whether a creditor or not, and before such inability has become public and notorious, but within thirty days next before the date of insolvency, is voidable and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract or conveyance as the court may order.

Wife's rights under marriage contract in province of Quebec.

**67.** In the province of Quebec, if the insolvent has a marriage contract with his wife, by which he gives or promises to give, or pays or promises to pay, or cause to be paid, any right, property, or sum of money, and such contract is not registered within thirty days from the execution thereof, or within thirty days from the coming into operation of this Act, if made prior thereto and not registered,—the wife shall not be permitted to avail herself of the provisions of such contract in any claim under this Act upon the estate of such insolvent for any advantage conferred upon or promised to her by its terms, but she shall not be deprived by reason of its provisions of any advantage or

right upon the estate of her husband to which in the absence of any such contract she would have been entitled by law; provided always, that in no case shall she be permitted to avail herself of any such contract registered within thirty days next preceding the date of insolvency, unless at the time of execution thereof or of entering into the same the insolvent was able to pay his debts and liabilities in full, including any liability incurred by the contract itself, irrespective of the right, property or money conveyed or referred to in such contract, and without calculating among his assets any property conveyed by the contract.

REALIZATION OF PROPERTY.

Disposal of estate by liquidator.

**68.** The creditors may at any meeting pass any resolution or order directing the liquidator how to dispose of the estate, or any part thereof; and in default of their so doing he shall be subject to the directions, orders and instructions he may from time to time receive from the inspectors with regard to the mode, terms and conditions, on which he may dispose of the whole or any part of the estate, and if there are no inspectors he shall sell and dispose of the same in such manner as seems to him most advantageous in the interests of the estate, subject always to the provisions of this Act; but the liquidator or any inspector shall not purchase, directly or indirectly, any part of the stock in trade, debts, or assets of any description of the estate.

Not to be purchased by liquidator or inspector.

Sales *en bloc*.

**69.** A sale of the estate *en bloc* may be made, but only with the previous sanction of the creditors given at the first or any general meeting of the creditors or at a meeting specially called for the purpose, and no such sale shall in any way affect any mortgage or lien on the estate or property of the insolvent or any portion thereof. When such sale *en bloc* is so authorized it may be made on such terms as the creditors shall determine, and real or immovable property, or any interest therein, may be included in any such sale *en bloc* without reference to the requirements of this Act as to the sale of real property; but such real or immovable property shall remain subject to all mortgages, hypothecs, or liens thereon, and the sale thereof shall vest in the purchaser the same title as if the same had been sold in the manner hereinafter provided for the sale of real or immovable property.

Suits and proceedings to be taken in liquidator's or official receiver's name.

**70.** The liquidator, or until the liquidator is appointed the official receiver, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the insolvent of every kind and nature whatsoever, and for the rescinding of agreements, deeds and instruments made in fraud of creditors, and for the recovery of moneys, securities and effects alleged to have been paid or delivered in fraud of creditors; and he may take, both in the prosecution and defence of all suits, any proceedings that the insolvent might have taken in such suit, or that any creditor might have taken for the benefit of the creditors generally; and he may intervene and represent the insolvent in all suits or proceedings by or against him, which are pending at the date of insol-

vency, and on his application may have his name inserted therein in the place of that of the insolvent, and if the insolvent after the date of insolvency and before his discharge under this Act institutes or continues any suit or proceeding he shall give to the opposite party, before such party shall be bound to appear or plead or take any further proceedings thereon, such security for the costs thereof as is ordered by the court before which such suit or proceeding is pending.

Liquidator may be substituted in proceedings for official receiver.

(2.) The liquidator may be substituted for the official receiver in any proceedings to which the latter is a party.

Partnership dissolved by receiving order against a partner.

**71.** If a receiving order is issued in regard to the estate of a partner in a company or co-partnership, such partnership shall thereby be dissolved, and the official receiver and liquidator of the estate of the insolvent partner shall have all the rights of action and remedies against the other partners in such company or co-partnership that the insolvent partner could have or exercise by law or in equity against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company had expired by efflux of time.

Rights of official receiver and liquidator against the other partners

Sales of debts.

**72.** The liquidator may, with the sanction of the inspectors or creditors, sell by public auction, on such terms and after such advertisement thereof as he thinks best, any or all debts due the estate, and pending such sale the liquidator shall keep a list of the debts to be sold open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts.

Rights of purchasers of debts.

(2.) The person who purchases a debt from the liquidator may sue for it in his own name as effectually as the liquidator might do, and a bill of sale (Form No. 15), signed and delivered to him by the liquidator, shall be *prima facie* evidence of such purchase, without proof of the handwriting of the liquidator, and the debt sold shall vest in the purchaser without signification or notice to the person owing the debt, but no warranty of any kind whatever shall be created by such sale and conveyance.

Liquidator's rights under tenancy of insolvent, notwithstanding determination of lease by insolvency.

**73.** If the insolvent, at the date of insolvency, is a tenant of property, the official receiver or liquidator shall, notwithstanding any condition, covenant, or agreement that such tenancy should determine in case of the bankruptcy or insolvency of the tenant, have the right to hold and retain such property for a period not exceeding three months from the date of insolvency, or until the expiration of the tenancy, or until the expiration of the current year of tenancy, whichever shall first happen, on the same terms and conditions as the insolvent might have held such property had no receiving order been made.

Determination of tenancy in other cases.

(2.) If the insolvent at the date of insolvency is a tenant of property, the tenancy of which is not determined by his insolvency, the official receiver under the authority of the court, or the liquidator under the authority of the creditors or of the the inspectors, may give notice in writing to the lessor of his wish to determine the same at the expiration of three months from the giving of such notice and such tenancy shall terminate at the expiration of such three months; but nothing here-

in shall prevent the liquidator under the authority of the creditors, or of the inspectors, from selling, transferring, subletting or otherwise disposing of any lease, or leasehold premises, or any interest of the insolvent therein, for the unexpired term thereof, or any part thereof, to as full an extent as could have been done by the insolvent had a receiving order not been made; and if there is any covenant, condition or agreement that the lessee or his assigns should not assign or sublet the property without the leave or consent of the lessor or other person, such covenant, condition or agreement shall be of no effect in case of such sale, transfer, sub-lease or disposition of the lease or leasehold property as aforesaid, if the court, on the application of the liquidator and after notice of such application to the lessor or other person whose leave or consent is required, approves of the sale, transfer, sub-lease or disposition so made of the lease or leasehold property.

Sale, &c., of lease.

Provisions in case lease contains a covenant against subletting.

(3.) The lessor may, in the event of the tenancy being determined by the official receiver or liquidator by notice in manner hereinabove provided, file a claim against the insolvent's estate for the damages (if any) sustained in consequence of such termination, which claim shall be proved in a similar manner to ordinary claims against the estate; and in his proof of claim he shall set forth the amount of damages claimed and how such amount is arrived at; and any such claim may be objected to in the same manner as hereinafter provided in regard to claims made against the estate; and the lessor, on his claim being established or allowed, shall have all the rights of voting and otherwise enjoyed by ordinary unsecured creditors who have proved claims against the estate.

Lessor may claim for damages, and rank as an ordinary creditor.

(4.) In estimating such damages regard shall be had to the rental payable under the tenancy so determined and to the yearly value of the property at the time of such termination, and regard shall also be had to the additional value given to the property by any buildings, fixtures or improvements placed thereon by the insolvent or those through whom he claims, but no regard shall be had to the chance of leasing the property at a greater or less rent than that payable by the insolvent or his estate at the time of the determination of the tenancy.

Estimation of lessor's damages.

(5.) The lessor shall have a privileged claim against the estate of the insolvent for arrears of rent due or accruing due in respect of the three months next preceding the date of insolvency, together with all costs of distraint properly made before the date of insolvency in respect to the rent, or any part of the rent, hereby made a privileged claim, but for all other arrears of rent he shall have a claim provable against the estate as an ordinary creditor. He shall also have a privileged claim against the estate for all rent accruing due after the date of insolvency, during the period the property and premises are held by the official receiver or liquidator. In the province of Quebec the privileged claim of the lessor shall be governed by the law of that province.

Lessor's privileged claims for arrears of rent.

For future rent.

In province of Quebec.

(6.) The lessor shall not be entitled to distrain upon the goods of the insolvent after they become vested in the official receiver or liquidator, and all goods then distrained upon shall, on demand, be delivered by the person holding them to the official receiver or liquidator, but the lessor shall not by

Distraint.

reason of such delivery be deprived of any lien or rights in reference to such goods which he may have acquired by such distress, should the goods be claimed by and be delivered to any person other than the official receiver or liquidator.

Lessor not entitled to rent except as herein provided.

(7.) The lessor shall not be entitled to any further or other rent from the insolvent, or from his estate, than as set forth in this section.

Sales of real estate in province of Quebec.

**74.** In the province of Quebec no sale of real estate shall be made unless after advertisement thereof for a period of two months, and in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the liquidator deems expedient; provided that the period of advertisement may be shortened to not less than one month by the creditors with the approbation of the court; but such abridgment shall not take place without the consent of the hypothecary creditors upon such real estate if there are any; and if the price offered for any real estate at any public sale duly advertised as aforesaid is more than ten per cent less than the value set upon it by the liquidator under the authority of the creditors or the inspectors, the sale may be adjourned for a period not exceeding one month, when, after such notice as the liquidator deems proper to give, the sale shall be continued, commencing at the last bid offered on the previous day when the property was put up at auction, and if no higher bid is then offered, the property shall be adjudged to the person who made such last bid; provided that with the consent of the hypothecary and privileged creditors, or where there are no hypothecary or privileged creditors with the approbation of the creditors or of the inspectors, the liquidator may postpone the sale to such time as may be deemed most advantageous for the estate, and whenever the sale has been so postponed beyond one month, the last bidder shall be discharged from any obligation under the bid he may have made on the previous day when the property was offered for sale by auction.

Sales of real estate in other provinces.

**75.** In any province other than the province of Quebec, the liquidator, under the authority of the creditors or of the inspectors, may sell the real estate of the insolvent at public auction or by tender, in such manner, after such advertisements and on such terms and conditions as to credit, security for any unpaid portion of the purchase money, or otherwise, as the creditors or the inspectors determine. The liquidator, under the authority of the creditors or inspectors, may before any such sale set a value upon such real property, and if the amount offered therefor does not reach such value the liquidator may, and if the amount so offered is more than ten per cent below such value the liquidator shall, postpone such sale to such time, giving such notice thereof, as he thinks most advantageous in the interest of the estate, or as is directed by the creditors or by the inspectors, or he may dispose of the property by private sale, with the sanction and under the direction of the creditors or inspectors.

Effect of sale by liquidator as to vesting property.

**76.** A sale of real estate or immovable property so made by the liquidator shall vest in the purchaser all the legal and equitable estate of the insolvent therein, subject to any mortgage, hypothec or lien thereon, and the conveyance or transfer thereof (Form No. 16) shall be executed in the manner prescribed by, and in accordance with, the requirements of the law of the province wherein the real estate so sold is situate. The liquidator may in such conveyance or transfer reserve a special hypothec or mortgage on the property sold for the payment of the unpaid portion of the purchase money, or any part thereof, which special hypothec or mortgage on being satisfied may be released and discharged by the liquidator of the estate by instrument in Form No. 17 to this Act, duly executed in the same manner as is required by the law of the province wherein such real estate is situate for the release or discharge of hypothecs or mortgages in respect of real estate; provided always that in the province of Quebec such sale shall in all respects have the same effect as to mortgages, hypothecs or privileges then existing thereon as if the sale had been made by a sheriff under a writ of execution issued in the ordinary course, but shall have no other, greater, or less effect than such sheriff's sale, and the title created thereby shall have equal validity with a title created by a sheriff's sale, and the deed so executed shall have the same effect as a sheriff's deed, and no credit shall be given for any part of the purchase money coming to any hypothecary or privileged creditor without the consent of such creditor.

Effect as to hypothecs, &c., in Quebec.

Further provisions as to sales of immovables in Quebec.

**77.** In the province of Quebec sales of immovable property may be made subject to all such charges and hypothecs as are permitted by the law of the province to remain chargeable thereon when sold by the sheriff, and also subject to such other charges and hypothecs thereon as are not due at the time of the sale, the time of payment whereof shall not however be extended by the conditions of such sale; and also subject to such other charges and hypothecs as may be consented to in writing by the holders or creditors thereof; and an order of re-sale for false bidding may be obtained from the court by the liquidator upon summary petition, and such re-sale may be proceeded with, after the same notices and advertisements, and with the same effect and consequence as to the false bidder and all others, and by means of proceedings similar to those provided in ordinary cases for such re-sales, in all essential particulars and as nearly as may be without being inconsistent with this Act. As soon as immovables are sold by the liquidator he shall procure from the registrar of the registration division in which each immovable is situate a certificate of the hypothecs charged upon such immovable and registered up to the date of insolvency. Such certificate shall contain all the facts and circumstances required in the registrar's certificate obtained by the sheriff subsequent to the adjudication of an immovable in conformity with the law of the province of Quebec, and shall be made and charged for by the registrar in like manner, and the provisions of the said law as to the collocation of hypothecary and privileged creditors, the necessity for and the filing of oppositions for payment and the costs thereon, shall apply thereto under this Act as nearly as the nature of

the case will admit; and the collocation and distribution of the moneys arising from such sale shall be made in the dividend sheet among the creditors having privileged or hypothecary claims thereon after the collocation of such costs and expenses as were necessary to effect such sale, or were incident thereto, in the same manner as to all essential parts thereof as the collocation and distribution of moneys arising from the sale of immovables are made in the appropriate court in ordinary cases, except in so far as the same may be inconsistent with the provisions of this Act; but no portion of the general expenses incurred in the winding up of the estate shall be chargeable to or payable out of the said moneys, except on such balance as may remain after the payment of all privileged and hypothecary claims. Any balance remaining after the collocation of said necessary costs and expenses and of the privileged and hypothecary claims shall be added to and form part of the general assets of the estate.

Order in Quebec for sale without delay.

**78.** In the province of Quebec any privileged or hypothecary creditor, whose claim is actually due and payable, shall have the right to obtain from the court an order that the liquidator proceed without delay to the sale in the mode in this Act prescribed of any immovable or movable property which is subject to his privileged or hypothecary claim, and such creditor may, at the expiration of one month after the sale has taken place, or of one month after the liquidator has received the price thereof, if not paid at the time of sale, obtain an order from the court to compel the liquidator to make a dividend of the proceeds of such sale.

Order for dividend.

As to sales advertised before date of insolvency.

