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Page 291 is incorrectly numbered page 91.

ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE

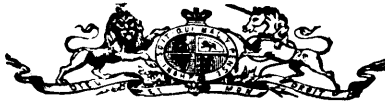
SIXTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE

THIRD SESSION OF THE EIGHTH PARLIAMENT

*Begun and holden at Ottawa, on the Third day of February, and closed
by Prorogation on the Thirteenth day of June, 1898*



HIS EXCELLENCY

THE RIGHT HONOURABLE SIR JOHN CAMPBELL HAMILTON-GORDON, EARL OF ABERDEEN
GOVERNOR GENERAL

VOL. II.
LOCAL AND PRIVATE ACTS

OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1898



61 VICTORIA.

CHAP. 55.

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

[Assented to 13th June, 1898.]

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

Preamble.

1. The time limited for the commencement of the railway of the Brandon and South-western Railway Company, and for the expenditure of fifteen per cent on the amount of its capital stock, as required by section 89 of *The Railway Act*, is hereby extended for a period of two years from the first day of November, one thousand eight hundred and ninety-eight ; and if such expenditure is not so made, or if the railway is not finished and put in operation within four years from the said first day of November, one thousand eight hundred and ninety-eight, then the powers of construction granted to the said Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for construction extended.

2. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the said Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section.

Power of Parliament as to future legislation.



61 VICTORIA.

CHAP. 56.

An Act respecting the British Columbia Southern Railway Company.

[Assented to 13th June, 1898.]

WHEREAS the British Columbia Southern Railway Com-
pany has, by its petition, prayed for the passing of an
Act to confirm a lease of a portion of the railway of the said
Company and 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 :—

Preamble.

1. Section 4 of chapter 36 of the statutes of 1897 is hereby
amended by inserting after the word "Company" in the
second line thereof, the words "either with or without an
option of purchase."

1897, c. 36,
s. 4 amended.

2. The lease to the Canadian Pacific Railway Company of
that portion of the British Columbia Southern Railway Com-
pany's railway between the eastern boundary of British Colum-
bia and Nelson, with the option of purchase as therein men-
tioned, is hereby confirmed and declared to be valid and binding
on each of the said companies parties thereto according to the
tenor thereof, and each of the said companies may do what-
ever is necessary in order to give effect thereto ; provided that
nothing in this Act, or in the said lease, shall relieve either of
the said companies from any of its duties or liabilities under
the railway laws of Canada.

Lease to
C. P. R.
confirmed.

2. A duplicate of the said lease shall, within thirty days
after the passing of this Act, be filed in the office of the Secre-
tary of State of Canada, and notice thereof shall be given by
the Canadian Pacific Railway Company in the *Canada Gazette* ;
and the production of the Gazette containing such notice shall
be prima facie evidence of the requirements of this Act having
been complied with.

Lease to be
filed with the
Secretary of
State.



61 VICTORIA.

CHAP. 57.

An Act respecting the Calgary and Edmonton Railway Company.

[Assented to 13th June, 1898.]

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

1. The Calgary and Edmonton Railway Company, hereinafter called “the Company,” may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from the present southern terminus of its railway to a point on the line of, and so as to make a connection and junction with, the railway now in course of construction from Lethbridge, in the district of Alberta, through the Crow’s Nest Pass to Nelson, in the province of British Columbia, and which is known as the “Crow’s Nest Line”; provided, Proviso.
however, that the location of the line so to be constructed shall be subject to the approval of the Governor in Council.

2. The Company may purchase and acquire any land, rails, Purchase of materials.
ties, railway structures or appliances of any kind connected therewith that may be necessary or that have been acquired, used or constructed in view of, or for the purpose of making connection between the aforesaid terminus of the Company’s railway and the said “Crow’s Nest Line”; and the Company Issue of bonds.
may issue its bonds, debentures or other securities in respect of the railway by this Act authorized at the rate of eighteen thousand five hundred dollars per mile of each mile or fraction of a mile of the railway; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed; and the railway hereby authorized, and the property so acquired, and the bonds, debentures or other securities issued on the security thereof, shall be free from the lien of the existing bond debt of the Company.

Head office. **3.** The head office of the Company is hereby changed from the city of Montreal to the city of Toronto.

Power of
Parliament as
to future
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 58.

An Act respecting the Canada Atlantic Railway Company.

[Assented to 13th June, 1898.]

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

Preamble.

1. The Canada Atlantic Railway Company, hereinafter called "the Company," may extend its railway from some point on the railway of the Company on or near the River Richelieu, in the county of Missisquoi, thence in an easterly direction to some point on the international boundary line, in the county of Missisquoi, or in the county of Brome, so as to connect with the railway systems of the United States.

Power to extend line of railway.

To international boundary.

2. The Company may also construct and extend its railway from some point on the present line of railway of the Company near the intersection of the said railway with the St. Lawrence River, or at a point on the said railway north-westerly from the St. Lawrence River; thence in an easterly direction through the counties of Soulanges and Vaudreuil, crossing the Ottawa River near the village of St. Anne, and thence to some point in the city of Montreal; and may also construct a branch or extension of the last mentioned railway upon the island of Montreal to the St. Lawrence River at some point in or below the said city.

To Montreal.

3. The Company may issue bonds, debentures or other securities upon the security of the railways hereby authorized to an amount not exceeding twenty-five thousand dollars per mile of the said railways, and such bonds, debentures or other securities shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the said railways, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to the said railways.

Amount of bonds, etc., limited.

1898, c. 29.

Undertaking
divided into
sections.

1887, c. 67.

“Section
three.”

3. The Company may divide the railways hereby authorized, into two sections, (which shall be in addition to, and apart from, sections one and two of the railway of the Company as defined and authorized by section 1 of chapter 67 of the statutes of 1887,) as follows:—

(a.) A railway from some point on the railway of the Company on or near the River Richelieu, in the county of Missisquoi, thence in an easterly direction to some point on the international boundary line in the county of Missisquoi, or in the county of Brome, so as to connect with the railway systems of the United States, which shall be designated and known as “section three”;

“Section
four.”

(b.) A railway from some point on the present railway of the Company near the intersection of the said railway with the St. Lawrence River, thence in an easterly direction through the counties of Soulanges and Vaudreuil, crossing the Ottawa River near the village of St. Anne, and thence to some point in the city of Montreal, and also a branch or extension of the last mentioned railway upon the island of Montreal to the St. Lawrence River at some point in or below the said city, which shall be designated and known as “section four.”

Addition to
section three.

1897, c. 37.

4. The Company may also include as part of section three of its railway the extension of the railway of the Company heretofore constructed under the authority of section 2 of chapter 37 of the statutes of 1897 from Lacolle Junction to a point on the northern boundary of the state of Vermont, connecting there with the Vermont and Province Line Railway, including the bridge constructed over the River Richelieu.

Bonds may be
apportioned
to different
sections.

5. The Company may issue the bonds, debentures and other securities authorized to be issued by this Act and by the said chapter 37 of the statutes of 1897, separately as to each of the said sections three and four, or upon both sections combined; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the said sections three and four, or either of them with 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.

Powers of
Company.
Vessels.

6. The Company may, for the purpose of its business,—
(a.) construct, acquire, navigate and dispose of steam and other vessels upon the St. Lawrence River and Richelieu River, and upon the lakes and streams forming part thereof or tributary thereto, and may contract for and undertake the transport by water of passengers and freight, and may construct, acquire, and sell wharfs, docks, elevators, warehouses and other works for facilitating transportation for passengers or freight upon or across the said rivers, lakes and streams;

Transportation.

(b.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes, and may dispose of power generated by the Company's works and not required for the undertaking of the Company; Motor power.

(c.) acquire exclusive rights in letters patent, franchises or patent rights, and again dispose of the same. Patent rights, etc.

7. The Company may enter into an agreement with the Montreal Bridge Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Montreal Park and Island Railway Company, the Montreal Island Belt Line Railway Company, the Phillipsburg Junction Railway Company, the United Counties Railway Company, the Central Vermont Railway Company, the Missisquoi and Black River Valley Railway Company, or the Eastern Riche-lieu Valley 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 any Act relating to the Company as also the franchises, surveys, plans, works, plant, material, machinery and property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering 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 sanction of the Governor in Council. Agreement with another Company.
Approval of shareholders and Governor in Council.

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

8. A duplicate of the agreement, conveyance or lease referred to in section 7 of this Act, duly ratified and approved, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. Agreement to be filed with Secretary of State.

9. The time for the completion of the railway of the Company is hereby extended for five years from the passing of this Act, and, if the railway is not then completed, the powers granted for the construction thereof shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time extended.

Power of
Parliament
as to future
legislation.

10. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 59.

An Act to authorize the Canada Eastern Railway Company to convey its railway to the Alexander Gibson Railway and Manufacturing Company.

[Assented to 13th June, 1898.]

WHEREAS the Canada Eastern Railway Company has, by Preamble.
its petition, represented that the Alexander Gibson Railway and Manufacturing Company was incorporated by an Act of the legislature of the province of New Brunswick, N.B., 1898, c. 57.
being chapter 57 of the statutes of 1898, for the purpose, among others, of acquiring and operating the railway of the said Canada Eastern Railway Company; and whereas the said last named company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Canada Eastern Railway Company may sell, transfer and assign to the Alexander Gibson Railway and Manufacturing Company, hereinafter called "the Company," on the terms set out in the Act mentioned in the preamble, its railway and branches, together with its rights, franchises, powers, privileges, and property; and thereupon the Company may take and operate the said railway, and may hold the said property, and may exercise the said rights, franchises, powers and privileges, with all the rights and powers in respect thereof mentioned in the said Act, and subject to all the restrictions, obligations, charges and liabilities mentioned in the said Act; provided that such sale has been first sanctioned by the consent in writing of every shareholder of the Canada Eastern Railway Company, or, failing such consent, then by two-thirds of the votes of the shareholders present or represented by proxy at a special general meeting duly called for the purpose (of which meeting two weeks' notice shall be sufficient), and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, Sale to Company of Canada Eastern Railway.
Approval of shareholders.
Notice of application for sanction by Governor in Council.
and

and also in a newspaper published at St. John, New Brunswick, for at least two weeks previous to the hearing of such application.

Agreement to be filed with Secretary of State.

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

Power of Parliament as to future legislation

3. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall, from the time such Act goes into effect, apply to the railway acquired under this Act; but this section shall not be construed to imply that any Act hereafter passed as aforesaid would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 60.

An Act respecting the Canadian Pacific Railway Company.

[Assented to 13th June, 1898.]

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

1. The Canadian Pacific Railway Company, hereinafter called “the Company,” may construct, acquire and operate a railway between a point on the southern shore of Minnehaha Lake and the north-east bay of Upper Manitou Lake; also between a point on the southern shore of Cedar Lake and Manitou Sound, an arm of Rainy Lake, the said railways being portions of a route for the transportation of goods and passengers between Wabigoon and Rainy River. Line of railway described.

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

3. The Company may issue bonds which shall be a first lien and charge and be secured exclusively upon all or any one or more of the railways to be constructed under this Act, in the same way and with the same effect as if each of such railways was constructed as a branch railway within the meaning of section 1 of chapter 51 of the statutes of 1888, and the said section shall apply to the railways constructed under the authority of this Act. Bonding powers. 1888, c. 51.

4. The Company may construct, acquire and operate ropeways for the transportation of ores and other freight, and also tramways not exceeding ten miles in length in any one case, Ropeways and tramways.

to or from any point in the province of British Columbia on any railway operated by the Company, and shall have all such powers for the expropriation of land requisite for the convenient construction and operation of such works as are given by *The Railway Act* to railway companies for railway purposes.

1888, c. 29.

Plans to be filed and approved.

5. The powers conferred upon the Company by section 4 of this Act shall not be exercised until plans showing the route of each of the ropeways or tramways proposed to be constructed have been duly filed with the Department of Railways and Canals, nor until the Railway Committee of the Privy Council has approved of such plans.

Notice of application for approval.

2. Before such approval is given, notice of the application therefor shall be given in writing to every other railway company operating a railway in the same locality, and the said notice shall be published in the *Canada Gazette* for at least one month previous to the time named in such notice for the making of such application, and such notice shall state that all persons interested may appear and be heard on such application.

Power of Parliament as to future legislation.

6. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 61.

An Act respecting the Columbia and Western Railway Company.

[Assented to 13th June, 1898.]

WHEREAS the Columbia and Western Railway Company has, by its petition, represented that it was incorporated by an Act of the legislature of the province of British Columbia, being chapter 54 of the statutes of 1896, and has prayed that its railway and undertaking be declared to be a work for the general advantage 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:—

Preamble.
B.C., 1896,
c. 54.

1. In this Act the expression “the Company” means the body corporate and politic heretofore created by the Act mentioned in the preamble under the name of the Columbia and Western Railway Company; and the works which the Company by its said Act of incorporation is empowered to undertake and operate are hereby declared to be works for the general advantage of Canada.

Declaratory.

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

Provincial Act to remain valid, but works to be subject to Parliament.

1888, c. 29.

3. The said works of the Company, or any part thereof, may be leased or sold to the Canadian Pacific Railway Company, on such terms and conditions as are agreed upon between the directors of the two companies; provided that such lease or sale has been first sanctioned by the consent in writing of every shareholder of the Company, and by the Governor

Agreement with another company.

Approval of shareholders and Governor in Council.

Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented by proxy 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 thereto has been published in the *Canada Gazette*, and also in a newspaper published at Vancouver, in British Columbia, for at least four weeks previous to the hearing of such application.

Notice of
application
for sanction.

Head office.

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

Time for
construction
limited.

5. The Company shall complete the railway which it is authorized to construct, within three years from the passing of this Act, otherwise its right to construct it shall cease as to the portion then unconstructed.

Power of
Parliament
as to future
legislation.

6. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 62.

An Act to incorporate the Cowichan Valley Railway Company.

[Assented to 13th June, 1898.]

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, declares and enacts as follows:—

Preamble.

1. The Honourable George A. Cox and Randolph Macdonald, both of the city of Toronto; Perrott Long-Innes, of the city of New York; Henry John Wickham, of the city of Toronto; Mossom Martin Boyd and William Thornton Cust Boyd, both of the village of Bobcaygeon; James Gordon Edwards and John Dundas Flavelle, of the town of Lindsay; and Henry Boyd, of the said village of Bobcaygeon, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Cowichan Valley Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

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

Head office.

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 mouth of the Cowichan River in Vancouver Island, British Columbia; thence, following the valley of the Cowichan River and Cowichan Lake, to a point at or near the head of said Cowichan Lake; thence in a north-westerly direction, and following the Franklin River, to a point on the Alberni Canal at or near the mouth of the said Franklin River, with a branch following the Nitinat River and Nitinat Lake to a point at or near the outlet of the said Nitinat Lake.

Line of railway described.

Dams.

5. The Company may construct retaining dams (at such points on the said waters, and according to such plans and specifications as shall have first received the approval of the Governor in Council) to obtain power for the generation of electricity to be used in connection with the said railway.

Provisional directors.

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

Capital stock and calls thereon.

7. 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.

Annual meeting.

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

Election of directors.

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

Amount of bonds, etc. limited.

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

Agreements with other companies.

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

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

12. If the construction of the railway hereby authorized is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within two years after the passing of this Act, or if the railway is not finished and put in operation in five years from the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for
construction
limited.

13. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of
Parliament
as to future
legislation.

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61 VICTORIA.

CHAP. 63.

An Act respecting the Edmonton District Railway Company.

[Assented to 13th June, 1898.]

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

1. The Edmonton District Railway Company, hereinafter Line of railway described.
called “the Company,” may lay out, construct and operate a
line of railway from its point of connection with the Athabasca
River, as defined by chapter 17 of the statutes of 1896 (First 1896 (1st Sess.) c. 17.
Session), to the Peace River, thence to a point on the Nelson
River, and thence, by way of the Nelson, Liard and Frances
Rivers, to the navigable waters of the Pelly River.

2. Section 10 of the said Act is hereby amended by striking Section 10 amended.
out the words “and Athabasca Rivers,” in the sixth line
thereof, and inserting in lieu thereof the words “Athabasca,
Peace, Nelson, Liard, Frances, Pelly, Mackenzie, Peel, Porcu-
pine and Yukon Rivers.”

3. Section 8 of the said Act shall apply to the extension of Amount of bonds, etc., limited.
the railway hereby authorized; provided, that with respect to
that portion of the Company’s railway constructed, or under
contract to be constructed, between the Peace River and the
navigable waters of the Pelly River, the Company may issue
bonds, debentures or other securities to the extent of twenty-
five thousand dollars per mile.

4. The capital stock of the Company is hereby increased to Capital stock increased.
five million dollars.

5. The railway of the Company and the extension hereby Time limited for construction of railway.
authorized shall be commenced and fifteen per cent on the
amount

amount of the capital stock expended thereon within two years from the passing of this Act, and the railway and extension shall be finished and put in operation within five years from the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Agreement
with Wm.
Pugsley.

6. Nothing in this Act contained shall be held or construed to vary any of the conditions contained in an indenture made the sixteenth day of December, one thousand eight hundred and ninety-seven, between the Edmonton District Railway Company, the municipality of the town of Edmonton, and the Honourable William Pugsley.

Power of
Parliament
as to future
legislation.

7. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 64.

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

[Assented to 13th June, 1898.]

WHEREAS the Great North-west Central Railway Company have, by their petition, prayed that an Act be passed to enable them to raise the capital necessary for the payment of certain liabilities and to extend their line, and for other purposes; 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. For the liquidation of liabilities and for prosecuting the undertaking, the Great North-west Central Railway Company may, from time to time, create and issue preferential bonds or debentures, to an amount not exceeding in the whole twelve thousand dollars per mile of the Company's railway constructed or under contract to be constructed, which bonds shall be called first mortgage bonds and shall bear such rate of interest not exceeding five per cent per annum as may be determined by the directors of the Company.

Preferential bonds may be issued.

Limit, \$12,000 per mile.

2. The said preferential bonds or debentures are in this Act referred to as "new bonds"; bonds or debentures (if any) issued by the Company before the passing of this Act or alleged to have been so issued are in this Act referred to as "old bonds."

Interpretation.

2. The new bonds shall, without registration or formal conveyance and whether secured by mortgage or not, but subject to the payment of the working expenses of the railway, be the first preferential claims and charges, and shall, subject to the provisions of section 4 of this Act, have priority to and over all old bonds, and to and over any mortgage given to secure the same and all other contracts and liabilities of the Company whatsoever, upon the Company and the undertaking, tolls, income, and real and personal property of the Company now

Ranking of such bonds.

or at any time hereafter acquired, and each holder of new bonds shall be deemed to be a mortgagee or encumbrancer upon the said securities and shall have priority as such.

Such issue not additional to but in lieu of existing power.

Proviso as to priority.

Ownership of certain shares to be first settled.

3. The power to issue new bonds, to the amount of twelve thousand dollars per mile, shall, to the extent such power is used by the Company, be in substitution *pro tanto* for the power to issue bonds or debentures granted to the Company by its charter and the Acts amending the same: Provided that the new bonds shall, subject to the provisions of section 4 of this Act, have absolute priority as aforesaid over the old bonds and over any mortgage given to secure the same, notwithstanding that old bonds may have been issued to the full amount per mile of the Company's bonding powers under the Company's charter and the Acts amending the same; but such new bonds shall not be issued or disposed of until the question of the ownership of the shares claimed by Alphonse Charlebois, in the capital stock of the Company, has been settled by a judge of the High Court of Justice for Ontario, and the said court or judge has sanctioned or ordered that such bonds may be issued and the price or terms upon which such sale or disposition shall take place.

Certain claims and rights to be satisfied out of issue of new bonds or debenture stock.

4. The proceeds of the new bonds shall be first applied in the construction, equipment and completion of an extension of the said railway from its present north-western terminus, a distance of not less than ten miles, and second in satisfaction of the claims and rights, according to their priority, of every valid holder (if any) and of every valid pledgee or valid chargee (if any) of old bonds, including the claims and rights of Alphonse Charlebois and others in respect of bonds as established by the judgment of the Judicial Committee of the Privy Council, rendered on first April, one thousand eight hundred and ninety-eight, in the appeal of the Great North-west Central Railway Company *et al. vs. Charlebois et al.*; and until such satisfaction no such claim or right shall be postponed or prejudiced by any issue made of new bonds.

Settlement of disputes as to such claims and rights.

2. In case of any dispute as to the claim of any such pledgee, chargee or holder (if any) or when any amount due under the said judgment has been ascertained as provided by the said judgment, the Company may deposit in the High Court of Justice for Ontario, a sum of money equal to the amount of such claim in dispute, or to the amount so ascertained, or an amount of the new bonds equal at par to the amount of such claim in dispute, or to the amount so ascertained, or such sum of money or amount of new bonds as a judge of the said court may order, from time to time, in a matter to be entitled in the said court: "In the matter of the debentures of the Great North-west Central Railway Company," which deposit shall be subject to the adjudication and determination (by the said court) of the rights of the Company

Deposit to be made.

and of the claimant respectively and to the order of the said court in an action to be thereafter brought in the said court by either party for the purpose of determining the rights of the parties.

3. From and after such deposit by the Company, the new bonds and any mortgage to secure the same, shall have absolute priority over any old bonds held by any party claiming to be pledgee, chargee or holder in respect of whose claim such deposit has been made and over any mortgage to secure the same.

New bonds, etc., to have absolute priority when such deposit is made.

4. In case such action is brought by the claimant, he shall, at the time of bringing such action, bring into the said court all old bonds, in respect of which his claim is made, subject to the adjudication and determination aforesaid, and he shall not be entitled to relief until such bonds are so brought into court.

Claimant to bring in old bonds held by him.

5. The claimant shall bring such action within sixty days after receiving notice of the making of such deposit by the Company; and the Company may withdraw such deposit if no action is brought by the claimant within such delay, or if such action is dismissed, or if the claimant does not bring his bonds into court as required by the next preceding subsection, or if a judge of the said court so orders.

Limitation of time for claimant's action.

Withdrawal of deposit.

6. No right other than in respect of old bonds shall be affected by any issue made of new bonds.

Saving clause for all other rights.

7. It is hereby declared that if the said westerly extension of ten miles, provided for in the first subsection of this section, is not constructed, equipped and put into operation on or before the thirty-first day of December, one thousand eight hundred and ninety-eight, all issues of new bonds made under this Act shall be null and void.

5. Section 1 of chapter 45 of the statutes of 1897 is hereby repealed and the time for finishing and putting in operation to the Rocky Mountains that part of the Company's railway yet unconstructed is hereby extended for five years from the passing of this Act; provided that the Company shall complete and put in operation twenty miles of its railway before the first day of August, one thousand eight hundred and ninety-nine, and also during each calendar year thereafter until the whole is completed, such a portion of its said railway not less than twenty miles in length as is from time to time prescribed by the Governor in Council, and that in default thereof the powers of the Company in respect of so much of its railway as remains uncompleted at the time of the default shall cease and be terminated.

1897, s. 1 repealed.

Extension of time for construction.

Proviso.

6. The Company may enter into an agreement with the Northern Pacific and Manitoba Railway Company, the Manitoba and North-western Railway Company of Canada, or the Canadian Pacific Railway Company for conveying or leasing

Power to make agreement with another company for sale, lease or amalgamation.

Conditions.

to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering 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 sanction of the Governor in Council.

Notice of
application
for Governor
General's
sanction.

1888, c. 29.

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

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61 VICTORIA.

CHAP. 65.

An Act respecting the Hudson's Bay and Pacific Railway Company.

[Assented to 13th June, 1898.]

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

1. Section 4 of chapter 7 of the statutes of 1896 (Second 1896 (2nd Sess.) c. 7, s. 4 amended. Session), is hereby amended by substituting the words "the Grand Rapids of the Saskatchewan River" for the words "a point at or" in the eighth line thereof.

2. Section 13 of the said Act is hereby amended by substituting the word "eleven" for the word "nine" in the third 1896 (2nd Sess.) c. 7, s. 13, amended. line thereof.

3. The railway of the Company shall be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years from the first day of October, one thousand eight hundred and ninety-eight, and completed and put in operation within five years from the said day, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction extended.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time Power of Parliament as to future legislation.

such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 66.

An Act respecting the International Radial Railway Company.

[Assented to 13th June, 1898.]

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

1. Chapter 49 of the statutes of 1895 and chapter 21 of the statutes of 1896 (First Session), being Acts respecting the International Radial Railway Company, hereinafter called "the Company," are, subject to the provisions of this Act, hereby revived and declared to be in force; and the time limited for the commencement of the railway of the Company, and for the expenditure of fifteen per cent. on the amount of its capital stock, as required by section 89 of *The Railway Act*, is hereby extended for a period of two years from the 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 conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted

1895, c. 49, and 1896 (1st Sess.) c. 21 revived.

Time extended for commencement of railway.

2. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over, or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.



61 VICTORIA.

CHAP. 67.

An Act respecting the Kingston and Pembroke Railway Company.

[Assented to 13th June, 1898.]

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

1. The time for the completion of the railway and branches of the Kingston and Pembroke Railway Company, hereinafter called "the Company," is hereby extended for the period of five 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 by this Act, shall cease and be null and void as respects so much of the railway and branches as then remains uncompleted: Provided that the extension of time hereby granted shall be without prejudice to the rights of any person in or under any legal proceedings between such person and the Company, either now pending, or in which judgment has been rendered, respecting any lands in the city of Kingston, or respecting the powers of the Company to expropriate any such lands; and provided also that nothing in this Act shall be construed to extend, enlarge, or revive the Company's powers of expropriating the lands of any such person situate in the city of Kingston. Time for completion extended.
Proviso.

2. The Company may call in its first preference bonds or debentures, issued pursuant to the powers contained in chapter 61 of the statutes of 1879, and redeem the same by giving to the holders of the said bonds or debentures in lieu thereof all the interest due thereon, and debentures, bearing interest at the rate of three per cent per annum, to the amount of those redeemed; and the Company may issue debentures, according to the form in schedule A to this Act, to the amount of five hundred and seventy-two thousand dollars, such new Redemption of first preference bonds. 1879, c. 61.
Issue of new debentures.

Proviso. issue of debentures to be first preference debentures, and to be used to redeem the said first preference bonds or debentures already issued, bearing date the first day of January, one thousand eight hundred and eighty-two: Provided that nothing herein contained shall in any way limit the power of the Company to issue second preference bonds or debentures as provided by chapter 61 of the statutes of 1879.

How debentures secured. **3.** The Company shall secure such new debentures by mortgage deed in the form set out in schedule B to this Act, and may confer on the trustee all the rights, powers and privileges therein contained.

1888, c. 29, ss. 93 to 97. **4.** Sections 93 to 97, inclusive, of *The Railway Act* shall apply to the debentures to be issued in lieu of those already issued.

Notice of payment of interest. **5.** The Company, so soon as it is prepared to pay the said interest as aforesaid, shall give notice of the same in the manner provided in its Act of incorporation for giving notice of meetings, and on demand shall pay the same; 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 except for the purpose of obtaining the debentures hereby authorized to be issued in lieu thereof, and the interest thereon.

Capital reduced. **6.** The ordinary capital stock of the Company is hereby reduced from five million dollars to two and one-half million dollars, and the directors are hereby authorized to call in the present stock script and to issue to the holders thereof in lieu thereof stock script for one-half the shares or fraction thereof.

Issue of preference stock. **7.** The directors, under the authority of the shareholders given to them at any annual or special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock subscribed are present 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 fifty dollars each, entitling the holders thereof in priority to all other stockholders to a 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 fully paid-up stock, and shall be first offered pro rata to the holders of ordinary stock and first preference bonds or debentures on such terms and at such rate as the directors think fit.

Sale of preference stock. **8.** The sale of such preference stock shall be of such an amount and at such a price as will pay the interest payable as aforesaid

aforsaid on the bonds or debentures already issued up to and inclusive of the first day of January, one thousand eight hundred and ninety-nine, and the floating liabilities of the Company, and shall be used in payment of the said interest and the said floating liabilities.

9. The holders of such preference stock shall have the rights, privileges and qualifications of holders of the ordinary capital stock of the Company for voting at meetings of the Company and for being directors. Rights of holders.

10. The Company shall also issue fully paid-up second preference stock to the amount of one hundred and fifty thousand dollars, in three thousand shares of fifty dollars each, upon which dividends, if and when earned and payable, shall be limited to three per cent per annum, non-cumulative, which stock shall rank next after the first preference stock and in priority to the common stock. Second preference stock.

2. Such shares shall be issued to the holders of the first preference bonds or debentures pro rata, and certificates for such number of shares as they are respectively entitled to shall be delivered with the new debentures; and there shall not be any fractional share, or any claim by any holder or owner of any of the said first preference bonds or debentures, to any sum or surplus remaining over and above the number of full shares. How issued.

11. The powers given to the Company by sections 2 to 8 inclusive of this Act shall cease if not taken advantage of prior to the first day of April, one thousand eight hundred and ninety-nine. Time limited respecting preference stock.

12. Nothing in this Act contained shall, save as aforesaid as to the said bonds and debentures, in any way impair or affect any suit, proceeding, charge or lien now pending, subsisting or outstanding upon or against the Company, or its railway or assets, and the benefits and liabilities given and incurred by all contracts, agreements and leases, either express or implied, heretofore made by the Company with any person or corporation shall remain as if this Act had not been passed; nor shall this Act prejudice or affect the relative existing legal rights or priorities of any class of creditors of the Company. Existing rights preserved.

13. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Power of Parliament as to future legislation.

Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

SCHEDULE A.

DOMINION OF CANADA,
No.

PROVINCE OF ONTARIO,
\$1,000.00.

KINGSTON AND PEMBROKE RAILWAY COMPANY DEBENTURE.

The Kingston and Pembroke Railway Company hereby acknowledges itself indebted and promises to pay to the bearer hereof on the first day of January A.D. 1912 at the agency of the said Company in the city of New York, the sum of one thousand dollars in gold coin with interest at the rate of three per cent per annum, payable half yearly on the first days of July and January in each year, said interest being payable on the presentation of the proper coupons hereunto annexed at the said agency in the city of New York.

This debenture is issued under the authority of Acts of the Parliament of Canada as follows: An Act to amend the Act incorporating the Kingston and Pembroke Railway Company 42 Victoria, chapter 61, the Railway Act, 51 Victoria, chapter 29, and an Act respecting the Kingston and Pembroke Railway Company, 61 Victoria, chapter and forms a first preferential claim and charge upon the Company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof now or at any future time acquired after the payment from the tolls and income of the working expenses of the railway, and any penalties imposed for non-compliance with the said Railway Act: and is secured by a mortgage deed dated the day of and made between the said Company of the one part and of the other part upon the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof present and future, subject to the conditions heretofore mentioned.

The total amount of the debentures of this issue is five hundred and seventy-two thousand dollars.

This debenture is subject to the conditions endorsed hereon.

In witness whereof the said railway company has caused its corporate seal to be affixed hereto, and these presents to be subscribed by its president and secretary, at Kingston, Ontario, this day of A.D. 189

1. Each holder of the said debentures shall be deemed to be a mortgagee or encumbrancer upon the said securities pro rata with all the other holders.

2. All the debentures shall be payable *pari passu* without preference or priority one over another.

3. The Company shall not be at liberty to create any mortgage or charge upon the securities comprised in the mortgage deed neither in favour of its bankers for advances nor in favour of any person for any reason whatsoever either in priority to, or to rank *pari passu* with the charge hereby created.

4. The principal moneys hereby secured shall become immediately payable in the following events:—

(a.) If the Company makes default for one year in the payment of any interest hereby secured, and the bearer, before such interest is paid, by notice in writing to the Company, calls in the said principal moneys ;

(b.) If a receiver is appointed of the property charged, or any of it.

5. If the Company makes default in paying the principal or interest on any of the debentures at the time when the same becomes due or payable, then at the next annual general meeting of the Company and at all subsequent meetings all holders of debentures so being and remaining in default shall, in respect thereof, 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.

Provided the debenture in respect of which he claims to exercise such rights had 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 debentures, and thereafter any transfer thereof, in the same manner as shares or transfers of shares.

6. The holders of these debentures are entitled *pari passu* to the benefit of a mortgage deed dated the day of A.D., 1898, and made between the Company of the one part and of the other part, whereby all the franchise, undertaking, tolls and income, rents and revenues, and real and personal property of the Company present and future has been conveyed to the said trustee upon trust for further securing the principal moneys and interest secured under the said series of debentures, subject to the payment from the tolls and income of the working expenses of the railway and any penalties imposed for non-compliance with the Railway Act.

This debenture is subject to all the privileges and conditions contained in the said trust deed.

SCHEDULE B.

THIS INDENTURE, made the _____ day of _____ A.D. 1898, between the Kingston and Pembroke Railway Company (hereinafter called "the Company"), of the one part, and _____ (hereinafter called "the Trustee") of the other part.