**79.** If at the date of insolvency any real estate or immovable property of the insolvent seized by the sheriff or other proper officer under any writ of execution or other order of a competent court is advertised for sale by such sheriff or officer, such sale shall be proceeded with by him unless stayed by order of the court upon the application of the official receiver, or liquidator, upon special cause shown and after notice to the plaintiff, reserving to the party prosecuting the sale his privileged claim on the proceeds of any subsequent sale for such costs as he would have been entitled to out of the proceeds of the sale of such property, if made under such writ or order; but if such sale is proceeded with, the moneys levied therefrom shall be returned into the court on whose order the sale was made to be distributed and paid over to the creditors who have any privileged, mortgage or hypothecary claims therein, according to the rank and priority of such claims; and the balance of such moneys after the payment of such claims shall be ordered to be paid to the liquidator to be distributed with the other assets of the estate.

Disclaimer of property by liquidator in certain cases.

**80.** When any part of the property of the insolvent consists of shares or stocks in companies, or unprofitable contracts, or of any other property that is not saleable or readily saleable by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of a sum of money, the liquidator may, with the authority of the creditors or of the inspectors, by writing under his hand, disclaim such pro-

perty at any time within six months from the date of his appointment, notwithstanding that he has endeavoured to sell, or has taken possession of such property, or has exercised any act of ownership in relation thereto; provided that when any such property has not come to the knowledge of the liquidator within six months after his appointment he may disclaim such property at any time within six months after he first became aware thereof.

Operation of disclaimer.

(2.) Such disclaimer shall operate to determine, as from the date thereof, the rights, interests and liabilities of the insolvent and his property in or in respect of the property disclaimed, and shall also discharge the liquidator from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the insolvent and his property and the liquidator from liability, affect the rights or liabilities of any other person.

Disclaimer not allowed in certain case.

(3.) The liquidator shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the liquidator by any person interested in the property, requiring him to decide whether he will disclaim or not, and the liquidator has for a period of one month after the receipt of the application, or such extended period as may be allowed by the court, declined or neglected to give notice whether he disclaims the property or not; and in the case of a contract, if the liquidator, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

Court may rescind contracts.

(4.) The court may, on the application of any person who is, as against the liquidator, entitled to the benefit of or subject to the burden of a contract made with the insolvent, make an order rescinding the contract on such terms as to payment by or to either party of damages for the nonperformance of the contract, or otherwise, as to the court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt provable under this Act against the estate of the insolvent.

Damages provable as debts.

Further powers of court as to disclaimed property, etc.

(5.) The court may, on application by any person either claiming an interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the court thinks just; and on any such vesting order being made the property comprised therein shall vest accordingly in the person named therein in that behalf without any conveyance or assignment for the purpose.

Vesting order.

Injury provable as claim.

(6.) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the insolvent to the extent of the injury and may prove the same as a debt provable under this Act against the estate of the insolvent.

Exception as to leases

(7.) The provisions of this section shall not extend to leases or leasehold property.

Meaning of "court" in this section.

(8.) The court referred to in this section is the court authorized to grant a discharge under this Act.

DISTRIBUTION OF PROPERTY.

Preparation of dividend sheets.

**81.** The liquidator shall prepare dividend sheets of the estate of the insolvent whenever the amount of money realized will justify a division thereof, and also whenever he is required by the inspectors or ordered so to do; and so soon as a dividend sheet is prepared he shall notify the inspectors (if any are appointed) that such dividend sheet has been prepared, and after the same has been examined by the inspectors as hereinafter provided, notice thereof (Form No. 18) shall be mailed, post-paid and registered, to each creditor, with which shall be inclosed a copy of the dividend sheet, with the claims objected to noted thereon, and such notice shall name a date, being not less than ten days from the date of the mailing of such notice, before which date objection may be made to such dividend sheet, or to any item therein, and after the date so named all dividends which have not been objected to within that period shall be paid.

Notice.

Filing and inspection.

(2.) Every dividend sheet so prepared shall be filed in the office of the liquidator and shall be open to inspection at all reasonable hours by the insolvent, or any creditor, or the duly authorized representative of a creditor.

Dividends not to be paid till claims proved.

**82.** No dividend shall be allowed or paid to any creditor until the amount of his claim against the estate has been proved, determined and established as in this Act provided, but the liquidator shall reserve a sufficient amount to pay such dividends on all claims provable against the estate of which he has knowledge which have not been so proved, determined or established.

On claims based on negotiable instruments.

**83.** No dividend shall be paid on any claim based upon a negotiable instrument, unless the creditor claiming such dividend produces to the liquidator the original instrument, and the liquidator may endorse on such instrument a memorandum of the amount paid by him thereon, or unless it is established to the satisfaction of the liquidator that such instrument has been lost and consequently cannot be produced, in which case the dividend may be paid on the claimant making the affidavit as aforesaid and giving security to the satisfaction of the liquidator, or of the court, indemnifying the estate against loss in the case of the production of such instrument and the dividend thereon being claimed by any other person.

Allowance to insolvent, how made.

**84.** The creditors may allot to the insolvent, by way of gift or allowance, any sum of money or any property they think proper, and the allotment so made shall be inserted in the then next dividend sheet; but no such allotment shall be valid unless assented to by creditors representing the majority in number of creditors having claims for one hundred dollars and upwards, and three-fourths in value of the claims of all creditors entitled to vote, whether or not such creditors were present at the meeting at which the allotment was made; and such allotment shall be subject to contestation like any other

item collocated in the dividend sheet, but only on the ground of fraud or deceit in procuring it, or of the absence of the consent of a sufficient proportion of the creditors in number or value.

Examination and contestation of claims, when there are inspectors.

**85.** It shall be the duty of the inspectors, from time to time, to examine with the liquidator each claim made against the estate and each dividend sheet prepared and to instruct the liquidator as to what claims, or what portions of such claims, shall be contested (if any), and in case the liquidator is instructed by the inspectors or by the creditors to contest a claim, or a portion of a claim, he shall forthwith serve the claimant with a notice that his claim, or the portion thereof objected to, is contested and the grounds of such contestation, and a claim may be contested, notwithstanding a dividend has been paid thereon.

When no inspectors.

(2.) If there are no inspectors, the liquidator may, with the consent in writing and under the authority of three creditors having each claims of one hundred dollars and upwards, contest such claims as he thinks should be contested, and it shall be his duty in any case to report to the creditors at each meeting what claims have been or should in his opinion be contested, and the reasons therefor.

Costs.

(3.) The costs of any contestation made by the liquidator in accordance with this section shall, if not recovered from the opposite party, be paid out of the estate, and the liquidator shall set aside and reserve pending the contestation proceedings an amount sufficient to pay any dividends that may be declared in respect of a claim so contested, and all costs connected with the contestation of such claim,

Notice of contestation and service.

(4.) The notice of contestation by the liquidator shall contain the name and place of business of an attorney or a solicitor duly authorized to practice in the courts of the province wherein the estate is being wound up, upon whom service of the writ may be made; and service upon such attorney or solicitor shall be deemed sufficient service of the writ or of any other papers or documents in connection with the contestation.

Proceedings on contestation by liquidator.

**86.** If notice of contestation of a claim is served by the liquidator upon a claimant as provided in the next preceding section and no agreement as to such claim can be reached between the parties, the claimant may within thirty days after the receipt of the notice, or such further time as the court may on application allow, bring an action against the liquidator to establish the claim, or the portion thereof contested, in the court having jurisdiction to entertain an action against the insolvent in respect thereof, and in default of such action being brought within the time aforesaid the claim so contested shall cease to be provable against the estate.

Payment of dividends when contested by insolvent or creditor.

**87.** If before a dividend is paid the liquidator is served with notice in writing by the insolvent, or by any creditor, that he contests the payment of all or any of the dividends, or the claim of any creditor, or the amount thereof, or the ranking or privilege of any creditor, and the liquidator is also served with an order of the court allowing such contestation, which order may be granted by the court on the application of the insolvent or of a creditor having an unsecured claim against

the estate of one hundred dollars or upwards, the liquidator shall not make any payment in respect of the dividend or dividends or claim contested until such contestation is determined as in this section provided, but no such order shall be given unless it is shown to the satisfaction of the court that otherwise substantial injustice would result.

Procedure on such contestation.

Hearing.

(2.) The grounds of contestation shall be distinctly stated in the notice so served as aforesaid, and the contestant shall file at the same time the evidence of previous service of a copy thereof on the claimant, and the claimant shall have three days thereafter to answer the same, which time may be enlarged by the court, with a like delay to the contestant to reply ; and upon the completion of an issue upon such contestation the liquidator shall transmit to the clerk of the court the dividend sheet, or a copy thereof, with all the papers and documents relating to such contestation, and shall notify the contesting party thereof, who shall within one week thereafter make application to the court to name a day, of which two days' notice shall be given to the adverse party, or such further notice as the court may direct, for proceeding to take evidence thereon before the court, and proceedings thereon shall continue from day to day until the evidence has been closed, the case heard and the judgment rendered, which judgment may be appealed from in the manner hereinafter provided.

Security for costs.

(3.) The court may at any stage of the proceedings, on the application of any person interested, order the contestant to give security for the costs of the proceedings, or it may dismiss the proceedings, with or without costs, in case of delay, or it may make any order in reference to or in connection with such proceedings as it deems just.

Creditors not claiming, how treated.

**88.** If the liquidator becomes aware that the insolvent has creditors to whose claims a discharge under this Act would apply, who have not proved such claims, it shall be his duty to reserve dividends for such creditors according to the nature of their claims and to notify them of such reservation, and if such creditors do not prove their claims and apply for such dividends before the declaration of the last dividend, the dividends reserved for them shall be treated in the same manner as other unclaimed dividends.

Unclaimed dividends.

**89.** All dividends remaining unclaimed at the time of the discharge of the liquidator and all moneys belonging to the estate then in the hands of the liquidator shall be by him deposited in a chartered bank at interest, in the name of the person entitled thereto, and notice of such deposit and of the amount and terms thereof shall be sent by the liquidator to the Minister of Finance and Receiver General of Canada. The moneys so deposited unless claimed shall remain in such bank for three years, and if then unclaimed shall forthwith be paid over by such bank, together with all interest accrued thereon, to the Minister of Finance and Receiver General of Canada; and if afterwards claimed shall be paid over to the persons entitled thereto, with interest from the time of the reception thereof by the Minister of Finance and Receiver General of Canada at the rate from time to time paid to depositors in the Post Office Savings Banks.

Unclaimed balances in banks.

2. All amounts and balances held by any chartered bank, either before or after the coming into operation of this Act, and which were deposited in such bank by an assignee under an assignment made to him before the coming into operation of this Act by a debtor for the benefit of his creditors, or under any bankruptcy or insolvency Act, and which are included in any return made by such bank to the Minister of Finance and Receiver General, under the provisions of the eighty-eighth section of *The Bank Act* shall immediately upon the coming into operation of this Act, or, in case of returns made, after the coming into operation of this Act, immediately upon the making of such returns, be paid over by the bank to the Minister of Finance and Receiver General of Canada, and shall be by him held, and if claimed, paid over to the person entitled thereto with interest as above provided in the case of unclaimed dividends and moneys deposited in the bank by the liquidator and paid by such bank to the Minister of Finance and Receiver General.

Balance of estate to go to insolvent.

**90.** If any balance remains of the estate of the insolvent, or of the proceeds thereof, after the payment in full of all his debts and liabilities and the costs of winding up his estate, such balance shall be paid or transferred to the insolvent.

Percentage retained for Building and Jury Fund in Quebec.

**91.** One per centum upon all moneys proceeding from the sale by a liquidator under the provisions of this Act of any immovable property in the province of Quebec shall be retained by the liquidator out of such moneys, and shall by such liquidator be paid over to the sheriff of the district, or of either of the counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold is situate, to form part of the building and jury fund of such district or county.

Authority to impose tax for court-houses and jails in Quebec not interfered with.

(2.) This Act shall not interfere with the powers with respect to imposing a tax or duty upon proceedings hereunder, which are conferred upon the Lieutenant-Governor in Council by the Revised Statutes of the province of Quebec for the purpose of making provision for the erection and repair of court-houses and jails.

BENEFIT OF PROCEEDINGS.

Creditor may obtain order to take proceedings in name of liquidator.

**92.** If at any time any creditor desires to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the liquidator, under the authority of the creditors or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, such creditor shall, on satisfying the court that he is acting *bonâ fide* and not in collusion with the liquidator, have the right to obtain an order of the court authorizing him to take such proceedings in the name of the liquidator, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator as the court prescribes, and thereupon any moneys resulting from such proceedings shall be applied first in payment of the costs of and expenses connected with the proceedings, and then in payment to the creditor taking such proceedings of the full amount of his claim against the insolvent or

Distribution of moneys resulting from such proceedings.

his estate, and the remainder shall form a part of the estate of the insolvent; provided always that if before such order is granted the liquidator signifies to the court his readiness to institute such proceedings for the benefit of the creditors, an order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceedings, if instituted within such time, shall appertain to the estate.

## PART IV.—SMALL ESTATES.

Estates under $5,000 may be administered summarily.

**93.** The court may, at the time of or at any time after the making of the receiving order, on being satisfied by affidavit or otherwise that the assets of the insolvent are not likely to exceed in value the sum of five thousand dollars, make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

Modifications of Act.

Appointment of liquidator, etc.

(*a.*) The court shall thereupon, if no liquidator has been appointed, and upon its being shown to its satisfaction that creditors representing a majority in amount of the unsecured claims provable against the estate have assented to the appointment as liquidator of a person eligible for such appointment, appoint such person liquidator and determine the security to be given by him, and on such appointment being made and security (if any) given, the estate of the insolvent shall be transferred to and vested in the liquidator so appointed, and he shall without delay proceed to make an inventory and statement of the assets and liabilities of the estate, and to wind up the estate;

Inspectors.

(*b.*) The number of inspectors shall not exceed three, and the court may appoint inspectors to act until the first meeting of creditors;

Advertising.

(*c.*) The advertising in the Official Gazette and in the local papers may be dispensed with except in reference to the notice of the appointment of the liquidator;

Composition and discharge.

(*d.*) No meeting shall be required to be held to consider a deed of composition and discharge, but in all other respects no modification shall be made in the provisions of this Act relating to a deed of composition and discharge, or to the discharge of the insolvent;

Powers to liquidator to modify procedure.

(*e.*) The liquidator with the consent of the creditors, or of the inspectors, may make such modifications in the procedure laid down in this Act in connection with the holding of meetings of creditors, proving of claims, the realization of the assets and the distribution of the estate as he considers advisable with a view to saving expense and to the immediate winding up of the estate.

Powers of creditors.

(*f.*) The creditors at any meeting may appoint a person to be liquidator of the estate in the place of the liquidator appointed by the court and may do any act or pass any resolution which they might have done or passed, had the order for summary administration of the estate not been made.