Whereas the Company, being duly empowered in that behalf, has resolved to raise the sum of five hundred and seventy-two thousand dollars by the issue of mortgage debentures for that amount, bearing interest at the rate of three per centum per annum, and has agreed to further secure the payment of the principal and interest payable in respect of such debentures by transferring to the Trustee the property hereinafter conveyed upon trusts hereinafter appearing.

And, whereas, the said _____ has consented to act as Trustee for the holders of the said debentures.

Now this indenture, made in pursuance of the said agreement, and in consideration of the premises, witnesseth and declares as follows :—

1. The Company, for itself and its assigns, hereby covenants with the Trustee and his successors that the Company will duly pay to the holders for the time being of the debentures forming part of the said issue of five hundred and seventy-two thousand dollars the respective sums which shall from time to time become due to such holders for principal and interest under the said debentures at the respective times at which the same shall respectively become due, and in accordance with the conditions of such debenture.

Provided always that the Trustee shall be bound to bring any action or take any proceeding against the Company under the covenant hereinbefore mentioned upon the requisition of any holder of a debenture or debentures, such holder giving full and satisfactory indemnity against all costs and expenses to be incurred in such action or proceeding.

2. The Company hereby grants and assigns unto the said Trustee the franchise, undertaking, tolls and income, rents and revenues, and real and personal property of the Company, present and future (provided always that such rents and revenues shall be subject in the first instance to the payment of any penalty imposed by the Railway Act of Canada, and then to the payment of the working expenditure of the railway as defined by the said Railway Act); to have and to hold the hereditaments and premises hereby granted and assigned (hereinafter called the mortgaged property) as to the real estate comprised therein unto and to the use of the Trustee in fee simple, and as to the personal property comprised therein to the Trustee absolutely upon trust as to both for securing to the respective holders of said debentures forming part of the issue of five hundred and seventy-two thousand dollars without preference or priority the principal moneys and interest payable thereunder in manner following.

3. The Company shall be entitled and shall be permitted by the Trustee to hold and enjoy all the mortgaged property and to carry on their business therein and therewith until default shall be made for one year in the payment of any principal or interest secured by the debentures, but so that the Company shall not charge any part of the mortgaged property with any principal moneys or interest ranking in priority to the charge hereby created in favour of the said debenture holders, or *pari passu*, with such debentures, neither in favour of its bankers for advances, nor in favour of any person for any reason whatsoever.

4. If the Company shall make default for one year in payment of any principal moneys or interest secured by the debentures of the Company, or if for any reason the Trustee may consider the security imperilled, the Trustee may in his discretion, and shall upon the request in writing of holders of debentures to the aggregated amount of fifty thousand dollars, enter upon and take possession of the mortgaged property. And shall, upon the like request, sell and dispose of the said mortgaged property upon terms and conditions to be fixed by the High Court of Justice for Ontario or a judge thereof, on the application of the said Trustee; notice of which application shall be given by publication in the *Canada Gazette*, and in a paper published in each of the counties in which any part of the mortgaged property is situated, once a week for nine successive weeks, and at the hearing thereof any holder of a debenture or debentures shall be entitled to be represented and to produce evidence as to the value of the mortgaged property, and as to the advisability of the terms and conditions of sale.

And it is hereby declared that upon any such sale purporting to be made in pursuance of the aforesaid power or trust in that behalf, the purchaser or purchasers shall not be bound to see or inquire whether any such request as aforesaid to make entry and sale has been made by any of the debenture holders, or whether any such default as aforesaid, or whether any default has been made in payment of any principal or interest intended to be hereby secured at the time appointed for the payment thereof, or whether any money remains on the security of these presents or otherwise as to the propriety or regularity of such sale, and notwithstanding any impropriety or irregularity whatever in any such sale the sale shall, as far as regards the safety and protection of the purchasers, be deemed to be within the aforesaid power in that behalf, and be valid and effectual accordingly.

5. On receipt of any request as hereinbefore mentioned to enter or sell, the Trustee shall give immediate notice thereof in writing to the Company, and shall not enter or sell in pursuance of such request if the Company shall prove to the said Trustee that they have within one calendar month next after

notice to them of re-entry or sale duly paid all principal and interest-so in arrear.

6. The Trustee shall hold the moneys which shall arise from any sale made in pursuance of the aforesaid trust in that behalf upon trust that he shall in the first place by and out of the same reimburse himself or pay and discharge all the costs and expenses incurred in or about such sale or otherwise in respect of the property.

And in the next place shall by and out of the same pay the moneys for the time being due and owing for principal and interest on all the debentures of the Company forming part of the aforesaid issue of five hundred and seventy-two thousand dollars, whether such debentures shall have fallen due or not, and shall pay the surplus of the moneys arising from such sale to the Company or its assigns.

But in case such moneys shall be insufficient to pay in full the principal moneys and interest due on the said debentures the same shall be apportioned ratably and without any preference or priority among all the holders of such debentures according to the amount of their debentures.

7. The Trustee may, whenever the said power of entry or sale has become exercisable, appoint any one or more persons receiver or receivers of the mortgaged property, and may from time to time remove any such receiver and appoint a new receiver in his place. But such appointment, whether before or after the aforesaid power of sale has arisen shall not prejudice the aforesaid power of sale or any other of the powers and remedies hereby given to the Trustee in respect of any previous or subsequent default which would otherwise entitle the Trustee to exercise any such power or remedy.

8. The Trustee may, after he has entered and taken possession of the mortgaged property, and until the same is sold under the trust deed before declared, carry on the business of the Company, and manage and conduct the same as he shall in his discretion see fit.

And may repair and keep the said property in repair and do all things necessary and incident to the carrying on of the work of the railway, and may insure the said property against damage by fire as he shall think fit.

9. The Company, for itself and its assigns, hereby covenants with the Trustee and his successors that it will observe and perform the conditions endorsed on the said debentures and in particular will not create any charge on the mortgaged property ranking in priority to, or *pari passu*, with the mortgage hereby created.

10. The Trustee may at any time call a meeting of the bondholders by advertisement as herein provided, to discuss matters affecting their interest.

11. Upon a request in writing being made by the holders of debentures to the aggregate amount of

to the Trustee either to enter or sell or
40 both,

both, full and satisfactory indemnity shall be given by them against any costs or expenses which may be incurred in enforcing this security.

Provided always that the principal moneys hereby secured, five hundred and seventy-two thousand dollars, shall immediately become payable in the following events:—

(a.) If the Company makes default for one year in the payment of any interest hereby secured, and the holder of the debenture, before such interest is paid, by notice in writing to the Company calls in the principal moneys of such debenture;

(b.) If a receiver is appointed of the mortgaged property or any part of it.

13. If at any time or times the position of Trustee shall become vacant, then, on the application of the Company or any holder of debentures, notice of which shall be given as hereinbefore provided, a judge of the High Court of Justice for Ontario may appoint such person to be Trustee as may to him seem fit, and on such appointment the said mortgaged property shall vest in such, and such person shall be vested with the same rights, powers, authorities and interests and privileges as are given to the Trustee herein named, without any conveyance, act or deed.

14. The Company, for itself and its assigns, covenants with the said Trustee and his successors that the Company has the right to convey the said lands notwithstanding any act of the said Company.

That in default the Trustee shall have quiet possession of the said lands free from all encumbrances. That the Company will execute such further assurance of the said lands as may be necessary. That the Company has done no act to encumber the said lands.

The covenants in this section contained shall be construed according to the tenor and effect of the several and respective forms of covenants set forth in Schedule B to the Act respecting Short Forms of Conveyances, R.S.O. 1897, chapter 124, and therein numbered 2, 3, 4, 5 and 7.

In witness whereof the Company has caused its corporate seal to be hereunto affixed, and these presents to be signed by its president and secretary; and the Trustee, to evidence his acceptance of the said trust, has likewise signed and sealed these presents.



61 VICTORIA.

CHAP. 68.

An Act to incorporate the Lake Bennett and Klondike Railway and Tramway Company.

[Assented to 13th June, 1898.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate railways or tramways 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. Cuyler A. Holland, Owen M. Jones and F. M. Rattenbury, all of the city of Victoria, in the province of British Columbia, together with such persons as become shareholders in the company are hereby incorporated under the name of "The Lake Bennett and Klondike Railway and Tramway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

3. The head office of the Company shall be in the city of Victoria, in the province of British Columbia.

Head office.

4. The Company may lay out, construct and operate a railway or tramway of a gauge of not less than three feet, from a point on Marsh Lake, in the North-west Territories, to be first determined and approved of by the Governor in Council, thence in a north-easterly direction by the most feasible route to a point on the Hootalinqua River, a distance of about thirty-five miles; and also may construct, maintain and operate a railway or tramway of the like gauge to run on either side of Miles Cañon and White Horse Rapids; and may also construct, maintain and operate a wagon road, sixteen feet wide, to run on either side of Miles Cañon and White Horse Rapids.

Lines of railway described.

2. The authority conferred upon the Company to construct a railway or tramway to run on either side of Miles Cañon and White Horse Rapids shall not be exercised until the consent of

Restriction as to the last mentioned railway.

the Governor in Council has been obtained. Such consent may be granted upon the Governor in Council being satisfied that the construction of such a railway or tramway is not being satisfactorily proceeded with by the Miles Cañon and Lewes River Tramway Company and the Miles Cañon and White Horse Tramway Company, or either of them, or that such progress as to secure the completion thereof is not being made by the said companies or either of them.

Power of other companies to build tramway along wagon road.

3. The building of a wagon road under the authority of this Act shall not prevent any company authorized during the present or any previous session of Parliament from constructing and operating a tramway along and over the route of such wagon road, and any such company may, subject to the provisions hereinafter, enter upon and take possession of the whole or any part of such wagon road, if the same is deemed more favourable by such company for laying down their tramway than the adjoining lands along the route of the wagon road, and may build their tramway thereon and use and occupy the same for tramway purposes.

Whenever such tramway company or person acting for it in that behalf fails to agree with the company building or having built the wagon road as to the value of any lands or property so entered upon, taken or occupied, as aforesaid, the company or person acting for it may tender the reasonable value in the estimation of the company or person so acting with a notice that if the same is not accepted the question will be submitted to the Governor in Council.

The compensation money agreed upon or awarded by the Governor in Council for any land or property acquired or taken by the company shall stand in the stead of such land or property; and any claim or encumbrance upon such land or property shall as respects the company so taking the land or property be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the land or property, which shall by the fact of the taking possession thereof become and be absolutely vested in the said company, subject always to the determination of the compensation to be paid and to the payment thereof when such conveyance, agreement or award has been made.

Landing places not to be obstructed.

4. The Company shall not, in locating its tracks or lines of tramway, obstruct or unnecessarily interfere with the usual and customary landings at the head or foot of the said rapids, or at any other point where the tramways touch or connect with the navigable waters of the said river or lake; and, before making or locating its tramways at the points aforesaid, plans thereof shall be submitted to and approved of by the Governor in Council.

Powers of Company. Vessels.

5. The Company may, for the purpose of its business,—
(a.) construct, acquire and navigate vessels upon or across Lake Bennett and Marsh Lake, and along, upon and across the Hootalinqua

Hootalinqua River, and upon the other lakes and streams forming part thereof, tributary thereto, or connecting therewith, and upon other inland waters in the North-west Territories connecting with or adjacent to the proposed line of railway, and carry on generally the business of transportation in connection with the said railways, tramways and vessels ;

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

Docks and
warehouses.

(c.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises, or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights ;

Patent rights.

(d.) acquire lands, and erect, use and manage works, and manufacture machinery and plant for the generation, transmission and distribution of electric power and energy ;

Lands and
works.

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

Power houses.

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

Proceedings
when additional
land
required.

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

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

Power to
receive aid.

Application
of moneys.

vided such dividends, interest and principal have been made a charge upon such lands; and, thirdly, for the general purposes of the Company.

Provisional directors. **8.** The persons named in section 1 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 two hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Annual meeting. **10.** The annual meeting of the shareholders shall be held on the first Tuesday of September in each year.

Election of directors. **11.** 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.

Amount of bonds, etc., limited. **12.** The Company may issue bonds, debentures, or other securities to the extent of fifteen thousand dollars per mile of the railways or tramways, and such bonds, debentures, or other securities may be issued only in proportion to the length of railway or tramway constructed or under contract to be constructed.

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

Application of 1888, c. 29. **14.** *The Railway Act*, except such sections as authorize the construction of branch lines and such sections as are inconsistent either with this Act or with the objects of the Company and of its undertaking, shall apply to the Company and its undertaking.

2. Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated.

3. Wherever in *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or the Company hereby incorporated, mean the tramways or other works authorized by this Act to be constructed.

Time for construction limited. **15.** If the construction of the railways or tramways is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within one year after the passing of this Act, or if the railways or tramways are not finished and put in operation in two years from the passing of this Act, or in case the consent of the Governor in Council for the construction of a railway or tramway to run on either side of Miles Cañon and White Horse Rapids is obtained by the Company,

under subsection 2 of section 4, if such last mentioned railway or tramway is not commenced within one year and finished and put in operation within two years from the date of such consent, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the said railways or tramways as then remains uncompleted.

16. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock, or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over, or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of
Parliament
as to future
legislation.

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61 VICTORIA.

CHAP. 69.

An Act respecting the Lake Erie and Detroit River Railway Company.

[Assented to 13th June, 1898.]

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

1. Section 4 of chapter 50 of the statutes of 1893, and section 2 of chapter 23 of the statutes of 1896 (First Session), are hereby repealed.

1893, c. 50, s. 4, and 1896 (1st Sess.) c. 23, s. 2, repealed.

2. If the railway authorized by section 3 of chapter 88 of the statutes of 1891, and by section 1 of chapter 23 of the statutes of 1896 (First Session) is not commenced within two years and completed and put in operation within five years from the passing of this Act, then the powers of construction conferred upon the Lake Erie and Detroit River Railway Company by Parliament shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Time extended for construction of railway.
1891, c. 88, s. 3.
1896 (1st Sess.) c. 23, s. 1.

3. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the said Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section.

Power of Parliament as to future legislation.



61 VICTORIA.

CHAP. 70.

An Act respecting the Lake Manitoba Railway and Canal Company.

[Assented to 13th June, 1898.]

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

Preamble.

1. The Lake Manitoba Railway and Canal Company may enter into an agreement for amalgamation with the Manitoba and North-western Railway Company of Canada, the Winnipeg Great Northern Railway Company, or the Manitoba and South-eastern Railway Company.

Agreement with other companies.

2. Such agreement may prescribe the terms and conditions of the amalgamation, and may provide for the mode of carrying the same into effect, the name of the amalgamated company, the amount of the capital stock, the number of shares and the amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the after management and working thereof.

Provisions of agreement.

3. The said agreement shall be submitted to the shareholders of each company party thereto, at an annual general meeting or at a special general meeting called for the purpose of taking the same into consideration, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy; and the agreement which is accepted and approved by resolution passed by two-thirds of the votes of the shareholders present or represented by proxy at such meeting, may be executed under the corporate seals

Approval of shareholders of companies party thereto.

Order in
Council.

of the said companies, and an application may be made to the Governor in Council for an order approving of the same.

Amalgamated
company.

4. On and after the date of an order of the Governor in Council approving of the said agreement, the companies parties thereto shall be amalgamated and shall form one company by the name in the said agreement provided, and upon the terms and conditions thereof; and the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by, or vested in each of the said companies, or to which each may be or become entitled.

Rights
preserved.

5. Nothing in the said agreement of amalgamation, or in this Act contained, or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any of the companies so amalgamated, nor shall it relieve such company from the payment or performance of any debt, liability, obligation, contract or duty.

Pending suits
not affected.

6. No pending or future claim, action or proceeding by or against any of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such claim, action or proceeding the amalgamated company may be substituted in such claim, action or proceeding in the place thereof.

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61 VICTORIA.

CHAP. 71.

An Act to incorporate the London and Lake Huron Railway Company.

[Assented to 13th June, 1898.]

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, declares and enacts as follows:—

Preamble.

1. Thomas Henry Smallman, Charles Brewer Hunt, John Labatt and John D. Wilson, all of the city of London, in the province of Ontario, and Malcolm Graeme Cameron, of the town of Goderich in the county of Huron, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The London and Lake Huron Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

3. The head office of the Company shall be in the city of London, in the province of Ontario.

Head office.

4. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from the city of London to a point in or near the village of Lucan, in the county of Middlesex, and from a point in or near the said village of Lucan to a point in or near Centralia, in the township of Stephen, in the county of Huron, and thence to a point in or near Grand Bend, on Lake Huron.

Line of railway described.

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

Provisional directors.

6. The Company, at any point where the railway, or any branch thereof, touches or crosses any navigable water, may, for

Power to build docks and vessels.

for the purposes of its business, build 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, in connection with its railway, convey passengers and freight.

Use of
electricity.

7. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting, motor and heating purposes, in connection with its railway.

Capital stock
and calls
thereon.

8. 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
meeting.

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

Election of
directors.

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

Amount of
bonds, etc.,
limited.

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

Agreement
with G. T. R.

12. 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 franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved of 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 sanction of the Governor in Council.

Approval of
shareholders
and Governor
in Council.

Notice of
application
for sanction.

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

13. A duplicate of the agreement, conveyance or lease referred to in section 12 of this Act, duly ratified and approved, shall, within thirty days after the execution thereof, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Agreement to be filed with Secretary of State.

14. If the construction of the railway is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for construction.

15. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.

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



61 VICTORIA.

CHAP. 72.

An Act respecting the London and Lake Huron
Railway Company.

[Assented to 13th June, 1898.]

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

1. The Act of the present session intituled *An Act to incorporate the London and Lake Huron Railway Company*, is hereby amended by adding the following section thereto immediately after section 13 :—

1898, c. 71,
amended.
Section
added.

13A. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon; and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—

Power to
enter upon
highway.

Erect poles.

Break up
highway.

(a.) The Company shall not interfere with the public right of travel, 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 ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

Height of
wires.

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

Kind of poles.

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

Cutting poles
or wires in
case of fire.

- Injury to trees. (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- Supervision of municipality. (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;
- Surface of street to be restored. (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- Future legislation as to carrying wires under ground. (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;
- Workmen to wear badges. (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;
- Private rights. (j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and, in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;
- Temporary removal of wires and poles. (k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.
- Notice to Company.
- Liability for damage.



61 VICTORIA.

CHAP. 73.

An Act to incorporate the Miles Cañon and Lewes River Tramway Company.

[Assented to 13th June, 1898.]

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

Preamble.

1. John J. Shallcross and Molyneux St. John, both of the city of Victoria, in the province of British Columbia, Arthur Lyndon Clark, of the Yukon District, N.W.T., and John Connor, of the city of St. John, in the province of New Brunswick, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Miles Cañon and Lewes River Tramway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the city of Victoria, in the province of British Columbia, or such other place in Canada as the directors from time to time determine by by-law.

Head office.

3. The Company may lay out, construct and operate by steam, electricity, horse or other power a tramway of a gauge of not less than three feet, across Payer portage between Lake Lindeman and Lake Bennett, in the province of British Columbia, and from a point at or near the head of Miles Cañon to a point at or near the foot of the White Horse Rapids, on the eastern side of the Lewes River in the North-west Territories, and may also lay out, construct and operate other tramways of the said gauge from the head of Five-Fingers Rapids to the foot of the Rink Rapids and along the rapids in Thirty-Mile River; and the Company may convert the said tramways between the said points, into railways of the gauge of not less than three feet.

Line of tramway described.

Conversion into railway.

4. The Company may—

Powers of Company. Lands and works. (a.) acquire lands, and erect, use and manage works, and manufacture machinery and plant for the generation, transmission and distribution of electric power and energy ;

Power houses. (b.) build and maintain power houses and stations for the development of electrical force and energy ;

Patent rights. (c.) acquire exclusive rights in letters patent, franchises, or patent rights, for the purpose of the works and undertaking hereby authorized, and again dispose of such rights ;

Surplus power. (d.) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting the same into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used ;

Vessels. (e.) construct, acquire, navigate and dispose of steam and other vessels on any navigable waters adjacent to its lines of tramway ; and may construct and maintain docks, wharfs and other buildings necessary for the use of the Company.

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

Provisional directors.

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

Annual meeting.

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

Election of directors.

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

Amount of bonds, etc., limited.

10. The Railway Act, except such sections as authorize the construction of branch lines, shall apply to the Company and its undertaking.

1888, c. 29.

2. Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated.

Meaning of "company."

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 tramways or other works authorized by this Act to be constructed.

"Railway."

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

12. The Company shall not, in locating its tracks or lines of tramways, obstruct or unnecessarily interfere with the usual and customary landings at the head or foot of any of the said rapids, or at any other point where the tramways touch or connect with navigable waters; and, before making or locating its tramways at the points aforesaid, plans thereof shall first be submitted to and approved of by the Governor in Council. Landing places not to be obstructed.

13. If the construction of the tramways hereby authorized is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within one year after the passing of this Act, or if the tramways are not finished and put in operation in two years from the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the tramways as then remains uncompleted. Time for construction limited.

14. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

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



61 VICTORIA.

CHAP. 74.

An Act to incorporate the Miles Cañon and White Horse Tramway Company.

[Assented to 13th June, 1898.]

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

1. Edward Gibson Tilton, George Chester Shaw and Sidney Aspland, all of the city of Victoria, in the province of British Columbia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Miles Cañon and White Horse Tramway Company," hereinafter called "the Company."

Preamble.

Incorporation.

Corporate name.

2. The head office of the Company shall be in the city of Victoria, in the province of British Columbia.

Head office.

3. The Company may lay out, construct and operate a line of tramway, of the gauge of not less than three feet nor more than four feet eight and one-half inches, from a point on the westerly or left bank of the Lewes River, at or near the entrance to Miles Cañon, and continuing thence down stream in a northerly direction, along or near the said westerly bank of the said river, along or in the general direction of the said Miles Cañon and White Horse Rapids, a distance of about four miles, to a point at or near the navigable waters of the said river below the White Horse Rapids.

Line of tramway described.

2. The Company shall not, in locating its track or line of tramway, obstruct or unnecessarily interfere with the usual and customary landings at the head or foot of the said rapids, or at any other point where the tramway touches or connects with the navigable waters of the said river; and, before making or locating its tramway, plans thereof shall first be submitted to and approved of by the Governor in Council.

Landing places not to be obstructed.

Plans to be approved.

Provisional directors. 4. The persons named in section 1 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 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.

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

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

Amount of bonds, etc., limited. 8. The Company may issue bonds, debentures or other securities, to the extent of five thousand dollars per mile of the tramway, and such bonds, debentures or other securities may be issued only in proportion to the length of tramway constructed or under contract to be constructed.

Vessels. 9. The Company may, for any purpose connected with its undertaking, acquire, equip, work and own, or may hire, charter or freight any ship, barge, boat or vessel, and may contract for and undertake to transport by water, passengers and goods and other things; and, subject to the provisions of chapter 92 of the Revised Statutes, may acquire and utilize water power for any purpose connected with its undertaking, and may construct all necessary erections and plant for the purposes aforesaid.

Telegraph and telephone lines. 10. The Company may construct, equip, work and maintain a telegraph line and telephone line along the whole length of its tramway, and may establish offices for the transmission of messages for the public and collect tolls for so doing; and for the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof.

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

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

R.S.C., c. 132. 4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

11. The directors may, from time to time, fix and regulate the tolls to be demanded and taken for all passengers and goods transported upon the tramway or in steam vessels belonging to the Company, but no tolls shall be demanded or taken for such transport until the by-law fixing and regulating such tolls has first been submitted to and approved of by the Governor in Council. Regulation of tolls.

12. If the construction of the tramway is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within one year after the passing of this Act, or if the tramway is not finished and put in operation in two years from the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the tramway as then remains uncompleted. Time for construction limited.

13. *The Railway Act*, except such sections as authorize the construction of branch lines and such sections as are inconsistent either with this Act or with the objects of the Company and of its undertaking, shall apply to the Company and its undertaking. Application of 1888, c. 29.

2. Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated.

3. Wherever in *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or the Company hereby incorporated, mean the tramways or other works authorized by this Act to be constructed.

14. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

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



61 VICTORIA.

CHAP. 75.

An Act respecting the Montfort Colonization Railway Company, and to change its name to the Montfort and Gatineau Colonization Railway Company.

[Assented to 13th June, 1898.]

WHEREAS the Montfort Colonization Railway Company Preamble.
has, by its petition, represented that it was incorporated
by an Act of the legislature of the province of Quebec, being Que. 1890,
chapter 107 of the statutes of 1890 (53 Victoria); and has c. 107.
prayed that it be enacted as hereinafter set forth, and it is
expedient to grant the prayer of the said petition: Therefore
Her Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, declares and enacts as
follows:—

1. The name of the Montfort Colonization Railway Com- Name
pany, hereinafter called “the Company,” is hereby changed changed.
to the “Montfort and Gatineau Colonization Railway Com-
pany,” 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 judg-
ment existing either by or in favour of, or against the Com-
pany, 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.

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

3. The head office of the Company shall be in the city of Head office.
Montreal, in the province of Quebec, or such other place in
Canada as the directors shall from time to time by by-law
determine.

4. The Company may extend its railway from the actual Extension of
terminus at the Rivière Rouge to some point on the Ottawa railway.
and Gatineau Railway in the county of Wright, and may make
connection

connection with the said railway, passing through the counties of Argenteuil, Labelle and Wright.

Powers under provincial incorporation confirmed.

5. Subject to the provisions of this Act, the Company is hereby declared to have all the rights, powers, privileges, immunities and authority conferred upon it by the said Act of Quebec, but without affecting any debts, obligations, or liabilities of the Company, or rights in litigation in any action or suit now pending before the courts of the province of Quebec, and except that sections 18 to 36, both inclusive, and section 38 of the said Act, shall not hereafter apply to the Company; but hereafter the Company shall be subject to the legislative authority of the Parliament of Canada and of *The Railway Act*.

1888, c. 29.

Annual meeting.

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

Amount of bonds, etc., limited.

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

Vessels.

8. The Company may construct, acquire, charter, navigate and dispose of steam and other vessels upon all navigable waters upon and near the line of its railway.

Agreements with other companies.

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

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

10. A duplicate of the agreement, conveyance or lease referred to in section 9 of this Act, duly ratified and approved, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

Agreement to be filed with Secretary of State.

11. Notwithstanding anything contained in the above mentioned Act of Quebec, the time fixed for the completion of the railway authorized by the said Act is hereby extended for five years from the passing of this Act, and the line of railway authorized by this Act shall be commenced within two years and be completed within five years from the passing of this Act, and if the said railway is not so commenced and completed, then the powers relating to its construction shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time extended.

12. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.



61 VICTORIA.

CHAP. 76.

An Act to incorporate the Montreal and James Bay Railway Company.

[Assented to 13th June, 1898.]

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

1. George H. Perley and Alexander Lumsden both of the Incorpora-
city of Ottawa, and William B. Ross, of the city of Halifax, tion.
together with such persons as become shareholders in the
company, are hereby incorporated under the name of “The Corporate
Montreal and James Bay Railway Company,” hereinafter name.
called “the Company.”

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

3. The head office of the Company shall be in the city of Head office.
Montreal, but may be changed to any other place in Canada
or in Great Britain, as the directors from time to time deter-
mine by by-law.

4. The Company may lay out, construct and operate a rail- Line of
way of the gauge of four feet eight and one-half inches, from a railway
point at or near the town of Labelle, in the county of Ottawa, described.
in the province of Quebec, thence running northerly to a point
near the height of land between the 48th and 49th parallels of
latitude, not further than one hundred and sixty miles from
Labelle.

5. The Company may, for the purposes of its business,— Powers of
(a.) construct, acquire, and navigate vessels upon or across Company.
Hudson’s Bay, the Megiskun River, Noddawai River and Vessels.
Lake Mattagami, and upon the other lakes and streams form-
ing

ing part thereof or tributary thereto, or connecting therewith, and upon other inland waters of the North-east Territory and of the province of Quebec connecting with or adjacent to the proposed line of railway, and carry on generally the business of transportation in connection with the said railway and vessels, and may from time to time sell and dispose of such vessels ;

Docks, etc. (b.) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works for facilitating transportation of passengers or freight upon or across the said railway and the said bay, rivers, lakes and streams ;

Electricity. (c.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with its railways, vessels and works, and may also sell or otherwise dispose of surplus electricity or other power generated by its works, and not required for operating its railway or other works ;

Lands, etc. (d.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches.

Provisional directors. **6.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock and calls thereon. **7.** 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.

Preferred stock. **8.** The Company may, under the authority of the ordinary shareholders given at a special general meeting duly called for that purpose, (at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy) issue any portion of its capital stock as preferred stock, and such preferred stock shall have the special incidents and privileges defined by the following paragraphs, that is to say :—

Privileges of preference shares.

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

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

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

(d.) The holders of the said preference stock shall also be entitled to the preferential payment of the amount paid up on

their shares out of the assets available for the return of capital, in priority to any return of capital in respect of ordinary shares in the Company; and, subject thereto, the residue of such surplus assets shall belong to, and be divided among the ordinary shareholders.

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

Rights of holders.

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

Annual meeting.

10. 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 eleven persons to be directors of the Company, one or more of whom may be paid directors.

Election of directors.

11. The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of its railway and branches, and such bonds, 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.

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

Power to receive aid.

Application of
proceeds of
sales of lands.

13. All lands sold and conveyed by the Company, or by the said trustees after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash to the persons entitled to receive the purchase money, shall thereby be for ever released and discharged from all mortgages, liens and charges of any kind or nature, by this Act or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied, in the first place, in the satisfaction of any mortgage thereon created by the Company, and after payment of such mortgages or liens created by the Company thereon, the same shall be applied in accordance with the trusts in the next preceding section declared.

Sale of lands.

14. Any lands acquired otherwise than by expropriation by the Company, whether earned or to be earned after the passing of this Act, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged, granted, or disposed of as the directors of the Company think necessary and advantageous for the purposes of the Company.

Agreement
with another
company.

15. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Montreal and Western Railway Company, or the Great Northern 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 franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such Company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special 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 sanction of the Governor in Council.

Approval of
shareholders
and Governor
in Council.

Notice of
application
for sanction.

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

Agreement to
be filed with
Secretary of
State.

16. A duplicate of the agreement, conveyance or lease referred to in section 15 of this Act, duly ratified and approved, shall, within thirty days after the execution thereof, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*,

Gazette, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

17. If the construction of the railway is not commenced and fifteen per cent on the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction.

18. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

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



61 VICTORIA.

CHAP. 77.

An Act respecting the Montreal and Province Line Railway Company.

[Assented to 13th June, 1898.]

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

1. The time limited for repairing and putting in operation Time
the railway of the Montreal and Province Line Railway Com- extended.
pany is hereby extended for a period of two years from the 1896 (1st Sess.)
twenty-third day of April, one thousand eight hundred and c. 26.
ninety-eight.

2. Any Act hereafter passed for the purpose of controlling Power of
railway companies incorporated by or subject to Parliament as Parliament
to the issuing of stock or bonds and as to rates or tolls and as to future
the regulation thereof, and as to running powers over or other legislation.
rights in connection with the railway of any company by any
other company, and the exercise of powers conferred upon
railway companies, shall apply to the Company from the time
such Act goes into effect; but this section shall not be con-
strued to imply that such Act would not apply to the Company
without the enactment of this section.

3. Section 11 of chapter 26 of the Statutes of 1896 (first 1896 (1st Sess.)
session) is hereby amended by inserting, after the word "Com- c. 26, s. 11
pany" in the third line thereof, the words "the United amended.
Counties Railway Company."



61 VICTORIA.

CHAP. 78.

An Act respecting the Montreal and Southern Counties Railway Company.

[Assented to 13th June, 1898.]

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

1. Section 1 of chapter 56 of the statutes of 1897 is hereby 1897, c. 56,
s. 1 amended.
amended by striking out the word “The” from the name of
the Company.

2. Section 4 of the said chapter 56 is hereby amended by Section 4
amended.
adding after the word “Laprairie” in the sixth line thereof
the words “Beauharnois, Chateauguay, Huntingdon, Napier-
ville.”

3. The extension of the Company’s line of railway into the Time for
construction
of extension
limited.
counties of Beauharnois, Chateauguay, Huntingdon and
Napierville shall be commenced within two years and com-
pleted 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.

4. The Company may divide its undertaking into sections, Apportion-
ment of
bonds.
and may issue the bonds, debentures and other securities autho-
rized to be issued, separately with respect to each of the
sections, or as to certain sections combined, or on the whole
line of its railway; and such bonds, debentures or securities,
if so issued, shall, subject to the provisions contained in section
94 of *The Railway Act*, form a first charge upon, and be limited
to, the particular sections in respect to which respectively they
are issued, and upon all the property of the Company belong-
ing to such sections.

Section 10
amended.

5. Section 10 of the said chapter 56 is hereby amended by striking out the words "or the Eastern Richelieu Valley Railway Company" in the tenth and eleventh lines thereof, and substituting the following words: "The East Richelieu Valley Railway Company, the South Shore Suburban Railway Company, the Atlantic and Lake Superior Railway Company, the Great Eastern Railway Company, the Montreal Street Railway Company, the Canada Atlantic Railway Company, the St. Lawrence and Adirondack Railway Company, or the Napierville Junction Railway Company," and further by adding after the words "seem fit" in the eighteenth line thereof the words: "and also for the acquiring or leasing, in whole or in part, of the Montreal and Province Line Railway, the Black River Valley Railway, the Orford Mountain Railway, the United Counties Railway, the East Richelieu Valley Railway, the Napierville Junction Railway, the Phillipsburg and Quarry Railway, the South Shore Railway, the South Shore Suburban Railway, and the Stanstead, Shefford and Chambly Railway."

Powers of
Company.

6. The Company may, for the purpose of its railway and in connection with its business,—

Pleasure
grounds.

(a.) lay out and maintain pleasure grounds, lease the same, contract with any person for their occupation and use;

Land.

(b.) acquire lands, erect, use and manage works, and manufacture, erect and use machinery, cars and plant for the generation, transmission and distribution of electric power and energy;

Electricity.

Power houses.

(c.) build and maintain power-houses and stations for the development of electrical force and energy;

Patent rights.

(d.) acquire any exclusive rights in letters patent, franchises or patent rights for the purposes of its works and undertakings and again dispose of such rights;

Surplus
power.

(e.) 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.

Power to
enter upon
highways, &c.

7. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines for the transmission of light, heat, power or electricity, and, when deemed necessary by the Company for such purpose, may erect, equip and maintain poles and other works and devices, and stretch wires and other contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—

Erect poles.

Stretch wires.

Break up
highway.

Travel not to
be obstructed.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

(b.) The Company shall not affix any wire less than twenty-two feet above the ground ; nor without the consent of the municipal council, erect more than one line of poles along any highway ;

Height of wires.

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

Kind of poles.

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut.

Cutting poles or wires in case of fire.

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

Injury to trees.

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;

Supervision of municipality.

(g.) In case efficient means are devised for carrying wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry the lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Surface of street to be restored.

Future legislation as to carrying wires under ground.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

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

Private rights.

(j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Temporary removal of wires and poles.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Bridges.

8. The Company may construct or arrange the bridges required for its railway in such a way as to make them suitable for the passage of horses, vehicles and foot passengers, and in such case shall have the right to charge for the passage of such horses, carriages and foot passengers such tolls as shall be approved of by the Governor in Council, and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place.

Tolls.**Preference stock.**

9. The directors, under the authority of the shareholders to them given at a 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 or represented by proxy, may issue preference stock to an amount not exceeding one-half of the paid-up capital stock and entitling the holder thereof, in priority to all other shareholders, to a dividend payable thereon, at such rate not exceeding six per cent per annum as the directors see fit, out of the net earnings of the Company, after the interest on the first mortgage bonds is paid.

Cancellation of.

2. The Company may at any time redeem and cancel such preference stock or any portion thereof, upon the terms and conditions stipulated and set forth in the resolution authorizing its issue.

Rights of holders of,

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, or for any other purpose.

Directors may sell.

4. The directors may issue and sell or pledge all or any of the said preference shares at the best price, and on the best terms and conditions at the time obtainable, to raise money for the undertaking.



61 VICTORIA.

CHAP. 79.

An Act respecting the Montreal Island Belt Line Railway Company.

[Assented to 13th June, 1898.]

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

1. The deed of sale made between the Montreal Island Belt Line Railway Company, hereinafter called “the Company,” and the Chateauguay and Northern Railway Company, dated the tenth day of March, one thousand eight hundred and ninety-eight, is hereby confirmed and made valid as of the said date, so far as the respective parties thereto are concerned, and shall be held valid and binding upon the respective parties thereto. Sale confirmed.

2. A duplicate of the said deed of sale shall, within thirty days after the passing of this Act, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. Deed of sale to be filed with Secretary of State.

3. The acquisition by the Company under the said deed of sale of that portion of the line of railway of the Chateauguay and Northern Railway Company described in the said deed of sale, and now constructed and in operation, is hereby declared to have constituted the commencement of the construction of the main line of the railway of the Company within the meaning of section 5 of chapter 27 of the statutes of 1896 (First Session), and within the time limited by the said section for such commencement. Declaration as to commencement of railway. 1896 (1st Sess.) c. 27, s. 6.

Section 5 amended.

3. Section 5 of the said Act is hereby amended by striking out all of the said section except the first line thereof, and by adding thereto the following subsection :—

Subsection added.

“ 2. If the whole of the undertaking of the Company, other than the bridges, branches and extensions, is not finished and put in operation within seven years from the passing of this Act, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the undertaking, other than the bridges, branches and extensions, as then remains uncompleted.”

1894, c. 83, s. 15 amended.

4. Section 15 of chapter 83 of the statutes of 1894 is hereby repealed, and the following is substituted therefor :—

Time extended for construction of bridges and branches.

“ **15.** The bridges and extensions and branches of the said railway authorized by this Act to be built shall, or some one of them shall, be commenced within four years after the completion of the first twenty-five miles of the main line of the railway, and the said bridges, extensions and branches shall be completed within seven years thereafter, otherwise the powers granted by this Act in respect of the construction thereof shall cease and be null and void as respects so much of the said bridges, extensions and branches as then remains uncompleted.”

Section 22 amended.

5. Section 22 of chapter 83 of the statutes of 1894 is hereby repealed, and the following is substituted therefor :—

Undertaking may be divided into sections.

“ **22.** The Company may divide its undertakings into sections, which shall be designated and known as—

Section one. That part of the main line extending from a point in Hochelaga Ward in the city of Montreal northerly to Rivière des Prairies in the parish of Pointe aux Trembles, a distance of about thirteen miles, and including all branches therefrom.

Section two. That part of the main line extending from the southern limit of the city of Montreal westerly to Ste. Anne and thence north-easterly to the northerly end of section one.

The Montreal Section consisting of that portion of the main line of the Company extending across the city of Montreal from the southern limit thereof to the point in Hochelaga Ward in this section of this Act hereinbefore referred to.

Section three. The Rawdon extension.

Section four. The Grenville extension.

Section five. The Coteau extension.

Section six. The Rivière des Prairies bridge section.

Section seven. The Ottawa River bridge section.

Section eight. The branch section, comprising all the branches and portions of branches on the island of Montreal not included in the foregoing sections.”

1894, c. 83, s. 24 amended.

6. Section 24 of chapter 83 of the statutes of 1894 is hereby repealed, and the following is substituted therefor :—

“**24.** The Company may issue bonds, debentures or other securities to the extent of two million dollars for the Montreal Section, as defined in section 22 of this Act, and to the extent of three hundred thousand dollars for each bridge mentioned in this Act, which shall be called ‘Montreal Section bonds’ or ‘bridge bonds’ as the case may be; and such bonds shall, in like manner, 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 bridges, or the Montreal Section, by other corporations or persons shall be specially charged and pledged as security for such bonds.”

Issue of bonds for Montreal Section.

7. The Company may produce and supply electricity and electric current for the purposes of its undertaking, and may sell and dispose of the same in so far as it is not requisite for the purposes of such undertaking.

Electricity.

8. Nothing in this Act contained shall be deemed to confer upon the Company the right to construct or operate a railway along the surface of the streets of the city of Montreal, but this section shall not affect any such right, if any, which the Company had prior to the passing of this Act.

As to surface railways in Montreal.

9. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.

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61 VICTORIA.

CHAP. 80.

An Act respecting the Nakusp and Slocan Railway Company.

[Assented to 13th June, 1898.]

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

1. The Nakusp and Slocan Railway Company may construct or acquire and operate a railway from a point at or near Three Forks, thence north-easterly and easterly a distance not exceeding ten miles to a point at or near Whitewater Creek. Line from Three Forks to Whitewater Creek.

2. The said Company may, in connection with such railway, acquire and operate telegraph and telephone lines, wharfs, docks, elevators, warehouses, station-houses, offices and other buildings. Telegraph and telephone lines, docks, etc.

3. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the said Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section. Power of Parliament as to future legislation.

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61 VICTORIA.

CHAP. 81.

An Act respecting the Ontario and Rainy River Railway Company.

[Assented to 13th June, 1898.]

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

1. The time limited for the completion of the railway of the Ontario and Rainy River Railway Company, hereinafter called "the Company," and all its branches, is hereby extended as follows:—as to the eighty miles from the point of junction with the railway of the Port Arthur, Duluth and Western Railway Company towards Rainy Lake in the province of Ontario (towards the construction of which a subsidy was authorized by chapter 4 of the statutes of 1897), for a period of two years from the thirty-first day of July, one thousand eight hundred and ninety-eight, and as to the remainder of the Company's line of railway for a period of four years from the said day; and if the railway is not completed within the said periods, 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. Time for completion of railway extended. 1891, c. 82, s. 3.

2. The power to construct and work a railway bridge across the Rainy River, conferred on the Company by section 7 of chapter 82 of the statutes of 1891, is hereby revived, and the times for commencing and completing the same are hereby extended for three years and seven years, respectively, from the passing of this Act, otherwise the powers granted for such construction shall cease and determine. Time for construction of bridge extended. 1891, c. 82, s. 7.

3. The Company may lay out, construct and operate a line of railway from Port Arthur, or from a point on the Port Arthur, Line of railway described.

Time for
construction
limited.

Arthur, Duluth and Western Railway, by the most feasible route, to such point on the boundary between the provinces of Ontario and Manitoba as may be approved of by the Governor in Council; provided that such line shall be completed within five years from the passing of this Act, otherwise the powers granted for the construction of such line shall cease and be null and void as respects so much of the said line as then remains uncompleted.

Power of
Parliament as
to future
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 82.

An Act respecting the Ottawa and New York Railway Company.

[Assented to 13th June, 1898.]

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

1. Sections 18 and 21 of chapter 78 of the statutes of 1882 1882, c. 78, ss. 18 and 21 repealed.
are hereby repealed.

2. The head office of the Ottawa and New York Railway Head office.
Company shall be in the city of Ottawa, or in such other place in Canada as the directors from time to time determine by law.

3. The annual meeting of the shareholders shall be held on Annual meeting.
the third Tuesday in September in each year.

4. Notwithstanding anything contained in any Act relating Special meetings.
to the Company, or in *The Railway Act*, special meetings of the shareholders may be called by the directors to meet at the head office of the Company at such time as is named in the notice calling such meeting, provided that the approval in writing of all the shareholders of the Company has first been obtained for such date of meeting.

5. Section 1 of chapter 57 of the statutes of 1897 is hereby 1897, c. 57, s. 1 amended.
amended by striking out the word "The" from the name of the Company.

6. Any Act hereafter passed for the purpose of controlling Power of Parliament as to future legislation.
railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and
the

the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 83.

An Act respecting the Saint John Bridge and Railway Extension Company.

[Assented to 13th June, 1898.]

WHEREAS the directors of the Saint John Bridge and Railway Extension Company have, by their petition, represented that by virtue of chapter 45 of the statutes of N.B., 1833, 1833 of the Legislature of the province of New Brunswick, c. 45. the said Company issued its bonds or debentures for a sum in all amounting to one hundred and twenty-five thousand dollars; and whereas such bonds or debentures will fall due on the first day of July, one thousand eight hundred and ninety-eight; and whereas the said Company has prayed that an Act be passed authorizing it to make a new issue of bonds to pay off the said bonds so maturing, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The directors of the Saint John Bridge and Railway Extension Company, hereinafter called "the Company," may, under the authority of the shareholders, to them given at any special general meeting called for that purpose, issue bonds or debentures of the Company for a sum not exceeding in all the sum of one hundred and twenty-five thousand dollars. Such bonds or debentures shall be signed by the president, and countersigned by the secretary, which counter-signature and the signature to the coupons attached to the same may be engraved. The said bonds or debentures may be made payable at such times, in such manner, and at such places, and may bear such rate of interest, not exceeding six per cent per annum, and be in such denominations, not less than one hundred dollars, as the directors think proper.

Issue of bonds authorized.

2. The directors may issue and sell or pledge all or any of the said bonds or debentures at the best price and upon the best terms and conditions which at the time they may be able to obtain.

Sale of bonds.

How bonds to
be secured.

3. The Company may secure such bonds or debentures and interest, by a mortgage deed creating such mortgages, charges and encumbrances, upon the whole of such property, assets, rents, revenues and franchises of the Company, present, or future, or both, as are described in the said deed. The said mortgage may be made to such person, as trustee, and may contain such powers, provisions, conditions, rights and remedies as to the directors may seem necessary or advisable for securing the payment of the said bonds ratably to the holders thereof, and for the enforcement of the rights and remedies of such holders; provided, however, that the rents and revenues of the Company shall be subject, first, to the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act*, respecting returns to be made to the Minister of Railways; and, also, that such mortgage and the bonds and debentures secured thereby, shall be subject to the mortgage given by the Company to Her Majesty, to secure advances made to the Company by the Governor in Council under the provisions of chapter 26 of the statutes of 1883 of Canada; and provided also that all such advances made by the Government of Canada under the last mentioned Act shall be and remain a charge and lien upon the property of the Company conveyed by the said mortgage, prior to any mortgage made under the authority of this Act, or any bonds or debentures issued hereunder.

1883, c. 26.

Proceeds of
sale of bonds
to retire
existing
bonds.

4. The directors shall hold all moneys received from the sale or pledge of any or all of the bonds or debentures issued under the authority of this Act for the sole purpose of paying the bonds or debentures of the Company which will fall due on the first day of July, one thousand eight hundred and ninety-eight, and which are two hundred and fifty in number, for five hundred dollars each, and are dated the second day of July, one thousand eight hundred and eighty-three, and amount in all to one hundred and twenty-five thousand dollars.

Power of
Parliament
as to future
legislation.

5. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.



61 VICTORIA.

CHAP. 84.

An Act to confirm an agreement between the St. Stephen and Milltown Railway Company and the Canadian Pacific Railway Company.

[Assented to 13th June, 1898.]

WHEREAS the Canadian Pacific Railway Company has, Preamble.
by its petition, prayed that an Act be passed to confirm a conditional agreement made between the said Company and the St. Stephen and Milltown Railway Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The agreement between the St. Stephen and Milltown Railway Company and the Canadian Pacific Railway Company, dated the twenty-first day of April, one thousand eight hundred and ninety-seven, is hereby approved of, ratified and confirmed, and declared to be valid and binding on the parties thereto, and each of the companies parties thereto may do whatever is necessary to give effect to the substance and intention of the said agreement. Agreement confirmed.

2. A duplicate of the said agreement shall, within thirty days after the passing of this Act, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Canadian Pacific Railway Company in the *Canada Gazette* ; and the production of the Gazette containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. Agreement to be filed with Secretary of State.

3. Nothing in this Act, or in the said agreement, shall be held to relieve either of the said companies from any of its duties or liabilities under the railway laws of Canada, or any law of the province of New Brunswick, or any agreement with the Government of New Brunswick in connection with any subsidy. Railway laws to apply.



61 VICTORIA.

CHAP. 85.

An Act respecting the Saskatchewan Railway and Mining Company.

[Assented to 13th June, 1898.]

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

1. Chapter 56 of the statutes of 1889, chapter 88 of the statutes of 1890, and chapter 78 of the statutes of 1891, being Acts respecting the Saskatchewan Railway and Mining Company, hereinafter called "the Company," are, subject to the provisions of this Act, hereby revived and declared to be in force; and the time for the commencement of the railway of the Company, and for the expenditure of fifteen per cent on the amount of its capital stock, as required by section 89 of *The Railway Act*, is hereby extended for a period of two years from the 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 conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

1889, c. 56;
1890, c. 88;
1891, c. 78;
revived.
Time
extended.
1888, c. 29,
s. 89.

2. Subsection 1 of section 6 of chapter 56 of the statutes of 1889 is hereby repealed, and in lieu thereof it is enacted that John A. Dwyer, Wm. J. Hill, B. Wilson Clarke, the Honourable George W. Ross, R. S. Clarke-Lewin, George F. Clarke, J. K. Kerr and Thomas C. Irving, shall be the provisional directors of the Company.

1889, c. 56, s. 6
amended.
Provisional
directors.

3. Subsection 1 of section 2 of chapter 78 of the statutes of 1891, is hereby amended by adding the following thereto:—

1891, c. 78, s. 2
amended.

Branch lines. “and may also lay out, construct and operate branch lines from points at or near Saskatoon as follows :—

“(a.) easterly to Humboldt ;

“(b.) westerly to Battleford ; and

“(c.) northerly crossing the North Saskatchewan River to Green Lake, and thence to Lake Athabasca.”

Power of
Parliament
as to future
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 86.

An Act to incorporate the Three Rivers and North Shore Electric Railway Company.

[Assented to 13th June, 1898.]

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, declares and enacts as follows:—

Preamble.

1. The Honourable William Owens of the town of Westmount, the Honourable V. W. Larue, of the city of Quebec, William Strachan, R. Préfontaine, Thomas Gauthier and Albert J. Corriveau, all of the city of Montreal, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Three Rivers and North Shore Electric Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

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

Head office.

4. The Company may lay out, construct and operate by electricity a railway of the gauge of four feet eight and one-half inches, from a point in or near the city of Three Rivers, thence through the district of Montreal, except through such part of that district as is comprised within the limits of the cities of Montreal, Ste. Cunégonde and St. Henri, and the towns of Westmount Maisonneuve and St. Louis, and the village of Verdun and the parishes of Longue Pointe and Pointe aux Trembles, except also through the parish of St. Paul L'Hermitte; but such line shall not run within four miles at any point of the Great Northern Railway.

Line of railway described.

Provisional directors.

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

Tolls may be charged on bridges.

6. The Company may construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such case the tolls to be charged for the passage of foot passengers and carriages, shall, before being imposed, be first submitted to and approved of, and may be from time to time amended and modified 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 bridges.

Arrangements with telegraph and telephone companies.

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

Capital stock and calls thereon.

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

Annual meeting.

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

Election of directors.

10. 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 twelve persons to be directors of the Company, one or more of whom may be paid directors.

Amount of bonds, etc., limited.

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

Apportionment of bonds.

12. The Company may divide its undertaking into sections, and may issue the bonds, debentures and other securities authorized to be issued by this Act, separately, with respect to each of the sections, or as to certain sections combined, or on the whole line of its railway; and such bonds, debentures or securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act* form a first charge upon and be limited to the particular sections in respect to which respectively they are issued, and upon all the property of the Company belonging to such sections.

Agreements with another company.

13. The Company may enter into an agreement with the Canada Atlantic Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company,

the Great Northern Railway Company, the Montreal, Ottawa and James Bay Railway Company, the Montreal Park and Island Railway Company, the Montreal Street Railway Company, or the Montreal Island Belt Line 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 franchises, surveys, plans, works, plant, material, machinery and property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering 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 sanction of the Governor in Council.

To lease
Company's
railway.

Approval of
shareholders
and Governor
in Council.

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

Notice of
application
for sanction.

14. A duplicate of the agreement, conveyance or lease referred to in section 13 of this Act, duly ratified and approved, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*; and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Agreement to
be filed with
Secretary of
State.

15. The Company may, in connection with its railway and for the purposes of its business,—

Powers
of Company.

(a.) acquire lands, and erect, use and manage works, manufacture machinery and plant for the generation, transmission and distribution of electric power and energy;

Lands
and works.

(b.) build and maintain power houses and stations for the development of electrical force and energy;

Power houses.

(c.) acquire exclusive rights in letters patent, franchises, or patent rights, for the purpose of the works and undertakings hereby authorized, and again dispose of such rights;

Patent rights.

(d.) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting the same into electricity, or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used, with power to transmit the same;

Surplus
power.

(e.) lay out and manage parks and pleasure grounds, lease the same, contract with any person or corporation for their occupation and use.

Parks, etc.

Power to enter upon highway, etc.	<p>16. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines for the transmission of light, heat, power or electricity, and, when deemed necessary by the Company for such purpose, may erect, equip and maintain poles and other works and devices, and stretch wires and other contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—</p> <p>(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;</p> <p>(b.) The Company shall not affix any wire less than twenty-two feet above the ground ; nor without the consent of the municipal council, erect more than one line of poles along any highway ;</p> <p>(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;</p> <p>(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;</p> <p>(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;</p> <p>(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;</p> <p>(g.) In case efficient means are devised for carrying wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry the lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;</p> <p>(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;</p> <p>(i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;</p> <p>(j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said</p>
Erect poles.	
Stretch wires.	
Break up highway.	
Travel not to be obstructed.	
Height of wires.	
Kind of poles.	
Cutting poles or wires in case of fire.	
Injury to trees.	
Supervision of municipality.	
Surface of street to be restored.	
Future legislation as to carrying wires under ground.	
Workmen to wear badges.	
Private rights.	
Temporary removal of wires and poles.	

wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;

Notice to
Company.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Liability for
damage.

17. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of
Parliament
as to future
legislation.

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61 VICTORIA.

CHAP. 87.

An Act to incorporate the Timagami Railway Company.

[Assented to 13th June, 1898.]

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, declares and enacts as follows:—

Preamble.

1. Walter Adam Cockburn, Charles Alfred Marie Paradis, Lancelot Edward Bolster, Henry Elwood McKee, James Holdatch, L. O. Armstrong, and George Phillips Cockburn, all of Sturgeon Falls, and Robert James McLaughlin and Frederick Armand McDiarmid, of Lindsay, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Timagami Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

3. The head office of the Company shall be in the village of Sturgeon Falls, in the district of Nipissing.

Head office.

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 Verner station on the Canadian Pacific Railway to a point on the southerly part of Lake Timagami.

Line of railway described.

5. The Company may construct or purchase steamboats, barges or other vessels, and use and operate them upon Lake Timagami and the lakes and rivers connected therewith.

Vessels.

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

Provisional directors.

Capital stock and calls thereon.

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

Annual meeting.

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

Election of directors.

9. 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.

Amount of bonds, etc., limited.

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

Water power. Electricity.

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

Agreement with another company.

12. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Nipissing and James Bay Railway Company, or the James Bay 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 franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering 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 sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

Agreement to be filed with Secretary of State.

13. A duplicate of the agreement, conveyance or lease referred to in section 12 of this Act, duly ratified and approved, shall, within thirty days after the execution thereof, be filed in the office of the Secretary of State of Canada, and

notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

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

15. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament, as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

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61 VICTORIA.

CHAP. 88.

An Act to incorporate the Toronto and Hudson Bay Railway Company.

[Assented to 13th June, 1898.]

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

1. George Gooderham, John Herbert Mason, Robert Davis, Incorporation. W. R. Brock, the Honourable Lyman Melvin Jones and John Shaw, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of “The Corporate name. Toronto and Hudson Bay Railway Company,” hereinafter called “the Company.”

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

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

4. The Company may lay out, construct and operate a line Line of railway described. of railway of the gauge of four feet eight and one-half inches from the city of Toronto to a point at or near the mouth of Moose River, Albany River or Churchill River, on the west side of James Bay and Hudson’s Bay, with a branch line extending to the Northern and Pacific Junction Railway, at or near the town of Gravenhurst,—a branch line extending southward from the main line adjoining the watershed near Timagami Lake, thence to the Northern and Pacific Junction Railway, at or near North Bay or Nipissing Junction,—and a branch line from near Parry Sound to or near Sudbury, thence to Wahnapiatae Lake.

2. The Company may construct and operate any of the Branch lines may be built first. branch lines hereinbefore mentioned, before commencing the construction of the main line.

Provisional directors.

5. The persons named in section 1 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 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 meeting.

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

Election of directors.

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

Amount of bonds, etc., 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.

Agreement with another company.

10. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Parry Sound Colonization Railway Company, the Nipissing and James Bay Railway Company, the James Bay Railway Company, or 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 franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for working or amalgamating with, or acquiring running rights on the systems of, such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering 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 sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement, conveyance or lease above referred to, duly ratified and approved, shall, within thirty days after its execution, be filed in the office of the Secretary

of State of Canada, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

11. The Company may, in connection with and for the purposes of its railway,—

(a.) acquire, construct and navigate steam and other vessels upon Georgian Bay, James Bay and Hudson's Bay, and upon rivers and other waters connected therewith, and also upon all lakes and rivers upon the line of its railway, and for the like purposes construct, own, lease and use docks, warehouses, grain elevators and other works for facilitating transportation upon the said rivers, streams or other waters ;

Power to control vessels.

(b.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes, and may dispose of surplus power generated by the Company's works and not required for its undertaking ;

Water and steam power.

(c.) acquire lands and construct and acquire buildings and other erections for the purpose of supplying water for the use of its railway, and sell or otherwise dispose of to municipalities and individuals the surplus water produced from any of the works of the Company and not required for the undertaking.

Lands and buildings.

12. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—

Power to enter upon highway, etc.

(a.) The Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building ;

Erect poles.

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;

Stretch wires.

Break up highway.

Travel not to be obstructed.

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

Height of wires.

Kind of poles.

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut :

Cutting poles or wires in case of fire.

Injury to trees.

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

Supervision of municipality.

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;

Surface of street to be restored.

Future legislation as to carrying wires under ground.

(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Workmen to wear badges.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Private rights.

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

Temporary removal of wires and poles.

(j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Notice to Company.

Liability for damage.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Telegraph and telephone lines.

13. The Company may construct, acquire and operate, telegraph and telephone lines beyond its railway to any point on James Bay, Hudson's Bay and Hudson's Straits, and may lay submarine lines for telegraph and telephone connections between such points.

Power to collect tolls.

14. The Company may undertake the transmission of messages for the public by any of its lines of telegraph or telephone

phone and collect tolls therefor, or may lease such lines, provided that if the Company undertakes the transmission of messages for hire, it shall be subject to the provisions of sections 5 and 6 of *The Electric Telegraph Companies Act*.

R.S.C., c. 132.

15. The Company may, for the purposes of its undertaking, purchase lands, including water power and mill privileges, and may hold, alienate or mortgage them, and may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway.

Power to acquire lands.

Electricity.

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

Proceedings when extra land required.

1888, c. 29.

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

Time for construction limited.

18. The operation of sections 4, 9, 11, 12, 13, 14, 15 and 16 of this Act shall be suspended for the period of two years from the date of the passing of this Act, and if at the expiration of such period the James Bay Railway Company has commenced and substantially proceeded with the construction of its line of railway from Toronto to Sudbury via Parry Sound, the operation of the said sections shall continue to be suspended as to that line during such time as the substantial proceeding with such construction continues; and if at the expiration of the said period either the said James Bay Railway Company or the Nipissing and James Bay Railway Company has commenced and substantially proceeded with the construction of its line of railway northward from the present main line of the Canadian Pacific Railway, the operation of the said sections shall continue to be suspended as to that line during such time as the substantial proceeding with such construction continues, and upon the completion of the said respective lines of railway, the operation of the said sections shall cease and determine.

Suspension of this Act.

2. If any question arises under this section as to the commencement of, or the substantial proceeding with, the construction or the completion of the said respective lines of railway, it shall be determined by the Governor in Council.

Reference to Governor in Council.

Agreements
with other
companies.

3. The Company may become party to and entitled to enforce any agreement which may be made between the James Bay Railway Company, the Nipissing and James Bay Railway Company, or between either of the said railway companies, under the powers given by their respective Acts of incorporation, and the Grand Trunk Railway Company of Canada, and the Canadian Pacific Railway Company, or either of them.

Power of
Parliament
as to future
legislation.

19. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over, or other rights in connection with, the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 89.

An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.

[Assented to 13th June, 1898.]

WHEREAS the Vancouver, Victoria and Eastern Railway and Navigation Company has, by its petition, represented that it was incorporated by an Act of the legislature of the province of British Columbia, being chapter 75 of the statutes of 1897, and that it was thereby authorized to build a railway as therein mentioned; and whereas the said Company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

B.C., 1897, c. 75.

1. In this Act the expression “the Company” means the body corporate and politic heretofore created by the Act mentioned in the preamble under the name of the Vancouver, Victoria and Eastern Railway and Navigation Company; and the works which the Company by its said Act of incorporation is empowered to undertake and operate are hereby declared to be works for the general advantage of Canada.

Declaratory.

2. Nothing herein contained shall be construed in any way to affect or render inoperative any of the provisions of the said Act of incorporation which authorized the Company to undertake, own and operate the said works as aforesaid; but hereafter the same shall be subject to the legislative authority of the Parliament of Canada, and the provisions of *The Railway Act* except section 89 thereof.

Provincial Act to remain valid, but works to be subject to Parliament.

3. The Company may lease or sell its works, or any part thereof, to the Canadian Pacific Railway Company, on such terms and conditions, and for such period as is agreed upon between the directors of the said companies: Provided that the lease or sale be sanctioned by the consent in writing of every shareholder of the Company, and by the Governor in Council;

Lease or sale to C.P.R.

Approval of shareholders and Governor in Council.

or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented by proxy 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 a newspaper published at Vancouver in British Columbia for at least four weeks previous to the hearing of such application; and a duplicate of the said lease or instrument of sale shall, within thirty days after its execution, be deposited in the office of the Secretary of State of Canada, and notice of such deposit shall be given by the Company in the *Canada Gazette*.

Deed to be deposited with Secretary of State.

Time for construction of railway limited.

4. The railway of the Company shall be commenced within two years after the passing of this Act, and completed and put in operation within five years after the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Power of Parliament as to future legislation.

5. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 90.

An Act incorporating the Western Alberta Railway Company.

[Assented to 13th June, 1898.]

WHEREAS a petition has been presented praying for the ^{Preamble.} incorporation of a company 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:—

1. Elias Rogers and Henry S. Howland, both of the city of Toronto, Thomas Hobbs, of the city of London, James H. Ashdown and Heber Archibald, both of the city of Winnipeg, William Roper Hull and Richard B. Bennett, both of the city of Calgary, and Frederick William Godsall, of Pincher Creek, together with such persons as become shareholders in the company hereby incorporated, are constituted a body corporate under the name of “The Western Alberta Railway Company,” ^{Corporate name.} hereinafter called “the Company.”

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

3. The head office of the Company shall be in the city of ^{Head office.} Toronto or in such other place in Canada as the directors from time to time determine by by-law.

4. The Company may lay out, construct and operate a rail- ^{Line of railway described.} way of the gauge of four feet eight and one-half inches, from a point situate in the district of Alberta on the international boundary line west of range twenty west of the fourth principal meridian, thence north-westerly to the middle fork of the Old Man’s River in range one or two west of the principal meridian, thence northerly to the Sarcee Indian Reserve, thence north-westerly to Canmore and Anthracite, thence following the valley of the Cascade River, and thence northerly, crossing the head-waters of the Red Deer River, to the head-waters of the North Saskatchewan, thence following the said river or some of its tributaries to the easterly base of the Rocky Mountains.

- Other powers. **5.** The Company may for the purposes of its business, —
- Navigation. *(a.)* construct, equip, acquire, charter, navigate and dispose
etc. of steam and other vessels upon the rivers, lakes and streams in the territory served by the said railway or tributary thereto, or connecting therewith, and upon other inland waters of the North-west Territories and British Columbia connecting therewith or adjacent to the proposed line of railway, and may carry on generally the business of transportation in connection with the said railway and vessels;
- Mining, etc. *(b.)* acquire and work mines, mineral and mining rights in British Columbia and the North-west Territories, and crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not;
- Works and buildings. *(c.)* construct, or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, smelters, saw-mills, and other buildings and works which are necessary or convenient for the purposes of the Company;
- Electricity. *(d.)* erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy;
- Water powers, etc., for electrical purposes. *(e.)* acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the railways, vessels and works of the Company, and may also sell or otherwise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railway or other works;
- Carrier's business. *(f.)* carry on in the province of British Columbia, and in the North-west Territories the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, 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 timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same; and may establish shops or stores on the said lands; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainments of the above objects;
- Trading powers. *(g.)* acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the undertaking and again dispose of such rights;
- Patents. *(h.)*

(h.) subject to all such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches. Water supply.

6. The Company may construct and operate lines of telegraph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railways to any point in the North-west Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all such lines or any portion thereof. Traffic arrangements.

7. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purposes of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:— Power to enter upon highways, etc.

(a.) The Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building; Erect poles.

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway; Stretch wires.

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

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Travel not to be obstructed.

(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; Height of wires.

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company; Kind of poles.

(g.) Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

Future legis-
lation as to
carrying wires
under ground.

(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Workmen to
wear badges.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Private
rights.

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

Temporary
removal of
wires and
poles.

(j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office

Notice to
Company.

of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles intended to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Liability for
damage.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Acquisition
of lands for
wharfs, etc.

8. If the Company requires land for wharfs, docks and elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book for reference to be made of such land, and all the provisions of *The Railway Act* respecting the expropriation of lands shall apply for the purposes of this section, and to the obtaining of such land and determining the compensation therefor.

1888, c. 2J.

Subsidies
in aid of
undertaking.

9. The Company may receive, by grant from any government, person or municipal corporation, as aid in the construction of the railways, vessels and works provided for in this Act, any Crown lands, real or personal estate or property, sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services.