## PART V.—LIQUIDATORS.

Security may be required from liquidator.

**94.** The creditors may, at the first or at any subsequent meeting, require the liquidator to give security for the due performance of his duties as such, such security to be to such an amount and of such a character, personal or otherwise, as the creditors determine, and they may at any meeting increase the amount of such security so required, or may direct any change in the securities given, or in the character thereof.

Liquidator not to act or to cease to act till security given.

(2.) In any such case the liquidator shall not be deemed to be appointed under this Act, or if appointed shall cease to act as such, until he has provided the necessary security to the satisfaction of the inspectors of the estate, or, if there are no inspectors, to the satisfaction of the court, or to the satisfaction of such person or persons as may be indicated in the resolution passed in reference thereto.

Time for giving security.

(3.) If not otherwise specified in the resolution, the security, or increase, or change of security shall be given or made within one week from the close of the meeting at which such resolution was passed, and if not given or made within such time the resolution appointing the liquidator shall be deemed to be cancelled, or if a liquidator has been appointed he shall be considered as removed from office.

Deposit of security.

(4.) Any security given under this section shall be deposited with the clerk of the court, who shall be responsible for its safe keeping, and it shall be by him kept as part of the records of the court subject to the right of any person entitled to sue thereon to such production and delivery thereof as may be necessary in order to exercise such right.

Inspection and provision for insufficiency of security.

(5.) Any creditor may inspect such security, and the court may, on the application of any creditor having an unsecured claim of one hundred dollars or upwards, and on being satisfied that the security given is insufficient, make such order with reference thereto and to the costs of such application as it deems right.

Register to be kept by liquidator.

**95.** The liquidator shall keep a register showing the name of the insolvent, his residence, place of business and the nature of his trade or business, the date of the issue of the receiving order, the date of each meeting of creditors and of the appointment of the liquidator, a summarized statement of the liabilities and assets of the estate, the claims proved dividing them according to their nature, the ratio of each dividend declared and the amount paid on each claim, and if a discharge is granted to the insolvent the date thereof, and if under a deed of composition and discharge the terms and conditions thereof, and any conditions imposed on the insolvent by the court in connection with his discharge, or the confirmation of a deed of composition and discharge, and such other information as the liquidator deems of general interest with reference to the estate; and he shall also keep regular accounts of the affairs of the estate, which register and accounts shall be open to the inspection of the inspectors and of the creditors, or their duly authorized agents, during business hours at the office of the liquidator.

Particulars to be entered therein.

Accounts.

Disposal of books in case of death or

removal of liquidator.

from office of the liquidator before the final winding-up of the estate be transferred to the clerk of the court to be by him transferred to the liquidator thereafter appointed, and on the final winding-up of the estate shall be deposited with the clerk of the court.

Moneys to be deposited in bank.

**96.** The liquidator shall from time to time deposit the moneys of the estate in his hands in some chartered bank to be indicated by the creditors or by the inspectors, and whenever such moneys amount to over two hundred dollars in addition to such sum as the inspectors may direct to be kept by the liquidator to meet ordinary current expenses connected with the winding-up of the estate, they shall be deposited at interest in such bank, or in some other chartered bank to be indicated as aforesaid, and the interest accruing on any such deposit shall be part of the estate and shall be accounted for and distributed by the liquidator in the same manner and subject to the same rights and privileges as the capital from which such interest accrued.

Interest.

Deposits and withdrawal of moneys.

(2.) Every deposit shall be made by the liquidator as liquidator of the estate, and in no case shall any moneys of the estate be deposited by the liquidator as a part of his private account. Withdrawals of moneys of the estate so deposited shall be made only on the joint cheque of the liquidator and of one of the inspectors, in case inspectors have been appointed; otherwise on the cheque of the liquidator. The bank pass-book or books shall be open at all times to the inspection of the inspectors, or of any creditor, and shall be produced at all meetings of creditors for the inspection of the creditors present thereat.

Liquidator not to advance &c., money on security of claims.

**97.** No liquidator shall directly or indirectly at any time advance or lend to any creditor any money, or become liable for any creditor to any other person for any money, upon the security, or collateral security, of such creditor's claim against the estate, or of any dividend declared or to be declared, or of any security held by or for such creditor upon the estate.

Employment of counsel.

**98.** No liquidator shall employ in or about the business of the estate any counsel or attorney-at-law or solicitor without the consent of the inspectors, or of the creditors, but expenses incurred by employing such counsel or attorney or solicitor with such consent shall be paid out of the estate, if not otherwise paid, and in no case shall any liquidator employ any inspector, nor shall any inspector employ any person being his partner or being the partner of any liquidator, or the partner of any inspector, as counsel, advocate, attorney, solicitor or agent in respect of such estate.

Remuneration of liquidator.

**99.** The liquidator shall receive such remuneration as may be voted him by the creditors, or in default thereof fixed by the inspectors; but if such remuneration is not voted by the creditors, or fixed by the inspectors, before the declaration of the final dividend, or the preparation of the final account of the liquidator, if there is no dividend, or if so voted or fixed, the liquidator is dissatisfied with the amount so voted or fixed he may apply to the court, giving notice to the inspectors of

Court to determine remuneration in certain cases.

such application, and the court shall thereupon determine the amount of such remuneration, having regard to the nature and value of the estate, the work done and services performed by the liquidator, and the responsibility involved.

(2.) The costs of all proceedings under this section shall be in the discretion of the court. Costs.

**100.** Upon the death of a liquidator, or upon his removal from office, the estate shall remain under the control of the court until the appointment of another liquidator, and the court may, upon the application of the inspectors, or of any creditor, order the holding of a meeting, at such time and on such notice as the court may order, for the appointment of a liquidator; and upon such appointment being made the estate and all papers and records relating thereto shall become vested in the liquidator so appointed. Provision in case of death or removal of liquidator.

**101.** After the declaration of the final dividend, or if after using due diligence the liquidator has been unable to realize any assets to be divided, he shall prepare his final account and make application to the court for his discharge, giving at least ten days' previous notice of such application to the insolvent, and to the inspectors, if any have been appointed, and to the creditors by circular; and he shall produce and file on such application a bank certificate of the deposit of any dividends remaining unclaimed, and of any balance in his hands, and also a statement under oath showing the nominal and realized value of the assets of the insolvent, the amount of claims proved dividing them into classes according to the nature thereof, the amount and rate upon the dollar of dividends paid to the creditors, and the entire expense of winding up the estate. The court may, after causing the accounts of the liquidator to be audited by the inspectors, or by such creditor or creditors, or by such other competent person or persons, as the court may name, and after hearing all parties interested, grant conditionally or unconditionally the application for discharge, or refuse it. Discharge of liquidator, when and how obtained.

(2.) Any liquidator who neglects to make application for discharge within six months after the declaration of the final dividend, or, if it has been ascertained that there are no assets wherewith to declare a dividend, within three months after he has been required by the inspectors or by any creditor of the estate to make such application, shall incur a penalty of one hundred dollars. Penalty for not applying for discharge.

(3.) Such penalty may be recovered before any two justices of the peace or any magistrate having the powers of two justices of the peace, and one half thereof shall belong to Her Majesty and the other half thereof to the informer. Recovery of penalty.

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## PART VI.—OFFENCES AND PENALTIES.

**102.** Any person, who for himself or for any firm, partnership or company of which he is a member, or of which he is a director, or as the manager, trustee, agent, or employee of any person, firm, co-partnership, or company, subject to the provisions of this Act, purchases goods on credit, or procures Persons being insolvent purchasing goods on credit, &c., with intent to defraud.

any advance in money, or procures the endorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him or for the person, firm, co-partnership or company for which he is acting, knowing or having probable cause for believing himself, or such person, firm, co-partnership or company, to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming such creditor or surety, with the intent to defraud such person, which intent shall be presumed from such knowledge and from such concealment, or who, by any false pretense, or by exhibiting a false balance sheet, or by any other fraudulent method, obtains a term of credit for the payment of any advance or loan of money, or of the price, or any part of the price, of any goods, wares, or merchandise, or the discount of any negotiable paper purporting to be for a certain value when no such value or no value whatever has been given, with the intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, copartnership or company, and who has not afterwards paid or caused to be paid the debt or debts so incurred, is guilty of an indictable offence and liable to two years' imprisonment, or to any greater punishment attached to the offence by any other statute.

Or obtaining credit by false pretences, &c.

Guilty of indictable offence.

Indictable offences by insolvent, or persons connected with business of insolvent or insolvent company.

**103.** The insolvent, or his partner, or any director, member, manager or employee of a company subject to the provisions of this Act, or any person in any way connected with the business of the insolvent or of the insolvent company, who does, or neglects, or refuses to do, any of the acts or things following with intent to defraud or to defeat the rights of his or its creditors, or to conceal the state of his or its affairs, or to defeat the object of this Act or any part thereof, is guilty of an indictable offence, and is liable, at the discretion of the court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any other statute :—

Penalty.

Not making full discovery of property, and causes of insolvency.

(*a.*) If he does not fully and truly disclose to the best of his knowledge and belief all the property, real and personal, debts and credits, belonging to the insolvent or to the insolvent company, and how and to whom, and for what consideration, and when the same or any part thereof were disposed of, assigned or transferred, and fully, clearly and truly state the causes to which the insolvency is owing ;

Not delivering up all property, books, &c.

(*b.*) If he does not deliver to the official receiver or liquidator all such property as is in or may come into his possession, custody, or under his control (except such part thereof as does not vest in the official receiver or liquidator as hereinbefore provided), and all money and securities for money, books, letters or other documents, papers and writings in his possession, custody or under his control relating to the property or affairs of the insolvent or of the insolvent company ;

Concealing or secreting property.

(*c.*) If within thirty days prior to the date of insolvency he removes, conceals, or secretes any part of such property, to the value of fifty dollars or upwards ;

Not disclosing false claims.

(*d.*) If in case of any person having to his knowledge or in his belief proved a false claim against the insolvent estate he fails to disclose the same to the liquidator within one month after coming to the knowledge or belief thereof ;

(*e.*) If he wilfully and fraudulently omits from any statement any of the effects or property whatsoever of the insolvent or of the insolvent company ; Wilful omissions from statements.

(*f.*) If he conceals, or prevents, or withholds the production of any book, deed, paper or writing relating to such property, dealings or affairs ; Concealment of books, &c.

(*g.*) If he parts with, assigns, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated or falsified any book, paper, writing, security or document relating to the property, trade, dealings or affairs of the insolvent or of the insolvent company ; or makes, or is privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document, or writing relating thereto ; Mutilation or falsification of books, etc. False entries.

(*h.*) If at any examination or at any meeting of creditors held under this Act he attempts to account for the non-production or absence of any such property by representation of fictitious losses or expenses ; False representation of losses, etc.

(*i.*) If within the three months next preceding the date of insolvency he pawns, pledges or disposes of, otherwise than in the ordinary way of trade, any of such property, goods or effects, the price of which remains unpaid by him at the date of insolvency. Disposing of property unpaid for.

**104.** If after the date of insolvency the insolvent retains or receives any portion of his estate or effects, or of any moneys, securities for money, business papers, documents, books of account, or evidences of debt, belonging or appertaining to his business or estate, or any director, manager, employee or officer of an incorporated company subject to the provisions of this Act retains or receives any of the estate or effects of such company, or of any moneys, securities for money, business papers, documents, books of account or evidences of debt, belonging or appertaining to the business or estate of such company, and retains and withholds the same from the official receiver, or from the liquidator, without lawful right, the official receiver or liquidator may apply to the court for an order for the delivery thereof to him, and in default of delivery in conformity with such order of the court the insolvent may be imprisoned in the common jail until the same are delivered, or for such time, not exceeding one year, as the court may order ; but nothing herein shall interfere with or diminish any other penalty to which under this Act he may be subject in consequence of the non-delivery of such property, effects, documents or money. Court may cause insolvent to deliver books, &c., to official receiver or liquidator. Penalty for disobeying. Proviso, as to other penalties.

(2.) The word "insolvent" in this section shall be construed to include any director, manager, employee or officer of an incorporated company subject to the provisions of this Act who retains or receives any portion of the estate or effects of such company, or any moneys, securities for money, business papers, documents, books of account or evidences of debt belonging to or appertaining to the business or estate of such company, and retains or withholds the same from the official receiver, or from the liquidator without lawful right. "Insolvent" includes directors, officers, &c., of incorporated company.

**105.** If any creditor, directly or indirectly, takes or receives from the insolvent any payment, gift, gratuity, or preference, or any promise of payment, gift, gratuity, or preference, as a con- Indictable offences by creditor.

sideration or inducement to consent to the discharge of such insolvent, or to execute a deed of composition and discharge ; or if any person proves, or causes, or permits to be proved, a claim on the insolvent's estate for a sum of money not owing by the insolvent or by his estate to the person so proving the claim, or on whose behalf the claim is proved, such person knowing the same to be not so owing to him by the insolvent or by his estate, or if he votes, or offers to vote at any meeting of creditors upon any such claim, or upon any such claim being collocated in a dividend sheet he does not disclaim the same previous to the date on which the dividend becomes payable ;

Penalty.

—such creditor or person shall pay to the liquidator of the estate for the benefit of the estate twice the amount or value of the payment, gift, gratuity or preference so taken, received or promised, or of the claim so proved or permitted to be proved, and the amount so payable shall be recoverable by the liquidator in any court of competent jurisdiction, and such creditor or person is also guilty of an indictable offence and liable to three years imprisonment or to any greater punishment attached to the offence by any other statute.

Indictable offences by official receiver or liquidator.

**106.** The official receiver or liquidator is guilty of an indictable offence and liable to three years' imprisonment if in any certificate required by this Act he wilfully misstates or falsely represents any material fact, or if he makes any false entry in any pass-book, book of account, register, or other book, paper or document relating to or connected with the estate.

Further indictable offences by official receiver or liquidator.

(2.) If the official receiver or liquidator takes or receives directly or indirectly for his own use, whether by commission, discount or otherwise, any part of the moneys charged against the estate of the insolvent as disbursements, or if he charges in his accounts against the estate as a disbursement any sum not actually and *bonâ fide* paid by him, or if he enters into any arrangement or agreement whereby he receives or is to receive, directly or indirectly for his own use, any commission, discount, payment or consideration in respect of any sum charged against the estate as a disbursement, he shall pay to the estate twice the amount so taken or received, and the same shall be recoverable for the benefit of the estate by suit in any court of competent jurisdiction by the liquidator in case the amount is payable by the official receiver, or by the inspectors or by any creditor in case the amount is payable by the liquidator, and such official receiver or liquidator is also guilty of an indictable offence and liable to three years' imprisonment.

Penalty.

Penalty for voting on unauthorized telegrams.