Provisional
directors.

10. The persons mentioned in section 1 of this Act shall be the first or provisional directors of the Company.

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. Capital stock and calls.

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

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 three nor more than nine persons to be directors of the Company, one or more of whom may be paid directors. Directors.

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

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

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

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

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

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

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

16. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the Other borrowing powers.

shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and may secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and property of the Company other than the railway.

Regulation
of navigation
and transport
business.

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

Power of
Parliament
as to future
legislation.

18. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stocks or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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61 VICTORIA.

CHAP. 91.

An Act to incorporate the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

[Assented to 13th June, 1898.]

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

1. H. J. Snelgrove of the town of Cobourg, W. Baird of the town of Galt, H. E. Griffiths, W. Williams, E. F. Clarke and Will J. Vale of the city of Toronto, L. Secord and C. B. Heyd of the city of Brantford, S. H. Kent of the city of Hamilton, G. Dulmage of the city of Belleville, H. J. Boyd of the city of London, W. G. Scott and H. Catley of the town of Mount Forest, W. Douglass of the town of Owen Sound, F. Abbott of the town of Meaford, D. F. Macwatt of the town of Barrie, and W. Mills of the town of Ingersoll, all in the province of Ontario; John Anderson, C. Chappell and James Wills, all of the city of Montreal, in the province of Quebec; and Scott E. Morrill of the city of St. John in the province of New Brunswick; members of the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada, together with such persons as are or become members of the said subsidiary high court, are hereby incorporated under the name of "The Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada," hereinafter called "the Society," for the following purposes and objects:—

(a.) to unite fraternally all persons entitled to membership under the laws of the Society; and the word "laws" shall include general laws and 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 sick and distressed members ;

(*e.*) to establish and maintain benefit funds, from which, on satisfactory evidence of the death of a member of the Society who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the widow, orphans, dependents, or other beneficiary whom the member has designated, or to the personal representative of the member, as laid down in the said laws ;

(*f.*) to secure for its members such other advantages as are, from time to time, designated by the laws of the Society.

Head office.

2. The head office of the Society shall be in the city of Toronto, but its location may be changed to any other place in Canada at any regular or at a special meeting called for that purpose, and the Society may open local branches throughout Canada.

Branches.

3. Subject to the laws of the Society, branches under the names of "subordinate courts," "subordinate circles," "subordinate conclaves," or "juvenile branches" may, from time to time, be established, under the title designated in the charter granted by the Society constituting such branches, and subject to such provisions and conditions, and with such powers as the Society, may, from time to time, determine ; provided that no such branch shall have power to establish benefit funds under paragraph (*e.*) of section 1 of this Act.

Power to hold real property.

4. The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, twenty thousand dollars, and in the case of any branch, five thousand dollars, but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed five thousand dollars ; and the Society may, by laws, determine the manner in which such real property shall be held and conveyed, subject always to the laws of the province in which such real estate is situate ; provided always, that no part of the benefit funds shall be used in acquiring any such property.

Liability of branches.

5. The property of each branch only shall be liable for the debts and engagements of such branch.

Investment of funds.

6. The funds of the Society shall be invested in mortgages which are a first charge on lands held in fee simple in Canada, or in deposits with, or in registered debentures of, loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any province thereof, or shall be deposited in a chartered bank in Canada.

7. Whenever, under the laws of the Society, any branch becomes dissolved, or the Society at any time revokes the warrant or charter under which the branch is operating, such dissolution or revocation shall be certified in duplicate by the chief executive officer, and by the secretary of the Society under the seal thereof; one of the said duplicates shall be filed with the Superintendent of Insurance, and the other with the Secretary of State, and this certificate, from the filing thereof with the Secretary of State, shall, ipso facto, operate to dissolve the said branch, and the person or persons in whom the property of such branch is vested, shall convey the same to the chief executive officer and the secretary of the Society, and their successors in office, as trustees for the creditors and persons beneficially entitled, and the surplus, if any, after the liabilities are satisfied, shall vest in the Society to its own use absolutely. When branch dissolved, certificate to be filed. Provided, however, that in the case of real estate it shall be sold within seven years after the dissolution of such branch, otherwise it shall be forfeited to Her Majesty for the use of Canada; provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years; provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Society of the intention of Her Majesty to claim such forfeiture; and the Society shall, when required, give to the Governor in Council a full and correct statement of all lands, at the date of such statement, held by or in trust for the Society, and subject to these provisos. Real estate to be sold within 7 years after dissolution.

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

9. Every person who is admitted a beneficiary member of the Society shall receive a policy or certificate of membership, on which shall be printed the by-laws, rules and regulations relating to membership, or the conditions of membership; and so long as such conditions are complied with, he shall remain a member of the Society and shall enjoy all the benefits and privileges of membership. Members to be furnished with by-laws, etc.

10. The Society shall, in respect of all policies or beneficiary certificates issued after the passing of this Act, accumulate and maintain a fund which shall never be less than the reserve or re-insurance value of such policies or certificates, computed according to the standard provided for in *The Insurance Act*; every such policy or certificate being regarded, for the purpose of computation, as a contract for the whole of life, with level premiums, and such reserve shall be held and charged as a liability against the Society. Reserve fund to be maintained.

Books of account, etc., to be kept.

2. The Society shall keep separate and distinct books, and separate and distinct accounts of business in respect of policies or beneficiary certificates issued both prior and subsequent to the passing of this Act, and each set of books shall contain all the details of the business to which such set of books applies, and of the moneys received and expended in respect of such business, and of the moneys, securities, assets and liabilities appertaining to the same, and the fund provided for in the next preceding subsection (which may be known as fund B) shall be at all times maintained over and above, and in addition to, any moneys, securities, or assets which may be in the possession of the Society arising from or received in respect of policies or beneficiary certificates issued prior to the passing of this Act, and which last mentioned moneys, securities and assets may be known as fund A.

Fund B.

Fund A.

Benefit funds.

3. Funds A and B are the benefit funds mentioned in paragraph (e) of section 1 of this Act.

Statement of affairs to be submitted.

4. The Society, whenever required so to do by the Minister of Finance, shall transmit to him a statement of the condition and affairs of the Society, showing the assets and liabilities thereof at any named date, and the income and expenditure during the twelve months or any other named period prior to such date, and such other information as is deemed necessary by the said Minister, who may at any time address inquiries to the officers of the Society in relation to the assets, investments, liabilities, doings or conditions thereof, and the officers so addressed shall promptly answer such inquiries

Penalty for failure to comply with this section.

5. Failure to comply with the provisions of subsections 1, 2, and 4 of this section, or any of them, shall render the Society liable to be dealt with in the manner prescribed by *The Winding Up Act* in the case of insolvency of a life insurance company, and shall also create a forfeiture of its rights and franchises, and render it liable to be dissolved.

Constitution and by-laws to be deposited.

11. Within three months from the passing of this Act, a certified copy of the present constitution and laws of the Society, and its form of beneficiary certificate, shall be deposited with the Secretary of State, and another copy with 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.

Deposit not necessary.

12. So long as the Society complies with the provisions of this Act, and of *The Insurance Act*, so far as applicable, or hereafter made applicable, the Society shall not be required to make any deposit in order to entitle it to a license under *The Insurance Act*.

13. This Act, and the Society, and the exercise of the powers hereby conferred, shall be subject to any legislation hereafter enacted by Parliament with respect to any insurance powers to be exercised by friendly or benevolent societies.

Power of
Parliament
as to future
legislation.

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



61 VICTORIA.

CHAP. 92.

An Act to incorporate the Atlas Loan Company.

[Assented to 13th June, 1898.]

WHEREAS the Atlas Loan Company has, by its petition, Preamble.
 represented that it is incorporated under the Act of
 the Revised Statutes of Ontario intituled *An Act respecting* R.S.O., 1887,
Building Societies ; and whereas the said Company desires to c. 169.
 have its shareholders incorporated by an Act of Parliament for
 the purposes of carrying on business anywhere in Canada, and
 has prayed that it be enacted as hereinafter set forth, and it is
 expedient to grant the prayer of the said petition : Therefore
 Her Majesty, by and with the advice and consent of the Senate
 and House of Commons of Canada, enacts as follows :—

1. The shareholders of the said the Atlas Loan Company, Incorporation
 hereinafter called "the old Company," together with such of new
 persons as become shareholders in the Company, are hereby Company.
 incorporated under the name of "The Atlas Loan Company," Corporate
 hereinafter called "the new Company." name.

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

3. The shareholders of the old Company are hereby declared Shares in old
 to be holders respectively of shares in the new Company to Company
 the same extent, and with the same amounts paid up thereon, converted.
 as they are holders respectively of shares in the old Company :
 Provided that two shares of fifty dollars each in the old
 Company shall constitute one share of one hundred dollars in
 the new Company.

4. The president, vice-president and directors of the old Officers.
 Company shall respectively be the president, vice-president
 and directors of the new Company until their successors are
 elected.

By-laws.

5. The by-laws, rules and regulations of the old Company, lawfully enacted, shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made.

Liability for obligations of old Company.

6. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof, from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

7. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Acquisition of old Company's assets.

8. The new Company may acquire all the assets, rights, credits, effects, and property, real and personal, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act, or to the like effect, shall be sufficient.

Form of conveyance.**Securities for investments.**

9. The new Company may lend money on the security of, or purchase or invest in—

Mortgages.

(a.) mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;

Debentures, etc.

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

Borrowing powers.

10. The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and otherwise

otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new Company's liabilities to the public, outstanding from time to time, shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital, and of its cash actually in hand or deposited in a chartered bank in Canada and belonging to the Company.

11. The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks, and belonging to the new Company, shall be deducted from such total liabilities for the purposes of the said section.

Proviso.

Liabilities of old Company included.

12. So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not from time to time exceed eighty per cent of its total assets.

Limitation as to holding real estate.

13. The affairs of the new Company shall be managed by a board of not less than five directors.

Directors.

14. The head office of the new Company shall be at the city of St. Thomas, in the province of Ontario, or in such other place in Canada as the directors may from time to time determine by a by-law confirmed at a special general meeting of the new Company duly called for the purpose of considering the same.

Head office.

15. The directors of the new Company may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the new Company, and shall be included in estimating the new Company's liabilities to the public under section 10 of this Act, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the new Company.

Debenture stock.

Limitation.

How to rank.

16. The debenture stock aforesaid shall be entered by the new Company in a register to be kept for that purpose in the

Registration of debenture stock.

head office of the new Company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said register shall be accessible for inspection and perusal at all reasonable times to every debenture-holder, mortgagee, bondholder, debenture-stockholder and shareholder of the Company without the payment of any fee or charge.

Transfer of
debenture
stock.

17. All transfers of debenture stock of the new Company shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agents in the United Kingdom as the new Company appoints for that purpose, for transmission to the new Company's head office for registration.

Exchange of
debentures
for debenture
stock.

18. The holders of the ordinary debentures of the new Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation
of debenture
stock.

19. The new Company, having issued debenture stock, may, from time to time, as it thinks fit, and in the interest of the new Company, but only with the consent of the holders thereof, buy up and cancel any of the said debenture stock.

Agencies.

20. The new Company may have an agency in any city in England, Scotland or Ireland, and any by-law establishing such agency shall not be altered or repealed except by a vote of two-thirds of the shareholders present or represented by proxy at a special meeting called for the purpose of considering such by-law, and unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the new Company has an agency.

No liability
on trusts.

21. The new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of the new Company may be subject; and the receipt of the person in whose name such share, debenture stock or money stands in the books of the new Company from time to time shall be a sufficient discharge to the new Company for a payment of any kind made in respect of such share, stock or money, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

22. No parcel of land, or interest therein at any time acquired by the new Company and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein, unless by way of security; and any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the new Company of the intention of Her Majesty to claim such forfeiture; and the new Company shall give to the Governor in Council, when required, a full and correct statement of all lands at the date of such statement held by or in trust for the new Company, and subject to these provisos.

Real estate to be sold within seven years.

Proviso for extending time.
Notice of forfeiture.

Statement of lands held.

23. The new Company shall transmit, on or before the first day of March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first day of December, inclusive, of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it

Financial returns.

24. *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the new Company. R.S.C., c. 118.

25. This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for the purpose of considering the same, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by shareholders present or represented by proxy at such meeting

When Act to take effect.

meeting and holding not less than seventy-five per cent of the subscribed capital stock of the Company represented at such meeting ; and a certified copy of such resolution shall, within fifteen days from the passing thereof, be transmitted to the Secretary of State, and shall be by him published in the *Canada Gazette* ; but upon such resolution being passed this Act shall take effect from the time or event fixed by such resolution :
 Provided that prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the new Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the new Company, in any province of Canada.

Proviso for organization.

Future legislation.

26. Nothing herein contained shall be held to exempt the new Company from the effect of any legislation hereafter passed by Parliament with respect to the powers to be exercised by loan companies.

SCHEDULE.

This indenture, made the _____ day of _____ A.D. 189 , between the Atlas Loan Company, incorporated under R. S. O. 1887, chap. 169, of the first part, hereinafter called "the old Company," and the Atlas Loan Company, incorporated by chapter _____ of the statutes of 1898 of Canada, of the second part, hereinafter called "the new Company."

Whereas, the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being the Act of the Parliament of Canada passed in the year 1898 intituled *An Act to incorporate the Atlas Loan Company*, and, by the resolution of the shareholders duly passed in that behalf, the _____ day of _____ (or the execution hereof, or as the case may be) was fixed as the date (or event) from which the said Act should take effect.

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real and personal, of the old Company ; and the old Company has agreed to convey and assign the same to the new Company ;

Now this indenture witnesseth, that in consideration of the said Act and of the shares in the capital stock of the new Company which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company does hereby grant, assign, transfer and set over unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real and personal of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled ; to have and to hold

unto the new Company, its successors and assigns, to and for its sole and only use for ever ; and the old Company covenants with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and every part thereof.

And, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable, or which it should pay, discharge, carry out or perform ; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

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61 VICTORIA.

CHAP. 93.

An Act to incorporate the British American Light and Power Company.

[Assented to 13th June, 1898.]

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

Preamble.

1. Charles Adams, of the town of Brandon, in the province of Manitoba; Peter Lyall, William Strachan, David L. Lock-erby, Daniel Gillmor, Frederick L. Beique, James McShane and Duncan A. Campbell, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The British American Light and Power Com-pany," hereinafter called "the Company."

Incorpora-
tion.

Corporate
name.

2. The head office of the Company shall be in the city of Montreal, or at such other place in Canada as the directors of the Company from time to time by by-law determine, but the Company may establish other offices and places of business elsewhere in Canada.

Head office.

3. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, five of whom shall be a quorum.

Provisional
directors.

4. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary; but no call subsequent to the allotment of shares shall exceed ten per cent, or be made at shorter intervals than one month.

Capital stock
and calls
thereon.

5. So soon as one hundred thousand dollars of the capital stock have been subscribed, and ten per cent paid thereon into one of the chartered banks in Canada, a general meeting of the Company shall be held at the head office of the Company

First general
meeting.

at such time as the provisional directors or any five of them determine, and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of such time and place, postage prepaid and registered, to the address of each shareholder of the Company.

Election of directors.

6. At the said general meeting of the Company, and at each annual meeting, the subscribers for the capital stock who are present or represented by proxy, and who have paid all calls due on their shares, shall choose to be directors not less than five nor more than fifteen persons, each of whom shall hold at least ten shares of the capital stock of the Company, and one or more of such directors may be paid directors.

Powers of Company.

7. The Company may, in the North-west Territories, in the Yukon District, and in such parts of the province of British Columbia as lie north of the fifty-fifth parallel of latitude,—

Gas and electricity.

(a.) manufacture, supply, sell and dispose of gas and electricity for the purpose of light, heat or motive power, and any other purpose for which the same may be used ;

Gas works.

(b.) acquire, manufacture, construct, lay, maintain and operate all works for the utilization of electricity and for holding, receiving and purifying gas, and all other buildings and works, structures, apparatus, meters, pipes, wires, appliances, fittings, supplies and machinery necessary or advisable in connection with the said business, and may deal with or dispose of the same in any manner that the directors deem advisable ;

Water power.

(c.) acquire and utilize water power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with its works ;

Patent rights.

(d.) for the purposes for which it is incorporated, acquire, use and dispose of any invention, or letters patent, or any right to use, or employ any inventions in connection with the production, manufacture or supply of heating, motive and illuminating gas or electricity.

Power to enter upon highway, etc.

8. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other electrical contrivances thereon ; and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—

Erect poles.

Stretch wires.

Break up highway.

Travel not to be obstructed.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;

Height of wires.

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

Kind of poles.

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;

Cutting poles or wires in case of fire.

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

Injury to trees.

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;

Supervision of municipality.

(g.) In case efficient means are devised for carrying wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Surface of street to be restored.

Future legislation as to carrying wires under ground.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

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

Private rights.

(j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Temporary removal of wires and poles.

Notice to Company.

Liability for damage.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Borrowing powers.

9. The directors may, whenever authorized by a by-law for that purpose approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money, not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company as the shareholders deem necessary, and may issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rate of interest and payable at such times and places, and secured in such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof. The Company may make such provisions respecting the redemption of such securities as may be deemed proper.

Issue of paid-up shares.

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

Shares presumed liable to payment thereof in cash.

11. All other shares in the Company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash.

Increase of capital.

12. After the whole of the capital stock hereby authorized has been issued, and fifty per cent thereon paid up, the capital stock of the Company may be increased from time to time to an amount not exceeding five million dollars, by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy, at a special general meeting of the shareholders duly called for considering

the same, and such increased capital stock may be issued, and shall be held subject to the same conditions and be dealt with in the same manner as the original capital of the Company.

13. The directors may, from time to time, with the consent of a majority of the shareholders, present or represented by proxy at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt authorized by section 9 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations in this Act provided, so that the amount borrowed on the security of debenture bonds or debenture stock, shall not in the whole exceed seventy-five per cent of the paid-up capital stock of the Company.

Debenture stock.

14. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the Company, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company.

Debenture stock to rank equally with debentures.

15. The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at the head office, wherein shall be entered the names and addresses of the several persons from time to time entitled to the debenture stock, with the respective amounts of the stock to which such persons are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee therefor.

Entries to be made in head office register.

16. The Company may have transfer books of such debenture stock in Great Britain and Ireland, or elsewhere, in which transfers of the said stock may be made; but a summary of all such transfers shall be transmitted to the head office of the Company and an entry thereof made in the books.

Transfers of stock.

17. The Company shall, if required, deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares of the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Stock certificates.

18. The holders of debenture stock shall not be entitled, as such, to be present or to vote at any meeting of the Company, nor shall such stock confer upon the holder thereof any of the rights of a shareholder.

Debenture stockholders may not vote.

Exchange of mortgage bonds for debenture stock.

19. The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient.

Currency in which bonds, etc., may be issued.

20. The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company.

R.S.C., c. 118.

21. Sections 18 and 39 of *The Companies Clauses Act* shall not apply to the Company.

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61 VICTORIA.

CHAP. 94.

An Act respecting the Brockville and St. Lawrence Bridge Company.

[Assented to 13th June, 1898.]

WHEREAS the Brockville and New York Bridge Company was incorporated by chapter 91 of the statutes of 1886, with power to construct and manage a railway bridge across the St. Lawrence River from some point at or in the vicinity of Brockville, or the township of Elizabethtown in the county of Leeds, in the province of Ontario, towards the village of Morristown or other point near thereto in St. Lawrence county in the state of New York, and with other powers in the said Act mentioned: And whereas, the said bridge not having been commenced within the time limited by the said Act, the said Act was, by chapter 64 of the statutes of 1892, revived and declared to be in force, and by the said last mentioned Act, and by chapter 89 of the statutes of 1894, the times for the commencement and completion of the said bridge were from time to time extended until the twenty-third day of July, one thousand eight hundred and ninety-five, and the twenty-third day of July, one thousand eight hundred and ninety-eight, respectively: And whereas by the said Act of incorporation the Brockville and New York Bridge Company was authorized to unite, amalgamate and consolidate (in the manner mentioned in the said Act and under such name as should be agreed upon between the said amalgamating companies) its stock, properties and franchises with those of any other company incorporated under the laws of the state of New York or of the United States, with a purpose similar to that of the Brockville and New York Bridge Company, and with power under the said laws so to unite and amalgamate: And whereas the Brockville and St. Lawrence Bridge Company has, by its petition, represented that in pursuance of the powers in the said Act of incorporation mentioned, the Brockville and New York Bridge Company did, in the manner provided for in the said Act of incorporation, unite, amalgamate and consolidate its stock, property and franchises with those of a company incorporated under the laws of the

Preamble.
1886, c. 91.

1892, c. 64.

1894, c. 89.

state of New York and of the United States, and having a purpose similar to that of the Brockville and New York Bridge Company, that is to say, the construction, maintenance and management of a railway bridge at the place aforesaid: And whereas the petitioner is the Company formed under the name of the Brockville and St. Lawrence Bridge Company by such union, amalgamation and consolidation, and that the said union, amalgamation and consolidation were duly submitted to, and approved of, by the Governor in Council on the twenty-fifth day of October, one thousand eight hundred and ninety-four, as provided for in the said Act of incorporation first mentioned: And whereas the Company did before the twenty-third day of July, one thousand eight hundred and ninety-five, duly commence the said bridge, but has been unable to complete the same, and will not be able to complete the same before the twenty-third day of July next: And whereas the said Brockville and St. Lawrence Bridge Company has prayed that the time be extended for completing the said bridge, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time
extended.

1886, c. 91.

1. The time limited for the completion of the bridge authorized to be built under the authority of chapter 91 of the statutes of 1886, as extended by the Acts mentioned in the preamble, is hereby further extended for three years from the passing of this Act, and if the said bridge is not completed within the said three years then the powers granted by Parliament shall cease and be null and void.

Power of
Parliament
as to future
legislation.

2. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Brockville and St. Lawrence Bridge Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section.

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61 VICTORIA.

CHAP. 95.

An Act to incorporate the Canada Atlantic Transit Company.

[Assented to 13th June, 1898.]

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

1. John Rudolphus Booth, Charles Jackson Booth, Edson Incorporation.
Joseph Chamberlin, William Anderson and John Frederick Booth, all of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of the “Canada Atlantic Transit Company,” hereinafter called “the Company.” Corporate name.

2. The head office of the Company shall be at the city of Head office.
Ottawa, in the province of Ontario, or such other place in Canada as the Company shall determine by by-law.

3. The Company may—

(a.) construct, acquire and navigate steam and other vessels, Powers of Company.
for the conveyance of passengers, goods and merchandise, Vessels.
between the ports of Canada, and to and from any port of Canada and any port of any other country; and may carry on the business of common carriers of passengers and goods, and Carriers.
of forwarders, wharfingers and warehousemen; and may sell and dispose of the said vessels; mortgage the property of the Company when deemed expedient, and make contracts with any person whatsoever for the purpose of carrying out any of the objects of the Company or any of the purposes aforesaid;

(b.) purchase, rent, erect, hold and enjoy, so far as is neces- Property.
sary for any of the purposes aforesaid, such lands, wharfs, piers, docks, warehouses, offices, elevators, and other terminal facilities or buildings, to an amount not exceeding five hundred thousand dollars at any one place, and may sell, lease, mortgage or dispose of the same;

- Buildings.** (c.) construct, or aid in and subscribe towards the construction, maintenance and improvement of wharfs, elevators, warehouses, roads, docks, dock-yards and other buildings and works necessary or convenient for the purposes of the Company ;
- Good-will.** (d.) acquire the good-will of any business within the objects of the Company ;
- Franchises.** (e.) acquire franchises, privileges and patent rights for any invention relating to the business of the Company, and sell the same ;
- Other businesses.** (f.) acquire the business and property of any other company having objects wholly or in part similar to those of the Company, and pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares, or in partly paid-up shares of the Company, and also undertake, assume, pay or guarantee any of the obligations or liabilities connected therewith.
- Charges.** **4.** The Company may charge on all property placed with them, or in their custody, such fair remuneration as may be fixed upon by the directors for storage, warehousing, wharfage, dockage, cooperage, or any other care or labour in and about any such property on the part of the Company, over and above the regular freight and primage upon the said property which shall have been carried or may be carried by them.
- Collection of charges.** **5.** The Company may recover all charges and moneys paid or assumed by them, subject to which goods come into their possession, and, without any formal transfer, shall have the same lien for the amount thereof upon such goods as the persons to whom such charges were originally due had upon such goods while in their possession ; and the Company shall be subrogated, by such payment, to the rights and remedies of such persons for such charges.
- Sale of unclaimed property.** **6.** The Company, in the event of non-payment of freight, advances and other charges, when due upon goods or property in their possession or under their control, may sell at public auction the goods whereon such advances and other charges have been made, and may retain the proceeds or so much thereof as is due to the Company, together with the costs and expenses incurred in and about such sale, returning the surplus, if any, to the owner of such goods or property ; but
- Notice of sale.** before any such sale takes place, thirty days' notice of the time and place of such sale, and of the amount of the charges or moneys payable to the Company in respect of such goods or property, shall be given by registered letter, transmitted through the post office to the last known address of the owner of any such goods or property, except in the case of perishable goods or effects, which may be sold after the expiration of one week, or sooner if necessary, unless otherwise provided in the contract between the parties.

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

Power to make negotiable instruments.

8. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, and shall have and possess all the powers which are conferred upon directors elected by the Company.

Provisional directors.

2. Four of such provisional directors shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise, on account of the Company, and shall withdraw the same for the purposes of the Company only.

Quorum.
Powers of provisional directors.

9. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each; but after the whole amount of the capital stock has been subscribed for and fifty per cent paid thereon, the directors may increase the capital stock to such amount, not exceeding in all two million dollars, as the wants of the Company require, upon a vote of the shareholders representing at least two-thirds in value of the subscribed stock of the Company, at a special meeting duly called for the purpose, or at any annual general meeting of the Company.

Capital stock.

Increase of capital.

10. Within three months of the time when two hundred thousand dollars of the capital stock of the Company have been subscribed, and twenty per cent paid thereon, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situated, at such day and hour as they think proper, at which meeting the shareholders who have paid the said twenty per cent on the amount of stock subscribed for by them shall elect the directors; and no person shall be elected or continue a director unless he is a shareholder owning at least ten shares of stock, and has paid all calls due thereon.

Election of directors.

Qualification of directors.

2. Notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of the time and place, postage prepaid, and registered, to the address of each shareholder of the Company.

Notice of meeting.

11. At each annual general meeting the shareholders assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company; but the Company may, by by-law, first approved of by the shareholders,

Annual general meeting.

Increase in number of directors.

holders, increase the number of directors to any number not exceeding fifteen, and a majority of such directors shall be a quorum.

Bonds to aid acquisition of vessels.

12. The Company, being first authorized by a resolution passed at a special general meeting of its shareholders duly called for the purpose, at which meeting shareholders, representing at least two-thirds in value of the subscribed capital stock of the Company, are present in person or by proxy, may, also, from time to time, issue bonds or debentures of the Company in aid of the acquisition of any such steam or other vessels as it is authorized to acquire, not exceeding in amount the cost thereof; and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such steam or other vessels, according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the vessels, or the class of vessels, in respect of which it authorizes bonds to be so issued as aforesaid, and whether the same are then acquired, or are to be thereafter acquired, by the Company.

Mortgage to secure bonds.

13. For the purpose of securing such issue of such bonds the Company shall execute a mortgage not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution of the special general meeting of shareholders mentioned in the next preceding section, each of which mortgages 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 vessels 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 holder of such bonds; and the Company may charge and bind the tolls and revenues of the vessels or class of vessels to which any such mortgage relates, in the manner and to the extent therein specified; and each such mortgage shall create absolutely a first lien and encumbrance on the vessels or class of vessels therein described, as well as on their tolls, revenues and subsidy therein hypothecated, the whole for the benefit of the holders of the bonds in respect of which it is made.

Mortgage to be a first lien on vessels, etc.

Each issue of bonds to rank *pari passu*.

14. Each issue of bonds intended to be secured by any of the mortgages referred to in the next preceding section, shall

entitle the respective holders thereof to rank with each other *pari passu*, and a duplicate of each such mortgage shall be ^{Mortgage to} be filed. filed with the Secretary of State of Canada.

15. Sections 7, 9, 18 and 39 of *The Companies Clauses Act* R.S.C., c. 118. shall not apply to the Company.

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most Excellent Majesty.



61 VICTORIA.

CHAP. 96.

An Act to incorporate the Canadian Mining Institute.

[Assented to 13th June, 1898.]

WHEREAS the persons hereinafter named have, by their Preamble.
petition, represented that an association known as the
Canadian Mining Institute has been founded by the said per-
sons, and others, for the following purposes, namely: First, to Objects of
promote the arts and sciences connected with the economical Institute.
production of valuable minerals and metals, by means of
meetings for the reading and discussion of technical papers,
and the subsequent distribution of such information as may be
gained through the medium of publications. Second, the
establishment of a central reference library and a headquarters
for the purpose of this organization. Third, to take concert-
ed action upon such matters as affect the mining and metal-
lurgical industries of the Dominion of Canada. Fourth, to
encourage and promote these industries by all lawful and
honourable means. And whereas the said persons have prayed
that it be enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore Her Majesty,
by and with the advice and consent of the Senate and House
of Commons of Canada, enacts as follows:—

1. John E. Hardman, George M. Dawson, William A. Incorporation.
Carlyle, Charles Fergie, John Blue, B. T. A. Bell, A. W.
Stevenson, James McArthur, Archibald Blue, William Ham-
ilton Merritt, F. T. Snyder, Henry S. Poole, Wilbur L. Libbey,
Robert G. Leckie, Clarence H. Dimock, Geo. E. Drummond,
George R. Smith, J. Obalski, John J. Penhale, R. G. McCon-
nell, Frank C. Loring, John B. Hobson and Wm. Blakemore,
together with such persons as hereafter become members of
the Institute, are hereby incorporated under the name of
“The Canadian Mining Institute,” hereinafter called “the Corporate
Institute,” for the purposes set forth in the preamble. name.

2. The Institute may acquire and hold such lands and Power as to
property as are necessary to carry out the objects and pur- property.
poses for which incorporation is sought; provided that the

annual value of the real estate held at any one time for the actual use of the Institute shall not exceed five thousand dollars.

Power to make by-laws. **3.** The Institute may make such by-laws, not contrary to law, as it deems expedient for the administration and government of the Institute.

Management of Institute. **4.** The affairs and business of the Institute shall be managed by such officers and committees, and under such restrictions touching the duties and powers of such officers and committees as may be prescribed by by-law.

Head office. **5.** The head office of the Institute shall be in the city of Montreal, or in such other place as may, from time to time, be determined by a vote of two-thirds of the members of the Institute.

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61 VICTORIA.

CHAP. 97.

An Act incorporating the Central Canada Loan and Savings Company.

[Assented to 13th June, 1898.]

WHEREAS the Central Canada Loan and Savings Com- Preamble.
pany of Ontario was incorporated by letters patent under
the Great Seal of the province of Ontario dated seventh March,

one thousand eight hundred and eighty-four, issued under the
Act of the Revised Statutes of Ontario, intituled *An Act respect-* R.S.O., 1877,
c. 150.
ing the incorporation of Joint Stock Companies by Letters Patent ;

and whereas supplementary letters patent were issued to said
Company, dated respectively eighth June, one thousand eight
hundred and ninety-three, and sixth May, one thousand eight
hundred and ninety-seven; and whereas the said Company
has by its petition represented that it is desirous of having
its shareholders incorporated by an Act of the Parliament
of Canada as a Company for the purposes of carrying on
business anywhere in the Dominion of Canada, and has prayed
for such incorporation, and it is expedient to grant the prayer
of the said petition : Therefore Her Majesty, by and with the
advice and consent of the Senate and House of Commons of
Canada, enacts as follows :—

1. The shareholders of the said “The Central Canada Loan New company
incorporated.
and Savings Company of Ontario” (hereinafter referred to as
the old Company), and such others as may hereafter become
shareholders in the Company hereby incorporated (hereinafter
referred to as the new Company), are hereby constituted a
body corporate, with the rights and powers conferred by law
upon corporations, under the name of “The Central Canada Corporate
name.
Loan and Savings Company,” for the purposes, and with the
rights and powers, and subject to the obligations and restric-
tions hereinafter declared.

2. The capital stock of the new Company shall be five million Capital and
shares.
dollars, divided into fifty thousand shares of one hundred
dollars each.

3. The shareholders of the old Company are hereby declared Shares in old
company
converted.
to be holders respectively of shares in the new Company to
the same extent, and with the same amounts paid up thereon,
as they are holders respectively of shares in the old Company.

Officers.

4. The president, vice-presidents and directors of the old Company shall respectively be the president, vice-presidents and directors of the new Company until their successors are appointed.

By-laws.

5. The by-laws, rules and regulations of the old Company lawfully enacted shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made.

Liability for obligations of old Company.

6. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

7. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Acquisition of old Company's assets.

8. The new Company may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act or to the like effect, shall be sufficient.

Form of conveyance.

Securities for investments.

9. The new Company shall have power to lend money on the security of, or purchase or invest in,—

(a.) mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;

(b.) the debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank) or incorporated company, if incorporated by or under the authority of the Parliament of Canada or of the legislature of any former or present or future province of Canada; provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes.

Borrowing powers.

10. The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and

otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new Company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to the new Company.

Limitation.

11. The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks and belonging to the new Company shall be deducted from such total liabilities for the purposes of said section.

Liabilities of old Company included

12. So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not from time to time exceed eighty per cent of its total assets.

Limitation to holding real estate.

13. The affairs of the new Company shall be managed by a board of not less than seven directors.

Directors.

14. The head office of the new Company shall be at the town of Peterborough, province of Ontario, or in such other place in Canada as the directors may from time to time determine by a by-law confirmed at a special general meeting of the new Company duly called for the purpose of considering the same.

Head office.

15. The directors of the new Company may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the new Company and shall be included in estimating the new Company's liabilities to the public under section 10 of this Act, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the new Company.

Debenture stock.

Limitation.

Ranking.

16. The debenture stock aforesaid shall be entered by the new Company in a register to be kept for that purpose in the head office of the new Company, wherein shall be set forth

Registration of debenture stock.

the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said register shall be accessible for inspection and perusal at all reasonable times to every debenture-holder, mortgagee, bondholder, debenture-stockholder and shareholder of the Company without the payment of any fee or charge.

Transfer of
debenture
stock.

17. All transfers of debenture stock of the new Company shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland as the new Company appoints for that purpose, for transmission to the new Company's head office for registration.

Exchange of
ordinary
debentures.

18. The holders of the ordinary debentures of the new Company may with the consent of the directors at any time exchange such debentures for debenture stock.

Cancellation
of debenture
stock.

19. The new Company having issued debenture stock may from time to time, as it thinks fit, and for the interest of the new Company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Agencies.

20. The new Company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the new Company has an agency.

No liability
on trusts.

21. The new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of the new Company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

22. No parcel of land, or interest therein at any time acquired by the new Company and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein unless by way of security, and any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the new Company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the new Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the new Company, or in trust for the new Company, and subject to these provisos.

Real estate to be sold within seven years.

Forfeiture.

Proviso for extension.

Notice.

Statement.

23. The new Company shall transmit, on or before the 1st March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

Financial returns.

24. *The Companies Clauses Act*, chapter 118 of the Revised Statutes of Canada, except sections 7, 18, 38 and 39, shall apply to the new Company.

R.S.C., c. 118.

25. This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for considering the same, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by shareholders

Provision for bringing this Act into effect.

holders present or represented by proxy at such meeting and holding not less than seventy-five per cent of the subscribed capital stock of the Company represented at such meeting; and a certified copy of such resolution shall within fifteen days from the passing thereof be transmitted to the Secretary of State and shall be by him published in the *Canada Gazette*; but upon such resolution being passed this Act shall take effect and speak from the time or event fixed by such resolution: Provided always that, prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the Company, in any province of Canada.

Proviso as to organization, etc.

As to future legislation.

26. Nothing herein contained shall be held to exempt the new Company from the effect of any legislation hereafter passed by the Parliament of Canada with respect to the powers to be exercised by loan companies.

SCHEDULE.

This Indenture, made the day of A.D. 18 between the Central Canada Loan and Savings Company of Ontario, of the first part, hereinafter called the old Company, and the Central Canada Loan and Savings Company, of the second part, hereinafter called the new Company.

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being the Act of the Parliament of Canada passed in the year 1898 intituled "An Act incorporating the Central Canada Loan and Savings Company," and by the resolution of shareholders duly passed in that behalf the day of (or the execution hereof, or as the case may be) was fixed as the date (or event) from which the said Act should take effect and speak;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company;

And whereas the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth that in consideration of the said Act and of the shares in the capital stock of the new Company which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company does hereby grant, assign, transfer and set over

unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled; to have and to hold unto the new Company, its successors and assigns, to and for their sole and only use for ever; and the old Company covenants with the new Company to execute and deliver at the expense of the new Company all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal and equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.



61 VICTORIA.

CHAP. 98.

An Act to incorporate the Dawson City Electric Company (Limited).

[Assented to 13th June, 1898.]

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

1. Horace Brand Townsend, Lord Farquhar, Lord Charles Incorporation.
William Augustus Montagu, James Rochfort Maguire, Joseph
Harry Lukach and Thomas Blair, all of the city of London,
England, together with such persons as become shareholders
in the company, are hereby incorporated under the name of
“The Dawson City Electric Company (Limited),” hereinafter Corporate name.
called “the Company.”

2. The head office of the Company shall be in the city of Head office.
London, England, or in such other place in the United
Kingdom or in Canada as the directors from time to time
determine by by-law.

2. The service of any process or notice upon the chief Service.
officer or manager of the Company in Canada at any office
where it carries on business in Canada, or upon the person
then in charge of such office, shall be good service and shall
bind the Company.

3. The said Horace Brand Townsend, Lord Farquhar, Provisional directors.
Lord Charles William Augustus Montagu and James Roch-
fort Maguire, shall be the first or provisional directors of the
Company, of whom a majority shall form a quorum, and they
may forthwith open stock books, and procure subscriptions of
stock, and receive payments on account of stock subscribed,
and carry on the business of the Company.

4. The capital stock of the Company shall be two hundred Capital stock.
thousand pounds sterling, divided into shares of one pound
each.

each. Such capital stock shall be issued in whole or in part as the directors determine, and may be called up from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed five shillings per share, nor be made at a less interval than two months after the next preceding call.

Annual meeting.

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

Election of directors.

6. At each annual meeting the shareholders present or represented by proxy, who have paid all calls due on their shares, shall choose not more than nine and not less than three persons to be the directors of the Company.

Powers of Company.

7. The Company may, in Dawson City and elsewhere in the Yukon District, and in that portion of British Columbia and the North-west Territories north of the fifty-third parallel of latitude and west of the one hundred and twelfth parallel of longitude,—

Electricity.

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

Works.

(b.) construct, lay, erect, maintain and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and machinery, as may be used in any way in connection with the production, manufacture and supplying of electric current or electricity for any purpose ;

Water power, etc.

(c.) with the consent of the Governor in Council first had and obtained and subject to such regulations and restrictions as he imposes and directs, use any property, water powers and other powers, rights, easements and privileges in connection with the production, manufacture, or supply of electricity and electric current for heat, light and power, and for any other purpose for which the same may be used ;

Use of rivers, etc.

(d.) with the consent of the Governor in Council first had and obtained and subject to such regulations and restrictions as he imposes and directs, and so that the navigation of such rivers, streams, and creeks is not thereby injuriously interrupted, have free access to all rivers, streams or creeks at such points as it deems necessary or desirable, and may draw off water therefrom for its purposes, and may construct such sluices, flumes and reservoirs as it considers necessary in connection therewith ;

Carriers.

(e.) carry on the business of carriers, and all other business incident thereto or connected therewith ;

Apparatus.

(f.) acquire and manufacture all such apparatus, motors, poles, wires, appliances, materials, supplies and machinery as are or may be used in any way in connection with its business, and deal with or dispose of the same ;

(g.) acquire by purchase, license, lease or otherwise, and license, lease or otherwise dispose of, any property, water or other powers, rights, easements and privileges in connection with its business ;

Acquisition of property, rights, etc.

(h.) acquire, use and dispose of any inventions, letters patent for inventions, or the right to use any inventions in any way connected with or pertaining to its business ;

Patent rights.

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

Stock in other companies.

8. The Company may, in Dawson City and elsewhere in the Yukon District within a radius of fifty miles from Dawson City, and also to, from and along the Bonanza, Eldorado and Klondike Rivers, lay out, construct, and operate single or double lines of electric railway, or tramway, or both, and such lines may be worked by electric or any other motive power ; or the Company may aid in or subscribe towards the construction of any electric railways, or any tramways, constructed by any other company within the district and radius, or along the routes, above described.

Lines of railway and tramway described.

2. The Company shall not commence the construction of any one of such lines of railway or tramway until the proposed route thereof has been approved by the Governor in Council ; and, as to any portion of any of such lines as lies along or through any mountain pass or river gorge, having, in the opinion of the Governor in Council, room for only one line of rails, every other railway company whose authorized line necessarily runs through such pass or gorge shall, upon such conditions, terms and regulations as the Governor in Council makes in that behalf, also have the right to operate its line of railway by the exercise of running powers, or otherwise, as the Governor in Council determines, over any such portions of the line of the Company as lies along or through such pass or gorge.

Rights of other railway companies.

9. The Company may, in Dawson City and elsewhere in the Yukon District and in that portion of British Columbia and the North-west Territories north of the fifty-third parallel of latitude and west of the one hundred and twelfth parallel of longitude, construct, equip, work and maintain telegraph and telephone lines, establish offices for the transmission of messages for the public, and collect tolls for so doing ; and for the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof ; and may connect its lines with the lines of any other telegraph or telephone companies in the United States at or near some point or points on the international boundary between British Columbia or the Yukon District and the District of Alaska,

Telegraph and telephone lines.

and with the lines of any other telegraph or telephone companies in Canada, for the purposes of its business.

Arrangement
with other
companies.

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

Rates to be
approved.

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

R.S.C., c. 132.

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

Power to
enter on
highway.

10. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon, for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, for its electric railways and tramways, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, and its electric railways and tramways, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and as often as the Company thinks proper may break up and open any highway or public place, subject however to the following provisions:—

Erect poles.
Stretch wires.

Break up
highway.

Travel not to
be obstructed.

Height of
wires.

Kind of poles.

Cutting poles
or wires in
case of fire.

Injury to
trees.

Supervision of
municipality.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

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

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

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

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any

unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;

Surface of street to be restored.

(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Future legislation as to carrying wires under ground.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

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

Private rights.

(j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Temporary removal of wires and poles.

Notice to Company

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Liability for damage.

11. The Company may receive from any government or from any person or municipal corporation, in aid of the construction, equipment or maintenance of any of its works, grants of land, bonuses, loans, or gifts of money or securities for money, and may dispose of the same, and may alienate such property as is not required for the purposes of the Company.

Power to receive aid.

12. The Company may issue any portion of its capital stock as preferred stock, on such terms and conditions, and bearing such rate of dividend as may be agreed upon by the ordinary shareholders of the Company at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy.

Preferred stock.

13. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the

Borrowing powers.

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

Bonds and debentures.

14. The Company may, in addition to the powers granted by the next preceding section hereof, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of its electric railways and tramways, and such bonds, debentures or other securities may be issued only in proportion to the length of electric railways and tramways constructed or under contract to be constructed.

1888, c. 29.

15. *The Railway Act* shall apply to the electric railway or tramway undertaking of the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereof.

R.S.C., c. 118.

16. Sections 18, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company.

Time limited for construction of railways and tramways.

17. If the construction of the electric railways and tramways is not commenced within two years after the passing of this Act, or if the electric railways and tramways are not finished and put in operation in five years from the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the electric railways or tramways as then remains uncompleted.

Power of Parliament as to future legislation.

18. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.



61 VICTORIA.

CHAP. 99.

An Act to incorporate the Dawson City Electric Lighting and Tramway Company, Limited.

[Assented to 13th June, 1898.]

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

1. John Morris Catton and William Stewart Rainbow, both Incorporation.
of London, England ; Charles Thomas Dupont, of Victoria,
British Columbia, together with such persons as become share-
holders in the company, are hereby incorporated under the name
of “The Dawson City Electric Lighting and Tramway Com- Corporate
pany, Limited,” hereinafter called “the Company.” name.

2. The head office of the Company shall be at the city of Head office.
Victoria in the province of British Columbia, or at such other
place in Canada as the directors from time to time determine
by by-law.

3. The capital stock of the Company shall be one hundred Capital stock.
thousand pounds sterling, divided into shares of ten pounds
each.

2. The directors may, after the whole capital stock has been Increase of
subscribed for and fifty per cent paid thereon in cash, increase capital.
the amount of the capital stock from time to time, to an
amount not exceeding two hundred thousand pounds sterling,
but the stock shall not be increased until the resolution of the
directors authorizing such increase has first been submitted to
and confirmed by two-thirds in value of the shareholders pre-
sent or represented by proxy at a special general meeting of
the shareholders duly called for that purpose ; and such
increased capital stock may be issued and shall be held subject
to the same conditions, and be dealt with in the same manner,
as the original capital of the Company.

Calls on stock. 4. No one call upon the subscribed capital stock shall exceed twenty-five per cent, nor be made at any interval of less than thirty days from the last preceding call.

Provisional directors. 5. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, a majority of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

First general meeting. 6. So soon as twenty thousand pounds of the capital stock have been subscribed, and ten per cent paid thereon into some chartered bank in Canada, a general meeting of the Company shall be held at the head office of the Company at such time as the provisional directors determine, and notice of such meeting shall be given by mailing, at least thirty days before the holding of such meeting, a written notice of such time and place, postage prepaid and registered, to the address of each shareholder of the Company.

Annual general meeting. 7. The annual general meeting of the shareholders of the Company shall be held at the head office of the Company, on the first Monday in October in each year, or at such other place in Canada and on such other day in each year as the directors from time to time determine by by-law.

Election of directors. 8. At the first general meeting of the shareholders, and at each annual meeting, the holders of the capital stock of the Company present or represented by proxy, who have paid all calls due on their shares shall choose not less than five and not more than nine persons to be directors of the Company, each of whom shall hold at least forty shares of the capital stock of the Company.

Quorum. 2. A majority of such directors shall be a quorum, and one or more may be paid directors.

Powers of Company.
Water power.
Electricity. 9. The Company may—
(a.) with the consent of the Governor in Council first had and obtained and subject to such regulations and restrictions as he imposes and directs, and so that the navigation of the river is not injuriously affected thereby, take, divert and appropriate at such points on the Yukon River in the vicinity of Dawson City as are designated by the Governor in Council, so much water as shall be necessary for the purpose of generating electricity for the supply of light, heat and power within a radius of fifteen miles from Dawson City, and to furnish electricity for the operation of street railways and tramways within the said radius, with power to the Company to construct and maintain all erections, wires, wheels, dams, raceways, flumes or any other works necessary for the purposes aforesaid, with the right to improve and increase the same ;

(b.) erect, construct, operate, and maintain electric works, power-houses, generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, and for transmitting the same to any part of the said area, to be used by the Company as a motive power for the operation of motors, machinery, or electric lighting, or to be supplied by the Company to consumers for heating, or as a motive power for propelling tramways or for any other operations of any nature or kind whatsoever, without restriction, to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity or electric power may be applied or required; and may sink, lay, place, fit, maintain, and repair such electric lines, accumulators, storage batteries, electric cables, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings, and other devices, and erect and place any electric line, cable, main, wire or other electric apparatus above or below ground;

(c.) with the consent of the Governor in Council first had and obtained and subject to such regulations and restrictions as he imposes and directs, construct, equip, operate, and maintain within the aforesaid district and limits as specified in paragraph (a) of this subsection, single or double lines of tramways for the carriage of passengers and freight, with the necessary side tracks and turnouts, for the passage of cars, carriages, and other vehicles adapted thereto, together with all necessary stations, offices, houses and buildings of every description, and may levy and collect tolls from all persons and freight using, passing over or travelling upon such tramways.

2. The Company shall not commence the construction of any one of such lines of tramway until the proposed route thereof has been approved by the Governor in Council; and as to any portion of any of such lines as lies along or through any mountain pass or river gorge having, in the opinion of the Governor in Council, room for only one line of rails, every other railway or tramway company whose authorized line necessarily runs through such pass or gorge shall, upon such conditions, terms and regulations as the Governor in Council makes in that behalf, also have the right to operate its line of railway or tramway, by the exercise of running powers or otherwise, as the Governor in Council determines, over such portions of the line of the Company as lie along or through such pass or gorge.

10. *The Railway Act* shall apply to the Company and its tramways. 1888, c. 29.

2. Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated. Meaning of "company."

3. Wherever in *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, in so far "Railway."

as it applies to the provisions of this Act, or the Company hereby incorporated, mean the tramways authorized by this Act to be constructed.

- 11.** With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—
- (a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;
- (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;
- (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;
- (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;
- (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;
- (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;
- (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;
- (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are

legibly inscribed the name of the Company and a number by which he can be readily identified ;

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

Private rights.

(j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Temporary removal of wires and poles.

Notice to Company.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Liability for damage.

12. The directors may, whenever authorized by a by-law for that purpose approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company, as the shareholders deem necessary, and may issue bonds or debentures therefor in sums of not less than one hundred pounds each, at such rate of interest and payable at such time and places, and secured in such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof ; and the Company may make such provision respecting the redemption of such securities as may be deemed proper.

Borrowing powers.

Debentures.

13. The directors may, from time to time, with the consent of a majority of the shareholders, present or represented by proxy at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as part of the regular debenture debt authorized by section 12 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amount borrowed on the security of debentures, bonds, or debenture stock, shall not in the whole exceed the aggregate amount fixed by section 12 as the authorized limit of the borrowing powers of the Company.

Debenture stock.

Debenture stock to rank with debentures.

14. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the Company, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company.

Entry in register.

15. The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at its head office, wherein it shall cause to be entered the names and addresses of the several persons from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee or charge.

Transfers.

16. All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office.

Certificates.

17. The Company shall deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Rights of debenture stockholders.

18. Debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company, nor shall it confer upon the holder thereof any of the rights of a shareholder.

Purchase of debenture stock by Company.

19. 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 way extend, limit or prejudice the exercise of the borrowing powers of the Company under this Act.

Proviso.

Exchange of bonds, etc., for debenture stock.

20. The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient.

21. The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company. Currency in which to be issued.

22. The directors may make and issue as paid-up stock, shares of the capital stock of the Company, in payment of and for any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, assets and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation, or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock, or materials of any kind, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property wholly or partly in paid-up shares, or wholly or partly in debentures, as to the directors may seem proper. Issue of paid-up stock.

23. Except as herein otherwise provided, all shares in the Company shall be deemed to have been issued, and shall be held to be, subject to the payment of the full amount thereof in cash. Payment of shares.

24. This Act shall expire, and the charter cease to be in force, if the Company does not go into actual operation within two years from the passing of this Act. Forfeiture of charter for non-user.

25. Section 18 of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.



61 VICTORIA.

CHAP. 100.

An Act to incorporate the Dawson City and Victoria Telegraph Company (Limited).

[Assented to 13th June, 1898.]

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

Preamble.

1. John Morris Catton and William Stewart Rainbow, both of London, England, and Charles Thomas Dupont, of Victoria, British Columbia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dawson City and Victoria Telegraph Company (Limited)," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the city of Victoria, in the province of British Columbia, or at such other place in Canada as the directors from time to time determine by by-law.

Head office.

3. The capital stock of the Company shall be two hundred thousand pounds sterling, divided into shares of ten pounds each.

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, from time to time, to an amount not exceeding three hundred thousand pounds sterling, but the stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

Increase of capital.

4. No one call upon the subscribed capital stock shall exceed twenty-five per cent, nor be made at an interval of less than thirty days from the last preceding call.

Calls.

Provisional directors.

5. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, a majority of whom shall be a quorum; and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

Annual general meeting.

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

Election of directors.

7. At the first general meeting of the shareholders, and at each annual meeting, the holders of the capital stock of the Company present or represented by proxy, who have paid all calls due on their shares, shall choose not less than five and not more than nine persons to be directors of the Company, each of whom shall hold at least ten shares of the capital stock of the Company.

Quorum.

2. A majority of such directors shall be a quorum, and one or more may be paid directors of the Company.

Powers of Company. Telegraph and telephone lines described.

8. The Company may—

(a.) construct, maintain and operate lines of electric telegraph and telephone by means of cable lines or otherwise from the city of Victoria in the province of British Columbia by the way of Telegraph Creek and Teslin Lake in the said province, or as nearly in that direction as is practicable, by the most feasible route to Dawson City on the Yukon River in the North-west Territories and in, under, over, upon and across any gulf, bay, or branch of the sea, or any tidal water or navigable lake or river or the shore or bed thereof respectively, and upon, along, across, over or under any highway or public place; provided that the same shall be constructed and maintained subject to the approval of the Governor in Council and so as not to interfere with the public use of such highways, or injuriously interrupt the navigation or use of any waters; and provided that nothing herein contained shall confer on the Company the right of building a bridge over any navigable water;

Proviso.

Proviso.

Connecting lines.

(b.) construct, purchase, lease, and maintain any line of telegraph and telephone to connect the said cable lines with any other lines of telegraph and telephone in Canada or the United States;

Vessels.

(c.) purchase, acquire, or lease steam and other vessels for the laying of such cables and for transporting material and supplies in connection with the undertaking;

Electricity.

(d.) acquire, manufacture, construct, lay, erect, maintain and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and machinery as are or may be used in any way in connection with the business

of production, manufacture, supply and utilization of electric current or electricity, and lease or dispose of the same ;

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

Property, rights, etc.

(f.) manufacture cables, wires, telegraph and telephone instruments, and other electric or magnetic instruments, or apparatus connected therewith, and their appurtenances, and acquire the same and all rights appertaining thereto ;

Manufacture of instruments.

(g.) undertake to transmit any messages for the public by any of the said lines of telegraph or telephone and levy and collect tolls for so doing, and 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, or of any such other company ;

Tolls for use of telegraph and telephone lines.

(h.) receive, hold, enjoy, sell, lease or otherwise dispose of upon such terms as the directors deem proper, from any Government, person or municipal corporation, any land, bonus, donations, loans, gifts of money, bonds, guarantee of bonds, or interest guarantees, exemption from taxes or other impost, and any privilege, benefit or advantage to the Company, or in aid of the same, of any nature or kind whatsoever.

Power to receive aid.

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

Approval of telegraph and telephone rates by Governor in Council.

2. The *Electric Telegraph Companies Act* shall apply to the Company.

R.S.C., c. 132.

10. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and, when deemed necessary by the Company for the purposes of its telegraph and telephone systems, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—

Power to enter on highway, etc.

Erect poles, Stretch wires,

Break up highway.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;

Travel not to be obstructed.

- Height of wires.** (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;
- Kind of poles.** (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;
- Cutting poles or wires in case of fire.** (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;
- Injury to trees.** (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- Supervision of municipality.** (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;
- Surface of street to be restored.**
- Future legislation as to carrying wires under ground.** (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- Workmen to wear badges.** (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;
- Private rights.** (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;
- Temporary removal of wires and poles.** (j.) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and, in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works. Liability for damage.

11. The directors may, whenever authorized by a by-law for that purpose approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money, not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company, as the shareholders deem necessary, and may issue bonds or debentures therefor in sums of not less than one hundred pounds each, at such rate of interest and payable at such times and places, and secured in such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law, or decided upon by the directors under the authority thereof, and the Company may make such provision respecting the redemption of such securities as may be deemed proper. Borrowing powers. Debentures.

12. The directors may, from time to time, with the consent of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as part of the regular debenture debt authorized by section 11 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds or other instruments, or debenture stock, shall not in the whole exceed the aggregate amount fixed by section 11 as the authorized limit of the borrowing powers of the Company. Debenture stock.

13. The debenture stock to be issued under section 12 hereof shall rank equally with the debentures issued or to be issued by the Company under section 11, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company. Debenture stock, how to rank.

14. The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and co-partners from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee or charge. Entry in register.

Transfers.

15. All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office.

Certificates.

16. The Company shall deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Rights of debenture stockholders.

17. Debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company, or confer any qualification, but shall, in all respects not otherwise by or under this or any other Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking, except the right to require repayment of the principal money paid up in respect of the debenture stock.

Purchase of debenture stock by Company.

18. The Company may, from time to time, purchase in the open market and redeem any portion or portions 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.

Exchange of bonds and debentures for debenture stock.

19. The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient.

Currency in which to be issued.

20. The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company.

Issue of paid-up stock.

21. The directors may make and issue as paid-up stock shares of the capital stock of the Company in payment for any franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, assets and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company, or corporation or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention or materials of any kind; and any such issue and allotment of stock shall be binding on the Company,

and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon ; and the Company may pay for any such property wholly or partly in paid-up shares, or wholly or partly in debentures, as to the directors may seem proper.

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61 VICTORIA.

CHAP. 101.

An Act respecting the Dominion Building and Loan Association.

[Assented to 13th June, 1898.]

WHEREAS the Dominion Building and Loan Association Preamble.
has, by its petition, prayed that it be enacted as herein-
after set forth, and it is expedient to grant the prayer of the
said petition: Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. The Dominion Building and Loan Association, herein-
after called “the Association,” may by by-law Power to
change name. change
its name to “The Dominion Permanent Loan Company,” which change
shall take effect, and shall be held to be effectual to all intents
and purposes, from and after the first day of August, one
thousand eight hundred and ninety-eight.

2. The change of name under the provisions of the next Effect of
change.
preceding section shall not affect the rights or obligations of the
Association or render defective any legal proceedings instituted
or to be instituted by or against it, and such legal proceedings
may be continued or commenced against it, by its original
name: Provided however, that all legal proceedings hereto-
fore regularly begun by or against the Association may be
continued and terminated under the name or style of cause in
which they have been instituted.

3. The validity of the by-laws of the Association existing By-laws not
affected.
at the time of such change shall not be affected thereby.

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most Excellent Majesty.



61 VICTORIA.

CHAP. 102.

An Act respecting the Manufacturers' Guarantee and Accident Insurance Company, and to change its name to "The Dominion of Canada Guarantee and Accident Insurance Company."

[Assented to 13th June, 1898.]

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

1. The name of the Manufacturers' Guarantee and Accident Insurance Company, hereinafter called "the Company," is hereby changed to "The Dominion of Canada Guarantee and Accident Insurance Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, or in any wise affect any suit or proceeding now pending or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. The directors of the Company may create and issue, as preference stock, any part of the authorized capital stock not yet issued, giving the same such preference and priority as respects dividends and capital and otherwise over ordinary stock as may be declared by by-law; but no such by-law shall have any force or effect whatsoever until it is approved by the votes of shareholders representing at least three-fourths in value of the subscribed stock of the Company, present or represented at a special meeting of the Company duly called for the purpose of considering the same, nor shall any such by-law, nor the issue of preference stock created thereby, in any way affect, prejudice or impair the rights of creditors of the Company.

2. Holders of such preference stock shall be shareholders of the Company, and shall in all respects possess the rights, and be subject to the liabilities of shareholders: Provided however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preference given by such by-law.

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most Excellent Majesty.



61 VICTORIA,

CHAP. 103.

An Act respecting the Federal Life Assurance Company of Ontario, and to change its name to the Federal Life Assurance Company of Canada.

[Assented to 13th June, 1898.]

WHEREAS the Federal Life Assurance Company of Ontario Preamble.
has, by its petition, represented that it was incorporated
by an Act of the legislature of the province of Ontario, being Ont., 1874,
chapter 68 of the statutes of 1874, under the name of "The c. 68.
Industrial and Commercial Life Assurance Company of
Canada,"—that the said Act was amended by section 7, chapter
1 of the statutes of 1875,—that by an order of the Ont., 1875,
Lieutenant-Governor of the said province, in council, dated c. 1.
the eleventh day of April, one thousand eight hundred and
eighty-two, the name of the said Company was changed to
"The Federal Life Assurance Company of Ontario," and that
the said Company duly obtained a license under *The Insurance*
Act of Canada, bearing date the twenty-eighth day of April,
one thousand eight hundred and eighty-two, and has since
carried on the business of life insurance in Canada; and
whereas the said Company has, by its petition, prayed that it
be enacted as hereinafter set forth, and it is expedient to grant
the prayer of the said petition: Therefore Her Majesty, by
and with the advice and consent of the Senate and House of
Commons of Canada, declares and enacts as follows :—

1. The Federal Life Assurance Company of Ontario, here- Incorporation.
inafter called "the Company," as now organized and consti-
tuted under the statutes mentioned in the preamble, is here-
by constituted a body corporate and politic within the
legislative authority of the Parliament of Canada; and this
Act and *The Insurance Act* shall apply to the Company and
its business, instead of the said Acts of Ontario; provided that Proviso.
nothing in this section shall affect anything done, any right or
privilege acquired, or any liability incurred under the above-
mentioned Acts of Ontario 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.

Name
changed.

2. The name of the Company is hereby changed to "The Federal Life Assurance Company of Canada," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in anywise affect any suit or proceeding now pending or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Head office.

3. The head office of the Company shall be in the city of Hamilton, but the directors may, from time to time, change the said office to some other place in Canada; and branches, sub-boards and agencies may be established and maintained elsewhere, as the directors from time to time appoint.

Branch
offices.

Capital stock.

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

2. The capital stock of the Company, as authorized by the above-mentioned statutes of Ontario, shall be deemed to be the same as the capital stock mentioned in subsection 1 of this section, and no right or claim as to any share thereof shall be prejudiced by anything contained in this Act.

Directors to
continue.

5. The present board of directors of the Company shall continue to be directors of the Company until replaced, and all by-laws, rules and regulations of the Company not contrary to law or inconsistent herewith shall continue in force until amended or repealed in pursuance of the provisions hereof.

By-laws.

Number of
directors.

6. The affairs of the Company shall be managed by a board of not more than seventeen, nor less than nine directors, of whom a majority shall be a quorum.

Qualification
of directors.

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

Annual
meeting.

7. A general meeting of the Company shall be held at the head office once in each year, and at such meeting a statement of the affairs of the Company shall be submitted.

Business of
Company.

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

Payment
of calls.

9. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint. No such instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given; provided that the shareholders of the Company at the

time of the passing of this Act shall be liable for so much only of their subscriptions as remains unpaid.

10. 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 or school corporation in Canada, or in the bonds or debentures of any building society, loan or investment company, water works company, gas company, street railway company, electric railway company, (every such society or company being incorporated in Canada,) or may loan on the security of any of the said debentures, bonds, stocks or securities, or on the security of the paid-up shares of any building society, loan or other company mentioned above, (provided that any loan upon the security of any such shares shall not exceed ninety per cent of the market value of such shares), or on the security of real estate or mortgage security thereon, or on the security of leaseholds for a term of years, or other estate or interest in real property or mortgage security thereon, in any province of Canada, or invest in or loan on policies issued by the Company or by other companies, or invest in the purchase of ground rents, and invest in or loan upon the stock, bonds or debentures of the United States or of any state thereof, or of any municipality in the United Kingdom or in the United States or any state thereof, or in or on mortgages on real estate therein, (but the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States, and the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*), and may change and reinvest the same as occasion from time to time requires; and may take, receive and hold all or any of such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the directors, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Company on the security of the said debentures, bonds, stocks, mortgages or other securities, as aforesaid; such loans to be on such terms and conditions, and in such manner and at such times and for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return, as the directors may from time to time determine and direct, and whether they are taken absolutely or conditionally or as collateral security, or whether such securities are taken in satisfaction of debts due to the Company or judgments recovered against any person in its behalf, or in security for the payment of the same or of any part thereof; provided further, that the Company may take any additional securities of any nature to further secure the repayment of any liability to the Company or to further secure the

Investment
of funds.

Additional
security.

sufficiency of any of the securities upon which the Company is hereby authorized to invest or lend any of its funds.

Foreign securities for branches.

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

Real estate to be sold within seven years.

12. The Company may hold such real estate as is bona fide mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered ; provided always that no parcel of land or interest therein at any time acquired by the Company and not required for its actual use and occupation, or not held by way of security, shall be held by the Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the Company shall no longer retain any interest therein unless by way of security ; and any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada : Provided that the Governor in Council may extend the said period from time to time, for a period not exceeding in the whole twelve years : Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Company of the intention of Her Majesty to claim such forfeiture : and it shall be the duty of the Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the Company, or in trust for the Company, and subject to these provisos.

Forfeiture.

Proviso for extension.

Notice.

Statement.

Real estate required for Company's use.

13. The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Company, but the annual value thereof in any province of Canada shall not exceed ten thousand dollars, except in the province of Ontario, where it shall not exceed twenty thousand dollars.

Dividends.

14. The directors may from time to time set apart such proportion of the net profits as they shall deem safe and proper, for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources ; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart, which has been so distinguished as having been derived from participating policies to the extent of not less than ninety per cent thereof ; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of

such profits which remains undivided upon the declaration of a dividend, shall never be less than one-fifth of the dividend declared.

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

Rights of certain policy holders.

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

Holders of participating policies.

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

Husband or father holding participating policy.

17. This Act and the Company and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act*.

R.S.C., c. 124.

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

R.S.C., c. 118



61 VICTORIA.

CHAP. 104.

An Act respecting the Hamilton and Lake Erie Power Company.

[Assented to 13th June, 1898.]

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

1. Section 3 of chapter 78 of the statutes of 1895 is hereby repealed, and the following is substituted therefor:— 1895, c. 78, new section 3.