**107.** Any person, who votes at any meeting of creditors, or does any other act as agent of or as representing a creditor, under the authority of a telegraphic message, which he knows to be unauthorized, is guilty of an indictable offence and liable to three years' imprisonment.

# PART VII.—PROCEDURE GENERALLY.

## MEETINGS OF CREDITORS.

Calling of meetings.

**108.** The liquidator shall call meetings of creditors whenever required in writing so to do by the inspectors, or by five creditors for over one hundred dollars each if there are five or more, or by all the creditors for over one hundred dollars each if there are less than five; and every notice of a meeting of creditors shall state in general terms the object of such meeting.

How notices may be given.

(2.) Notices of meetings of creditors and all other notices required to be given to creditors, where not otherwise provided by this Act, shall be given by one advertisement in a newspaper published in the district in which the proceedings are pending, and by registered letter, mailed to the creditors or to the representatives within Canada of foreign creditors, or to the address given by any creditor, at least ten clear days before the date on which the meeting or other proceeding is to take place.

Place of meeting.

**109.** The creditors may at any meeting determine where subsequent meetings shall be held, but in default of their doing so all such meetings after the first meeting shall be held at the office or place of business of the liquidator.

Chairman.

**110.** The official receiver, or the person acting as or for the official receiver, or in his absence such person as the creditors present at such meeting may appoint, shall be chairman at the first meeting of creditors. At subsequent meetings the creditors may appoint the chairman, and in default of such appointment the liquidator shall be chairman.

Powers as to decision of disputes.

(2.) The chairman shall decide all disputes or questions that may be raised at such meeting as to the eligibility of a creditor to vote, or as to the amount on which he should vote, on any other question of procedure at such meetings.

Minutes.

(3.) The chairman shall cause to be kept full minutes of all proceedings, resolutions and decisions at such meeting, and shall include therein an accurate list of the creditors present or represented, which minutes shall be signed by him and shall be filed with and kept by the liquidator and on the final discharge of the liquidator shall be deposited with the clerk of the court.

When and to what extent creditors may vote.

**111.** A creditor shall be entitled to vote at any meeting of creditors in respect of and to the extent of his claim against the estate as determined by this Act, but such creditor shall not be entitled to vote at any meeting of creditors until he has proved his claim in manner hereinbefore provided, and, if his claim is dependent upon a condition or contingency, or for other reason does not bear a certain value, not until the value of such claim has been ascertained in manner hereinbefore provided.

Status of creditor whose claim is contested.

(2.) In the case of contested claims the creditor shall, until such contestation is decided, or an agreement between such creditors and the liquidator is arrived at, be considered as a creditor for the amount proved, and thereafter as a creditor for the amount decided or agreed to.

Certain persons not entitled to vote.

(3.) Persons purchasing claims against the estate after the date of insolvency, and creditors to whom a discharge under this Act does not apply, shall not be entitled to vote in respect of such claims, but shall in all other respects unless otherwise specially provided have the same rights as other creditors.

Official receiver not entitled to vote.

(4.) The official receiver, his partner, agent, clerk or employee, or any person in the employ of a partnership or company, of which he is a member, shall not in any case be entitled to vote at a meeting of creditors.

Rights of liquidator as to voting.

(5.) The liquidator, his partner, agent, clerk or employee, or any person in the employ of a partnership or company of which he is a member, shall not be entitled to vote upon any resolution affecting the remuneration, or removal from office, or the conduct of the liquidator, or the security to be given by him, but on all other questions, if creditors, they may vote as such creditors.

Vote to be personal or by written proxy.

**112.** Except as herein otherwise provided, no creditor shall vote at any meeting unless present personally or represented by some person having written authority, which may be by power of attorney, letter, post-card, or telegraphic message, such authority to be filed with the official receiver or liquidator.

Who may not act for creditors.

Such authority may be either general or limited, but in no case shall the official receiver, or liquidator, his partner, or any one in his employ, or in the employ of a partnership, or company of which he is member, act for or represent any creditor of the estate.

Resolutions how decided.

**113.** All questions at meetings of creditors shall be decided by a resolution passed by creditors present or represented at the meeting and entitled to vote and representing a majority in value of the claims of all creditors present or represented at such meeting in respect of which they are entitled to vote, whether they vote or not; and whenever in this Act anything is to be done or proceeding to be taken under or on the authority or by the direction of the creditors, such authority or direction shall be evidenced and given by a resolution of the creditors passed as in this section provided.

POWERS AND JURISDICTION OF COURT.

Official receivers and liquidators to be officers of court.

**114.** Every official receiver and every liquidator shall be subject to the summary jurisdiction of the court in the same manner and to the same extent as the ordinary officers of the court are subject to its jurisdiction, and the court may compel them to perform their duties, or may restrain them from taking or continuing proceedings which are not in the interest of the estate, or of the creditors generally, and obedience by the official receiver, or liquidator, to any order of the court may be enforced by the court under the penalty of imprisonment as for contempt of court, or in the case of a liquidator by removal from his office.

Province of Quebec.

**115.** In the province of Quebec rules of practice for regulating the due conduct of proceedings under this Act before the court or a judge thereof, and tariffs of fees for the

Rules of practice and tariffs of fees.

officers of the court and for advocates and attorneys practising in relation to such proceedings, or for any service performed

or work done for which costs are allowed by this Act but the amount whereof is not hereby fixed, shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be so made, repealed, or amended, and shall be promulgated under and by the same authority and in the same manner as the rules of practice and tariff of fees of the superior courts of law, and shall apply in the same manner and have the same effect in respect of proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect proceedings before that court; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in the like manner as bills of costs are now taxed and proceeded upon in the said Superior Court.

Taxation of costs.

(2.) In the province of Ontario the judges of the Court of Appeal or any three of them, of whom the Chief Justice shall be one, and in the other provinces and in the North-west Territories the judges of the Supreme Court of Judicature in such province or in the North-west Territories, or a majority of them, shall forthwith make and frame and settle the rules and regulations to be followed and observed in the said provinces respectively, or in the North-west Territories, in proceedings under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsel, and officers of the court, whether for the officer, or for the Crown as a fee for the fee fund or otherwise, or for any service performed or work done for which costs are allowed by this Act.

Other provinces and N.W.T.

Rules, regulations.

Costs and fees.

(3.) Until the rules of procedure are made, and the costs, fees and charges to be taken or paid are settled as above provided, the proceedings under this Act shall follow as nearly as may be similar proceedings in ordinary suits before the court in which the proceedings under this Act are had, and the same fees and charges shall be taxed as are taxed and allowed for similar proceedings in such ordinary suits.

Temporary provision for procedure and costs, &c.

**116.** In the absence of the judge from the chief place of any district in the province of Quebec, or in case of his death or inability to act, the prothonotary of the court may make any order which the judge is empowered to make, but if any objection in writing to such order is filed with such prothonotary within two days from the date thereof, such order shall not be executed, but the papers and proceedings relating thereto shall be referred to the judge, or in case of his death, absence from the province, or inability to act, to the judge of the Superior Court of the district nearest to that in which the proceedings are instituted, and such judge shall adjudicate upon the same

Absence of judge in Quebec.

(2.) In the other provinces in case of the death, absence or inability to act from any cause of the judge of the County Court having jurisdiction, any proceedings under this Act may be had before the judge of the County Court of the district nearest to the place in which such proceedings are instituted.

Absence of judge in other provinces.

**117.** The court or judge shall have the same power and authority in respect of the issuing and dealing with commis-

Commissions for examining witnesses.

sions for the examination of witnesses as are possessed by the ordinary courts of record in the province in which the proceedings are being carried on, and may order a writ of *subpœna ad testificandum* or *subpœna duces tecum* to issue, commanding the attendance as a witness, or for examination under the provisions of this Act, of any person within the limits of Canada.

Writs of *subpœna.*

Compelling attendance and testimony of witnesses.

(2.) In case any person so served with a writ of subpœna does not appear according to the exigency of such writ, the court or the judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof, and of such default, if the person served therewith has his domicile within the limits of the province within which such writ issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summoned as a witness before such court or judge in an ordinary suit, but subject to the same excuses, defences or justification for not appearing under such writs, as in cases before the ordinary courts. And if the person so served and making default has his domicile beyond the limits of the province within which such writ issued, such court or judge may transmit a certificate of such default to any of Her Majesty's superior courts of law or equity in that part of Canada in which the person so served resides; and the court to which such certificate is sent shall thereupon proceed against and punish such person so having made default in like manner as it might have done if such person had neglected or refused to appear to a writ of subpœna or other similar process issued out of such last mentioned court. Such certificate of default, attested by the court or judge before whom default was made, and the copies of such writ and of the return of service thereof certified by the clerk of the court in which the order for transmission is made, shall be *prima facie* proof of such writ or order, service, return, and of such default. No such certificate of default shall be so transmitted, nor shall any person be punished for neglect or refusal to attend for examination in obedience to any subpœna or other similar process, unless it is made to appear to the court or judge transmitting, and also to the court or judge receiving such certificate, that a reasonable and sufficient sum of money, according to the rate per diem and mile allowed witnesses by the law and practice of the court within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence and of returning from giving evidence, had been tendered to such person at the time when the writ of subpœna or similar process was served upon him.

Procedure where witness is domiciled out of the province.

Expenses to be tendered.

Enlargements, extensions and adjournments.

**118.** Unless otherwise specially provided, the court shall have power, on cause shown therefor, to enlarge or extend the time named in this Act for taking any proceedings hereunder, or to adjourn such proceedings from time to time, but such power shall not be exercised if it appears that such enlargement, or extension, or adjournment will be prejudicial to the interests of the creditors or of the insolvent.

**119.** All decisions, judgments, rules and orders made by the court, in respect of the appointment of a liquidator or of the performance by the official receiver or liquidator of his duties under this Act, or in respect of the security, charges, remuneration, fees or disbursements of the official receiver or liquidator, or in respect of any matter appertaining to the discipline of the court, or in respect of any matter of routine in the proceedings for winding up an estate, shall be final and conclusive. What judgments are final.

(2.) In all other cases appeal may be taken from any decision, judgment, rule or order of the court; but the judgment upon such appeal of the highest court of judicature in each province and in the North-west Territories shall be final and shall not be appealed from to any other court. Limit of appeal in other cases.

(3.) In the province of Quebec all such decisions, judgments, rules or orders may be inscribed for revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might be inscribed for revision or appeal from the decision, judgment, rule or order of the Superior Court in ordinary cases under the law in force when such decision is rendered. In the other provinces appeal may be made—in the province of Ontario to the Court of Appeal; in the province of Manitoba to the Court of Queen's Bench of the said province; and in the other provinces to the Supreme Court of Judicature of the province; and in the North-west Territories to the Supreme Court. Review and appeal in Quebec. Appeal in other provinces and N.W Territories.

(4.) No such appeal or proceedings in revision or on review shall be entertained, unless the appellant or party appealing has within ten days from the rendering of the order or judgment appealed from or adopted proceedings on the said appeal, revision, or review, nor unless he has within such time made a deposit, or given security to the satisfaction of the court, that he will prosecute such appeal or proceedings on revision or review and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or on review as the case may be, according to the law or rules of practice, and without delay, the court on application of the respondent may dismiss the appeal and may make such order as to the costs thereof as to it seems just. Limit of time for appeal. Security for appeal. Dismissal for non prosecution.

**120.** All judgments, orders or rules made by any court having jurisdiction under this Act, and all costs in connection therewith, shall be enforceable and recoverable in the same manner as judgments, rules, orders and costs in ordinary suite before such court are enforceable and recoverable. Court may enforce judgments, &c.

OTHER MATTERS OF PROCEDURE.

**121.** Any one or more creditors whose claims in the aggregate exceed ten per cent in value of all claims ranking against the estate, who are entitled to vote, and who are dissatisfied with any resolution adopted, or order made by the creditors or the inspectors, or with any action of the liquidator for the disposal of the estate, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or the winding up of the estate, or with any decision of the chairman of a meeting, may, within twenty-four hours after the adopting of the resolution, Appeal by creditors from resolutions, orders, decisions at meetings, &c.

or the making of the order or decision, or the performance of the action complained of, give to the liquidator notice that he or they will apply to the court on the day and at the hour fixed in such notice, not being later than forty-eight hours after such notice has been given, or as soon thereafter as the parties may be heard before such court, to rescind such resolution or order, or to reverse such decision, or for such order of the court as is indicated in such notice, and the court, after hearing the inspectors, the liquidator and creditors present at the time and place so fixed, may approve of, rescind or modify the said resolution or order, decision or action, or make such order in the premises as to the said court seems proper. In case of the application not being proceeded with or being refused, the party applying shall pay all costs occasioned thereby, otherwise the costs and the expenses shall be at the discretion of the court.

Notice.

Powers of court.

Costs.

**122.** Any affidavit required in proceedings under this Act may be made by the person interested, his agent, or other person, having a personal knowledge of the matters therein stated, and may be sworn in Canada before an official receiver, the liquidator, or before any judge, notary public, commissioner for taking affidavits, or justice of the peace ; and out of Canada, before the judge of a court of record, any duly appointed commissioner for taking affidavits to be used in the province in which the proceedings are instituted, a notary public, the mayor or chief municipal officer of any town or city, or any British consul or vice-consul, or before any person authorized by any statute of the Dominion, or of any province thereof, to take affidavits to be used in any court of justice in any part of Canada.

Affidavits, before whom made.

**123.** Except when otherwise provided by this Act, or except when in the opinion of the court further notice is necessary, one clear juridical day's notice of any petition, application, motion, order or rule, shall be sufficient ; and service of any rule, writ of subpœna, order or warrant issued by any court or judge in any matter or proceeding under this Act, or of any notice or other paper or document required to be served under this Act, shall be made in the manner prescribed for service of an ordinary writ in suits before the court, or for similar service in the province within which the service is to be made, or in such manner as is prescribed by any general or special rules made under this Act, or in such manner as the court directs ; and any such service may be validly made and enforced in any part of Canada upon any party affected or to be affected thereby, and the person charged with such service shall make his return thereof under oath, or if a sheriff or bailiff in the province of Quebec may make such return under his oath of office.

Notice in cases not specially provided for.

Service of writs, &c.

Service may be made anywhere in Canada.

Return of service.

**124.** The rules of procedure as to amendment of pleadings, which are in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act ; and no pleading or proceeding shall be void by reason of any irregularity or default which can and may be amended under the rules and practice of the court.

Amendment of pleadings.

Provision in case of insolvent's death.

**125.** The death of the insolvent pending proceedings under this Act shall not affect or interrupt such proceedings, and the provisions of this Act shall apply to his heirs, executors, administrators or other legal representatives, but only in their capacity as such heirs, executors, administrators or representatives, and without their being held to be liable for the debts of the deceased to any greater extent than they would have been if this Act had not been passed.

Representatives, how far liable.

Discharge under foreign insolvency law not a valid defence.

**126.** No plea or exception alleging or setting up any discharge, or certificate of discharge, granted under the bankruptcy or insolvency law of any country whatsoever beyond the limits of Canada, shall be a valid defence or bar to any action instituted in any court of competent jurisdiction in Canada for the recovery of any debt or obligation contracted within Canada.

Form of deeds, &c., and effect as evidence.

**127.** Deeds of transfer made under the provisions of this Act, or in the province of Quebec authentic copies thereof, or a copy of the receiving order or any order of a court under this Act certified by the clerk of the court making the same under the seal of the court, and copies of all resolutions, and copies of minutes of the proceedings at any meeting of creditors signed by or purporting to be signed by the chairman of such meeting and certified by the liquidator as deposited with him as resolutions passed at or as the minutes of such meeting, shall be *primâ facie* evidence in all courts, whether civil or criminal, of any such deeds, orders, resolutions or proceedings, and of the regularity of all necessary proceedings in connection therewith.

Discharge of insolvent if imprisoned at date of insolvency.

**128.** If the insolvent at the date of insolvency is confined in jail or on the jail limits in any civil suit, and such insolvent makes application to the court having jurisdiction in the district in which he is confined, such court may on such application appoint a day for his examination for discharge from custody under this Act, which day so appointed shall be subsequent to the first meeting of his creditors, and notice thereof shall be served on the official receiver, or liquidator, and on the plaintiff or his attorney in the suit in respect of which the insolvent is confined ; and on the day appointed the insolvent shall be examined, and if it appears to the satisfaction of the court that he has submitted to examination at such meeting of creditors, and made a full disclosure of his affairs, and that he has not been guilty of any fraudulent disposal, or concealment, or retention of his estate, or of any part thereof, or of his books or accounts, or any material portion thereof, and that he has not otherwise contravened the provisions of this Act, the court may make an order for his discharge from confinement as aforesaid, and on production of such order to the sheriff or jailer, the insolvent shall forthwith be discharged.

Notice.

Examination.

Order of court.

Effect of such discharge.

(2.) If thereafter he is arrested in any civil suit for causes of action arising previous to the date of insolvency, he may be forthwith discharged on application to any judge and on producing the previous discharge, but nothing herein is to interfere with the imprisonment of the insolvent under the provisions of this Act.

Compelling attendance of insolvent so imprisoned.

(3.) In case of the confinement of the insolvent as aforesaid at the date of the first or any meeting of creditors, the court may, on application of the official receiver, or of any creditor, make an order for his attendance at such meeting in custody of the sheriff or jailer, and any costs and expenses in connection with such attendance shall be paid out of his estate.

Liability of sheriff and jailor.

(4.) The sheriff or jailer, while obeying any order of the court under this section, shall not be liable for any action for escape of the insolvent from his custody, unless the escape has happened through his default or negligence.

## PART VIII.—INCORPORATED COMPANIES.

### SECTIONS APPLICABLE ONLY TO INCORPORATED COMPANIES.

Certain sections apply only to incorporated companies.

**129.** Sections one hundred and twenty-nine to one hundred and fifty-three inclusive apply only to incorporated companies to which this Act applies; and the word "company" when used in such sections means an incorporated company to which this Act applies; and, subject to the provisions of such sections, all the other provisions of this Act, so far as applicable, apply to such companies.

### CONTRIBUTORIES.

List of contributories.

**130.** As soon as may be after his appointment the liquidator shall prepare a list or lists of contributories, and in any such list persons who are contributories in their own right shall be distinguished from persons who are contributories as representatives of or liable for the debts of others, and it shall not be necessary where the personal representative of any deceased contributory is placed on the list to add the heirs or devisees of such contributory, but such heirs or devisees may be added if and when the liquidator thinks fit.

Liability of shareholders to contribute.

**131.** Every shareholder or member of the company, or his representative, shall be liable to contribute the amount unpaid in his shares of the capital, or on his liability to the company, or to its members or creditors, as the case may be, under the Act, charter, or instrument of incorporation of the company or otherwise, and the amount which he is liable to contribute shall be deemed an asset of the company and a debt due to the company payable as directed or appointed under this Act.

Transfers of shares void in certain cases.

**132.** All transfers of shares, unless made with the sanction of the official receiver or of the liquidator, and every alteration in the status of the members of the company after the service upon the company of notice of application for a receiving order, shall, if such order is made, be void.

Liability in certain cases of shareholder who has transferred his shares.

**133.** If a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or, if he is by law liable to the company or to its members or creditors as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and

shall be liable to contribute as aforesaid to the extent of his liability to the company or to its members or creditors independently of this Act, and the amount which he is so liable to contribute shall be deemed an asset and a debt as aforesaid.

Liability of contributory when due and payable.

**134.** The liability of any person to contribute to the assets of the company under this Act in the event of the receiving order being made shall create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability, and in the case of the insolvency of any contributory the estimated amount of his liability to future calls, as well as calls already made, may be proved against his estate.

List of contributories to be filed and notices served on contributories.

**135.** The liquidator shall file with the clerk of the court a copy of each list of contributories prepared by him, and shall cause notice (Form No. 19) to be served on each person named in such list, notifying such person of the amount for which he is placed on such list as a contributory and requiring him within ten days after service of such notice to file with the clerk of the court objections, if any, to his being placed on such list and to serve a copy on the liquidator, and to give an address within the province in which the proceedings are pending where future proceedings may be served upon him.

If no objections filed person to be contributory for amount in list.

(2.) If within such ten days, or such further time as is allowed by the court on the application of the person so served, no such objections are filed and served, such person so served shall be a contributory to the amount for which he is named in the list as such.

Court to determine objections.

(3.) If such objections are so filed and served, the court shall, on the application of the liquidator or of the contributory, appoint a day for the trial of the same, and notice of such appointment shall be given by the one to the other, and the court may receive evidence upon such trial by affidavit or by oral testimony as to it seems proper, and shall determine whether the name of the person so objecting shall be struck out of the list of contributories, or, if retained, the amount for which such person shall be a contributory, and the list of contributories shall be altered in accordance with the determination of the court.

Books of company to be *primâ facie* evidence.

**136.** The books of the company shall, as between a contributory and the liquidator, and as between the contributories themselves, be *prima facie* evidence of the truth of the matters purporting to be therein recorded.

Inspection of books and papers of company.

**137.** After a receiving order is made, the court may make such order for the inspection by the creditors, shareholders, members or contributories of the company, of its books and papers as the court thinks just, and any books and papers in the possession of the company may be inspected in conformity with the order of the court, but not further or otherwise.

Contributory, &c., may be ordered to pay

**138.** The court may, at any time after making the receiving order, require any contributory for the time being settled on the

over balance and deliver books, &c.

list of contributories, or any trustee, receiver, banker, broker, agent or officer of the company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate or effects which are in his hands for the time being, and to which the company is *prima facie* entitled.

Calls by liquidator on contributories.

**139.** The liquidator may, at any time after a receiving order is made and either before or after he has ascertained the sufficiency of the assets of the company, make calls on all or any of the contributories for the time being settled on a list of contributories, to the extent of their liability, for the payment of such sums as he deems necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of the liquidation, and for the adjustment of the rights of the contributories amongst themselves, and the liquidator may in making a call take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the said call, and in case of default by any contributory in payment of any such call the court may, on the application of the liquidator, make an order directing payment thereof at such time and in such manner as directed by the said order, but no call shall compel the payment of a claim before the maturity thereof, and the extent of the liability of any contributory shall not be increased by anything in this section contained.

Court may order payment by contributory of moneys due company exclusive of calls.

**140.** The court may, at any time, on the application of the liquidator, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made in the manner in such order mentioned of any moneys due from him or from the estate of the person whom he represents to the company, exclusive of any moneys which he, or the estate of the person whom he represents, is liable to contribute by virtue of any call made in pursuance of this Act.

Moneys may be ordered to be paid into court.

**141.** The court may, on the application of any person interested and on cause shown therefor, order a contributory to pay into some chartered bank, or into the post-office savings bank or other Government savings bank, to the account of the court, or of such officer of the court as the court directs, any sum or sums of money which otherwise would be payable under this Act to the liquidator, and any moneys so paid shall be disposed of in such manner as the court directs.

Adjustment of rights of contributories

**142.** The liquidator, subject to review by the court, shall adjust the rights of the contributories among themselves and distribute among the persons entitled thereto any surplus that remains.

Liquidator to be subject to inspectors.

**143.** The liquidator shall in all proceedings in reference to contributories be subject to the directions of the inspectors of the estate (if any) in the same manner and to the same extent as in case of other proceedings under this Act, and no list of contributories shall be filed with the clerk of the court, or notice served, in manner hereinbefore provided, on any person

named in any such list, nor shall any adjustment or distribution be made as in the last preceding section provided, unless the list so prepared or the proposed method of adjustment or distribution has first been submitted to the inspectors of the estate.

Lists of contributories, &c., to be submitted to inspectors.

**144.** Any powers conferred on the court are in addition to, and not in restriction of any other powers subsisting, either at law or in equity, of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Powers conferred on court are in addition to subsisting powers.

**145.** The costs of all proceedings in reference to contributories under this Act shall be in the discretion of the court, and the court may make such order as to the payment thereof, or security therefor, as to it seems just.

Costs in discretion of court.

EXAMINATIONS, ETC., OF DIRECTORS AND OFFICERS.

**146.** The creditors or the inspectors may direct any director, officer or employee of the company to be examined upon oath before the liquidator or before such person as they may name, touching the estate and effects, assets and liabilities of the company, the conduct and management of its business, the causes of its insolvency and its affairs generally; and the court may, on the application of a creditor or creditors entitled to rank on the estate for the sum of five hundred dollars or upwards, direct any such person to be so examined before the court or before the liquidator or before an officer of the court, and such court, liquidator or officer may administer any necessary oath. Sub-sections two and three of section thirty of this Act shall apply to such examination.

Directors, &c., of company may be examined under oath.

(2.) If any such person neglects or refuses to appear, or to be sworn, or to answer any questions that are lawfully asked, or to produce any documents touching the affairs of the company he may be required to produce, or to obey any order of the court made under or by virtue of this section, he may be committed as for a contempt of court, and the court may make such order as to the payment of the costs of any examination or application under this section as to it seems right.

Penalty for neglect to appear, &c.

**147.** The court may at any time before or after it has made the receiving order, upon proof that there is reasonable cause for believing that any contributory, or any past or present director, manager, officer or employee of the company is about to quit Canada or otherwise abscond, or to remove or to conceal any of his goods or chattels for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the company, cause such person to be arrested and his books, papers, moneys, securities for moneys, goods and chattels to be seized, and him and them to be safely kept for such time as the court may order.

Contributory or official about to abscond, &c., may be arrested.

And his papers, &c., may be seized.

**148.** If in the course of the liquidation of the affairs of a company under this Act it appears that any past or present

Officer, &c., of company misapplying

money may be compelled to repay.

director, manager, liquidator, receiver, employee or officer of such company has misapplied or retained in his hands, or is liable or accountable for any moneys of the company, or is guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of the liquidator, or of the inspectors, or of any creditor or contributory of the company, notwithstanding that the offence is an indictable offence under this or any Act, examine into the conduct of such director, manager, liquidator, receiver, officer or employee, and compel him to repay any moneys so misapplied or retained, or for which he is liable or accountable, together with interest at such rate as the court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust, as the court thinks fit, but nothing herein shall relieve him from punishment for any indictable offence of which he may be guilty.

OTHER PROVISIONS.

Receiving order against company to be made only after notice.

**149.** A receiving order shall not be made with respect to a company unless it is shown to the satisfaction of the court that notice of the time and place of making the application therefor, together with copies of the affidavits in support of such application, have been served upon the company at least three clear days before the time named in such notice for the making of the application.

Applications under *The Winding Up Act*, R.S.C., c. 129.

**150.** After this Act comes into force, no winding-up order on the application of a creditor shall be made under *The Winding-up Act* in the case of a company; and pending an application for a receiving order under this Act, and after the making of such receiving order, no winding-up order under *The Winding-up Act* shall be made on the application of a shareholder in the case of the company in respect of which such application for a receiving order and such receiving order are made, but should such receiving order be set aside or should the company obtain the confirmation of a deed of composition and discharge, the right of the shareholder to apply for a winding-up order under *The Winding-up Act* shall be the same as if such receiving order had not been made.

Representation of Company in liquidation.

**151.** The directors or the shareholders of the company may appoint one or more persons, not exceeding three, to represent the company in all matters relating to the liquidation, and anything, which under this Act may be done by an individual insolvent in respect of his estate, may be done by the persons so appointed, or a majority of them, in respect of the estate of the insolvent company.

Disposition of property and assets of company.

**152.** The property of the company shall be applied in the manner in this Act provided in satisfaction of its liabilities and the charges incurred in the liquidation, and unless it is otherwise provided by law, or by the Act, charter or instrument of incorporation, any property or assets remaining shall be distributed among the members or shareholders according to their rights and interests in the company.

**153.** After a receiving order is made the court may from time to time, by order of reference, refer and delegate, according to the practice and procedure of such court, to any officer of the court, any of the powers conferred upon the court by this Act as to the court seems meet (subject to an appeal according to the practice of the court in like cases) except such powers as are conferred on the court with reference to the confirmation of a deed of composition and discharge, which last named powers shall only be exercised by the court, or by a judge thereof. Delegation of powers by Court. Exception.

## PART IX.—STATISTICS AND FORMS.

**154.** The liquidator shall be subject to the provisions of Chapter fifty-nine of the Revised Statutes of Canada, *An Act respecting Statistics*, and every amendment thereof. Statistics.

**155.** The forms appended to this Act, or other forms equivalent thereto, shall be used in the proceedings for which such forms are provided. Forms.

## SCHEDULE OF FORMS.

NOTE.—The notes appended to these forms are not parts of the forms themselves, but are for the guidance of persons using them.]

FORM No. 1.—(SECTION 5.)

*Receiving Order.*

The Insolvency Act, 1895.

Province of
In the [*name of Court.*]
In the matter of A.B. [*or*, A.B. & Co., *or as the case may be*] an Insolvent.
On the application of C.D. of a creditor, it is ordered that G.H., an Official Receiver for the district of be constituted Official Receiver of the estate of [*here insert name, address and description of insolvent.*]

Dated

By the Court,

Clerk [*or as the case may be.*]

[Seal of Court]

FORM No. 2.—(SECTION 9.)

*Notice of Application for Receiving Order.*

The Insolvency Act, 1895.