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

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

“9. The Company may issue bonds, debentures or other securities in the manner provided by section 93 of *The Railway Act*, to an amount not exceeding three million dollars.” Amount of bonds, etc., limited.

3. The time limited by the said Act for the commencement and completion of the works of the said Company is hereby extended for a period of two and five years, respectively, from the twenty-second day of July, one thousand eight hundred and ninety-eight; and if the said works are not so commenced and completed, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the undertaking as then remains uncompleted. Time for construction extended.

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



61 VICTORIA,

CHAP. 105.

An Act to incorporate the Klondike and Dawson City Bank.

[Assented to 13th June, 1898.]

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

1. John Morris Catton, of the city of London, England, Incorporation.
Charles Thomas Dupont, Leopold J. Boscowitz, David A.
Boscowitz and Newton Spicer, all of the city of Victoria, in the
province of British Columbia, together with such persons as
become shareholders in the corporation, are hereby constituted
a corporation by the name of “The Klondike and Dawson City
Bank,” hereinafter called “the Bank.”

2. The head office of the Bank shall be in the city of Head office.
Montreal, Canada.

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

4. The capital stock of the Bank shall be two million five Capital stock.
hundred thousand dollars.

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

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



61 VICTORIA.

CHAP. 106.

An Act to incorporate the Klondike and Peace River Gold Mining, Land and Transportation Company (Limited).

[Assented to 13th June, 1898.]

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

1. George T. Marsh, of the town of Regina, in the North-west Territories, Charles N. Skinner, Alfred C. Blair, and Arthur I. Trueman, all of the city of Saint John, in the province of New Brunswick, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Klondike and Peace River Gold Mining, Land and Transportation Company (Limited)," hereinafter called "the Company." Incorporation.
Corporate name.

2. The Company may, for the purposes for which it is incorporated,— Powers of Company.

(a.) locate, buy, sell, develop and operate mines in the Klondike and other districts in the North-west Territories and in British Columbia; and operate farms and ranches, and buy, sell, own and raise cattle, horses and sheep; Mining lands.
Ranches.

(b.) acquire, operate and dispose of steam and other vessels, and carry on a transportation and trading business. Vessels, etc.

3. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and such capital stock may be issued as the directors determine, and may be called up by the directors from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed ten per cent, nor be made at less intervals than two months. Capital stock and calls thereon.

2. Every share in the Company shall be deemed to have been issued and be held subject to the payment of the whole amount thereof in cash. Issue of shares.

Preference stock.

4. The directors may, by by-law, create and issue any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law, but to an extent of dividend not greater than six per cent per annum.

Approval by shareholders.

2. Such by-law shall have no force or effect unless it has been first approved by a majority of the votes at a general meeting of the Company, at which meeting shareholders representing at least two-thirds in value of the whole issued stock of the Company are present or represented by proxy.

Preference shareholders to have rights of shareholders.

3. Holders of such preference stock shall be shareholders, and shall in all respects possess the rights and be subject to the liability of shareholders; provided, however, that in respect of dividends and otherwise they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights of creditors.

4. Nothing in this section shall affect or impair the rights of creditors of the Company.

Provisional directors.

5. The persons named in section 1 of this Act are hereby constituted the first or provisional directors of the Company, three of whom shall be a quorum.

First meeting.

2. The first meeting of the provisional directors may be held at such time and place as they, or any three of them, determine.

First general meeting.

6. 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 such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, electing directors, and considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by any three of the provisional directors, stating the date and place of holding such meeting and mailed by registered letter to the address of each shareholder not less than thirty days previous to such meeting, shall be deemed sufficient notice thereof.

Notice.

Head office.

7. The head office of the Company shall be at Prince Albert, in the district of Saskatchewan, or at such other place in Canada as is determined by by-law.

Annual meeting.

8. The annual meeting of the shareholders shall be held on the first Tuesday in November in each year at the head office.

Borrowing powers.

9. The directors, if authorized by a by-law for that purpose passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of Company, present or represented at a special general meeting duly called for the purpose of considering such by-law, may,

from time to time, at their discretion, borrow moneys for the purposes of the Company and secure the repayment thereof in such manner and upon such terms and conditions as they see fit, and may for such purpose mortgage, hypothecate or charge any of the assets and property of the Company.

10. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed for and issued, and twenty per cent paid up thereon, the directors, if authorized by a by-law passed and approved in the manner described in the next preceding section, may from time to time issue debentures bearing such rate of interest as is agreed upon, for sums 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 any of the purposes set forth in section 2 of this Act; and the directors may sell or pledge the said debentures for the purpose of borrowing money, or paying or securing the indebtedness of the Company; provided that the total amount of the indebtedness created under such debentures at any time outstanding shall not exceed seventy-five per cent of the amount of the paid-up stock of the Company; and the said debentures and interest may be secured by mortgage upon the property and assets of the Company, and such mortgage deed may give to the holders of the said debentures (or trustee or trustees for such holders named in such mortgage deed) such powers, rights and remedies as are specified in such mortgage deed.

Issue of
debentures.

Proviso.

11. Section 18 of *The Companies Clauses Act* shall not apply to the Company, but the Company may commence business so soon as fifty thousand dollars of the capital stock have been subscribed, and ten per cent paid thereon into some chartered bank in Canada.

R.S.C., c. 118.

When
business may
commence.



61 VICTORIA.

CHAP. 107.

An Act to incorporate the Lake Champlain and St. Lawrence Ship Canal Company.

[Assented to 13th June, 1898.]

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

Preamble.

1. In this Act, unless the context otherwise requires,—
 - (a.) The word “canal” means “canal or navigation, and any branch canal,” and includes every kind of work necessary or done in respect of the canals for the purpose of carrying out the objects of this Act; Interpretation.
“Canal.”
 - (b.) The word “land,” wherever used in *The Railway Act* or in this Act, includes land covered by water; “Land.”
 - (c.) The word “vessel” includes any ship, barge, boat or raft passing through any of the canals hereby authorized, or plying upon any lake or river connecting therewith; “Vessel.”
 - (d.) The word “goods” includes any goods, merchandise and commodities of whatsoever description, passing through any of the canals hereby authorized. “Goods.”

2. The Honourable Alfred A. Thibaudeau and the Honourable William Owens, of the city of Montreal, in the province of Quebec; the Honourable Smith M. Weed, of the city of Plattsburg; Charles F. Burger and J. Wesley Allison, both of the city of New York, in the state of New York; Charles H. Cummings, of Mauch Chunk, in the state of Pennsylvania, in the United States; Raymond Préfontaine, Samuel H. Ewing, Albert J. Corriveau, Henri A. A. Brault, Robert Bickerdike, A. Haig-Sims, Paul Galibert, the Honourable Trefflé Berthiaume, and Charles Berger, all of the said city of Montreal; Samuel T. Willett, of Chambly Canton; Maurice Perrault, the Honourable Jean Girouard, and Louis E. Morin, all of the town of Longueuil; James Ocaïn and Alexander MacDonald, both of the town of St. Johns, in the province of Quebec;

Incorporation.

- Corporate name. Thomas Gauthier; William G. Reid, of the said city of Montreal; together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Lake Champlain and St. Lawrence Ship Canal Company," hereinafter called "the Company."
- Declaratory. **3.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.
- Head office. **4.** The head office of the Company shall be in the city of Montreal, in the province of Quebec, or at such other place in Canada as the Company from time to time determines by law.
- Capital stock. **5.** The capital stock of the Company shall be six 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.
- Provisional directors. **6.** The first twelve persons named in section 2 of this Act shall be the first or provisional directors of the Company.
- First meeting of Company. **7.** So soon as five hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars thereof have been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Montreal, at which meeting, and at each annual meeting thereafter, the shareholders shall, from the shareholders who have paid all calls due on the stock held by them, elect seven persons to be directors of the Company, but the Company may at any time by by-law increase the number of directors to nine, or reduce it to five;
- Election of directors. **2.** Notice in writing of the date and place of holding such meeting, signed by the provisional directors, and mailed, postage prepaid, to the post office address of each shareholder, not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting.
- Notice of meeting. **8.** The annual general meeting of the shareholders shall be held on the fourth Thursday in September in each year.
- Annual general meeting. **9.** The Company may—
- Powers of Company. Canal. (a.) lay out, construct and operate a canal from some point on the south shore of the River Saint Lawrence in the county of Chambly to some point on the Chambly Canal or Richelieu River, whichever may be found most desirable and convenient, of such dimensions as to make a navigable channel of any depth, but not less than nine feet, and of any width not less than eighty feet at the bottom of the said channel;
- Locks, tow-paths, etc. (b.) construct, and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders to supply water from the said lake, or from any rivers, creeks, reservoirs,

reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the canal ;

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

Expropriation
of lands.

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

Passages.

(e.) obtain, take and use, during the construction and operation of the canal, from the rivers, lake, brooks, streams, watercourses, reservoirs, and other sources of water supply adjacent or near to the canal, water sufficient for the purposes of constructing, maintaining, operating and using the canal and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour, through the navigable channel of the canal ; and the Company shall, in the exercise of the powers granted by this paragraph do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers, and such damage in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act* ;

Water
supply.

Compensation
for damages.

(f.) lay out, construct and operate by any motive power, a double or single track railway of iron or steel rails, of any gauge not less than three feet, along or near the side or sides of the canal, and construct and operate branch lines on the south shore of the River St. Lawrence not exceeding in the whole six miles in length connecting with the lines of the Montreal and Southern Counties Railway Company, the Montreal and Province Line Railway Company, the South Shore Railway Company, the Grand Trunk Railway Company, the Canadian Pacific Railway Company and other railway companies ;

Line of
railway.

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

Harbours,
warehouses,
etc.

Water and steam power.

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

Surplus power.

Vessels.

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

Patent rights.

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

Telegraphs and telephones.

10. The Company may, subject to the provisions contained in section 11 of this Act, construct, operate and maintain telegraph and telephone lines, and lines for the conveyance of electric and other power by wires or pipes, along the whole length of the said canal and its approaches, and may establish offices for the transmission of messages for the public, and collect tolls therefor, and, for the purposes of erecting and working such telegraph and telephone lines and electric plant, the Company may enter into contracts with any other company, or may lease the Company's lines.

Electric power.

Arrangements with telegraph and telephone companies.

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

Rates to be approved by Governor in Council.

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

R S.C., c. 132.

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

Power to enter on highway.

11. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic, telegraphic, or other electrical contrivances thereon, and, as often as the Company think proper, may break up and open any highway or public place, subject, however, to the following provisions:—

Erect poles.

Stretch wires.

Break up highway.

(a.) The Company shall not interfere with the public right of travel, 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 ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;

Height of wires.

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

Kind of poles.

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;

Cutting poles or wires in case of fire.

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

Injury to trees.

(f.) The opening up of streets for the erection of poles or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council shall appoint, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected, and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;

Supervision of municipality.

(g.) In case efficient means are devised for carrying telegraph and telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Surface of street to be restored.

Future legislation as to carrying wires underground.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

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

Private rights.

(j.) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Com-

Temporary removal of wires and poles.

Notice to Company.

pany in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality where there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Liability for damage.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Interference with drainage systems.

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

Disputes to be determined by Railway Committee.

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

Proceedings when land required for undertaking.

13. When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for the lands required for the construction or maintenance of any works authorized under this Act, or for damages to lands injured by the Company, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act*, so far as the same may be applicable ; provided that the Governor in Council may from time to time, by regulation, vary or modify the provisions of the said Act in this regard, so far as they apply to the works under this Act, in such manner as experience may prove to be expedient.

Proviso.

"Lands" defined.

2. In sections 9, 13, 14, 17 and 18 of this Act, the expression "lands" means the lands the acquiring, taking or using of which is incident to the exercise of the powers given by this Act.

Rights of Company in cases of accident to canal.

14. In case of any accident requiring immediate repair on the canal, the Company may enter upon the adjoining land, provided such land is not an orchard or garden, and may dig for, work, get and carry away and use such gravel, stone, earth, clay or other materials, as may be necessary for the repair of the accident aforesaid, doing as little damage as possible

ble to such land, and making compensation therefor; and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as provided in *The Railway Act*; but before entering upon any land for the purposes aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into one of the superior courts of the province of Quebec, such sum, with interest thereon for six months, as is fixed, on the ex parte application of the Company, by a judge of the Superior Court of the district in which such land is situate.

Arbitration
in case of
disputes.

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

Basins for
laying up
vessels.

Dry docks.

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

Bridges to be
constructed.

Penalty for
impeding
traffic.

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

Extent of
expropriated
land limited.

18. The Company may make, carry or place the canal or works into, and across or upon the lands of any person whomsoever in the line shown on the plan adopted, or within a distance of five hundred yards from such line, except at the points of entering the river and canal aforesaid, or Lake Champlain, where the Company shall be confined to the line shown on the said plan.

Company's
rights on
private lands.

Public beach.

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

Richelieu
River and
Chambly
Canal may be
enlarged.

20. With the consent of the Governor in Council, the Company may, in connection with the works hereby authorized, improve, widen, deepen and straighten the Richelieu River channel, and the Chambly Canal, but the Company shall carry out the works necessary to dredge and open the channel of the said river and canal in such a way as not to impair or impede navigation therein.

Company may
take over
Government
locks, bridges,
etc.

21. If the Chambly Canal, or any lock, dam, slide, boom, bridge, or other works the property of the Government of Canada, on the Richelieu River, and whether now in its possession or leased to any person, is required by the Company for the purposes of its undertaking, the Company may, with the consent of the Governor in Council, and upon such terms as may be agreed upon between the Company and the Government, take such canal, locks, dams, slides, booms, bridges, or other works, for the purposes of its undertaking.

Plans of
undertaking
to be first
approved by
Governor in
Council.

22. Before the Company shall break ground or commence the construction of any of the canals or works hereby authorized, the plans, locations, dimensions and all necessary particulars of such canals and works shall be submitted to and approved by the Governor in Council.

Company may
examine
apparatus.

23. The Company may examine and repair all the apparatus which is used to distribute water, hydraulic power and electricity; and its employees may, when necessary so to do, enter upon private property for such purposes only, doing no avoidable injury.

Directors may
make by-laws.

24. The directors may make by-laws regulating the qualification of directors and the transfer of shares.

Place of
meeting.
Qualification
of directors.

2. All meetings shall be held at the head office of the Company, and a majority of the directors, including the president, shall at all times be British subjects resident in Canada.

Company may
make by-laws.

25. In addition to the general powers to make by-laws under *The Railway Act*, the Company may, subject to the approval

of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say:—

(a.) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled; Speed.

(b.) for regulating the hours of the arrival and departure of such vessels; Hours of arrival and departure of vessels.

(c.) for regulating the loading or unloading of such vessels and the draught thereof; Loading and draught.

(d.) for regulating the travelling and transportation upon and the using and the working of the canal; Travel.

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

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

26. The directors, whenever authorized by by-law for that purpose, approved by the votes of holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, may, as the shareholders deem necessary, issue bonds or debentures in sums of one hundred dollars each or for the amount determined by the by-law, to an amount not exceeding in the whole double the amount of its paid-up and unimpaired capital stock, at such rate of interest, and payable at such time and places, and secured in such manner, by mortgage or otherwise, upon the whole or any portion of the property, or undertaking, of the Company as may be prescribed in such by-law, or decided upon by the directors upon the authority thereof, and the Company may make such provision respecting the redemption of such securities as it deems proper. Issue of bonds.

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

in paid-up shares, or wholly or partly in debentures, as the directors deem proper.

Issue of
debenture
stock.

28. The directors may, from time to time, with the consent of two-thirds of the shareholders present or represented by proxy at a meeting called for such purpose, issue debenture stock which shall be considered as a part of the regular debenture debt authorized by section 26 of this Act, in such amounts and manner, on such terms, and bearing such rates of interest, as the directors from time to time, think proper.

Bonds, etc.,
how issued
and payable.

29. The mortgage bonds, debentures or other securities of the Company, issued under the provisions of this Act, may be issued in the denominations of pounds sterling, dollars or francs, or any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States or Europe, and the coupons attached, representing the interest on such bonds or obligations, may correspond to the denomination of the bond to which they are attached.

Exchange of
bonds for
debenture
stock.

30. The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, as may be deemed expedient by the respective holders thereof, and the Company may with the consent of the said holders exchange and reconvert the same. The Company may also mortgage or pledge the bonds which it is hereby authorized to issue, for the construction of its works or otherwise.

Power to
mortgage
bonds.

Rates of
charge.

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

Measurement
of vessels.

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

Use of canal
by Govern-
ment.

33. Any Act hereafter passed by Parliament, or any order of the Governor in Council, with regard to the exclusive use

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

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

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

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

Canal to be measured.

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

Sunken vessels.

37. Her Majesty may at any time assume the possession and property of the canal and works, and all the rights, privileges and advantages of the Company, all of which shall, after such assumption, be vested in Her Majesty, on giving to the Company one month's notice thereof, and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company, and a third arbitrator by the two arbitrators; and the arbitrators may, in such valuation, take into account the expenditure of the Company, its property, the business of the canal and other works hereby authorized, and their past, present and prospective business, with interest from the time of the investment thereof.

Crown may take over canal.

Notice to Company.

Time for
construction
limited.

38. If the construction of the canal hereby authorized to be constructed is not commenced, and ten per cent on the amount of the capital stock is not expended thereon, within three years from the time this Act comes into force, or if the said canal is not finished and put in operation within seven years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the canal as then remains uncompleted.

1888, c. 29.

39. *The Railway Act* shall, so far as applicable, and when not inconsistent with this Act, and except sections 3 to 25, both inclusive, sections 36, 37, 38, 41, 89, subsection 3 of section 93, sections 103, 104, 105, 112, 120, 173 to 177, both inclusive, 179, 180, 182 to 199, both inclusive, 209, 210, 214, 240 to 263, both inclusive, 271 to 274, both inclusive, 276 to 286, both inclusive, and 288 to 293, both inclusive, apply to the Company, and to its canal and works, except the railways authorized under paragraph (f) of section 9 of this Act, to which railways the whole of *The Railway Act* shall apply.

"Railway" to
mean "canal."

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

"Goods"
to include
"vessel."

R.S.C., c. 118.

40. *The Companies Clauses Act*, when not inconsistent with this Act, shall apply to the Company.

When Act to
come into
force.

41. This Act shall come into force on a day to be named by proclamation of the Governor in Council to that effect.

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61 VICTORIA.

CHAP. 108.

An Act to incorporate the Montmorency Cotton Mills Company.

[Assented to 13th June, 1898.]

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

1. Thomas Pringle, Charles Ross Whitehead, Leslie Gault Incorporation. Craig, James Nasmith and David Alexander Pringle, all of the city of Montreal, and Herbert Mole-worth Price, of the city of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of “The Montmorency Cotton Mills Company,” hereinafter called Corporate name. “the Company.”

2. The head office of the Company shall be at the village Head office. of Montmorency Falls, in the province of Quebec, or at such other place in Canada as the Company from time to time determines by by-law, but the Company may establish other offices Branch offices. and places of business elsewhere.

3. The Company may— Powers of Company.
(a.) construct, purchase, sell, lease and operate cotton and woollen manufactories of any and every description at Montmorency Falls, in the province of Quebec, or any other place in Canada where it acquires property ; Cotton and woollen factories.
(b.) for the purposes of the Company, develop, purchase, lease and operate water power, including the construction of dams, head and tail races and flumes, in the neighbourhood of such manufactories, and construct all necessary locks, piers or other works necessary in connection therewith, and dispose thereof when no longer required ; Water power, etc.
(c.) construct, lease, sell, purchase and operate steam and electric plant for the purpose of generating heat, light and Steam and electric plant. power,

Mills, warehouses, etc. power, and for the establishment of water works, factories, mills, workshops and warehouses, and other buildings required in connection with the Company's business ;

Cotton manufactures, etc. (d.) acquire and dispose of raw cotton wool and cotton waste of every description ; manufacture cotton, woollens, shoddy and waste, yarns and fabrics of every description, and bleach and dye the raw product, yarn or manufactured goods ;

Light, heat and motive power. (e.) manufacture and supply steam or electricity for the purpose of light, heat or motive power, and any other purpose for which the same may be used, so far as is necessary for the purposes of the Company ;

Tramways, wharfs, vessels, etc. (f.) construct wharfs, docks, offices and all necessary buildings. and construct, purchase and hire, steam and other vessels for the purpose of transporting the products of the mills and works of the Company to any place in Canada or elsewhere ;

Patent rights. (g.) grant licenses to any person, company or municipal corporation, to use any patent or license held and owned by the Company, receive payment therefor either in cash, or in bonds or debentures, or in fully paid-up shares of the capital stock of any other such company or corporation, and to such an extent become a shareholder in any such company.

Provisional directors. 4. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, four of whom shall be a quorum. Such directors may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

Capital stock. 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 from time to time by the directors as they deem necessary.

First general meeting. 6. When and so soon as two hundred thousand dollars of capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the first general meeting of the Company shall be held in the village of Montmorency Falls, at such time as the provisional directors, or any four of them, determine. Notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of such time and place, postage prepaid and registered, to the address of each shareholder of the Company.

Notice of meeting.

Election of directors. 7. At the first general meeting of the Company, and at each annual meeting, the subscribers for the capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose not less than three nor more than seven persons to be directors of the Company, each of whom shall hold at least twenty-five shares of the capital stock of the Company.

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

3. The number of directors may be changed from time to time by vote of the shareholders at any general meeting of the Company under the conditions mentioned aforesaid. Number.

8. The directors may, when authorized by a by-law for that purpose, approved by the votes of holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy, at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company as the shareholders deem necessary, and may issue bonds or debentures therefor in sums not less than one hundred dollars each at such rate of interest and payable at such time and place, and secured in such manner by a mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof; and the Company may make such provision respecting the redemption of such securities as may be deemed proper. Borrowing powers.

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

10. All shares in the Company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash. Shares to be deemed liable to payment in cash.

11. After the whole of the capital stock hereby authorized has been issued and fifty per cent thereon paid up, the capital stock of the Company may be increased from time to time, to an amount not exceeding two million dollars, by a resolution of the shareholders approved of by the votes of the holders of Increase of capital.

at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting of the shareholders duly called for the purpose of considering the same, and such increased capital stock may be issued and shall be held subject to the same conditions and be dealt with in the same manner as the original capital of the Company.

Debenture stock.

12. The directors may, from time to time, with the consent of the majority of the shareholders present, or represented by proxy, at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt authorized by section 8 of this Act, in such amounts and manner, and on such terms, and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations of this Act; provided that the amount borrowed on security of debenture bonds or debenture stock shall not in the whole exceed seventy-five per cent of the paid-up capital stock of the Company.

Debenture stock to rank equally with debentures.

13. The debenture stock so to be issued shall rank equally with the debentures issued or to be issued by the Company, and the holders thereof shall not be liable or answerable for any debt or liabilities of the Company.

Debenture stock to be entered in register.

14. The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at the head office, wherein shall be entered the names and addresses of the several persons from time to time entitled to the debenture stock, with the respective amounts of the stock to which such persons are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder or shareholder of the Company, without the payment of any fee therefor.

Transfers to be registered at head office.

Transfers may be made elsewhere.

15. All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, or elsewhere, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office of the Company.

Certificates of debenture stock.

16. The Company shall, if required, deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares of the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

17. The holders of debenture stock shall not be entitled as such, to be present or to vote at any meeting of the Company, nor shall such stock confer upon the holder thereof any of the rights of a shareholder.

Debenture stockholders may not vote.

18. The Company may make such arrangements and regulations respecting conversion and exchange of its mortgage bonds and debentures into and for debenture stock and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient.

Exchange of bonds, etc., for debenture stock.

19. The mortgage bonds, debentures and debenture stock of the Company shall be issued either in Canadian currency, or in sterling, or in both, at the option of the Company.

Currency in which bonds, etc., may be issued.

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61 VICTORIA.

CHAP. 109.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

[Assented to 13th June, 1898.]

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

Preamble.

1. The powers of the Company under chapter 103 of the statutes of 1894, and chapter 11 of the statutes of 1896 (Second Session) shall not be deemed to have ceased by reason of non-compliance with the provisions of section 5 of the said chapter 11, but shall be deemed to have continued and to continue notwithstanding the said provisions.

Powers under 1894, c. 103, and 1896, (2nd Sess.) c. 11.

2. The paragraph substituted by section 4 of chapter 11 of the statutes of 1896 (Second Session) for paragraph (a) of section 8 of chapter 103 of the statutes of 1894 incorporating the said Company, is hereby amended by inserting after the words "canals" in line two thereof the following words:— "between the St. Lawrence River and the navigable waters of the Georgian Bay by way of the route following, to wit, by the Ottawa River and."

1896 (2nd Sess) c. 11, s. 4 amended.

3. The section substituted by section 5 of chapter 11 of the statutes of 1896 (Second Session) for section 44 of chapter 103 of the statutes of 1894, is hereby repealed.

1896 (2nd Sess) c. 11, s. 5 repealed.

4. If the construction of the Montreal, Ottawa and Georgian Bay Company's canals, or some of them, is not commenced, and fifty thousand dollars are not expended thereon on or before the first day of May, one thousand nine hundred, or if the said canals are not finished and put in operation within eight years from the said first day of May, one thousand nine hundred, then the powers granted by the Acts relating to the

Time for construction extended.

said Company, and by this Act, shall cease and be null and void as respects so much of the said canals and works as then remains uncompleted.

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most Excellent Majesty.



61 VICTORIA.

CHAP. 110.

An Act to incorporate the Nickel Steel Company of Canada.

[Assented to 13th June, 1898.]

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

Preamble.

1. John Maclaren, of the town of Brockville, in the province of Ontario; George B. Douglas, of the city of New York, in the state of New York; Alexander Fraser and David Maclaren, of the city of Ottawa, in the province of Ontario; F. F. Vandevoort, of the city of Pittsburg, in the state of Pennsylvania; the Honourable George A. Cox, of the city of Toronto, and Nathaniel Dymont, of the town of Barrie, in the province of Ontario; Alexander Maclaren, of the town of Buckingham, in the province of Quebec; Andrew Trew Wood, John Moodie and John Patterson, all of the city of Hamilton, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Nickel Steel Company of Canada," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The Company may—

Powers of Company.

(a.) acquire and operate mines, mineral and mining rights; (b.) smelt, reduce, refine, amalgamate, and in any other manner manufacture and treat metals, minerals and ores, and dispose of the same, and generally carry on the business of manufacturing therefrom;

Mining.

Ores and metals.

(c.) acquire patent rights, letters patent of invention, processes, options, powers, water and other rights and privileges, and such real property and such other personal property as the Company may require, and again dispose of the same;

Patent rights.

(d.) so far as is necessary for the purposes of the Company, construct, maintain and operate, and, when no longer required

Tramways, telegraphs, etc.

for the purposes of the Company, dispose of, tramways, telegraph and telephone lines, water powers, piers, wharfs, smelting works, refineries and other factories ;

Vessels.

(e.) construct, acquire, navigate and employ steam and other vessels for the purpose of transporting the produce of the mills, mines and works of the Company to any place or places in Canada or elsewhere ;

Issue of paid-up shares.

(f.) issue paid-up shares of the capital stock of the Company for real and personal property claims, mining location privileges, or other rights which are deemed suitable or necessary for the purposes of the Company ;

Power to carry out above objects.

(g.) do all such acts, matters and things as shall be incident or necessary to the due attainment of the above objects.

Provisional directors.

3. The said John Maclaren, Alexander Fraser, David Maclaren, Nathaniel Dymont, Andrew Trew Wood, John Moodie and John Patterson, are hereby constituted provisional directors of the Company, of whom a majority shall form a quorum, and they may open stock books and procure subscriptions, and shall deposit payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

Capital stock.

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

First meeting of shareholders.

5. So soon as twenty-five per cent of the capital stock of the Company has been subscribed, and ten per cent of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company, at such time, and at such place in the province of Ontario as they think proper ; and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of the time and place, postage prepaid, and registered, to the address of each shareholder of the Company.

Election of directors.

6. At the first general meeting of the Company, and at each annual meeting thereafter, the subscribers for the capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose not less than five nor more than eleven persons to be directors of the Company, the majority of whom shall form a quorum and one or more of whom may be paid directors.

Head office.

7. The head office of the Company shall be at the city of Hamilton in the province of Ontario, and all meetings of the provisional directors shall be held at the said city of Hamilton, or such other place in Canada as the said directors may from time to time determine.

8. The Company may, for the purposes of its undertakings, upon first obtaining the consent of the Governor in Council therefor, acquire by lease or purchase all or any of the existing lines of railway of the following railway companies in the province of Ontario, or any interest in any of the securities of any or of all of them, namely:—The Bay of Quinté Railway Company, the Central Ontario Railway, the Irondale, Bancroft and Ottawa Railway Company, and may maintain and operate such lines of railway; and *The Railway Act* is hereby made applicable to the railways acquired or operated by the Company under the authority of this section.

Purchase of certain railways or railway securities.

2. The Company may pay for such railways or such securities, with the stock, bonds or other securities of the Company.

Payment, how made.

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

Borrowing powers.

2. The amount borrowed shall not at any time be greater than seventy-five per cent of the actual paid-up stock of the Company; but this limitation shall not apply to commercial paper discounted by the Company.

Amount.

Proviso.

10. The Company may receive, either by grant from any government, or from any individual or corporation, municipal or otherwise, as aid in the construction of the works provided for in this Act, any Crown lands, or any real or personal property, or any sums of money or debentures, as gifts by way of bonus, and may dispose of the same, and alienate the lands and other real or personal property for the purposes of the Company in carrying out the provisions of this Act.

Power to receive aid.

11. Sections 18 and 39 of *The Companies Clauses Act*, and section 41 of the said Act in so far as it is inconsistent with the provisions of this Act, shall not apply to the Company.

R.S.C., c. 118.



61 VICTORIA.

CHAP. III.

An Act to incorporate the Northern Commercial Telegraph Company (Limited).

[Assented to 13th June, 1898.]

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

1. The Right Honourable Lord Thurlow and Theodore Van Incorporation.
Puten, of the city of London, England; Edward Friedburg, of
the county of Surrey, England; William Braid and William
Naismith, both of the city of Vancouver, in the province of
British Columbia; Allen Haley, of the town of Windsor, in
the province of Nova Scotia; and Isaac Burpee, of the city of
St. John, in the province of New Brunswick; together with
such persons as become shareholders in the company, are
hereby incorporated under the name of “The Northern Com- Corporate
mercial Telegraph Company (Limited),” hereinafter called name.
“the Company.”

2. The head office of the Company shall be in the city of Head office.
London, England, or at such other place in the United King-
dom, or in Canada, as the directors from time to time deter-
mine by by-law.

2. The service of any process or notice upon the chief officer Service.
or manager of the Company in Canada at any office where it
carries on business in Canada or upon the person then in
charge of such office, shall be good service and shall bind the
Company.

3. The persons named in section 1 of this Act are hereby Provisional
constituted the first or provisional directors of the Company, directors.
and they may forthwith open stock books, and procure sub-
scriptions of stock, and receive payments on account of stock
subscribed, and carry on the business of the Company.

Capital stock. 4. The capital stock of the Company shall be one hundred thousand pounds sterling, divided into shares of one pound sterling each. Such capital stock shall be issued in whole or in part as the directors determine, and may be called up from time to time as they deem necessary.

First general meeting. 5. When and so soon as twenty-five per cent of the capital stock has been subscribed, and ten per cent of that amount has been paid into some chartered bank, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named by the provisional directors, at which general meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect the board of directors; but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Company.

Notice of meeting. 2. Notice of such meeting shall be sufficiently given by mailing the same, postage prepaid, to the last known post office address of each shareholder at least ten days previous to the date of such meeting.

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

Election of directors. 7. At each annual meeting, the shareholders present or represented by proxy, who have paid all calls due on their shares, shall choose not more than nine and not less than three persons to be the directors of the Company.

Powers of Company. Telegraph and telephone lines. 8. The Company may—
 (a.) construct, maintain and operate lines of electric telegraph and telephone, by means of cables, through the waters on the west coast of British Columbia, and the necessary land connections at each end of such cables, and land lines, or by continuous land lines, from some point in or near the city of Vancouver, in the province of British Columbia, by the most feasible route to Dawson City, in the Yukon district; and in, under, upon and across any water, and the shore or bed thereof, and upon, along, across or under any highway or public place, so as to reach Dawson City; provided that such lines shall be constructed and maintained so as not to interfere with the public use of such highways, or interrupt the navigation of any navigable water; and provided that nothing herein contained shall give the Company the right to build a bridge over any navigable water;

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

Branch lines. (c.)

(c.) acquire, lease or charter steam and other vessels, implements and plant required for the laying, construction, equipment, maintenance and operation of such lines ;

Vessels.

(d.) for the purposes of its business, connect its lines with the lines of any other submarine electric telegraph and other telegraph and telephone companies in Canada ; and may also connect its lines with the lines of any other such companies in the United States at or near any point on the international boundary between British Columbia, or the Yukon District, and the United States ;

Connect with other lines.