Province of
In the [*name of Court.*]

To [*name, address and description of debtor*].
Take notice that on the day of instant [*or*, next] an application will be made by [*name, address and description of creditor*] to [*name of Judge*] Judge of above named Court at [*place where application will be made*] for a receiving order under the above cited Act in respect of your estate on the ground that you have ceased to meet your liabilities as they came due, and that on such application the affidavit [*or*, affidavits] a copy [*or*, copies] of which is [*or*, are] hereto annexed will be read in support of such application.

Dated, &c.,

[*Signature of Applicant or his Attorney.*]

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FORM No. 3.—(SECTION 21.)

*Notice of Appointment of Official Receiver.*

The Insolvency Act, 1895.

In the [*name of Court.*]
In the matter of A. B. [*or*, A. B. & Co.] an insolvent.
Notice is hereby given that a Receiving Order was made in the above matter on the day of and that I was thereby constituted official receiver of the estate of the above named A.B. Creditors are requested to file their claims with me without delay at [*here state full address of official receiver.*]

G. H.,
*Official Receiver.*

## Form No. 4.—(Section 22.)

*Statement of Assets and Liabilities of Insolvent.*

## The Insolvency Act, 1895.

## In the matter of A. B., an Insolvent.

STATEMENT OF AFFAIRS.

Note.—This statement and the annexed lists are to be signed by the insolvent.

| Liabilities. | | Assets. | |
|---|---|---|---|
| Unsecured Creditors as per annexed list A..... | | Stock in trade at per annexed list G ..... | |
| Creditors fully secured as per annexed list B. | | Book debts as per annexed list H., estimated to produce... ..... | |
| Estimated value of securities... | | Cash on hand..... | |
| Surplus to contra $ | | | |
| Creditors partly secured as per annexed list C. | | Bills receivable and similar securities as per annexed list I ..... | |
| Estimated value of securities... | | Trade furniture and fittings as per annexed list G..... | |
| Creditors for privileged claims as per annexed list D. Amount payable in full..... ..... ..... | | Household effects as per annexed list G..... | |
| Balance to rank on estate... | | | |
| Other liabilities as per annexed list E. $———— of which it is expected will rank against the estate for dividend..... | | Real estate as per annexed list J.. ..... .. | |
| Liabilities on bills and notes discounted other than insolvent's own acceptances and notes as per annexed list F. $———— of which it is expected will rank against the estate for dividend..... | | Other assets as per annexed list G ..... ..... | |
| | | Surplus from securities in hands of creditors fully secured—see contra..... | |
| Total Liabilities....$ | | Total Assets.....$ | |

Deficiency $————for explanation see list K.

## List A.—Unsecured creditors.

| Name of Creditor. | Address and Occupation. | Nature of Debt. | Amount of Debt. |
|---|---|---|---|
| | | | |

## List B.—Creditors fully secured.

| Name of Creditor. | Address and Occupation. | Amount of Debt. | Particulars of Security. | Estimated Value of Security. | Estimated Surplus from Security. |
|---|---|---|---|---|---|
| | | | | | |

## List C.—Creditors partly secured.

| Name of Creditor. | Address and Occupation. | Amount of Debt. | Particulars of Security. | Estimated Value of Security. | Balance of debt unsecured. |
|---|---|---|---|---|---|
| | | | | | |

## List D.—Privileged claims.

| Name of Creditor. | Address and Occupation. | Nature of Claim. | Amount of Claim. | Amount Payable in full. | Amount to rank for Dividend. |
|---|---|---|---|---|---|
| | | | | | |

## List E.—Liabilities not otherwise scheduled.

| Name of Claimant. | Address and Occupation. | Nature and particulars of claim. | Amount of claim. | Amount expected to rank for Dividend. |
|---|---|---|---|---|
| | | | | |

## List F.—Liabilities on bills and notes discounted other than insolvent's own acceptances and notes.

| Name and Address of acceptor of Bill or Drawer of Note. | Holder's Name and Address. | When due and where Payable. | Amount. | Amount Expected to rank for Dividend. | Any other Particulars. |
|---|---|---|---|---|---|
| | | | | | |

## List G.—Property.

**Every description of property and assets vesting in Official Receiver and not in another list, to be given in this list.**

| Full Statement and Nature of Property vested in Official Receiver. | Estimated to Produce. |
|---|---|
| Stock in trade.....Cost $ | |
| Furniture, fixtures and fittings on trade premises..... | |
| Household furniture and effects..... | |
| Other property (state particulars)..... | |

## List H.—Debts due to the estate.

| Name of Debtor. | Residence and Occupation. | Amount of Debt | | | Estimated to Produce. | Particulars of Securities held, if any. |
|---|---|---|---|---|---|---|
| | | Good. | Doubtful. | Bad. | | |
| | | | | | | |

## List I.—Bills receivable and similar securities available as assets.

| Name of Acceptor of Bill or Maker of note. | Address and Occupation. | Other particulars as to endorsers or security for payment. | Amount of Bill or Note. | Date when due. | Estimated to produce. |
|---|---|---|---|---|---|
| | | | | | |

LIST J.—REAL ESTATE.

| Particulars of. | Amount and particulars of Mortgages or liens thereon, if any. | Estimated value over and above Mortgages or liens. |
|---|---|---|
| | | |

LIST K.—STATEMENT OF THE CAUSES TO WHICH THE INSOLVENT ATTRIBUTES HIS INSOLVENCY.

NOTE.—This must contain explanations of losses and other causes of the difference between the liabilities and the assets.

Date.

*Signature of the Insolvent.*

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FORM NO. 5.—(SECTION 22.)

*Affidavit by Insolvent of Statement of Assets and Liabilities.*

The Insolvency Act, 1895.

In the matter of A.B., an Insolvent.

I, A.B., being duly sworn, make oath and say :—

1. I am the insolvent above named.

2. The annexed statement and the details thereof signed by me contain a full and true account to the best of my knowledge and belief of all debts of whatever nature due to me and of all my assets, estate and effects, real and personal, wheresoever situate, vested in the official receiver under the above named Act, and the said statement contains a full and true account of all debts due by me or liabilities or demands upon me.

3. List K of the statement hereto annexed contains a correct statement of the causes to which I attribute my insolvency, and such statement is as full, clear and specific as I can make it.

4. I have delivered up all the books, documents, accounts, vouchers and papers of every kind belonging to me, which in any way relate to my estate, and which were in my possession or custody, or under my control, and of which I have any knowledge, and I have made a full disclosure of every particular relating to my affairs.

Sworn, &c.

[NOTE.—In cases of partnership, the statements and affidavits are to be altered so as to make each partner's statement and affidavit cover above particulars in reference to both the partnership and his individual estate.]

FORM No. 6.—(SECTION 23.)

*Notice of First Meeting of Creditors.*

The Insolvency Act, 1893.

In the matter of A. B., an Insolvent.

A Receiving Order having been issued in this matter, the creditors of the above named A. B. are notified to meet at my office on street, in the of on the day of at o'clock, in the noon, to receive statements of his affairs and to appoint a liquidator and inspectors, and for the transaction of such other business as may lawfully be transacted at said meeting, and for the ordering of the affairs of the estate generally. Creditors are requested to file their claims with me without delay.

Dated at this day of 18

G. H.,
*Official Receiver.*

[NOTE.—This form with necessary alterations may be used in calling other meetings of creditors under this Act.]

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FORM No. 7.—(SECTION 24.)

*Notice of Appointment of Liquidator.*

The Insolvency Act, 1895.

In the matter of A.B., an Insolvent.

I, the undersigned [*name and address*] have been appointed liquidator in this matter. Creditors are requested to file their claims with me without delay.

Dated at this day of 18

L. M.,
*Liquidator.*

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FORM No. 8.—(SECTION 26.)

*Transfer from Official Receiver to Liquidator.*

The Insolvency Act, 1895.

In the matter of A. B., an Insolvent.

This deed of transfer made under the provisions of the above cited Act between G. H., the Official Receiver under said Act of the estate of the said A. B., of the first part, and L. M. of the second part:

Whereas at a meeting of the creditors of the said A. B. duly called and held at the of on the

day of 18 [*or as the case may be*] the said party of the second part was appointed liquidator of the estate of the said A. B., [and has given the security required to be given by him for the due performance of his duties as such liquidator:] Now therefore these presents witness that the said party of the first part in his said capacity of Official Receiver hereby transfers to the said party of the second part in his capacity of liquidator the estate and effects of the said A. B., in conformity with the provisions of the said Act, and for the purposes therein set forth.

In witness whereof, &c.

[NOTE.—This form may be adapted in the province of Quebec to the notarial form of documents prevailing there.]

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FORM No. 9.—(SECTION 34.)

*Notice of Meeting to consider Deed of Composition and Discharge.*

The Insolvency Act, 1895.

In the matter of A. B., an Insolvent.

The above named insolvent has filed with me a deed of composition and discharge executed by his creditors as required by the above named Act, and notice is hereby given that a meeting of the creditors of the above named A. B. will be held at my office, on street in the of on the day of at o'clock in the noon, to take such deed into consideration and to transact such business as may lawfully be transacted at such meeting.

*In the notices sent to creditors shall be added the following:—*

The terms of such deed are:—[*Here set out briefly the terms thereof.*]

L. M.,
*Liquidator.*

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FORM No. 10.—(SECTION 38.)

*Notice by Insolvent of intention to apply for Confirmation of Deed of Composition and Discharge.*

The Insolvency Act, 1895.

Province of
In the [*name of Court.*]
In the matter of A. B., an Insolvent.

The above named insolvent, having filed a deed of composition and discharge, duly approved by his creditors, with the liquidator of his estate under the above cited Act, hereby gives notice that he will on the day at o'clock in the noon, apply to the Honourable Judge of the said court, at [*place where application will be heard*] for a confirmation of such deed of composition and discharge.

*In the notices sent to creditors the following shall be added:—*

The terms of such deed are:—[*here set out briefly the terms thereof.*]

Dated, &c.

[*Signature of Insolvent or his Attorney.*]

FORM No. 11.—(SECTION 40.)

*Affidavit of Insolvent on application for Confirmation of Deed of Composition and Discharge.*

The Insolvency Act, 1895.

Province of
In the [*name of Court.*]

In the matter of A.B. an Insolvent,

I., A.B., of , an insolvent now making application to this Honourable Court for the confirmation of a deed of composition and discharge under the above cited Act, being duly sworn, depose and say :—

That no one of my creditors who executed or in any way approved of such deed of composition and discharge, was induced so to do by any payment, promise of payment, or advantage whatsoever, made, secured or promised to him, or to any one on his behalf, by me, or with my knowledge by any person on my behalf.

And further that I have not, nor has with my knowledge any person on my behalf paid, given or promised any sum of money, or other consideration, or advantage, to any of my creditors, or to any one on behalf of any of my creditors, in connection with the procuring or obtaining of the execution or approval thereof by such creditor, or the procuring by him, either directly or indirectly, of the execution or approval thereof by any other of my creditors, or for the purpose, or in the hope of influencing the action in the premises of my said creditors, or any of them.

Sworn, &c.

(*Signature of Insolvent.*)

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FORM No. 12.—(SECTION 42.)

*Notice by Insolvent of intention to apply for Discharge without consent of Creditors.*

The Insolvency Act, 1895.

Province of
In the (*name of Court.*)
In the matter of A.B., an Insolvent.

On the day of at o'clock in the noon the said insolvent will apply to the Honourable Judge of the said court at [*state particular place where application will be made*] for a discharge under the said Act without consent of creditors.

Dated, &c.

(*Signature of Insolvent or his Attorney.*)

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FORM No. 13.—(SECTION 47.)

*Reconveyance to Insolvent.*

The Insolvency Act, 1895.

In the matter of A.B., an Insolvent.

This deed of transfer made under the provisions of the above named Act between L.M., liquidator of the estate of A. B., of , the above named insolvent, of the first part, and the said A.B., of the second part :—

Whereas a deed of composition and discharge made by the said A.B. and duly executed by his creditors has been confirmed by order of the Honourable Judge of the [*name of Court*] dated the day of

Now therefore these presents witness that the said L.M., in his capacity as liquidator of the estate of the said A.B., hereby transfers to the said A.B. the estate and effects vested in the said L.M., as liquidator of the estate of the said A.B.: To have and to hold the same unto the said A.B., his heirs, executors, administrators and assigns forever, subject to the provisions of the said deed of composition and discharge, and of the order of the Court aforesaid, and the provisions of the above cited Act.

In witness whereof, &c.

[NOTE.—This form may be adapted in the province of Quebec to the notarial form of documents prevailing in that province.]

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FORM No. 14.—(SECTION 55.)

*Proof of Debts.*

The Insolvency Act, 1895.

In the matter of A. B., an Insolvent, and claimant.

I, of , being duly sworn in this matter, depose and say :—

1. I am the claimant [*or*, a member of the firm of the claimants herein, and the said firm is composed of myself and , *or*, the duly authorized agent of the claimant in this behalf,] and I have a personal knowledge of the matters herein deposed to.

2. The insolvent is indebted to me [*or*, to the claimant, *as the case may be*] in the sum of $ for [*here state nature and particulars of debt for which purpose reference may be had to documents annexed.*]

3. Annexed hereto, marked , is a list of negotiable instruments on which my claim [*or*, the claim of the claimant] is based in whole [*or*, in part, *as the case may be*] and the particulars of such negotiable instruments as given in such list are correct. [*This is to be added in case the claim is based in whole or in part on negotiable instruments, and a list of such instruments must be annexed, setting forth the amount of each such instrument, its due date, and the names of all persons liable thereon, and in what capacity, and in what order liable.*]

4. I, [*or*, the claimant, *as the case may be*,] hold no security for the said claim or any part thereof.

*Or*, I hold the following and no other security for the said claim, that is to say : [*state fully the particulars of such security*] and the said security is hereby valued at the sum of $ .

*Or*, I held security for my claim, which I have assigned to the official receiver [*or*, liquidator] for the benefit of the estate, and I now hold no security for my said claim or any part thereof.

Sworn, &c.

[*The proof of claim shall be accompanied with the following notice.*]

The Insolvency Act, 1895.

In the matter of A.B., an Insolvent.

To G.H., official receiver, or L.M., liquidator of the above estate (*as the case may be.*)

The following is the address to which all notices to be sent to me under the above Act may be sent [*here state address.*]

[*Signature of claimant or person on his behalf.*]

---

FORM No. 15.—(SECTION 72.)

*Transfer of Debts.*

The Insolvency Act, 1895.

In consideration of the sum of $ , whereof quit, L.M., of , liquidator of the estate and effects of the above named insolvent and acting in that capacity, hereby sells and assigns to , accepting thereof, all claim by the insolvent against of with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

In witness whereof, &c.

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FORM No. 16.—(SECTION 76.)

*Transfer of Real Estate.*

The Insolvency Act, 1895.

In the matter of A.B., an Insolvent.

This deed made under the provisions of the above cited Act this day of A.D. between L. M., of , in his capacity of liquidator of the estate and effects of the above named A.B., of the one part, and P.Q., of [*the purchaser*] of the other part, witnesseth :

That the said liquidator in his said capacity, having taken the steps necessary for the sale of the real estate hereinafter referred to, doth hereby grant, bargain, sell and assign unto the said P.Q., his heirs and assigns, for ever, all the rights and

interests of the said insolvent in that certain parcel or tract of land, &c., [*here insert a description of the property sold, and in the province of Quebec omit the words "the rights and interests of the said insolvent in"*] : To have and to hold the same, with the appurtenances thereof, unto the said P.Q., his heirs and assigns for ever, subject to all mortgages, hypothecs or liens thereon. The said sale is made for and in consideration of the sum of $ in hand paid by the said P.Q. to the said liquidator, the receipt whereof is hereby acknowledged.

*Or,*

Of which the said P.Q. hath paid to the said liquidator the sum of $ , the receipt whereof is hereby acknowledged, and the balance of such sum of $ the said P.Q. hereby promises to pay to the said liquidator in his said capacity as follows:—To wit: [*here state terms of payment*], the whole with interest at the rate of per centum per annum, payable , and as security for the payment so to be made the said P.Q. hereby mortgages and hypothecates to and in favour of the said liquidator in his said capacity the lot of land and premises hereby sold.

In witness whereof, &c.

Signed, sealed and delivered, &c.

[NOTE.—This form shall in the province of Quebec be adapted to the notarial form of execution of documents prevailing there.]

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FORM NO. 17.—(SECTION 76.)

*Discharge of Mortgage contained in Deed of Transfer of Real Estate by Liquidator.*

The Insolvency Act, 1895.

In the matter of A. B., an Insolvent.

To all whom it may concern, I [*name of liquidator*] the liquidator of the estate and effects of the above named A. B. send greeting.

Whereas, under and by virtue of a certain deed made under the provisions of the above cited Act on the day of A.D. between me, in my capacity of liquidator of the estate and effects of the above named A.B., of the one part, and P.Q., of [*the purchaser*] of the other part, I, the said liquidator in my said capacity, having taken the steps necessary for the sale of the real estate hereinafter referred to, did thereby grant, bargain, sell and assign unto the said P.Q., his heirs and assigns, for ever, all the rights and interests of the said insolvent in that certain parcel or tract of land, &c., [*here insert a description of the property sold, and in the province of Quebec omit the words "the rights and interests of the said insolvent in"*] : To have and to hold the same, with the appurtenances thereof, unto the said P.Q., his heirs and assigns for ever, subject to all mortgages, hypothecs or liens

thereon, and the said P.Q., did by such deed as security for certain payments to be made by him as therein set forth mortgage and hypothecate to and in favour of the said liquidator in his capacity the lot of land and premises thereby sold :—

Now therefore know ye that all moneys payable under and by virtue of the said deed to the liquidator of the said estate have been fully paid and satisfied, and I do hereby, in my said capacity of liquidator of the said estate and under the provisions of the above cited Act, release and discharge the said land and premises of and from any mortgage or hypothecation or charge therein, under and by virtue of the deed hereinbefore referred to in respect of any moneys payable thereunder to the estate of the said insolvent.

In witness whereof, &c., &c.

[NOTE.—This form shall, in the province of Quebec, be adapted to the notarial form of execution of documents prevailing there.]

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FORM No. 18.—(SECTION 81.)

*Notice of Dividend.*

The Insolvency Act, 1895.

In the matter of A.B., an Insolvent.

A dividend sheet has been prepared, open to objection until the day of , after which dividends not objected to will be paid.

Dated at this day of

L.M.,
*Liquidator.*

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FORM No. 19.—(Section 135).

*Notice to Contributory.*

THE INSOLVENCY ACT, 1895.

In the matter of [*name of Company*] an Insolvent Incorporated Company.

To [*name and address of Contributory.*]

Take notice that you have been placed on the list of contributories to the assets of the above named company for the sum of $ and you are hereby required within ten days after service of this notice on you to file with the clerk of the [*name of court*] at his office in [*place where office is situate*] any objections you may have to being placed on such list for the amount above named, or for any amount, and to serve a copy on the undersigned at [*place where service may be made*] together with an address within this province where future

proceedings may be served on you, and take notice that if no such objections are filed and served as aforesaid within the time above limited you will be liable under the provisions of the above cited Act to contribute to the assets of the above named company the amount above named.

Dated at this day of

L. M.,
*Liquidator.*

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

A

An Act respecting Insolvency.

Received and read a first time, Monday, 29th April, 1895.
Second reading, Monday, 6th May, 1895.

The Honourable Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895.

An Act for the relief of William Wallace Colton.

Preamble

WHEREAS William Wallace Colton, of the town of Picton, in the county of Prince Edward, in the province of Ontario, has by his petition set forth that on the twelfth day of December, one thousand eight hundred and ninety three, he was lawfully married, at the said town of Picton, to Elizabeth Sweeney, of the said town of Picton, spinster; that after the solemnization of the said marriage they lived together and cohabited at Deseronto and Napanee until the month of March, one thousand eight hundred and ninety-four, when he discovered that she had frequented a house of ill-fame in Kingston, Ontario, and had committed adultery since her said marriage; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between the said William Wallace Colton and Elizabeth Sweeney, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said William Wallace Colton may, at any time hereafter, marry any woman whom he might lawfully marry in case the said marriage with the said Elizabeth Sweeney had not been solemnized.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

# B

An Act for the relief of William Wallace Colton.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Thursday, 16th May, 1895.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895.

An Act for the relief of Mary Bradshaw Falding.

Preamble.

WHEREAS Mary Bradshaw Falding, of Rockliffe Park, in the township of Gloucester, in the county of Carleton, and province of Ontario, wife of Frederick John Falding, of the city of Cleveland, in the State of Ohio, one of the United States of America, mining engineer, hath by her petition set forth that on the second day of June, one thousand eight hundred and seventy-five, she was lawfully married at the said Rockliffe Park, to the said Frederick John Falding; that in the year one thousand eight hundred and eighty, the said Frederick John Falding deserted her, and has not since the year one thousand eight hundred and eighty, resided with her; that subsequently and during the years one thousand eight hundred and ninety, and one thousand eight hundred and ninety-one, the said Frederick John Falding went to the city of Sherbrooke, in the county of Sherbrooke and province of Quebec, and there committed adultery with one Virginia Mayer; that the said Virginia Mayer has given birth to illegitimate children the issue of her adulterous intercourse with the said Frederick John Falding; and whereas the said Mary Bradshaw Falding has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her petition and established the adultery above mentioned, 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 Mary Bradshaw Falding and Frederick John Falding, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Mary Bradshaw Falding may, at any time hereafter, marry any man whom she might lawfully marry in case the said marriage with the said Frederick John Falding had not been solemnized.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

C

An Act for the relief of Mary Bradshaw Falding.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Thursday, 16th May, 1895.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895.

An Act for the Relief of Helen Woodburn Jarvis.

Preamble.

WHEREAS Helen Woodburn Jarvis of the city of Toronto, in the county of York and province of Ontario, wife of George Hamilton Jarvis, formerly of the said city of Toronto, barrister-at-law, but now residing in the city of Detroit, in the State of Michigan, one of the United States of America, has by her petition set forth that on the eighteenth day of September, one thousand eight hundred and eighty-three, she was lawfully married to the said George Hamilton Jarvis of the said city of Toronto; that they lived together as husband and wife until the year one thousand eight hundred and eighty-eight, when he was guilty of adultery and, without lawful reason or excuse, deserted her, and has ever since continued to live apart from her, and has committed other acts of adultery; and whereas she has humbly prayed that the said marriage may be dissolved and that she be authorized to marry again and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between the said Helen Woodburn Jarvis and George Hamilton Jarvis, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Helen Woodburn Jarvis may at any time hereafter marry any man whom she might lawfully marry in case the said marriage with the said George Hamilton Jarvis had not been solemnized.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

# D

An Act for the relief of Helen Woodburn Jarvis.

Received and read a first time, Wednesday, 1st May, 1895.
Second reading, Thursday, 16th May, 1895.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL.

An Act further to amend the Civil Service Act.

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

Subsection two of section nine of *The Civil Service Act*, as the said subsection is enacted by chapter twelve of the Statutes of 1888, section two, is hereby repealed, and the following is substituted therefor :— R.S.C., c. 17, s. 9, sub-s. 2, and 1888, c. 12, s. 2, amended.

**2.** "Whenever the board are satisfied that any irregularity or fradulent practice has obtained at any examination held by them or by any person deputed by them to hold the same, they may summon before them by an instrument signed by the chairman or acting chairman of the Board, and may examine under oath or affirmation, any person who, in their opinion, is in a position to give evidence in relation to any such irregularity or fradulent practice. Inquiry as to irregularities at examinations. Summoning and examining of witnesses.

"(*a.*) If the person so summoned does not appear at the time and place appointed by such instrument, the chairman or acting chairman of the board shall be vested with all the powers conferred upon a Justice of the Peace by section 582 of "The Criminal Code, 1892," in case a person to whom a summons has been directed does not appear in obedience thereto. Powers to compel appearance.

"(*b.*) Whenever any person appearing in obedience to any such instrument, or by virtue of a warrant issued under paragraph (*a*) of this section, refuses to be sworn, or having been sworn refuses to answer such questions as are put to him, or refuses or neglects to produce any documents which he is required to produce, without in any such case offering any just excuse for such refusal or neglect, the chairman or acting chairman of the board shall be vested with all the powers conferred in like cases upon a Justice of the Peace by section 585 of "The Criminal Code, 1892": and, if upon being brought up upon an adjourned hearing such person again refuses to do what is required of him, the chairman or acting chairman shall have the same powers as a Justice of the Peace has under said section 585 in the like case, and so again from time to time until such person consents to do what is required of him." Powers to compel giving of sworn testimony, and production of documents.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

# E

An Act further to amend the Civil Service Act.

Received and read a first time, Thursday, 2nd May, 1895.
Second reading, Monday, 6th May, 1895.

Hon. Mr. ANGERS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895.

An Act to amend "The Copyright Act."

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

**1.** Section nine of *The Copyright Act* chapter sixty-two of the Revised Statutes of Canada, is hereby amended, by substituting the word "three" for the word "two" in the second line thereof. R.S.C., c. 62, s. 9 amended. Deposit of copies of books, etc., in Department of Agriculture.

**2.** Section ten of the said Act is hereby amended by substituting the word "three" for the word "two" in the first line thereof, and by adding the words "and one in the British Museum" after the word Canada in the last line thereof. Section 10 amended. One copy to be sent to British Museum.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

# F

An Act to amend The Copyright Act.

Received and read a first time, Tuesday, 21st May, 1895.
Second reading, Monday, 28th May, 1895.

Honourable Mr. ANGERS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895

An Act further to amend "The Indian Act."

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

**1.** The section substituted for section thirty-eight of *The Indian Act*, chapter forty-three of the Revised Statutes, by section three of chapter thirty-two of the Statutes of 1894 is hereby repealed and the following substituted therefor:— R.S.C., c. 43, s. 38 and 1894, c. 32, s. 3 amended.

"**38.** No reserve or portion of a reserve shall be sold, alienated or leased until the same has been released or surrendered to the Crown for the purposes of this Act; but the Superintendent General may lease, for the benefit of any Indian, the land to which he is entitled without the same being released or surrendered." Provisions respecting sale or lease of reserves.

**2.** Section seventy of *The Indian Act* is hereby repealed and the following substituted therefor:— R.S.C., c. 43 s. 70 amended.

"**70.** The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom, the moneys arising from the disposal of Indian lands, and of property held or to be held in trust for Indians, or timber on Indian lands or reserves, or from any other source for the benefit of Indians, (with the exception of such sum not exceeding ten per cent of the proceeds of any lands, timber or property, as is agreed at the time of the surrender to be paid to the members of the band interested therein,) shall be invested, from time to time, and how the payments or assistance to which the Indians are entitled shall be made or given; and may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of and incidental to the management of reserves, lands, property and moneys under the provisions of this Act, and may authorize and direct the expenditure of such moneys for the construction or repair of roads, bridges, ditches and watercourses on such reserves or lands, for the construction of schools, and by way of contribution to schools attended by such Indians." Governor in Council may direct investment and management of Indian funds and payments made therefrom.

**3.** Section seventy-five of *The Indian Act* is hereby repealed and the following substituted therefor:— Section 75 amended.

"**75.** Whenever the Governor in Council deems it advisable, for the good government of a band, to introduce the system of election of chiefs, he may provide that the chiefs of any band of Indians shall be elected, as hereinafter provided, at Governor in Council may provide for election of chiefs.

such time and place as the Superintendent General directs; and they shall, in such case, be elected for a term of three years.

Term of chieftainship.

Provisions as to number of chiefs.

"2. Bands containing thirty or more Indians shall be entitled to elect chiefs in the proportion of one for each thirty members; but no band shall have more than fifteen chiefs;

As at present life chiefs.

Provided that life chiefs, now living, shall continue to hold the rank of chief until death or resignation, or until their removal, by the Governor in Council, for dishonesty, intemperance, immorality or incompetency; but in the event of the Governor in Council providing that the chiefs of a band shall be elected, the life chiefs shall not exercise the powers of chiefs, unless elected, under the provision aforesaid, to the exercise of such powers:

Reasons for which election may be set aside.

"3. An election may be set aside by the Governor in Council on the report of the Superintendent General, if it is proved by two witnesses before the Indian agent for the locality or such other person as is deputed by the Superintendent General to take evidence in the matter, that fraud or gross irregularity was practised at the said election; and every Indian who is proved guilty of such fraud or irregularity, or connivance thereat, may be declared ineligible for re-election for six years, if the Governor in Council, on the report of the Superintendent General, so directs.

Punishment of fraud, etc., at elections.

Grounds on which chiefs may be deposed.

"4. Any elected or life chief, or any chief chosen according to the custom of any band, may, on the ground of dishonesty, intemperance, immorality or incompetency, be deposed by the Governor in Council and declared ineligible to hold the office of chief for three years."

New section 88*a* added.

**4.** *The Indian Act* is hereby amended by adding the following section thereto, immediately after section eighty-eight:—

Payment to individual Indians of share of moneys of band.

"**88***a*. Whenever any member of a band, who, for three years immediately succeeding the date on which he was granted letters patent, or for any longer period that the Superintendent General deems necessary, by his exemplary good conduct and management of property proves that he is qualified to receive his share of the moneys of such band, the Governor in Council may, on the report of the Superintendent General to that effect, order that the said Indian be paid his share of the capital funds at the credit of the band, or his share of the principal of the annuities of the band, estimated as yielding five per cent, out of such moneys as are provided for the purpose by Parliament:

Married mens' and widow's shares.