(e.) construct, lay, erect, maintain and operate all such cables, works, structures, apparatus, poles, wires, appliances, materials, supplies and machinery, as may be used in any way in connection with its business ;

Construction of works.

(f.) acquire and manufacture all such apparatus, poles, cables, wires, telegraph and telephone instruments, and other electrical or magnetic instruments, appliances, materials, supplies and machinery as are or may be used in any way in connection with its business, and dispose of the same ;

Apparatus.

(g.) acquire, use and dispose of any inventions, letters patent for inventions, or the right to use any inventions in any way connected with or pertaining to its business ;

Patent rights.

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

Stock of other companies.

(i.) establish offices for the transmission of messages for the public, and collect tolls for so doing ;

Transmission of messages.

(j.) for the purposes of operating such submarine electric telegraph, and telegraph and telephone lines, enter into contracts with any other company, or lease the Company's lines or any part thereof to such other companies ;

Contracts with other companies.

(k.) enter into arrangements with any other cable, telegraph and telephone company for the exchange and transmission of messages, or for the working in whole or in part of the cables and lines of the Company, or of any such other company.

Arrangements for exchange of business.

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

Expropriation of lands.

Compensation.

Proceedings where parties cannot agree.

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

Rates to be approved.

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

Power to enter upon highway, etc.

11. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—

Erect poles,

Stretch wires,

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

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

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

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

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direc-

tion and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;

Surface of street to be restored.

(g.) In case sufficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Future legislation as to carrying wires under ground.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified;

Workmen to wear badges.

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

Private rights.

(j.) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;

Temporary removal of wires and poles.

Notice to Company.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Liability for damage.

12. The Company may receive from any government or from any person or municipal corporation, in aid of the construction, equipment or maintenance of any of its works, grants of land, bonuses, loans or gifts of money or securities for money, and may dispose of the same, and may alienate such property as is not required for the purposes of the Company.

Power to receive aid.

13. The Company may, under the authority of the ordinary shareholders given at a special general meeting duly called for that purpose, (at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy) issue any portion of its capital stock as

Preferred stock.

Privileges of
preference
shares.

preferred stock, and such preferred stock shall have the special incidents and privileges defined by the following paragraphs, that is to say:—

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

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

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

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

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

Borrowing
powers.

14. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special general meeting called for that purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow money for the purposes of the Company to an amount not exceeding in the whole seventy-five per cent of the paid-up capital stock of the Company, and may issue bonds or debentures in respect of the same and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit ; and for this purpose may mortgage, pledge, hypothecate, or charge all or any of the assets and property of the Company.

Issue of paid-
up stock

15. The directors may make and issue as paid-up stock shares of the capital stock of the Company in payment for the actual and bona fide price of any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, assets, and other property of any person, company, or municipal corporation, which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation or to its shareholders ; and may also issue as paid-up and un-assessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention,

or materials of any kind, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property wholly or partly in paid-up shares, or wholly or partly in debentures as to the directors may seem proper.

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

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

18. If the construction of one of the lines of submarine electric telegraph, and telegraph and telephone, authorized to be constructed by this Act, is not commenced, and at least fifteen per cent of the amount of the capital stock is not expended thereon, or if one of such lines is not finished and put in operation, within two 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 said lines of submarine electric telegraph, and telegraph and telephone, as then remains uncompleted. Time for construction limited.

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61 VICTORIA.

CHAP. 112.

An Act to incorporate the Ottawa Interprovincial Bridge Company.

[Assented to 13th June, 1898.]

WHEREAS the Pontiac Pacific Junction Railway Company, Preamble.
hereinafter called "the Pontiac Company," and the
Ottawa and Gatineau Railway Company, formerly known as
the Ottawa and Gatineau Valley Railway Company, and here-
inafter called "the Gatineau Company," have by their petition
represented that the Pontiac Company is empowered by
chapter 69 of the statutes of 1882, and by certain other Acts, 1882, c. 69.
to construct and operate a bridge for railway and general
traffic purposes over the Ottawa River from some point in or
near the city of Hull to some point in or near the city of
Ottawa, together with all necessary works and approaches in
connection therewith; that by an agreement dated the seven-
teenth day of June, one thousand eight hundred and ninety-
three, made between the Pacific Company and the Gatineau
Company, and duly confirmed by section 30 of chapter 87 of 1894, c. 87.
the statutes of 1894, the Pontiac Company conveyed one-half
of all its franchises, rights, interests, and privileges in, to and
upon the said contemplated bridge, with its approaches, termi-
nal grounds and other appurtenances within the limits of
the cities of Ottawa and Hull, to the Gatineau Company; also
that it was thereby further agreed that the said works and
undertaking should be the joint property of the Pontiac Com-
pany and the Gatineau Company, and that the said companies
should jointly use, exercise and enjoy all the privileges, fran-
chises and powers of the Pontiac Company, or any of them, in
respect of the said bridge, approaches and terminal properties;
also that it was thereby further agreed that, if it should be
deemed more advantageous and expedient so to do, the said
companies should jointly apply to Parliament to have the fran-
chises, powers and privileges granted to and enjoyed by the
Pontiac Company, in respect of the said proposed bridge, trans-
ferred to and vested in a company to be incorporated as in the
said agreement mentioned, so that the objects of the said
agreement might be more effectually carried out, and for other

1894, c. 87.

reasons in the said agreement mentioned : And whereas the said companies have further represented that the Gatineau Company was also empowered by chapter 87 of the statutes of 1894 to construct and operate a bridge for railway and general traffic purposes between the points above mentioned, with the necessary approaches and other works ; also that under the powers and franchises conferred upon the Pontiac Company as aforesaid the construction of said bridge and approaches and other works in respect thereof have been duly commenced, and that it has been deemed more advantageous and expedient to have the franchises, powers and privileges of the said companies, and each of them, in respect of the said proposed bridge and other works in connection therewith, transferred to and vested in a company to be incorporated by Parliament for that purpose, as in the said agreement mentioned : And whereas the said companies have prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Incorporation.

1. Joseph Rielle, the Honourable J. S. C. Wurtele, William Hanson, W. Dale Harris, E. A. Hoare, M. S. Lonergan, J. E. W. Currier, Dr. Louis Duhamel and Harry G. Beemer, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Ottawa Interprovincial Bridge Company," hereinafter called "the Company."

Corporate name.

Head office.

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

Provisional directors.

3. The persons named in section 1 of this Act shall be the first or provisional directors of the Company.

Capital stock.

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

Annual meeting.

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

Election of directors.

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

Conveyance to Company by Pontiac and Gatineau companies.

7. The Pontiac Company and the Gatineau Company may, upon such terms as shall be agreed upon, sell and convey to the Company, all the rights, powers, franchises, interests, and privileges of the Pontiac Company and of the Gatineau Com-

pany, and of each of them, with respect to the laying out, construction, maintenance and operation of a bridge for railway and other purposes with the necessary approaches, terminal property and appurtenances in connection therewith, over the Ottawa River at or near the city of Ottawa as aforesaid, and now vested in the Pontiac Company and the Gatineau Company, or either of them, under the said Acts, or under the agreement mentioned in the preamble; and the Pontiac Company and the Gatineau Company may sell and convey to the Company, the bridge and approaches already in part constructed, and now in course of construction, under the powers vested in the Pontiac Company and the Gatineau Company, or either of them, from a point upon or near Nepean Point in the city of Ottawa to a point in the city of Hull, and also all bonuses, subsidies, leases, licenses, property and surveys acquired by, or to which the Pontiac Company and the Gatineau Company, or either of them, are or may become entitled, from any government, person or municipal corporation, in respect of, or in consideration, or upon condition of the construction, maintenance and operation of any such bridge, or upon completion of any such bridge as aforesaid.

8. The Company may pay the consideration for such sale and conveyance either wholly or partly in cash, or wholly or partly in capital stock of the Company wholly or partly paid up, and whether subscribed for or not, or wholly or partly in debentures of the Company, or otherwise as may be agreed upon; and the Pontiac Company and the Gatineau Company, or either of them, may accept payment in any of such forms, and may take, subscribe for, hold and dispose of any such stock or debentures so received in payment.

Consideration of sale.

9. The Company may, after, or as a condition of, such purchase or acquirement as aforesaid, undertake, assume, pay, or guarantee any of the obligations, liabilities, contracts or engagements of the Pontiac Company and the Gatineau Company jointly, or either of them, incurred in respect of the said bridge, approaches, terminal property or other works, or of the powers, rights, franchises, bonuses, subsidies, leases, surveys or licenses, and other property and assets aforesaid.

Companies to assume rights and liabilities of Pontiac and Gatineau companies.

2. No such sale or conveyance shall be made by either the Pontiac Company or the Gatineau Company or by the Company, nor shall the same, if so entered into, have any effect, unless and until it has been first approved by two-thirds of the votes at a special general meeting of the shareholders of each of such companies 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 sale or conveyance has also received the sanction of the Governor in Council.

Approval of sale by all companies.

Sanction of Governor in Council.

3. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner

Notice of application for sanction.

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 the city of Ottawa, and in one newspaper published in the city of Hull.

Power to
build bridge
between
Ottawa and
Hull.

10. The Company may, after it has so acquired from the said companies, or either of them, the said franchises, rights, powers, interests, leases, privileges and property, construct, in so far as the same has not then already been constructed, and may maintain and operate a bridge, with the necessary or proper approaches and terminal facilities in the cities of Ottawa and Hull, over the Ottawa River from a point upon or near Nepean Point in the city of Ottawa, to a point in the city of Hull, for railway purposes, and may construct and arrange the said bridge for the passage of pedestrians, cars and vehicles, propelled or drawn by any power, and for general traffic purposes, and may lay, and operate tracks on the bridge and approaches, and on its terminal property in the said cities for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles, pedestrians and general traffic over the bridge, approaches and terminal property, or for the use thereof.

Rate of tolls to
be approved.

11. The rate of tolls to be charged for the passage of pedestrians, cars and vehicles, shall, before being imposed, first be submitted to and approved of, and may from time to time be amended or modified by, the Governor in Council, but the Company may at any time reduce the same, and a notice showing the tolls to be charged shall at all times be posted up in a conspicuous place on the bridge: Provided that in the event of the Company, or the Pontiac Company, receiving the bonus of one hundred and fifty thousand dollars from the city of Ottawa, voted by the city of Ottawa to the Pontiac Company by by-law No. 1458 of the city of Ottawa, then the provisions of the said by-law and of the agreement between the city of Ottawa and the Pontiac Company in reference thereto, dated the fourteenth day of December, one thousand eight hundred and ninety-three, and of by-laws Nos. 1628 and 1707 of the city of Ottawa, with reference to the said bridge being free from tolls for certain classes of traffic, and as to the terms for the use of the said bridge, shall be binding upon the Company, except in so far as the same may hereafter be amended or modified by agreement with the said city, or under any Act of the legislature of the province of Ontario.

Proviso.

Bonus of city
of Ottawa.

Plans of
bridge to be
approved.

12. Except in so far as such plans have already been submitted, and such approval has been obtained, and compliance made as hereinafter mentioned, the Company shall not proceed with the construction of the bridge until it has first submitted to the Governor in Council plans thereof, and of all intended works thereunto appertaining, nor until such plans, and the site

of the bridge, have been approved of by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the bridge and works have been complied with, nor shall such plans be altered or any deviation therefrom be allowed except by permission of the Governor in Council, and upon such conditions as he shall impose.

13. The Company may construct such piers, abutments, blocks and erections in the Ottawa River, and in the cities of Ottawa and Hull, as may be deemed necessary not only for the construction of the bridge, but which the Company may require or think desirable to protect it from ice and freshets, or for any other purpose in connection with the bridge; and may build the necessary approaches thereto, in, to and upon the lands, streets, roads and grounds lying and being on either side of the said river situate within the limits of the cities of Ottawa and Hull; and may cut, level, or raise the banks of the said river in such manner as may be deemed necessary or proper for building the bridge; and may cut, remove and carry away every impediment which may in any way tend to hinder the construction of the bridge; and may execute all other things necessary or convenient for constructing, working, maintaining and supporting the bridge.

Construction of piers, etc.

Alteration of river bank.

14. For the purpose of constructing, maintaining and supporting the bridge the Company may, from time to time, take, under the provisions of *The Railway Act*, and use all lands reasonably required on either side of the said river in the cities of Ottawa and Hull, and thereon to work up the materials necessary for constructing and repairing the bridge; and may also take, under the provisions of *The Railway Act*, and use all lands in either of the said cities reasonably required for approaches and terminal facilities in connection with the bridge and other works, and the use thereof, first, however, making reasonable compensation for the lands so to be taken or occupied—such compensation to be settled by arbitrators under the provisions of *The Railway Act*.

Expropriation of lands.

1888, c. 29.

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

Equal rights in passage of bridge to all railways.

16. In case of any disagreement as to the rights of any company whose trains, business or cars pass over the bridge

Disputes to be determined by Railway Committee.

and approaches thereto, 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 *The Railway Act*.

Bonding powers.

17. The Company may issue bonds, debentures or other securities to an amount not exceeding one million dollars upon the bridge, approaches, terminal and other property of the Company, or any portion thereof, and such bonds may be secured by a deed of mortgage; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of the bridge, approaches, terminal property and other works by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge, approaches, terminal property and other works by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Bondholders may choose two directors.

18. If the Company issues bonds, debentures or other securities, as provided for in the next preceding section, the holders thereof may annually, at a general meeting called and held in the same manner as is prescribed in *The Railway Act* with reference to special general meetings of shareholders, choose two of their number to be directors of the Company; and such persons shall be members of the board of directors of the Company in addition to, and with the same rights, as the other directors authorized by this Act or by *The Railway Act*; but such holders of bonds, debentures or other securities shall incur no liability by the appointment of such directors.

Proviso.

Arrangements with other companies, etc.

19. The Company may, with the approval of two-thirds of the votes of the shareholders at a special general meeting 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 after obtaining the sanction of the Governor in Council in the manner provided in section 239 of *The Railway Act*,—

To build bridge.

(a.) unite with any other company incorporated under the laws of Canada, the province of Ontario, or the province of Quebec, or with any corporation, in building the bridge, approaches, terminal property and other works, and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof;

To lease or sell undertaking.

(b.) enter into an agreement with any such company, or with the Governments of Canada, Ontario, or Quebec, or with any of them jointly, or with the corporations of the city of Ottawa or of the city of Hull, or with them jointly, for the leasing or selling of the bridge, approaches, terminal property

and other works to such company, government, or corporation, in whole or in part, or any rights or powers acquired by it, and also the franchises, surveys, plans, works, plant, machinery, and other property to it belonging, or for an amalgamation with such company.

20. The directors may issue as paid-up stock any ordinary stock of the Company, and may allot and pay the same for right of way, plant, rolling stock, or materials of any kind, and also for services of contractors and engineers.

Issue of paid-up stock.

21. The directors of the Company may issue paid-up and unassessable shares of the capital stock of the Company, whether subscribed for or not, and whether paid up or not, in payment for the said franchises, powers, privileges, bridge, approaches, works, bonuses, subsidies, licenses, surveys, property and assets, and may allot and hand over such shares to the Pontiac Company and the Gatineau Company or either of them, or to their shareholders respectively, as may be agreed upon; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Allotment of paid-up stock to Pontiac and Gatineau companies.

22. *The Railway Act* shall apply to the Company and its undertaking.

1888, c. 29.

23. The bridge and approaches shall be completed within four years after the passing of this Act, otherwise the powers granted to the Company for such construction shall cease and be null and void as respects so much thereof as then remains uncompleted.

Time for construction limited.

24. *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 118.

25. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.



61 VICTORIA.

CHAP. 113.

An Act to incorporate the Prudential Life Assurance Company of Canada.

[Assented to 13th June, 1898.]

WHEREAS the persons hereinafter named have, by their Preamble. petition, prayed to be incorporated 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:—

1. Henry O'Hara, John C. Copp, J. K. Stewart, C. McGill, Incorporation. John Gowans, H. R. O'Hara and Matthew Riddell, all of the city of Toronto, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Prudential Life Assurance Company of Canada," hereinafter called "the Company."

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

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

4. The persons named in section 1 of this Act, together with Provisional directors. such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and withdraw the same for purposes only of the Company, and may do generally what is necessary to organize the Company. Organization of Company.

Election of directors.

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

Qualification of directors.

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

Calls on stock.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given: Provided that the Company shall not commence the business of insurance until sixty-five thousand dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

When business may be commenced.**Number of directors.**

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

Annual general meeting.

8. 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 by the directors.

Head office.

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

Branches.**Investment of funds.**

10. 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 or school corporation in Canada, or in the bonds or debentures of any building society, loan or investment company, water-works company, gas company, street railway company, electric railway company, (every such society or company being a company incorporated in Canada),

or on the security of any of the said debentures, bonds, stocks or securities, or on the security of the paid-up shares of any building society, loan or other company mentioned above, (provided that any loan upon the security of any such shares shall not exceed ninety per cent of the market value of such shares), or on the security of real estate or mortgage security thereon, or on the security of leaseholds for a term or terms of years or other estate or interest in real property or mortgage security thereon in any province of Canada or in or on policies issued by the Company, or by other companies, or in the purchase of ground rents and in or upon the stock, bonds or debentures of the United States or of any state thereof, or of any municipality in the United Kingdom or in the United States or any state thereof, or in or on mortgages on real estate therein, (but the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States, and the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*.) and may change and re-invest the same as occasion may from time to time require; and may take, receive and hold any of such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the directors, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of the said debentures, bonds, stocks, mortgages or other securities as aforesaid; such loans to be on such terms and conditions and in such manner and at such times and for such sums and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return as the board of directors may from time to time determine and direct, and taken either absolutely or conditionally or as collateral security, or taken in satisfaction of debts due to the Company or judgments recovered against any person or corporation in its behalf, or in security for the payment of the same or of any part thereof; provided that the Company may take any additional security of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.

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

Foreign securities.

12. The Company may hold such real estate as is bona fide mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered; provided that no parcel of land, or interest therein at any time acquired by the Company, and not required for its actual use and occupation,

Power to hold real estate.

Real estate to be sold within seven years.

or not held by way of security, shall be held by the Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the Company shall no longer retain any interest therein unless by way of security, and any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the Company, or in trust for the Company, and subject to these provisos.

Forfeiture.

Proviso for extension.

Notice.

Statement.

Real estate required for Company's use.

13. The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Company, but the annual value thereof in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars.

Dividends.

14. The directors may, from time to time, set apart such proportion of the net profits as they shall deem safe and proper, for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart, which has been so distinguished as having been derived from participating policies to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

Rights of certain policy holders.

15. Whenever any holder of a policy, other than a term or natural premium policy, shall have paid three or more annual premiums thereon, and shall fail to pay any further premium, or shall desire to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up commuted policy for such sum as the directors may determine, such sum to be ascertained upon principles to be adopted by by-laws, or the directors may pay a sum as a cash surrender value in lieu of such paid-up commuted policy, provided he

shall demand such paid-up commuted policy while the original is in force, or within six months after his failure to pay a premium thereon.

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

Holders of participating policies.

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

Husband or father holding participating policy.

17. The Company may maintain separate accounts of the business transacted by it, in the "Industrial," the "General," the "Abstainers" and the "Women's" sections, keeping the receipts and the expenditures distinct, each section sharing its own profits, and each section paying its own proper proportion of expenses ; and the Company may establish a section on the principle of non-participation in profits, which shall be known as the "Non-Participating Section."

Separate accounts for "sections."

Non-participating section.

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

R.S.C., c. 124.

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

R.S.C., c. 118.



61 VICTORIA.

CHAP. 114.

An Act respecting the Queenston Heights Bridge Company.

[Assented to 13th June, 1898.]

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

1. The times limited by section 19 of chapter 43 of the statutes of 1896 (First Session) for the commencement and completion of the undertaking of the Queenston Heights Bridge Company, are hereby extended for two years and four years respectively from the passing of this Act, and if the works are not so commenced and completed, then the powers granted by the said Act, and by this Act, shall cease and be null and void as respects so much of the undertaking as then remains uncompleted. Time for construction extended. 1896 (1st Sess.) c. 43.

2. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.



61 VICTORIA.

CHAP. 115.

An Act respecting the Harbour of the City of Saint John, in the Province of New Brunswick.

[Assented to 13th June, 1898.]

WHEREAS the common council of the city of Saint John, Preamble.
in the province of New Brunswick, has, by its petition, represented that by an Act of the legislature of the province of New Brunswick, being chapter 27 of the statutes of 1889, N.B., 1889, c. 27. the city of Portland and the city of Saint John were united under the name of the city of Saint John, and that there was in a part of the said city of Portland known as "Indian Town," a harbour called Indian Town Harbour; and whereas the said council has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The harbour mentioned in the preamble, and heretofore called Indian Town Harbour, shall, from and after the passing of this Act, be known as and called "The Saint John Harbour North," and shall form part of the Saint John Harbour. Indian Town Harbour changed to Saint John Harbour North.
- 2.** The outer and western, and southern and northern harbour line of Saint John Harbour North shall be as marked and set forth on duplicate maps or plans thereof, one of which maps or plans is filed in the office of the Minister of Public Works at Ottawa, and the other in the office of the common clerk of the city of Saint John, and which harbour line is described as follows: Beginning at a point numbered one on said plans distant westwardly one thousand two hundred and fifty feet at right angles from a point on a northerly prolongation of the easterly line of Bridge Street, the said point being nine hundred feet from the northerly side of Main Street; thence due north to the shore, and then from said point numbered one, southerly to a point numbered two on said plans, distant westwardly at right angles eight hundred feet from a point on the easterly line of Bridge Street aforesaid, the said point being distant Limits of Saint John Harbour North defined.

five hundred feet northerly from the said northerly line of Main Street ; thence southerly to a point numbered three on the said plans, distant westwardly at right angles four hundred and twenty feet from a point on the southerly prolongation of the easterly line of Bridge Street afore-said, the said point being distant four hundred and fifty feet southerly from the northerly line of said Main Street ; thence southerly to a point numbered four on said plans, distant at right angles three hundred feet from a point on the said southerly prolongation of the said easterly line of Bridge Street, the said point being distant southerly one thousand three hundred and ninety feet from the northerly line of said Main Street ; thence eastwardly at right angles to said prolongation seven hundred and seventy feet to a point numbered five ; thence northerly to a point numbered six, which is distant eastwardly at right angles seven hundred and twenty feet from a point on the said southerly prolongation of said line of Bridge Street, which said point is distant eight hundred feet southerly from the northerly line of Main Street ; thence eastwardly along said line at right angles two hundred and twenty feet to the point on said plans numbered seven ; thence southerly six hundred and ten feet to the point numbered eight upon said plans, which is distant eastwardly eight hundred and fifty feet from the said point one thousand three hundred and ninety feet southerly from the said northerly line of Main Street as before mentioned ; thence continuing southerly parallel to said prolongation of Bridge Street, eight hundred and fifty feet to the point on said plans numbered nine ; thence westwardly to a point on said southerly prolongation of Bridge Street, distant southerly two thousand four hundred and sixty-five feet from the northerly line of said Main Street, and continued in the same direction until it reaches one thousand three hundred feet to a point on said plans numbered ten ; thence southerly to the most easterly point of the island shown on said plans as " Middle Island " to said last mentioned point, being numbered eleven on said plans ; and thence southerly to the extreme westerly point of the main land on the easterly side of the falls, as shown on the said plans, and numbered twelve thereon, which last mentioned point is immediately south of the railway bridge crossing the falls. And the said the Saint John Harbour North shall consist of the waters and the land under the same within and to the eastward and southward and northward of said harbour line, and to the westward and southward and northward of the shore of the River Saint John at high water mark where said shore is immediately to the westward, southward and northward of such harbour line.

Harbour to be
property of
city of Saint
John.

3. So much of the Saint John Harbour North, as hereinbefore described and bounded, as is within the legislative authority of Parliament, is hereby vested in the city of Saint John, for the use and benefit of the inhabitants thereof, subject however to the provisions of this Act.

4. The common council of the city of Saint John may appoint a deputy harbour master for Saint John Harbour North, and may at any time dismiss such deputy harbour master, and appoint another in his stead.

Power to appoint deputy harbour master.

5. The city of Saint John and the owner or lessee of any land fronting upon the waters of Saint John Harbour North, and lying to the eastward, southward and northward of the harbour line hereinbefore described, may, subject to the provisions of chapter 92 of the Revised Statutes intituled *An Act respecting certain works constructed in or over navigable waters*, construct and maintain piers and wharfs into the said harbour for the better securing the said harbour, and for the lading and unloading of goods. Such piers and wharfs may be constructed and maintained in the said harbour as far as the said harbour line, but not beyond; provided that such owner or lessee, before building or extending any wharf or pier in the said harbour, shall file a plan of such proposed wharf, pier or extension in the office of the said common clerk, and such plan, and such proposed building or extension, shall be approved by the common council before such building or extension is proceeded with.

Piers may be constructed.

6. The city of Saint John may charge anchorage fees on vessels using the said harbour, and the said city, as also the owners of wharfs fronting on or in Saint John Harbour North, may charge wharfage and dockage fees on vessels lying at any wharf belonging to them respectively, and on goods and chattels received from or delivered on board of any such vessel at any such wharf, and the rate and amount of any such wharfage shall be fixed by by-law, as hereinafter mentioned.

Wharfage fees.

7. The common council of the city of Saint John may make such by-laws and ordinances as it deems necessary for the government and management of Saint John Harbour North, and for the anchoring, mooring, placing, docking and changing the place of any vessel in the said harbour, and the loading and unloading of any vessel therein, and may, in such by-laws or ordinances, fix the wharfage, dockage or other fee to be paid to the city of Saint John, or the owner or lessee above mentioned, by the owner of any vessel moored, or lying at any wharf or pier in the said harbour, or put in any dock, or anchored in the said harbour, and such by-laws shall control any officer appointed by the said city to manage and govern the said harbour and the business carried on therein, and any other matter concerning the said harbour, or the condition and interest of the same, and may impose such penalties and forfeitures for the breach of such by-laws and ordinances as the said council deems advisable. Provided always that such by-laws and ordinances shall not be contrary or repugnant to any statute of Canada.

Council may make by-laws for management of harbour

By-laws to be approved by Governor in Council.

2. The said by-laws and ordinances shall not be operative or binding until first approved by the Governor in Council.

Construction of additional piers, etc., opposite private lands.

8. If at any time the common council of the city of Saint John determines, by resolution, that additional wharfs, piers or docks are required in Saint John Harbour North, and the city of Saint John has not property of its own on or in front of which to build the same, the said council may thereupon give to the owner of the land on, or in front of which, the said additional wharfs, piers or docks would require to be built, a notice to proceed with the building thereof within three months, and if such owner fails to proceed with such building within the said period, then the city of Saint John, by its officers, servants and agents, may enter upon any such lands and premises, and make surveys and measurements, and ascertain the boundaries of the land required for such wharfs, piers or docks; and the common council may thereupon, by resolution, set forth the metes and bounds of any such land proposed to be taken, and may, by resolution, take and appropriate for the purpose of constructing such wharfs, piers or docks, in connection with Saint John Harbour North, the said land and premises so laid off by metes and bounds.

Plan to be filed, and copy served on owners of land.

2. The plan of the land and premises proposed to be so taken, shall be filed in the office of the registrar of deeds of the city and county of Saint John, and a copy of the said plan shall be served upon the owners of such lands and premises.

Contracts for purchase of land.

9. The city of Saint John may contract for the purchase of any land required for the purposes aforesaid; and any guardian, curator, committee, trustee, executor, or person, not only for and on behalf of himself, but also for and on behalf of those whom he represents, whether infants, lunatics, or persons otherwise incapable of contracting, or other persons seized, possessed of or interested in any such land may, with the approval of a judge of the Supreme Court of the province of New Brunswick, upon petition, set forth the facts of the case, and the said judge shall thereupon make an order for the disposition of the proceeds of the said land, and such guardian, curator or other person above named may contract for the sale of, and may convey to the said city any of such lands and premises, and give receipts for the compensation paid therefor.

Proceedings where parties cannot agree.

10. If the owner of any such lands and premises cannot agree with the said city as to the amount of compensation to be paid therefor, the common council may offer to such owner a named sum of money for the lands and premises described in any resolution as aforesaid, and shown on the plan filed, and in case such owner shall not, within ten days from the date of such offer, accept the same, the said city may apply to a judge of the Supreme Court of the province of New Brunswick, by petition, setting forth all the facts, so far as the judge may deem it

necessary that the same should be set forth, praying that the said judge may hear all the parties interested in the matter of the said petition, and by his order settle and determine the amount of compensation that is to be paid to the person entitled to receive such compensation for the said lands and premises so taken and appropriated by the said city for the purposes aforesaid, and thereupon the said judge shall issue an order calling upon all such persons to attend before him at the time and place within the said city to be named in such order, for the purpose of ascertaining the amount of such compensation; and upon the return of such summons, or any adjournment of the time for the hearing thereof, the said judge shall receive evidence from and on the part of the said city, and from and on the part of any person so interested as aforesaid in the said lands and premises so appropriated, with reference to such value, and the said judge shall, after such hearing, make an order in duplicate determining such value, and the said order shall, when registered and filed as hereinafter mentioned, convey to the said city a valid title to the lands and premises so appropriated.

2. One copy of the said order shall be filed in the said court with the clerk of the pleas at Fredericton, in the province of New Brunswick, and the other copy shall be registered in the office of the registrar of deeds in and for the city and county of Saint John: and upon the same being registered, and the amount of such award being paid or tendered to the respective parties entitled thereto, or where the order so determines, on payment of such moneys into court or into a bank to such credit as the judge directs, the lands and premises described in such order shall vest absolutely in the said city free from every encumbrance, dower, lien or claim, and thereupon the said city may take possession of the same without any suit or proceeding.

11. If for any cause an order should not be made by the said judge as to the value of the said lands and premises so taken and appropriated as aforesaid, proceedings may be taken *de novo* for the obtaining of such order.

12. The amount so ordered to be paid to the owner or person entitled to contract in respect of any such property shall be paid to him, and if the said property shall be subject to any mortgage lien, execution, attachment or other charge or claim in respect of any interest of what nature or kind soever, the said sum so awarded shall be paid in to such bank as a judge of the Supreme Court shall order, and shall be paid out to the party entitled thereto upon the order of any such judge, to be made upon petition setting forth the nature of the claim, and such other facts, and upon such notice to other parties as he shall require or direct; provided always that any cost occasioned by the determination of such claims shall

shall be borne by such of the parties, including the said city, as the judge may order.

Payment into court in certain cases.

13. If any person entitled to compensation shall refuse to receive the amount so ordered to be paid as aforesaid, or to give a proper receipt therefor, or if the person entitled to receive such amount has not been found, such amount shall be deposited in a bank under the direction of any judge of the Supreme Court of the said province to such credit as the judge directs upon affidavit of the fact, and thereupon the said city shall be released from all liabilities in respect thereof.

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61 VICTORIA.

CHAP. 116.

An Act to incorporate the Tobique Manufacturing Company, Limited.

[Assented to 13th June, 1898.]

WHEREAS the Honourable John Costigan, of the city of Preamble. Ottawa, Frederick H. Hale, of the town of Woodstock, in the province of New Brunswick; George A. Murchie, of the town of Calais, in the state of Maine; James Straton, of the city of Ottawa, Henry Hilyard of the city of Saint John, and the Honourable George T. Baird, of Perth, both in the province of New Brunswick, have by their petition represented that they are desirous of becoming incorporated under the name of the Tobique Manufacturing 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:—

1. The persons named in the preamble to this Act, and such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Tobique Manufacturing Company, Limited," hereinafter called "the Company." Incorporation.
Corporate name.

2. The Company may carry on, throughout the Dominion of Canada and elsewhere, the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and other business incident thereto, or connected therewith, including the manufacture of furniture, doors, sashes, blinds, and the manufacture of pulp, wood-pulp and other products from wood or wood material; and may make brick, cement, lime and gypsum; and may, for all or any of the said purposes, purchase, hold, lease or otherwise acquire, licenses to cut timber, timber limits, lands, buildings, docks, works, vehicles, goods, wares, merchandise and other property real and personal, movable and immovable, and may improve, extend, manage, develop, lease, exchange, sell, dispose of, turn to account, or otherwise deal in and with the same; and may General business powers. establish

establish shops or stores, and may purchase and vend general merchandise, and carry on farming and stock-raising.

Mining rights.

2. The Company may purchase or otherwise acquire and work in Canada, mines, mineral and mining rights and lands containing gypsum and lime, and may burn, grind, calcine, crush, smelt, reduce, amalgamate the ore, or otherwise render marketable the produce, and may develop the resources of mines whether belonging to the Company or not.

Construction of works and buildings.

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

Vessels.

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

Acquisition of similar businesses.

5. The Company may purchase or otherwise acquire any business within the objects of the Company, and any lands, property, privileges, rights, contracts, and liabilities appertaining to the same, and may let or sublet any property of the Company, and may sell or otherwise dispose of the business, property, or undertaking of the Company, or any part thereof, for such considerations as the Company may think fit, and in particular for shares, debentures, or securities of any other company having objects altogether or in part similar to those of the Company.

Construction of dams in the Tobique River.

6. The Company may locate, erect and maintain in the Tobique River, between Ox Island and the head of Plaster Rock Island, in the county of Victoria and province of New Brunswick, a dam or dams for the purpose of holding reserves of water on the Tobique River; provided, that in the construction of such dam or dams, an opening or openings, with the necessary slide or slides and gates sufficient for the safe transmission of square timber, saw-logs or lumber, whether loose or in rafts, and for the passage of boats, shall be maintained free of charge for the use of all persons who may desire to transmit square timber, saw-logs or lumber, loose or in rafts, or for the passage of boats, and the Company shall be liable to pay damages to any owner or owners of property injured by any overflowing of the waters of the said river caused by the said dam or dams.

Construction of booms in the Tobique River.

7. The Company may locate, erect and maintain in the Tobique River, between the said dam or dams and the head of the river, piers, booms and shear booms, for the purpose of holding, collecting, separating, driving and sorting out logs, pulp wood and other lumber coming down the Tobique River.

Holding of logs, etc., in Company's booms.

8. The Company may hold between the said piers and booms, if situated, erected and maintained as aforesaid, all logs, pulp wood and other lumber coming down the Tobique River

which are destined and intended for use and manufacture at the mills of the Company; and may also, by aid of such piers and booms, separate and sort out all the logs, pulp wood and other lumber coming down the said river; and may charge a toll of ten cents per thousand superficial feet for sorting out, whenever requested so to do by the owner thereof, the lumber coming down the said river belonging to persons or companies other than the Company.

Sorting.

Toll for sorting.

9. The Company may also boom and hold all logs, pulp wood and other lumber which come within its piers and booms, but the owner thereof shall have the right to take possession of the same without charge; provided, that in so doing the owner shall in no wise prejudice, injure or damage the dams, booms, piers or other property of the Company.

As to logs, etc., not the Company's.

10. The Company may enter upon, take and hold such lands as are necessary for the location, erection or maintenance of its dams and piers and of the booms connecting the same with the shores; and may, with their agents and teams, pass and repass over said shores, for the purposes and for the operation and management of its dams, piers and booms; but the Company shall make compensation therefor as provided in case of damage to lands taken in laying out railways under *The Railway Act*; and the Company may also remove rocks and make other necessary improvements in the Tobique River, subject to the approval of the Governor in Council on giving one month's notice in the *Canada Gazette* of its intention to apply for such approval.

Powers to expropriate and right of way over lands.

1888, c. 29.

Improvement of Tobique River.

11. The Company may also, for the purposes of its business hereinbefore mentioned and in connection therewith, own or manage hotels or boarding houses.

Hotels.

12. Nothing in this Act contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of its business as aforesaid.

Limitation of acquisition of real estate.

13. None of the works affecting the navigation of the said Tobique River 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.

3. The Company may also purchase, take over or acquire all or any of the timber limits, gypsum property or mining leases on the said Tobique River, by whomsoever owned, including the property of the incorporators or any of them, and the whole or any of the good-will, stock-in-trade, assets and property, real and personal, movable and immovable, of the incorporators or other persons in connection with the said businesses, 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

Power to purchase or acquire timber limits, mining property, etc.

Price may be paid in paid-up stock.

said business or businesses so carried on in respect of the said timber limits, gypsum or other properties, by the said incorporators or other persons, and also obligations affecting the assets and property so purchased from them.

Negotiable instruments.

Proviso.

4. The Company may make, endorse, accept 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.

Borrowing powers.

5. The directors, if authorized by a by-law for that purpose, passed and approved by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company present or represented by proxy at a special general meeting duly called for the purpose of considering such by-law, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, 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 mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Debenture issue.

6. So soon as two hundred thousand dollars of the capital stock of the Company have been subscribed for and issued, and twenty per cent paid up thereon, the directors of the Company, under the authority of the shareholders given at any special 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 3 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 and of moneys borrowed under the next preceding section shall not exceed in amount seventy-five per cent of the paid-up capital stock of the Company; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed; and such mortgage deed may give to the holders of the said debentures, or the trustee or trustees for such holders named in such

Limitation of amount.

Security.

mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

7. The capital stock of the Company shall be one million five hundred thousand dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed ten per cent, nor be made at less intervals than two months, and every share in the Company shall be deemed to have been issued, and be held subject to the payment of the whole amount thereof in cash, except as herein otherwise provided.

8. The Honourable John Costigan, Frederick H. Hale, George A. Murchie, Henry Hilyard and the Honourable George T. Baird shall be the first or provisional directors of the Company. A majority of whom shall form a quorum.

2. The said provisional directors may open stock books, and procure subscriptions of stock and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only, and they shall have and possess all the powers which are conferred upon directors by *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 Woodstock in the county of Carleton, New Brunswick, at such times as they determine: Provided that notice in writing, signed by at least three of the provisional directors calling any such meeting, with the date and place of holding the same, shall be mailed by registered letter to the address of each of the other directors not less than six days previous to the date of such meeting.

9. At any time within three months after the passing of this Act the provisional directors, or any three of them, shall call a general meeting of the shareholders of the Company to be held at the said town of Woodstock at such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by three or more of the provisional directors calling any such meeting, with the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

10. No person shall be elected a director unless he holds at least ten shares of the capital stock of the Company, absolutely in his own right, and is not in arrear in respect of any call thereon, and the directors of the Company, may act notwithstanding any vacancy in their number: Provided that,

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

Head office. **11.** The head office of the Company shall be in the parish of Gordon, in the county of Victoria, province of New Brunswick.

Annual meeting. **12.** The annual meeting of the shareholders shall be held on the second Wednesday in March in each year, at the head office of the Company, or at such other place in Canada as may be determined by by-law.

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

Act to expire by non-user. **14.** This Act shall expire and the charter hereby granted shall cease to be in force by non-user during three consecutive years, or if the Company does not go into actual operation within the term of two years from the passing of this Act.



61 VICTORIA.

CHAP. 117.

An Act respecting the Board of Trade of the City of Toronto.

[Assented to 13th June, 1898.]

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

1. All assessments for the maintenance of the gratuity fund of the Board of Trade of the city of Toronto, created under and by virtue of chapter 56 of the statutes of 1886, intituled *An Act to amend the several Acts relating to the Board of Trade of the City of Toronto*, shall cease, and no member of the said fund shall hereafter be liable to be assessed in respect of the said fund. Assessments for gratuity fund to cease

2. The said fund, after deducting all necessary costs, charges and expenses, shall be applied and disposed of pro tanto in and by the payment to each member of the said fund on the first day of June, one thousand eight hundred and ninety-eight, of the sum of one hundred and twenty-five dollars in cash. Application of fund. Payment of fixed sum forthwith.

3. The balance remaining in the said fund after the distribution provided for in the next preceding section hereof shall be then set apart, and the then members of the said fund are hereby declared to be entitled to share equally in the said balance (after deducting all proper costs, charges and expenses of management and distribution) at the expiration of five years from the passing of this Act ; provided that no such member, shall be entitled to a share of the said balance unless he shall have continued a member of the said Board of Trade for a term of five years after the date of the distribution referred to in section 2 hereof, and shall have paid his annual dues in respect of the said term of five years. Payment of balance in five years. Proviso.

4. In the case of the death of a member who shall have paid the dues payable by him in respect of the period up to his death, his representative or assign shall be entitled to such Deceased member's share.
sum

sum of money as the member would have been entitled to if he had lived and had paid his dues, and the payment to his representative or assign shall be made at the expiration of the said term of five years, after first deducting the amount which would have been payable by the member for annual dues if he had lived for the said term of five years.

Transfer of certificate.

5. If any member shall, with the consent of the council of the said Board of Trade, make a transfer of his certificate during the said term of five years, the holder of such certificate shall be entitled at the expiration of five years from the passing of this Act, to the share to which the member so making the transfer would have been entitled but for such transfer.

Member ceasing to be member of Board.

6. If any member shall fail to continue a member of the said Board of Trade, and to pay his annual dues, his interest in the said balance of the said fund shall cease, and such share as would otherwise have been payable to him under and by virtue of the provisions hereof, as aforesaid, shall be applied towards the payment of the annual dues which would have been payable by him if he had remained a member for the said term of five years.

Moneys applicable to payment of annual dues.

7. The moneys applicable to the payment of annual dues as aforesaid may be paid over to the said Board of Trade from time to time, and shall not be liable to be applied or taken to or for any purpose other than the annual current expenses of the said Board of Trade.

Board and trustees of fund may dispose of securities.

8. In order to carry out the object or intent of this Act, and the powers and trusts vested in or imposed upon them or either of them by this Act, the said Board of Trade and the trustees for the time being of the said fund shall have power to sell, hypothecate, pledge, assign and dispose of, and otherwise deal with as they shall see fit, the securities, or any of them, which shall or may be for the time being, for the purposes of the said fund, in the hands of the said Board of Trade and the said trustees, or either of them, and whether the same are held in the name of the said Board of Trade or of the said trustees.

1886, c. 56,
1896 (1st Sess.)
c. 45.

9. Chapter 56 of the statutes of 1886, intituled *An Act to amend the several Acts relating to the Board of Trade of the City of Toronto*, and chapter 45 of the statutes of 1896 (First Session), intituled *An Act relating to the Board of Trade of the City of Toronto*, are hereby repealed in so far as they are inconsistent with this Act.



61 VICTORIA.

CHAP. 118.

An Act to amend the Charter of the Union Bank of Canada.

[Assented to 13th June, 1898.]

WHEREAS the Union Bank of Canada has, by its petition, Preamble. represented that its capital stock consists of one million five hundred thousand dollars divided into twenty-five thousand shares of sixty dollars each, and has prayed that the said stock be divided into fifteen thousand shares of one hundred dollars each, as unanimously approved by resolution duly passed at the annual general meeting of the shareholders of the said Bank, held on the fourteenth day of June, one thousand eight hundred and ninety-seven, and that it be enacted as hereinafter set forth; 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:—

1. The capital stock of the Union Bank of Canada, now Capital stock. consisting of twenty-five thousand shares of the par value of sixty dollars each, is hereby divided into fifteen thousand shares of the par value of one hundred dollars each.

2. Each and every holder of shares in the capital stock of the said Bank at the time of the coming into force of this Act, shall be, and shall as soon as possible be registered as, Registration of holders of shares. the holder of as many shares of one hundred dollars each as the par value of his holding in the said Bank represents.

3. With respect to shareholders having only one share of Fractional shares. the par value of sixty dollars, or whose holding when divided into shares of one hundred dollars leaves a fractional share to them belonging, the board of directors shall combine and unite all such fractional shares into an equivalent number of shares of one hundred dollars, and shall dispose of the same after due advertisement in two newspapers published in Quebec, one in the English, and one in the French language, in such lots and at such times as the said board deems most advisable,

advisable, and shall divide the proceeds of such sale or sales among the respective holders of the fractional shares above mentioned according to their respective interests.

Commence-
ment of Act.

4. This Act shall be deemed to be in force from and after the first day of June, one thousand eight hundred and ninety-eight.

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



61 VICTORIA.

CHAP. 119.

An Act to incorporate the Victoria-Montreal Fire Insurance Company.

[Assented to 13th June, 1898.]

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

1. Samuel H. Ewing and Allen R. Macdonell, both of the Incorporation. city of Montreal, William Pugsley, of the city of Saint John, in the province of New Brunswick, John Dowsley Reid, of the village of Cardinal, and James A. Wright, of the city of Montreal, together with such persons as become shareholders in the company, are hereby incorporated under the name of the “Victoria-Montreal Fire Insurance Company,” hereinafter Corporate name. called “the Company.”

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

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

2. The directors may, after the whole capital stock has been Increase of capital. 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 two million dollars; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

4. The persons named in section 1 of this Act are hereby Provisional directors. constituted provisional directors of the Company, and a majority

Powers.

ty of them shall be a quorum. The said provisional directors may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and may withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

Business of Company.

5. The Company may make and effect contracts of insurance with any person, against loss or damage by fire or lightning in or to any houses, dwellings, stores or other buildings whatsoever, and to any goods, chattels or personal estate whatsoever, for such times, and for such premiums or considerations, under such modifications and restrictions, and upon such conditions as are bargained and agreed upon or set forth by and between the Company and the insured.

Re-insurance.

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

First meeting of Company.

6. So soon as three hundred thousand dollars of the capital stock of the Company have been subscribed and twenty-five 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 Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than five nor more than nine directors, of whom a majority shall form a quorum.

Election of directors.

Number of directors.

Qualification.

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

Payment of calls.

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

Commencement of business.

8. The Company shall not commence the business of insurance until at least eighty thousand dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act; and within one year thereafter at least eighty thousand dollars of additional capital shall be called up and paid in; provided, that the amount so paid in by any shareholder shall not be less than ten per cent on the amount subscribed by him.

Proviso.

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

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 addresses of the shareholders respectively given in the books of the Company.

Notice of meetings.

10. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada or of any province of Canada or of any municipal corporation in Canada, or in debentures of any building society, loan, or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for a term or terms of years, or in ground rents on real estate or other estate or interest in real property or mortgage security thereon, and may 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 due to the Company, or judgments recovered against any person, or in security for the payment thereof.

Terms of investments to be in discretion of directors.

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

Additional security.

Foreign securities.

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

Real estate may not be held for more than seven years.

12. 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 no parcel of land, or interest therein, at any time acquired by the Company, and not required for its actual use and occupation, or not held by way of security, shall be held by the Company, or by a trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the Company shall no longer retain any interest therein unless by way of security; and any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided that the Governor in Council may extend the said period from time to time, but so that it shall not exceed in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the Company, or in trust for the Company, and subject to these provisos.

Forfeiture

Proviso for extension.

Notice.

Statement.

R.S.C., c. 124.

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

R.S.C., c. 118.

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



61 VICTORIA.

CHAP. 120.

An Act to incorporate the Windsor and Detroit Union Bridge Company.

[Assented to 13th June, 1898.]

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

1. Charles M. Hays and George B. Reeve, of the city of Incorporation.
Montreal, in the province of Quebec, Joseph Ramsey, the
younger, and Wells H. Blodgett, of the city of St. Louis, in
the state of Missouri, Ossian D. Ashley, of the city of New
York, in the state of New York, Henry B. Joy and Elijah
W. Meddaugh, of the city of Detroit, in the state of Michigan,
John Proctor, of the city of Hamilton, in the province of
Ontario, and William H. Biggar, of the city of Belleville, in
the province of Ontario, together with such persons as become
shareholders in the company, are hereby incorporated under the Corporate
name of “The Windsor and Detroit Union Bridge Company,”
hereinafter called “the Company.”

2. The Company may construct, maintain and use a bridge Location
for railway and other purposes across the Detroit River from of bridge
a point on the Canadian side of the river at or near the city described.
of Windsor, in the province of Ontario, to a point on the
opposite side of the said river at or near the city of Detroit,
in the state of Michigan, one of the United States, and may
lay tracks on the said bridge for the passage of locomotive Railways.
engines and railway trains, with all the necessary approaches,
tracks, machinery and appliances required to enable the rail-
way companies whose lines shall connect therewith to use the
said bridge ; and the Company shall construct or arrange the Pedestrians.
said bridge for the use of foot passengers ; and may purchase, Real estate.
acquire and hold such real estate, including lands for sidings
and other such like accommodation required for the convenient
working

working of the traffic to, from and over the said bridge, as the Company may think necessary for any of the said purposes.

Plans to be approved by Governor in Council.

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

Construction of bridge.

4. The said bridge shall be made with not more than three unbroken continuous spans between the bulkhead line as established on the Windsor side of the river and the bulkhead line as established on the Detroit side of the river. The length of the main channel span shall not be less than one thousand one hundred feet in the clear width between the masonry piers measured at a point twenty-five feet below the extreme low water and there shall be only two piers inside of said bulkhead lines. The height of the superstructure above high water shall be fixed and determined by the order of the Governor in Council, and of the Secretary of War for the United States respectively, and the bridge shall be at right angles to, and its piers parallel with, the current of the river. No bridge shall be erected or maintained under the authority of this Act which shall at any time substantially or materially obstruct the navigation of the said river, and if any bridge erected under such authority, shall, in the opinion of the Minister of Railways and Canals, the Minister of Public Works, and the Minister of Marine and Fisheries, obstruct such navigation, they may cause such change or alteration of the said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made, and such obstructions removed at the expense of the owners of the said bridge; and during the original construction or in carrying out any authorized changes or repairs of the said bridge, a navigable channel shall be preserved at the site of the bridge at all times, and the main channel shall not be obstructed to a greater extent than is absolutely necessary in the opinion of the said ministers, and such lights and buoys shall be kept in all coffer dams and such like places as may be necessary for the security of navigation; provided that nothing in this Act shall be construed to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the said bridge from the operation of the same.

Equal rights of passage.

5. All railway companies in Canada or the United States, desiring the use of said bridge shall be entitled to equal rights and

and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, and the rates charged for the use of the said bridge shall be the same for all companies alike, and without discrimination of any kind in favour of or against any company, over the whole length of the bridge and approaches; provided that if any question of difference arises at any time between the Company and any railway company using the said bridge, or desiring its use, in respect of the rate of compensation to be paid for such use or in respect of any other matter pertaining to such use, and the parties can not agree in regard to the same, such question shall be determined by the Railway Committee of the Privy Council on application by either party to such matter of difference, and due notice thereof shall be given to the other party. The parties shall be heard, and they shall have the opportunity of producing testimony. The determination of any such question by the said Committee shall be conclusive on the parties, provided that the decision may from time to time, as becomes necessary, be revised and modified.

6. Any bridge authorized to be constructed under this Act shall be built and located under, and subject to, such regulations for the security of navigation of the said river as the Governor in Council shall prescribe, and to secure that object the Company shall submit to the Governor in Council for his examination and approval a design and drawing of the bridge, and a map of the location giving, for the space of two miles above and two miles below the proposed location, the topography of the banks of the river, the shore lines at high and low water, and at least one medium stage, the location of any existing railways, and showing the lands occupied or owned by such companies, the soundings, accurately showing the bed of the stream and the location of other bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced, and should any change be made in the plans of the said bridge during the process of construction, such change shall be subject to the approval of the Governor in Council and shall not be made or commenced until the same is approved; and the Company shall cause to be displayed on the said bridge from the hours of sunset to sunrise such lights, or other signals at other times, as may be prescribed by the Governor in Council.

Design, etc.,
to be approved
by Governor
in Council.

7. The Railway Committee of the Privy Council shall, on satisfactory proof that a necessity exists therefor, require the Company to cause such aids to the passage of the said bridge to be constructed, placed and maintained at its own cost and expense in the form of booms, dikes, piers, or other suitable or proper structures for the guidance of rafts, tows, steamboats and other

Booms, piers,
etc., to be
erected.

other water craft safely through the passage way as the Committee may specify, and on failure of the Company to make, establish and maintain such additional structures within a reasonable time, the said Committee may cause them to be made at the expense of the Company, and in that case shall refer the matter without delay to the Attorney General of Canada, whose duty it shall be to institute, on behalf of the Dominion of Canada, proceedings in any court of competent jurisdiction for the recovery of the amount so expended by the government, and all cost of such proceedings and all moneys accruing from such proceedings shall be paid to the Receiver General for Canada.

Time for construction limited.

8. If the construction of the said bridge be not commenced within two years and completed within six years from the date the said plans are approved by the Governor in Council and the Secretary of War for the United States as aforesaid, then all rights conferred by this Act shall cease and determine, and the said construction shall not be commenced until the proper authorities of the United States have authorized the construction and maintenance of that part of the said bridge which shall occupy that portion of the said Detroit River which is under the jurisdiction of the United States.

Capital stock.

9. The capital stock of the Company shall be two million dollars.

Provisional directors.

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

Opening of stock books.

11. The provisional directors may open stock books at such places and for such periods as to them shall seem proper, of which notice shall be given in *The Canada Gazette* and in at least one newspaper published in the city of Windsor, in the province of Ontario, and in one newspaper published in the city of Detroit, in the state of Michigan, stating the time and place when and where the said books shall be opened, and the period for which the same shall remain open for the subscriptions for the stock of the Company.

When subscriptions to be valid.

12. No subscription for stock shall be valid until the person subscribing shall have paid to the credit of the Company into some bank in the city of Detroit, or in the city of Toronto, to be named in the said notice so to be given by the provisional directors, ten per cent on the amount of such subscription, nor until the provisional directors shall have considered and allotted the said stock in the manner hereinafter mentioned.

Allotment of stock.

13. Within one week after the said stock books have been closed, the provisional directors shall meet and examine the subscription

subscriptions made for stock and the sums paid to the credit of the Company into the banks named in the said notice, and shall then proceed to allot the said stock to such of the persons so subscribing, and in such proportions as they may think best to secure the speedy construction of the work, and the management thereof as an independent undertaking in order to secure to all companies the use of the said bridge on equal terms in all respects as regards the use and compensation therefor; and upon the making of such allotments the persons to whom the said stock is so allotted, and to the extent so allotted, shall be the shareholders in the Company, and shall be the only subscribers to the said stock entitled to act as such in organizing the Company, as in this Act provided.

14. The provisional directors shall, as soon as they can do so, return to all persons who shall have paid in the said ten per cent, any sum so paid in excess of the ten per cent on the shares so allotted to them, if any; and to those, if any, to whom no stock shall be allotted, the full amount so paid in shall be returned without delay. From the said ten per cent so paid in upon the stock so allotted, or from other the funds of the Company, the provisional directors may pay and discharge the costs of this Act, and the expenses of obtaining the same, and all costs incidental to the incorporation of the Company.

Return of
excess sub-
scribed.

15. So soon as five thousand shares in the said stock have been subscribed and allotted as aforesaid, the provisional directors shall call a meeting of the said subscribers, for the election of directors of the Company; notice of such meeting shall be given by publication in the *Canada Gazette* and one or more newspapers published in the said city of Detroit, and in the city of Toronto, in the province of Ontario, for two consecutive weeks, and such notice shall state the time and place of holding the said meeting; and at the said meeting the shareholders present or represented by proxy shall elect from the shareholders seven persons to be directors of the Company.

Election of
directors.

16. Every shareholder who has paid all calls on stock held by him at the time of the election shall be qualified for the office of director; and each such shareholder shall have one vote for every share of the capital stock held by him, upon which all calls have been paid up.

Qualification
of directors.

17. The directors of the Company from time to time shall have the control and management of the stock, property and affairs of the Company, and may locate, construct and equip the said bridge and its approaches, and fix, and from time to time, regulate, increase or reduce the tolls and rates to be charged to all persons and companies using the said bridge; provided, however, that such tolls, charges and rates shall be equal to all parties, persons and companies using the said

Powers of
directors.

Equal rates
of toll.

Approval of
Governor in
Council.

bridge, its machinery, approaches and appurtenances; the tolls from time to time, charged by the Company shall first be approved by the Governor in Council, but so long as all companies and parties are charged equal rates and are given equal terms and facilities, the directors may, as they think proper, charge less than the said rate so fixed.

Union with
United States
company.

18. The Company may unite with any other company incorporated under the laws of the state of Michigan, or of the United States, in building the said bridge and approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its appurtenances.

General
meetings.

19. The directors may, from time to time, by by-law, fix the time and place of the annual meeting, and also of special general meetings, and the place in Canada where the head office of the Company shall for the time being be located, but no change of the head office shall be made until one month's notice of the said change has been given in the *Canada Gazette*.

Consolidation
with another
company.

20. The directors may enter into an agreement for the consolidation of the capital stock, franchise and powers of the Company, with any bridge company incorporated in the United States, under the laws of the state of Michigan, or under the laws of the United States, on such terms and conditions, and in such manner, under such name, with such capital, and with such powers not inconsistent with the laws of Canada, and with such board of directors as shall be provided in the agreement for such consolidation or amalgamation; provided however that no such deed or agreement shall be valid and binding unless and until the same has been submitted to and approved of by a majority of the shareholders of the Company, present or represented by proxy and voting at a special general meeting called for the purpose of considering the said agreement, and of which meeting and the purpose for which it is called one month's notice shall be given in the *Canada Gazette*, and in a newspaper published in the city of Toronto, and in at least one newspaper published in the city of Detroit, in the state of Michigan

Approval of
shareholders.

Copies of
agreement to
be filed.

21. Upon the said meeting being held, if the said agreement is approved, a copy thereof, under the seal of the said companies respectively, shall be deposited in the office of the Secretary of State of Canada, and another copy so sealed shall be deposited in the office of the Secretary of State for the state of Michigan; and notice of the said deposit shall be given by the secretary of the Company in the *Canada Gazette*, and the said consolidation shall thereupon be complete; and the production of the *Canada Gazette* with the said notice therein con-

tained shall be prima facie evidence that the said consolidation is complete and regular in all respects, and of the existence of the said consolidated company. The company formed by the said consolidation shall be called by such name as shall be given to it in the said agreement for consolidation.

22. The said company when so consolidated shall have, possess and enjoy all the powers, rights and franchises before the said consolidation held, possessed and enjoyed by the Company hereby incorporated, and also all those possessed and enjoyed by the company consolidated therewith, subject to the provisions of this Act.

Rights of consolidated company.

23. The Company hereby incorporated, as also the said consolidated company, may borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for building, completing maintaining and working the said bridge, its machinery and approaches, with the buildings and fixtures required therewith at a rate of interest authorized by the laws of Canada, but not exceeding six per cent per annum, and make the bonds, debentures and other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places as may be deemed advisable, and sell the same at such prices or discount as may be deemed expedient or necessary, and hypothecate, mortgage or pledge the lands, rights, tolls, revenue and other property real and personal of the Company for the due payment of the said sums, and the interest thereon; but no such debentures or bonds shall be for a less sum than one hundred dollars; and upon such mortgage being filed in the office of the Secretary of State of Canada, the same without any other filing or registration shall, until discharged, be a valid and binding charge upon all the property of the Company real and personal.

Borrowing powers.

24. *The Railway Act*, so far as applicable, shall apply to the Company hereby incorporated and to the consolidated company, and their undertakings, in the same manner as if in the said Act the word "bridge" was substituted for the word "railway."

1888, c. 29.

25. The Company hereby incorporated, or the consolidated company, may construct as part of the said bridge, and in connection with the said railway bridge and other works, a passage floor or way for horses, carriages and street cars, and may construct the same either during the construction of the said railway bridge or at any time after the completion thereof; and in the event of their electing to construct the said carriage way, may make such by-laws, rules and regulations as shall seem to them necessary and proper for the management, control and use thereof, and in respect of the tolls and fares to be received and charged

Passage way for horses and vehicles

Tolls to be approved by Governor in Council.

charged for passing over the same, subject to the provisions of this Act; and all such tolls and fares shall, before being put into force, be approved of by the Governor in Council.

Collection of tolls.

26. The tolls for the use of the bridge fixed from time to time as in this Act provided, shall be paid to such persons and at such places at or near the bridge, in such manner and under such regulations as the directors of the Company direct; and in case of refusal or neglect of payment on demand of any such tolls, to such persons, the same may be sued for and recovered in any court of competent jurisdiction; or the agents or servants of the Company may seize the goods, cars or engines, for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the property shall be at the risk in all respects of the owner, for damages or loss thereto by any cause whatsoever.

Tariff of tolls to be posted up.

27. The directors shall keep exhibited in the office and in all and every place where the tolls are to be collected, in some conspicuous place therein, a printed board or paper showing all the tolls payable, and particularizing the price or sum of money to be charged or taken for the passage of any matter or thing over the said bridge.

Joint commission with United States.

28. In case the state of Michigan or the United States shall, at any time after the final completion of the bridge, provide for the appointment of a commission for regulating the working of the said bridge, the use thereof, and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he shall think proper, and appoint one or more persons as members of the said commission; and in the event of any such appointment the said commissioners shall have the power hereby conferred on the Governor in Council; and the decisions of the said commissioners shall be final and conclusive, to the extent to which the same are final and conclusive by virtue of the provisions which may be made by the state of Michigan or the United States.

Equal rights to railways.

29. Any railway company whose road now has or shall hereafter have a terminus at or shall run its trains to or from any point at or near either end of the said bridge, or shall run its trains in connection with any railway having such terminus, or upon which trains are or shall be run to or from the localities aforesaid, whether incorporated by Parliament or by any provincial legislature, or by any authority in the state of Michigan, or by the legislature of the United States, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, and in the use of the machinery and fixtures thereof, and of all the approaches

thereto without discrimination or preference, upon the payment of equal tolls and observance of the rules and regulations of the Company, made by the directors from time to time, regulating the traffic on the said bridge.

30. If any person shall force or attempt to force any gate or guard of the said bridge, or the approaches thereto, or if any person shall wilfully do or cause to be done any act whatsoever, whereby the said bridge, its lights, stationary works, machinery fixtures, or other appurtenances thereto shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the Company treble the damages sustained by means of such offence or injury, to be recovered in the name of the Company with costs of the suit, by any proper action for that purpose.

Penalty for damages to bridge.

31. The Company may be a party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill, made, accepted or endorsed by the president or vice-president of the Company as president or vice-president thereof, and countersigned by the secretary, shall be binding on the Company; and shall be presumed to have been made with proper authority until the contrary be shown; nor shall the president or vice-president or secretary be individually responsible for the same, unless the said promissory note or bill of exchange has been issued otherwise than aforesaid: 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 notes or bills of a bank

Bills and notes.

Proviso.

32. The bridge which the Company is authorized to construct, shall be commenced within five years and completed within seven years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void.

Time for construction of bridge.

33. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.



61 VICTORIA.

CHAP. 121.

An Act for the relief of Robert Augustus Baldwin Hart.

[Assented to 13th June, 1898.]

WHEREAS Robert Augustus Baldwin Hart, of the city of Preamble. Montreal, in the province of Quebec, agent, has, by his petition, set forth that on the twenty-second of April, one thousand eight hundred and eighty-five, at the city of Plattsburgh, in the state of New York, one of the United States of America, he was lawfully married to Catherine Cacouna Buntin, then of the said city of Montreal, spinster; that they cohabited together as husband and wife until on or about the twenty-third of February, one thousand eight hundred and ninety-six, and had issue of the said marriage five children, four of whom are living; that in the month of February, one thousand eight hundred and ninety-six, the said Catherine Cacouna Buntin deserted him her husband and committed adultery with one Albert Shorey, and since then on divers occasions has committed adultery with the said Albert Shorey; 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:—

1. The said marriage between the said Robert Augustus Marriage dissolved. Baldwin Hart and Catherine Cacouna Buntin his wife is hereby dissolved and shall henceforth be null and void to all intents and purposes whatever.

2. The said Robert Augustus Baldwin Hart may at any He may marry again. time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Catherine Cacouna Buntin had not been solemnized.



61 VICTORIA.

CHAP. 122.

An Act for the Relief of Edwin Heyward.

[Assented to 13th June, 1898.]

WHEREAS Edwin Heyward, of the city of Toronto, in the Preamble. county of York, province of Ontario, expressman, has, by his petition, set forth, that on the twenty-third day of March, one thousand eight hundred and eighty-two, he was lawfully married, at the village of Berry-Pomeroy, in the county of Devon, in England, to Elizabeth Raynham Heyward (whose maiden name was Elizabeth Raynham Beal), that there were six children issue of their marriage, four of whom are now living; that they lived together as husband and wife until in or about September, one thousand eight hundred and ninety-three, when she deserted him, her husband, without lawful reason or excuse, and was guilty of adultery, and that she has ever since continued to live apart from him and has committed other acts of adultery; 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 said 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:—

1. The said marriage between Edwin Heyward and Elizabeth Raynham Heyward, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Edwin Heyward may, at any time hereafter, marry any woman whom he might lawfully marry in case the said marriage with the said Elizabeth Raynham Heyward had not been solemnized. Right to marry again.



61 VICTORIA.

CHAP. 123.

An Act for the relief of James Pearson.

[Assented to 13th June, 1898.]

WHEREAS James Pearson, of the city of Toronto in the Preamble. province of Ontario, barrister-at-law, has, by his petition, set forth that on the third day of June, one thousand eight hundred and eighty-four, he was lawfully married to Minnie Holcombe, of the city of Brooklyn, in the state of New York, one of the United States of America, at the said city of Brooklyn; that they lived together as husband and wife at the said city of Toronto until in the year one thousand eight hundred and ninety-one, when he, on discovering that she had been guilty of adultery in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety-one, ceased to live with her; that after he ceased to live with her, she committed other acts of adultery; and whereas he has humbly prayed that the said marriage may be dissolved, and has proved the said allegations of his petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The said marriage between the said James Pearson and Minnie Holcombe, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.
- 2.** The said James Pearson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Minnie Holcombe had not been solemnized. Right to marry again.

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

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