"2. If such Indian is a married man he shall also be paid his wife's and minor unmarried children's shares of such funds and principal moneys, and if such Indian is a widow, she shall also be paid her minor unmarried children's shares:

Shares of unmarried children of full age.

"3. The unmarried children of such married Indians who become of age during the probationary period, for payment of such moneys, if qualified by the character for integrity, morality and sobriety which they bear, shall receive their own share of such moneys, when their parents are paid; and if not so qualified, before they receive payment of such moneys they must themselves pass through the probationary period:

Enfranchisement of individual Indians

"4. All such Indians, and their unmarried minor children, who are paid their shares of the principal moneys of their band,

as aforesaid, shall thenceforward cease, in every respect, to be Indians of any class within the meaning of this Act, or Indians within the meaning of any other Act or law." so receiving shares.

**5.** Section ninety-three of *The Indian Act* is hereby repealed and the following substituted therefor: Section 93 amended.

"**93.** If any band, at a council summoned for the purpose according to their rules, and held in the presence of the Superintendent General, or an agent duly authorized by him to attend such council, decides to allow every member of the band who chooses, and who is found qualified, to become enfranchised, and to receive his or her share of the principal moneys of the band, and sets apart for such member a suitable allotment of land for the purpose, any applicant belonging to such band, or the wife and children of any such applicant, may, after such decision, be dealt with as provided in the foregoing provisions respecting enfranchisement and the payment to enfranchised Indians of their shares of the capital funds at the credit of the band or of the estimated principal of the annuities of the band to which they are entitled." Provision when band decides that all its members may become enfranchised.

**6.** Section one hundred and fourteen of *The Indian Act* is hereby repealed and the following substituted therefor :— Section 114 amended.

"**114.** Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate, any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, and every Indian or other person who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of an indictable offence and is liable to imprisonment for a term not exceeding six months and not less than two months; always provided that the foregoing shall not apply to any agricultural show or exhibition at which prizes are given for the best exhibits thereat." Celebrating certain festivals, dances or ceremonies whereat presents are made or human or animal bodies are mutilated. Indictable offence. Proviso.

**7.** The section substituted for section one hundred and seventeen of *The Indian Act* by section nine of chapter thirty-two of the Statutes of 1894, is hereby repealed and the following substituted therefor :— Section 117 further amended.

"**117.** Every Indian agent shall, for all the purposes of this Act, or of any other Act respecting Indians, and with respect to any offence against the provisions thereof or against the provisions of section ninety-eight or section one hundred and ninety of *The Criminal Code*, 1892, and with respect to any offence by an Indian or non-treaty Indian against any of the provisions of parts XIII and XV of the said Code, be *ex officio* a justice of the peace, and have the power and authority of two justices of the peace, anywhere within the territorial limits of his jurisdiction as a justice, as defined in his appointment or otherwise defined by the Governor in Council, whether the Indian or Indians, or non-treaty Indian or non-treaty Indians charged with or in any way concerned in or affected by the Indian agents to be *ex officio* justices of the peace. Jurisdiction.

offence, matter or thing to be tried, investigated or dealt with, are or are not within his ordinary jurisdiction, charge or supervision as an Indian agent.

Special jurisdiction of Indian agents in the N.-W. Territories, Manitoba and British Columbia.

"2. In the North-west Territories and the provinces of Manitoba and British Columbia every Indian agent shall for all such purposes and with respect to any such offence be *ex officio* a justice of the peace and have the power and authority of two justices of the peace anywhere in the said Territories or provinces, whether or not the territorial limits of his jurisdiction as a justice, as defined in his appointment or otherwise defined as aforesaid, extend to the place where he may have occasion to act as such justice or to exercise such power or authority, and whether the Indians charged with or in any way concerned in or affected by the offence, matter or thing to be tried, investigated or otherwise dealt with, are or are not within his ordinary jurisdiction, charge or supervision as Indian agent."

New sections 140 and 141 added.

**8.** *The Indian Act* is hereby amended by adding the following sections thereto:

Transfer of Indian from one band to another, and provision as to capital moneys in such case.

"**140.** When by a majority vote of a band, or the Council of a band, an Indian of one band is admitted into membership in another band, and his admission thereinto is assented to by the Superintendent General, such Indian shall cease to have any interest in the lands or moneys of the band of which he was formerly a member, and shall be entitled to share in the lands and moneys of the band to which he is so admitted; but the Superintendent General may cause to be deducted from the capital of the band of which such Indian was formerly a member his *per capita* share of such capital and place the same to the credit of the capital of the band into membership in which he had been admitted in the manner aforesaid.

Reduction of purchase money or interest due on sales of Indian lands.

"**141.** The Governor in Council may reduce the purchase money due or to become due on sales of Indian lands, or reduce or remit the interest on such purchase money, or reduce the rent at which Indian lands have been leased, when he considers the same to be excessive; and all such reductions heretofore made are hereby confirmed."

5th Session, 7th Parliament, 58 Victoria,

SENATE BILL.

G

An Act further to amend *The Indian*

Received and read a first time, Tue
21st May, 1895.
Second reading, Monday, 27th May, 18

The Honourable
Sir MACKENZIE BOWE

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majest
1895

# SENATE BILL. 1895.

An Act respecting The Shore Line Railway Company.

Preamble. N.B. 1889, c. 26.

WHEREAS a Petition has been presented by The Shore Line Railway Company, a corporation constituted under the laws of the province of New Brunswick, praying for power to extend their line of railway to connect with the Central Railway, and to buy or lease the Central Railway, and also praying that their undertaking should be declared to be a work for the general advantage of Canada, and for other 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:—

Declaration. 1888, c. 29. N.B. 1891, c. 19.

**1.** The undertaking of the Shore Line Railway Company, hereinafter called the Company, is hereby declared to be a work for the general advantage of Canada, and *The Railway Act* and its amendments shall apply to the Company and its undertaking instead of *The New Brunswick Railway Act.*

Line of railway authorized.

**2.** The Company may lay out, construct and operate a railway of the guage of four feet eight and one-half inches from a point in or near the city of Saint John to a point of connection with the Central Railway on the Saint Martin's Branch, or at Norton in the county of King's.

Agreement with Central Ry. Co., authorized. N.B. 1874, c. 94. Can. 1888, c. 83.

**3.** The Company may enter into an agreement with the Central Railway Company for acquiring, by purchase or otherwise, or for taking a lease of the railway of the Central Railway Company in whole or in part, and all the rights, powers, surveys, plans, works, plant, material, machinery, rolling stock, franchises and other property belonging to the Central Railway Company, or any of them or any portion thereof, or for amalgamation with the Central Railway Company on such terms and conditions as are agreed upon: Provided that such agreement has first been sanctioned by two-thirds of the votes at a special general meeting of the shareholders of the Company 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 has also been approved by the Governor in Council.

Sanction of the shareholders and 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 239 of *The Railway Act*, and also for a like period in one newspaper published in each of the counties through which the railway will run.

Savings clause. N.B., 1889, c. 26.

**4.** Nothing in this Act shall in any way impair, alter or affect the powers, franchises and privileges heretofore conferred upon the Company by the legislature of the province of New Brunswick, which are hereby confirmed and continued.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

H

An Act respecting the Shore Line Railway Company.

Received and read a first time, Monday, 3rd June, 1895.
Second reading, Wednesday, 5th June, 1895.

Honourable Mr. McCLELAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. [1895

An Act for the relief of Julia Ethel Chute.

Preamble.

WHEREAS Julia Ethel Chute, formerly Julia Ethel Elliott, of the City of Toronto, in the County of York, in the Province of Ontario, music teacher, wife of William Osborne Chute, heretofore of the same place, tailor, hath by her petition set forth that on the twenty-fifth day of November, one thousand eight hundred and ninety-two, she was lawfully married to him at the City of Toronto, in the said Province; that he has been guilty of adultery and cruelty, that in the month of May one thousand eight hundred and ninety-four he without lawful reason or excuse deserted her; that he has ever since continued to live apart from her and has left her without any means of support whatever; and whereas she has humbly prayed that the said marriage may be dissolved and that she be authorized to marry again and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Marriage described.

**1.** The said marriage between the said Julia Ethel Chute and William Osborne Chute, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Julia Ethel Chute may at any time hereafter marry any man whom she might lawfully marry in case the said marriage with the said William Osborne Chute had not been solemnized.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

J

# An Act for the relief of Julia Ethel Chute.

Received and read a first time, Wednesday, 5th June, 1895.
Second reading, Thursday, 20th June, 1895.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895

An Act to amend the Act respecting certain Female Offenders in the Province of Nova Scotia.

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

**1.** The following sub-section is added to the first section of chapter fifty-five of the statutes of 1891, intituled *An Act respecting certain Female Offenders in the Province of Nova Scotia* :— 1891, c. 55, s. 1 amended.

"2. The judge, stipendiary magistrate or magistrate before whom such female person is convicted may, in his discretion, sentence her to further imprisonment in the said Reformatory, subject to the following conditions :— Further imprisonment may be given.

(*a.*) Such further imprisonment shall begin at the expiration of the term in this section before provided for and shall be continuous therewith. Conditions thereof.

(*b.*) If such female person is under the age of twenty-one years, such further imprisonment may be until she attains the age of twenty-one years or for any shorter or longer term not less than two nor more in the whole than five years.

(*c.*) If such female person is of the age of twenty-one years or upwards, such further imprisonment may be for any term not less than one year nor more than two years.

(*d.*) The provisions of section twelve of the Act hereby amended shall, *mutatis mutandis*, apply to such further imprisonment." S. 12 to apply, as to tickets of leave.

**2.** So much of the Act hereby amended as is inconsistent with this Act is hereby repealed. Repeal.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

J

An Act to amend *An Act respecting certain Female Offenders in the Province of Nova Scotia.*

Received and read a first time, Monday, 10th June, 1895.
Second reading, Wednesday, 12th June, 1895.

Honourable Mr. POWER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895.

An Act to amend *The Companies Act.*

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

**1.** Section ninety-four of *The Companies Act*, chapter 119 of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 119, s. 94 amended.

"**94.** The company may hold such real estate as is necessary for the transaction of its business, not exceeding in yearly value the sum of ten thousand dollars, or such real estate as, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments,—and may, from time to time, sell, mortgage, lease or otherwise dispose of the same; Power to hold real estate necessary for business.

"2. The company shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, unless there is in force in the province or territory in which such real estate is situate an Act of such province or territory respecting the sale or disposition of lands so acquired and the provisions of such Act are inconsistent with those of this sub-section, in which case the provisions of such Act shall apply; Limitation as to holding other real estate.

"3. If real estate to which sub-section two of this section applies is not sold within the time therein limited, it shall revert to the previous owner or to his heirs or assigns." Reversion thereof.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

# K

An Act to amend *The Companies Act.*

Received and read a first time, Tuesday, 18th June, 1895.
Second reading, Wednesday, 19th June, 1895.

Hon. Mr. KIRCHHOFFER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895.

An Act further to amend the Act respecting the incorporation of Boards of Trade.

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

**1.** Paragraph (*a.*) of section one of chapter one hundred and thirty of The Revised Statutes, as amended by section one of chapter twenty three of the Statutes of 1894 is hereby repealed and the following substituted therefor:— R.S.C., c. 130, s. 1 (*a*) and 1894, c. 23. s. 1 amended.

"(*a.*) The expression 'district' means the judicial district, city, county, town or village (to any of which may be added one or more townships selected for that purpose) within and for which a Board of Trade is established under this Act; and with regard to the North West Territories, means and includes also any electoral district, as constituted for elections to the Legislative Assembly for the North West Territories, within and for which a Board of Trade is established." Definition of "district." In the N.-W. T.

**2.** Section one of chapter one hundred and thirty of the Revised Statutes is hereby amended by adding thereto the following, as paragraph (*c.*);— R.S.C., c. 130, s. 1 further amended.

"(*c.*) The expression "judicial district" as used in paragraph (*a.*) of this section means and includes any judicial district or temporary judicial district which is now or which may hereafter be set apart or constituted as such by any Act of the Parliament of Canada, or by any Act of the Legislature of any Province of Canada, or by any Proclamation issued under or by virtue of the provisions of any such Act." Definition of "judicial district."

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

# L

An Act further to amend the Act respecting the incorporation of Boards of Trade.

Received and read a first time, Thursday, 20th June, 1895.
Second reading, Monday, 24th June, 1895.

Hon. Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

# SENATE BILL. 1895.

An Act for the settlement of certain questions between the Governments of Canada and British Columbia relating to lands in the Railway Belt, British Columbia.

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

**1.** The Governor in Council may enter into an agreement with the Government of British Columbia for the purpose of defining and settling the boundaries of what is known as the Railway Belt in that province (that is to say, the lands along the line of the Canadian Pacific Railway granted by the Act of the Legislative Assembly of that province, forty-seventh Victoria, chapter fourteen, to the Government of Canada for the purpose of constructing and to aid in the construction of the said railway) in such manner and upon and subject to such terms, conditions and stipulations as may be agreed upon between the Governor in Council and the Government of the said province ; and such agreement, when entered into, and every matter and thing therein contained, shall be as binding on the Dominion of Canada, as if the same were specified and set forth in an Act of this Parliament. Authority to Governor in Council to make agreement for settling boundaries of Railway Belt. B.C., 47 V., c. 14. Effect.

**2.** It shall be a term and stipulation of any such agreement that the Legislature or the Government of the said province shall make provision satisfactory to the Governor in Council for the registration, under the land registry laws of the province, of the title of Her Majesty in the right of Canada to lands in the province and of the titles of purchasers from and persons claiming title under Her Majesty in such right. Agreement must provide that province shall register titles.

**3.** Any agreement so entered into may make such provision as may be thought proper for the settlement of controversies and claims arising out of grants made by the Government of the province of lands in the Railway Belt after the line of the said railway had been finally located. Provision may be made for settlement of certain claims.

**4.** The Governor in Council is authorized to carry out the provisions of any agreement entered into in pursuance of this Act and to give all necessary directions for that purpose. Authority to execute agreement.

**5.** This Act may be cited as *The Railway Belt Lands Act*, 1895. Short title.

5th Session, 7th Parliament, 58 Victoria, 1895

SENATE BILL.

# M

An Act for the settlement of certain questions between the Governments of Canada and British Columbia, relating to lands in the Railway Belt, British Columbia.

Received and read a first time, Friday, 28th June, 1895.
Second reading, Tuesday, 2nd July, 1895.

Honourable Sir Mackenzie Bowell.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1895